

Co-ordinating Overview and Scrutiny Committee Briefing

Report from:	Sajeela Naseer, Head of Licensing and Markets Service (inc.Street Trading)	Date:	7 February 2020
Report to:	Co-ordinating O&S Scrutiny Committee		

DRAFT STREET TRADING POLICY 2020 - CONSULTATION REPORT

1. Summary

- 1.1 Birmingham City Council is the Licensing Authority responsible for considering applications for a range of activities that require a street trading consent under Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982.
- 1.2 This legislation allows the Council to set a Policy, conditions and fees for the grant, variation, renewal and revocation of street trading consents or licences.
- 1.3 Birmingham adopted street trading provisions in 1984, which state all public roads are classified as 'consent streets' for the purposes of street trading. No formal Street Trading Policy has ever been adopted.
- 1.4 A draft Street Trading Policy 2020 (appendix 1a, 1, 2,3,4,5 and 6) has been produced and formal consultation commenced on 16 December 2019 and is scheduled to close on 23 February 2020.
- 1.5 The purpose of this report is to inform, consult with and invite comment from members of the Co-ordinating Overview and Scrutiny Committee which will then be considered when producing the final version of the policy.
- 1.6 It is envisaged that a final version of the policy will be brought before Full Council on 7 April 2020 that takes account of the comments from the consultation, as far as is practicable

2. Recommendations

- 2.1 That Officers record any comments/responses made by members of the Co-ordinating Overview and Scrutiny Committee as responses to the formal consultation.
- 2.2 That these comments/responses are considered along with all other responses as part of the formal consultation process.

3. Background

- 3.1 The legislation that applies to street trading is contained in the Local Government (Miscellaneous Provisions) Act 1982 and the Pedlars Act 1871. Some exceptions are contained in the Police, Factories etcetera (Miscellaneous Provisions) Act 1916 relating to charitable street collections.
- 3.2 The 1982 Act allows local authorities to adopt provisions to control street trading as follows:-
- Prohibited Streets- where no street trading is allowed;
 - Consent Streets- where trading is allowed when a consent is issued;
 - Licensed Streets- whereby trading is allowed from a designated pitch- this is often used for street markets.
- 3.3 There is no appeal against the refusal to issue a consent, but there is an appeal in the event there is a refusal to issue a licence. If the local authority does not apply a designation for street trading there are the legislative controls are minimal and generally only cover pedlars and charity issues.
- 3.4 Birmingham adopted street trading provisions in 1984, which state all public roads are classified as 'consent streets' for the purposes of street trading. No formal street trading policy has ever been implemented
- 3.5 The adoption of a proposed street trading policy is an Authority function, but the implementation of the policy is a non-executive function carried out by the Licensing and Public Protection Committee. The Leader has approved the policy direction (subject to consultation) that is reflected in the draft Street Trading Policy 2020.

4. Key Drivers for Policy Direction

- 4.1 The city of Birmingham has undergone and will continue to undergo significant changes in years ahead. These changes (listed below) are the key drivers in influencing the policy direction outlined in section 5 of this report.
- Changing infrastructure throughout Birmingham
 - Introduction of red routes, metro routes, public squares and pedestrianised areas and hostile vehicle mitigation
 - City Centre Public Realm Revitalisation
 - Big City Plan
 - 2022 Commonwealth Games
 - Business Improvement Districts
 - Supporting businesses and consumer needs
 - Frankfurt Christmas Market

5. Why Change is Needed

- 5.1 The current nature of street trading in Birmingham is based on the city's infrastructure and retail offer in 1984 when all streets originally became consented.
- 5.2 This means that current locations and sizes of trading units are not always compatible with the current infrastructure leading to potential issues with obstruction of the highway, obstruction of the visibility and entrance to shops, and public safety in terms of clear passage through highly pedestrianised areas.
- 5.3 This also hinders the capacity of current traders to safely move the trading units daily after trading. This is in turn exacerbating the issues described in section 5.2 and is also enabling the visual deterioration of the mobile units in terms maintaining them in good condition. Some units within prime shopping areas have graffiti or are in poor condition but the current consent conditions and renewal process do not enable appropriate action to be taken.
- 5.4 The nature of the current application and renewal process has resulted in very little change over decades in terms of the consent holders or product offer across the city thereby limiting innovation and increasing quality of both the trading units and the goods sold on them.

6. Key Policy Issues within the Draft Policy

- 6.1 The introduction of prohibited streets (Red Routes and Metro Routes). All other streets will be consent streets.
- 6.2 The introduction of annual, occasional and mobile (ice cream vans) consents.
- 6.3 Introduction of design brief for trading units for annual consents over 12 weeks. The design brief was prepared by planning and includes a maximum size 2.2m (width) 4.8m (length) 2.5m (height) and the stipulation of no trading outside the unit or from canopies.
- 6.4 All street trading to be at least 30m apart except for match day traders.
- 6.5 Public safety, the prevention of crime, disorder and public nuisance, and an enhanced retail offer is at the heart of the considerations to approve, revoke, vary a consent.
- 6.6 The factors that will be considered at application are so extensive they will prevent obstruction of the highway, retail business visibility and will enable Birmingham City Council to direct the location, size and product offer in any area.

- 6.7 The process will enable revocation if consent conditions are not adhered to or for any other reason. There is no statutory appeal against revocation, variation, non-renewal or refusing the application
- 6.8 Following resolution of the policy it is proposed that a 6 week window should be opened to enable all interested traders to apply for a consent and that those applications should be considered at the same time against the aim of the policy and the consent considerations.
- 6.9 Full implementation is likely to be 1 September 2019 when all new street trading consents have been issued and the traders are in position trading.

7. Consultation

- 7.1 The formal consultation was launched on 16 December 2019 on BeHeard and is until 23 February 2020. A link has been placed from Birmingham City Council's website to the BeHeard page. This enables all stakeholders to comment on the consultation.
- 7.2 All current street trading consent holders and BID Managers have been written to informing them of the consultation and how to comment. Communication of the consultation has also been made to West Midlands Police, West Midlands Fire Service, Transport for West Midlands and internal Birmingham City Council divisions.
- 7.3 This report is an additional method to ensure suggestions or proposals put forward by the Committee will, where appropriate, be included within the revised document(s).
- 7.4 All Co-ordinating Overview and Scrutiny Committee members, other elected members and members of the public can submit feedback via the BeHeard link <https://www.birminghambeheard.org.uk/place/street-trading-policy-2020>
- 7.5 All consultees are requested to make any suggestions for amendments before 23 February 2020 in order that they may be considered when producing the revised documents.
- 7.6 A proposed timetable is attached at appendix 7 which outlines the expected progression of this matter. This timetable may be subject to change, dependent upon the results of the consultation.
- 7.7 Responses to the consultation will be used to inform revisions to be made to the draft Policy and associated conditions. It is envisaged that a final version of the policy will be brought before Full Council on 7 April 2020 that takes account of the comments from the consultation, as far as is practicable.

8. **Implications for Resources**

- 8.1 The cost of administration and compliance activity for street trading consent met through the consent fees. This includes the cost of devising and reviewing Policies.

9. **Implications for Policy Priorities**

- 9.1 The issues addressed in this report relate to the City Council priorities of: Birmingham is an entrepreneurial city to learn, work and invest in, and Birmingham is a great city to live in.

10. **Public Sector Equality Duty**

- 10.1 The benefit of an agreed Policy is to ensure a consistent approach.
- 10.2 An initial Equalities Assessment has been carried out and will be reviewed on receipt of all consultation responses and prior to the policy being brought to full council.

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Birmingham City Council Draft Street Trading Policy

2020

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1. Introduction

Birmingham City Council is the Licensing Authority responsible for considering applications for a range of activities that require a street trading consent under Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982 referred to in this policy as “the Act”.

The aim of this Street Trading Policy is to **create a street trading environment which is sensitive to the needs of the public and businesses, provides quality consumer choice and contributes to the character and ambience of the local environment whilst ensuring public safety, and preventing crime, disorder and nuisance.**

Street trading can aid the local economy and contribute to the facilities offered to people who visit, live and work in Birmingham and it supports the Birmingham City Council's priorities:

- Birmingham is an entrepreneurial city to learn, work and invest in
- Birmingham is a great city to live in

This policy will be reviewed in 2021 and then formally every five years; however, it will be kept under continuous review and where any significant amendments are considered necessary these will be made by the Authority function of Birmingham City Council after appropriate and relevant consultations have taken place. Minor amendments that do not impact on the aim and objectives of the policy, for example due to changes in legislation, review of design brief etc. will be made in line with current delegation scheme.

An Equality Assessment on this policy has been undertaken.

2. Purpose of Policy

The purpose of this policy sets out the criteria and guidance that Birmingham City Council (hereafter referred to as the Council) will use as the regulatory framework for street trading. This policy will inform applicants and organisers of special events of the parameters by which the Council will make decisions. It will also give prospective traders an early indication as to whether their application is likely to be granted or not. It also provides prospective applicants with details of what is expected of them.

The policy recognises the importance of street trading to the local economy and the character of the area whilst trying to ensure that location and activities do not cause obstruction, nuisance or annoyance.

3. Definition of street trading

Street trading is defined in paragraph 1 of Schedule 4 of the Act as:

‘the selling or exposing or offering for sale of any article (including living thing) in a street’.

The Act defines the term 'street' as including:

'any road, footway, beach or other area to which the public have access without payment; and a service area as defined in section 329 of the Highways Act 1980'.

Streets located on private land are included within the scope of this policy.

The Act in paragraph 1(2) of schedule 4 states that the following types of trade are not street trading:

- *A pedlar trading under the authority of a pedlar's certificate granted under the Pedlar's Act 1871;*
- *Anything done in a market or fair, the right to hold which was acquired by virtue of a grant, enactment or order;*
- *Trading in a trunk road picnic area provided by the secretary of state under section 112 of the Highways Act 1980.*
- *Trading as a news vendor.*
- *Trading carried on at a premises used as a petrol station.*
- *Trading carried on at premises used as a shop or in a street adjoining a shop where the trading carried on is part of the business of the shop.*
- *Selling things, or offering or exposing them for sale as a roundsman.*

4. Types of street

Streets may be designated as either 'prohibited', 'licensed' or 'consent streets' for the purpose of street trading.

Definitions:

Prohibited streets

If a street is designated as a prohibited street then a criminal offence is committed by any person engaging in street trading in that street. There could be a number of reasons for wishing to designate a street as prohibited. For example the street may not be wide enough to facilitate a trader or the council may wish to restrict trading in a particular location. All current red routes and metro routes (and approved extensions) within Birmingham are prohibited streets (Appendix 1 details prohibited red routes and Appendix 2 details prohibited metro routes).

Licensed streets

A licensed street designation is considered appropriate for the more formalised market type of trading in a street where the strict control of a limited amount of space is required. There are no licensed streets within Birmingham.

Consent Streets

Designating a street a consent street enables trading to take place upon it, subject to the trader receiving a consent to trade from the Council. All streets within Birmingham are designated as consent streets with the exception of the prohibited streets.

5. Street trading within Birmingham

Birmingham City Council has designated all streets within the Birmingham as consent streets, except all red routes and metro routes which are prohibited. This policy applies to all street trading which is undertaken within the Birmingham.

This policy refers at times to the city centre. This is defined as the area of the city within the A4540 (Inner Ring Road).

Where an applicant wishes to trade on private land, a consent will not be granted by the Council unless the applicant provides written permission from the land owner showing they have permission to trade.

Street trading consents are issued by Birmingham City Council. The consents come under the following classifications:

Annual Street Trading

This is a consent that lasts up to 12 months and enables the trader to trade up to seven days a week at a particular pitch within Birmingham. An annual consent will not be granted for periods of less than four weeks.

Occasional Street Trading

This type of Occasional consent will last for one trading day for a particular pitch in Birmingham. No more than 30 consents will be issued per pitch, per financial year.

Mobile Street Trading

This is where a trader operates on various streets within the district rather than a fixed location e.g. ice cream van sellers, sandwich sellers.

Special Event Street Trading

The Birmingham Corporation (Consolidation) Act 1883 gives Birmingham City Council the market rights for any market (five stalls or more) within six and two thirds miles of a market run by Birmingham City Council. At present this is the Bullring Markets and the distance is measured from St. Martins Church, Birmingham City Centre. Therefore any special events held within this ring-fence will be subject to an application for and the granting of a licence issued by the Markets Service. Street trading consent is not required for licensed markets.

If the special event is for street trading of less than five stalls or outside this ring-fence the organiser of an event will apply to the Council requesting their event to be considered a 'special event' where street trading is taking part at the event. The event organiser will provide full details of each trader attending the event. Consents will be issued by the Council to individual traders on successful application to the council.

6. Why do we have street trading?

Street trading supports the Birmingham City Council's priorities of:

- Birmingham is an entrepreneurial city to learn, work and invest in
- Birmingham is a great city to live

Street trading encourages a vibrant and prosperous economy. It provides valuable

employment opportunities for local people as well as a seedbed of entrepreneurship, allowing new entrants to test their business skills and ideas in an environment which has a low start-up costs, minimal overheads and existing customer footfall.

Goods on sale in the street provide convenient access to hot and cold drinks, fresh fruit and vegetables, household goods and other services for local communities, those travelling to work, and the visitors to Birmingham. The designation of both consent and prohibited streets within Birmingham has taken place to support:

- Public safety
- Prevention of crime and disorder
- Prevention of public nuisance
- An enhanced retail offer

7 Implementing this Policy

Upon resolution of this Policy the Council will open a six week window in which any applicant can apply for a consent for street trading in Birmingham. At the end of this six week period the Council will consider all applications at the same time against the criteria in this Policy. Consents will be granted to those applicants who best reflect the aim of this policy to:

“create a street trading environment which is sensitive to the needs of the public and businesses, provides quality consumer choice and contributes to the character and ambience of the local environment whilst ensuring public safety, preventing crime, disorder and nuisance”

Application received outside this six week window will be considered in date order and against the criteria set out in this Policy and its aim.

The implementation date of street trading consents received and approved during the initial six week period will be 1 September 2020.

8 Key considerations when assessing an application

The following criteria apply to all types of street trading:

Public safety

- The proposed location of the activity should not present a significant risk to the public in terms of highway safety and obstruction.
- All locations will require an officer visit before a consent can be issued.
- Applications in respect of sites that have previously been the subject of refusal due to the unsuitability of the location are unlikely to be accepted.

Prevention of crime and disorder

- The proposed activity should not present a risk of crime and disorder to the public.

Prevention of nuisance

- Activities at the pitch must not cause a nuisance, annoyance or disturbance to neighbouring properties, this includes businesses. Controls must be in place to ensure that nuisance from noise, light, refuse, vermin, fumes, obstruction, littering, and smells does not occur.
- If at any time the City Council receives complaints a nuisance, annoyance or disturbance is occurring, the Council is duty bound to investigate and, if complaints are found to be justified, may decide to take enforcement action, including withdrawal of the consent.

Suitability of the applicant

- Birmingham City Council will consider any unspent the convictions the applicant may have and this information will be requested in the application form.
- When determining whether an applicant is suitable, the Council will consider the reliability of the applicant in paying fees and charges based on previous history.
- An applicant's history of street trading will also be taken into consideration e.g. whether previous street trading consents have been used appropriately and whether the Council's requirements have been met, including deadlines.

Suitability of the trading unit

- The vehicle, trailer or unit (now referred to as a 'unit' within this policy) to be used should be of a high quality design (that complies with the Council's design brief, including size and colour if appropriate –Appendix 3), build, be harmonious with the character of the locality, add to the quality of the street scene and comply with the legal requirements for the activity proposed.
- The design brief will apply to all annual consents that are requested for longer than 12 weeks.
- The unit shall be of a high quality design, with robust construction and materials that the daily removal will not result in the rapid deterioration in appearance of the unit.
- The quality and appearance of the unit must be maintained at the standard approved in the original consent.
- The design brief will be kept under review and where appropriate will be subject change.
- The unit must meet with all of the consent conditions including removal after trading unless specifically permitted to remain
- The unit will be inspected by an officer from Birmingham City Council prior to consent being issued.
- Units and ancillary equipment and stock must be contained within the pitch.

Power

- City centre units will be powered by electricity through a plug and use process that will be chargeable.
- Diesel generators will be permissible outside the city centre only when no other power source is available. They shall be positioned so as to reduce the length of cabling required to an absolute minimum and to minimise disturbance to local residents or businesses from noise or fumes. Where required, silenced generators or acoustically insulated generators shall be sourced.

Advertising

- Advertising must only relate to goods offered for sale on that pitch.
- Third party advertisements are prohibited.
- It is not permitted to illuminate any advertisement on the outside of the stall kiosk without express consent of the Council.
- The use of 'A' boards or any other display board/structures are prohibited.

Barriers

- Barriers for safety purposes will only be allowed on a consent pitch where they have been specifically included within the unit's consent approval.

Hours of trading

Trading hours will be set on the basis of promoting the following purposes:

1. Preventing crime, disorder and antisocial behaviour.
2. Avoiding disturbance due to noise, smell or any other matter the Council considers appropriate.
3. Protecting public safety.
4. Preventing obstruction of the highway.
5. Having regard to location and operating hours of business activity.

Local Area Needs and Cumulative Impact

The Council will not normally grant consent for a street trading unit within 30 metres of another street trading unit.

The cumulative impact of street trading in an area will be considered.

The needs of a local area will be considered.

Street Trading in relation to football match days and other sporting events may allow trading to be more densely located than 30metre apart.

Selling the right goods

The sale of goods from street trading should complement those provided by nearby businesses/retail shops. The types of goods allowed to be sold will be considered on a pitch-by-pitch basis and specified on the consent. The quality of goods, local need for the goods and innovative approach will be considered.

Anyone wanting to have a stall must clearly state the nature of the proposed goods. The goods must not:

- Cause a nuisance, disturbance or annoyance to nearby properties/ people, including cooking smells, smoke, noise, litter and additional cleansing requirements for the Council.
- Cause or contribute to crime and disorder – including the selling of fake or counterfeit goods.
- Have a negative public health impact e.g. vaping products, locality of fast food units near schools, gyms etc.

Site assessment

In determining whether street trading in a particular area is appropriate the council will have regard to:

- Any effect on road safety, either arising from the siting of the pitch or from customers visiting or leaving.

- Any loss of amenity caused by noise, traffic, smell etc.
- Existing traffic orders e.g. waiting restrictions.
- Any potential obstruction of pedestrian, vehicular or disabled access.
- Any obstruction to the safe passage of pedestrians and wheelchair users.
- The safe access and egress of customers and staff from the pitch and immediate vicinity.
- Obstruction of entry to or sight lines to the entrance of retail premises or obstruction of display windows of retail premises.
- Public squares will not be appropriate for annual street trading consents longer than 12 weeks.

Other criteria

- The consent holder will at no time have the exclusive right to trade from the street or any part of it.
- Street trading can take place in the area outlined in the consent and on days and hours detailed in the consent.
- The consent holder may only trade in goods that are outlined on the consent.
- A copy of the consent shall be made immediately available upon request to an authorised officer of the Council or the police.
- Auction sales shall not be permitted as part of the consent.
- All street trading units will be equipped with safe and adequate lighting for the operation during the hours of darkness.
- Evidence of a commercial waste contract must be provided as part of a consent application and on request by a Council officer.

Failure to comply with any of these requirements may result in refusal to issue or renew consents or revocation of an existing consent.

9 Types of Street Trading Consent

Annual Street Trading

An annual consent can last up to 12 months. This consent enables the consent holder to trade up to seven days a week at a particular pitch within the City Council area. Annual street trading consents may run from the 1 April until 31 March the following year. Consents can be applied for part way through the year, but they will only run until 31 March.

Occasional Street Trading

This type of Occasional consent will last for one trading day for a particular pitch in Birmingham. No more than 30 consents will be issued per pitch, per financial year.

Mobile Street Trading

This is where a trader operates on various streets within the district rather than a fixed location e.g. ice cream van sellers, sandwich sellers.

Consents for mobile street trading will be granted on condition that they allow no more than 30 minutes trading in any 100m part of any one street on any one day and don't return within two hours. This reflects the peripatetic nature of their operation. Trading in one place for longer than this will require an occasional or annual street trading consent. The trader must clearly identify

the times and dates they wish to trade and in which locations. It is up to the consent holder to ensure that they comply with laws relating to the highway. The Council will generally restrict or amend a consent where the type of goods conflict with other goods for sale in the vicinity. Consents can run for up to 12 months.

10 Consent Application, Renewal and Surrender

Application or Renewal

Applicants must submit a new application or a renewal application for an annual, occasional or mobile consent at least eight weeks before the date they wish to start trading. This is to enable the Council to consult with partner agencies. **Failure to do so may result in a delay in being able to trade.**

Consent holders will be reminded that their consent is due to expire at least eight weeks before the expiry date. This is done to assist the trader, the Council accepts no liability if the trader does not receive the reminder. It is the trader's responsibility to ensure that they have the correct consent and to ensure that they submit their application prior to the expiry of their consent.

Surrendering a consent

Where the trader wishes to surrender a consent they must give the council 21 days written notice. Notice must be sent to marketstalls@birmingham.gov.uk

11 Special event and occasional market/fair street trading

Special Event Street Trading (two or more street trading units)

A 'special event' is where there are two or more street trading consents to be issued to the traders at that event, and where the event is organised by a single person/ organisation

The organiser of the special event that will apply to the Council requesting their event to be considered a 'special event' where street trading is taking part at the event. The event organiser will provide full details of each trader attending the event and inform each trader that they must apply to the Council for an occasional consent. Occasional consents will be issued by the Council to individual traders on their successful application to the Council. All applications must be made 8 weeks prior to the event taking place.

Where an application for a special event is made after street trading consents have already been issued for the same location, the street trading consents will be honoured and the special event organiser will be required to allow for the traders in the location and trading hours as set out in their consent.

Occasional market/fair (five or more street trading units)

The Birmingham Corporation (Consolidation) Act 1883 gives Birmingham City Council the market rights for any market within six and two thirds of a mile from St. Martins Church, Birmingham City Centre (Appendix 4) and or any other market run by Birmingham City Council. Therefore any market or fair including antique fairs, coin, stamp and postcard fairs, book fairs etc. where street trading from five or more units occurs held within this ring-fence will be considered as a market and will be subject to an application for and the granting of a licence issued by the Markets Service. Street trading consent is not required for licensed markets.

The organiser of the fair market or fair must apply to the Markets Service for a licence at least 8 weeks prior to the market or fair taking place.

12. Letting of pitches

Sub-letting pitches

Consent holders are not permitted to sub-let the pitch they are allocated under any circumstances.

Re-letting pitches

Street traders must make full use of their consent. The local authority will assess whether a consent holder has made a full use of their consent. Street traders shall notify the Council in circumstances where, and for whatever reason, they do not intend to make use of their consent, and notification should be made in advance. Consent holders must inform the Council of the date upon which they intend to resume trading. In circumstances where the date is not known, consent holders must give appropriate notice of their intention to resume trading. Where no prior notification has been received and in circumstances where the council is satisfied that the consent holder is not making full use of their consent it may re-let the street trading pitch to another trader. Multiple street trading consents may be granted to different applicants for the same site provided specific trading days/ periods are applied for.

13. Temporary relocation

When a pitch becomes temporarily unsuitable for any reason, the Council will seek to relocate consent holders to an alternative street trading pitch. The Council may identify suitable alternative pitches for the purpose of relocating the displaced street trader.

14. Fees and charges

Birmingham City Council set fees and charges for street trading. Fees and charges are reviewed annually.

Where a consent is surrendered or revoked, the Council will remit or refund, as they consider appropriate, the whole or part of any fee paid for a grant or renewal of the consent subtracting any administration costs.

Please visit <https://www.birmingham.gov.uk/street-trading> to find out what the current fees and charges are for street trading. Payment will be on receipt of the invoice for the consent. Methods of payment are described on the invoice.

Payment of fees for annual and mobile consents

Consent fees are published on Birmingham City Council's website. The annual fee is based on a daily fee six days worked per week, 50 weeks of the year. For annual consents the full fee will be paid in advance of the consent being issued. The consent will run from the 1 April until 31 March the following year. If an applicant makes an application during this period the consent for an will cease on 31 March in the financial year that it was applied for or the length of time the annual consent is requested provided it expires before 31 March in the same financial year.

Payment of fees for Occasional consents

Occasional fees are published on Birmingham City Council's website. For Occasional consents the applicant will need to pay prior to the consent being granted. The trader will incur the one day fee and then a lower daily fee for any additional days to be added to the same consent. The additional days must be at the same pitch. The additional days must also be within the same financial year as the first day of trading. To take advantage of the additional day fee rate full payment must be made in advance and in one transaction.

15. Applications

All applications will be considered on their individual merits taking into account all relevant matters.

Consents will not normally be granted where:

- Enforcement action is pending or has previously been undertaken against the applicant.
- The holder is currently in arrears with any charges.
- The location is unsuitable
- There is a potential risk to public safety
- The goods sold will not complement the surrounding retail offer.
- The activities are likely to cause a nuisance, disturbance or annoyance to neighbouring properties.
- The applicant is unsuitable.
- An applicant has failed to appropriately use previous consents.
- The unit is unsuitable.
- It may cause or contribute to crime and disorder.

This list is not exhaustive.

Who can apply?

To apply for consent a person must be:-

- An individual or business
- 17 years of age or over
- Legally entitled to live and work in the UK

Making an application

All applications must be made on the Council's prescribed application form. The application must be completed in full with all the required information before it will be considered. Applicants can apply online by visiting <https://www.birmingham.gov.uk/street-trading> If there are any queries relating to this then please call 0121 303 0208.

The application form must be submitted along with the following:

- Administrative fee of 10% of the yearly consent fee (non-refundable)
- Photographic identification (e.g. passport, photo card driving licence)
- A site plan of the proposed trading area or list of proposed streets
- Photographs of the trailer, stall, vehicle proposed for use
- The make and model of any generator to be used (if applicable)
- Gas certificate (if applicable)
- Public Liability Insurance certificate cover for £5,000,000
- Current MOT certificate (if using a vehicle)
- Current Motor insurance (if using a vehicle)
- Proof that the applicant and any assistants are entitled to work in the UK

Upon receipt of the complete application the Street Trading Team will consider the application in line with the key considerations outlined in section 7 of the policy and conduct a consultation as detailed in this section of the policy.

Once the application is complete and has been accepted, the council will either:

- Determine to grant the consent as applied for and attach standard conditions.
- Determine to grant the consent with specific conditions or a variation to the application.
- Determine to refuse the consent.

Where it has been determined to grant the consent before the consent is issued the following must be provided:

- the appropriate fee will be required to be paid
- evidence of a commercial waste contract

Where a consent is refused the council will notify the trader in writing detailing the reason for refusal.

Receipt of application and fees

An application will be treated as being received only when the relevant application and all the necessary supporting evidence has been received and the relevant non-refundable fee 10% administration fee has been paid. The application must be completed in full. Incomplete applications will be rejected. Failure to follow the application process may result in the consent being refused or delayed. Applicants are encouraged to submit their applications in plenty of time of the trading date to ensure that if there are any problems they can be rectified or discussed before they intend to trade.

Consultation

Before a street trading consent is granted the council may decide it is appropriate to consult with various people or groups. The Council will consider relevant representations.

The Council may consult the following people before issuing a consent:

- West Midlands Police
- West Midlands Fire Service
- Highways Division, Birmingham City Council
- Transportation Division Birmingham City Council

- Transport for West Midlands
- Planning Division Birmingham City Council
- City Centre Management, Birmingham City Council
- Business Improvement Districts
- Relevant services at Birmingham City Council e.g. trading standards, environmental health, waste management etc.
- Any other person or body deemed necessary.

Information obtained from these people/ bodies will be considered during the application process and will help determine whether a consent should be granted.

16. Insurance

The council will accept no liability for the street trading activities undertaken by the consent holder(s). Evidence of suitable public liability insurance (minimum value of £5 million) will be required from the applicant covering the period they wish to trade.

The insurance must be maintained throughout the period of the consent and the consent will be revoked should the insurance be cancelled or breached or its sum altered as to provide less than the minimum value.

If the insurance is due for renewal during the period covered by the consent, it is the responsibility of the consent holder to provide the council evidence that public liability insurance is continuous for the period of the consent.

17. Food units

All food businesses must be appropriately registered with their local authority. Certain low risk businesses are exempt from the hygiene rating scheme, so will not require a hygiene rating, however the Council may contact Environmental Health to ensure adequate compliance with food law. Other low risk food businesses (the decision of what is classed as a low risk business will be determined by the Environmental Health Team), may be considered safe to trade whilst awaiting inspection by their local authority or in other circumstances. All other traders that sell or provide food must have a national food hygiene rating of a 4 or 5. Where a rating drops below a 4 or where there is significant food hygiene or food safety breach whilst a consent is in place, consent may be suspended or revoked. Applicants and consent holders should notify Birmingham City Council of any changes to their national food hygiene rating.

18. Removal of waste

Traders shall ensure that they comply with the law in relation to the disposal of waste. All businesses must put in formal arrangements for the collection of waste created by their activities. It is an offence to dispose of trade waste in domestic refuse bins.

19. Enforcement Actions

Where the conditions of the consent are breached and it is deemed appropriate, necessary and proportionate for enforcement action to be taken then the disciplinary process attached at Appendix 5 will apply. The process is:

FIRST OFFENCE

The Consent Holder will be verbally warned on site by an “Authorised Officer” and a formal verbal warning will be issued in writing and placed on the traders file.

SECOND OFFENCE

Should the Consent Holder commit a further breach of the conditions within **six months** of the second offence, a formal written warning will be issued and placed on the traders file.

THIRD OFFENCE

Should a Consent Holder commit a further breach within **twelve months** of the third offence, the Consent Holder will be asked for a written submission relating to the breaches. A senior authorised officer will review the consent with a potential outcome being revocation.

In addition, should a consent holder commit a significant breach of the conditions so as to be considered as serious misconduct or such as to impact significantly on the following:

- **Public Safety**
- **Prevention of crime and disorder**
- **Prevention of public nuisance**

Then immediate suspension of the consent will occur with a view to a review of the consent by a senior authorised officer with a potential outcome being revocation. Written submissions for both the Street Trading Team and the consent holder will be sought prior to a decision being made.

Where circumstances change that leads the Street Trading Team to consider that a consent should be revoked they will write to the trader to inform them of this proposed course of action and the reasons why. They will give 14 days for the trader to provide written evidence why this revocation should not occur. A senior authorised officer will then consider all evidence and make the decision whether to revoke the consent.

Where a consent is revoked the Council will advise the applicant verbally and confirm the reasons for this in writing within 10 working days.

20. Appeal against revocation

There is no statutory right of appeal against an officer’s decision to revoke a consent however an appeal may be made to the Head of Licensing within 5 working days of the written revocation. The Head of Licensing and two other senior authorised officers will consider the appeal. Details on how to appeal will be given to applicants when a decision to revoke the consent has been made.

21. Refusing applications

The council may refuse to grant a consent. Where a consent is refused the Council will advise

the applicant in writing and notify them of the reason for the refusal. There is no right of appeal against an officer's decision to refuse a consent.

22. Conditions, complaints and offence

General conditions will be attached to every consent. These are found at Appendix 6. Additional conditions may also be attached relating to the type of the consent given. Failure to comply with conditions may result in enforcement action, revocation of your consent, and refusal to grant further consents on application.

Complaints

Complaints will be fully investigated in accordance with the Council's Complaints Policy and consent holders will be expected to liaise with the Council to resolve them. Substantiated complaints may result in a consent being revoked and refusal to grant further consents on application.

Offences

Decisions regarding enforcement action will be made in accordance with the Council's enforcement policy.

A person commits an offence if they:

- a) Engage in street trading in a prohibited street.
- b) Engage in street trading in a consent street without first obtaining authorisation from the council.

Any person guilty of such an offence will be liable, on conviction at a magistrates' court to a fine of up to £1,000.

23. Definitions

Roundsman

A roundsman is a person who followed the round of his/her customers to take orders and deliver the pre-ordered goods of these customers.

News vendor

News vendor is a reference to trading where:

- a) The only articles sold or exposed or offered for sale are newspapers or periodicals; and
- b) They are sold or exposed or offered for sale without a stall or receptacle for them or with a stall or receptacle for them which does not:
 - (i) exceed one metre in length or width or two metres in height;
 - (ii) occupy a ground area exceeding 0.25 square metres; or
 - (iii) stand on the carriageway of a street.

Prohibited Streets- Birmingham City Council Red Routes

A4540 Ring Road Birmingham Red Route

Dartmouth Circus
A4540 Dartmouth Middleway
A4540 Lawley Middleway
Curzon Circus
A4540 Lawley Middleway
Garrison Circus
A4540 Watery Lane Middleway
Bordesley Circus
A4540 Bordesley Middleway
Camp Hill Circus
A4540 Camp Hill Middleway
A4540 Highgate Middleway
Haden Circus
A4540 Belgrave Middleway
Belgrave Interchange
A4540 Lee Bank Middleway
A4540 Islington Row Middleway
Five Ways
A4540 Ladywood Middleway
Ladywood Circus
A4540 Ladywood Middleway
Spring Hill roundabout
A4540 Icknield Street
Key Hill Circus
A4540 Boulton Middleway
Lucas Circus
A4540 New John Street West
A4540 Newtown Middleway
Dartmouth Circus

A38 Queensway Birmingham Red Route

A38 Bristol Street (entire length, from junction with Lee Bank Middleway to Holloway Circus)
Holloway Circus
A38 Suffolk Street Queensway
Paradise Circus
A38 Great Charles Street Queensway
A38 St. Chad's Queensway
Lancaster Circus

Walsall Road etc. Birmingham Red Route

Includes the B4114 from Lancaster Circus to the junction with the A4540 New John Street West, and from there, continuing as the same road, the A34 to the city boundary with Sandwell at Scott Arms.

B4114 Lancaster Street (Lancaster Circus to Princip Street)

B4114 / A34 Newtown Row (Princip Street to Phillips Street)

A34 High Street (Phillips Street to Lozells Road)

A34 Birchfield Road (Lozells Road to junction with the A453 Aldridge Road)

A34 Walsall Road (junction with the A453 Aldridge Road to the city boundary)

A38 Kingsbury Road Birmingham Red Route

A38 Kingsbury Road from the junction with the Tyburn Road to the Minworth island roundabout.

Tyburn Road Birmingham Red Route

A38 Corporation Street (Lancaster Circus to canal bridge)

Aston Road (canal bridge to Dartmouth Circus)

A5127 Aston Bridge, northbound (Dartmouth Circus to junction with Avenue road, then Aston Road North to junction with Rocky Lane)

A5127 Aston Road North / Aston Road, southbound (Rocky Lane to Dartmouth Circus)

A5127 Lichfield Road (Rocky Lane to Salford Circus)

Salford Circus

A38 Tyburn (Road Salford Circus to junction with Kingsbury Road)

A45 Coventry Road Birmingham Red Route

A45 Small Heath Highway (entire length)

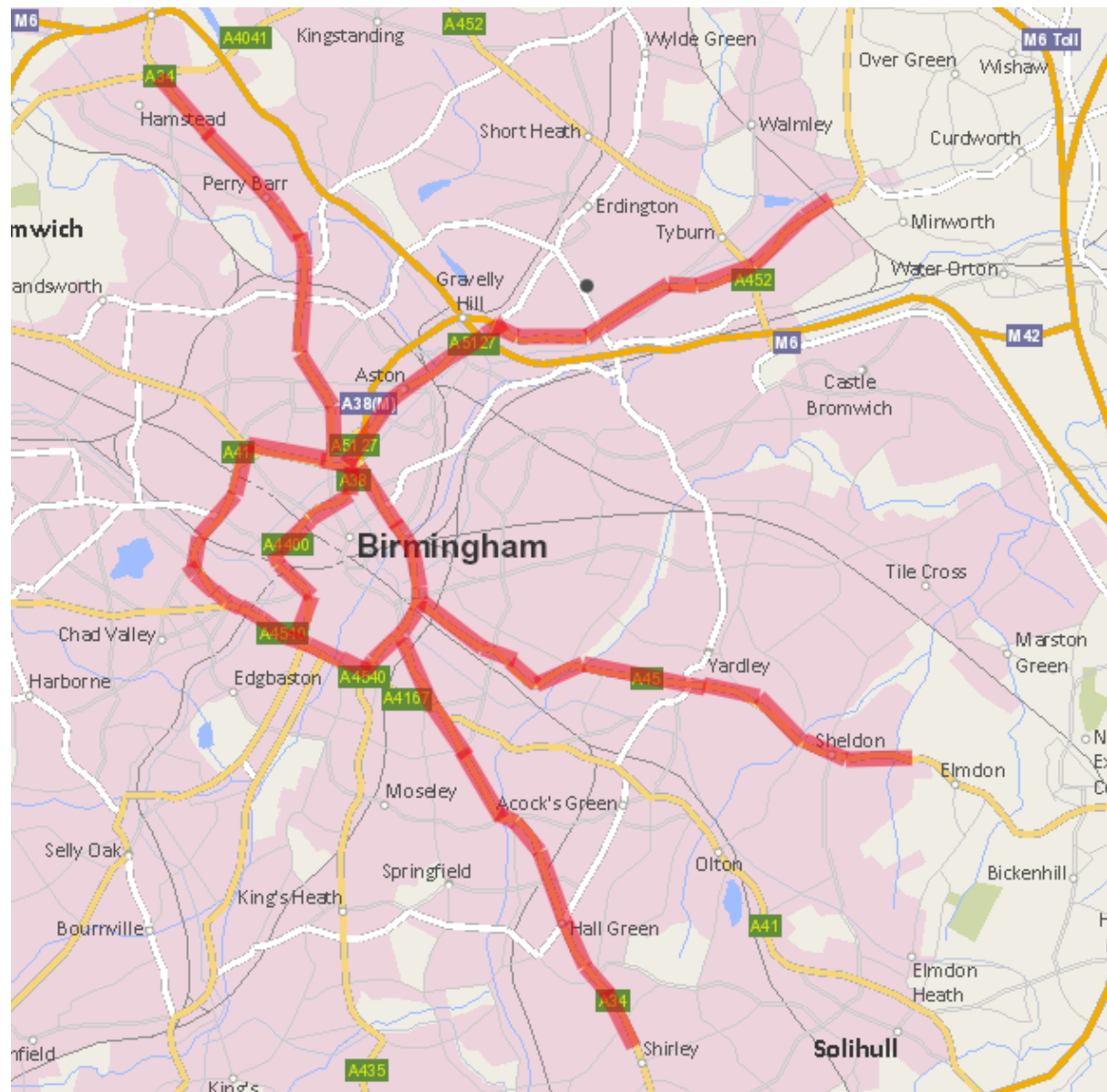
A45 Coventry Road (Heybarnes Circus to the city boundary with Solihull), including the section of the westbound New Coventry Road

A34 Stratford Road Birmingham Red Route

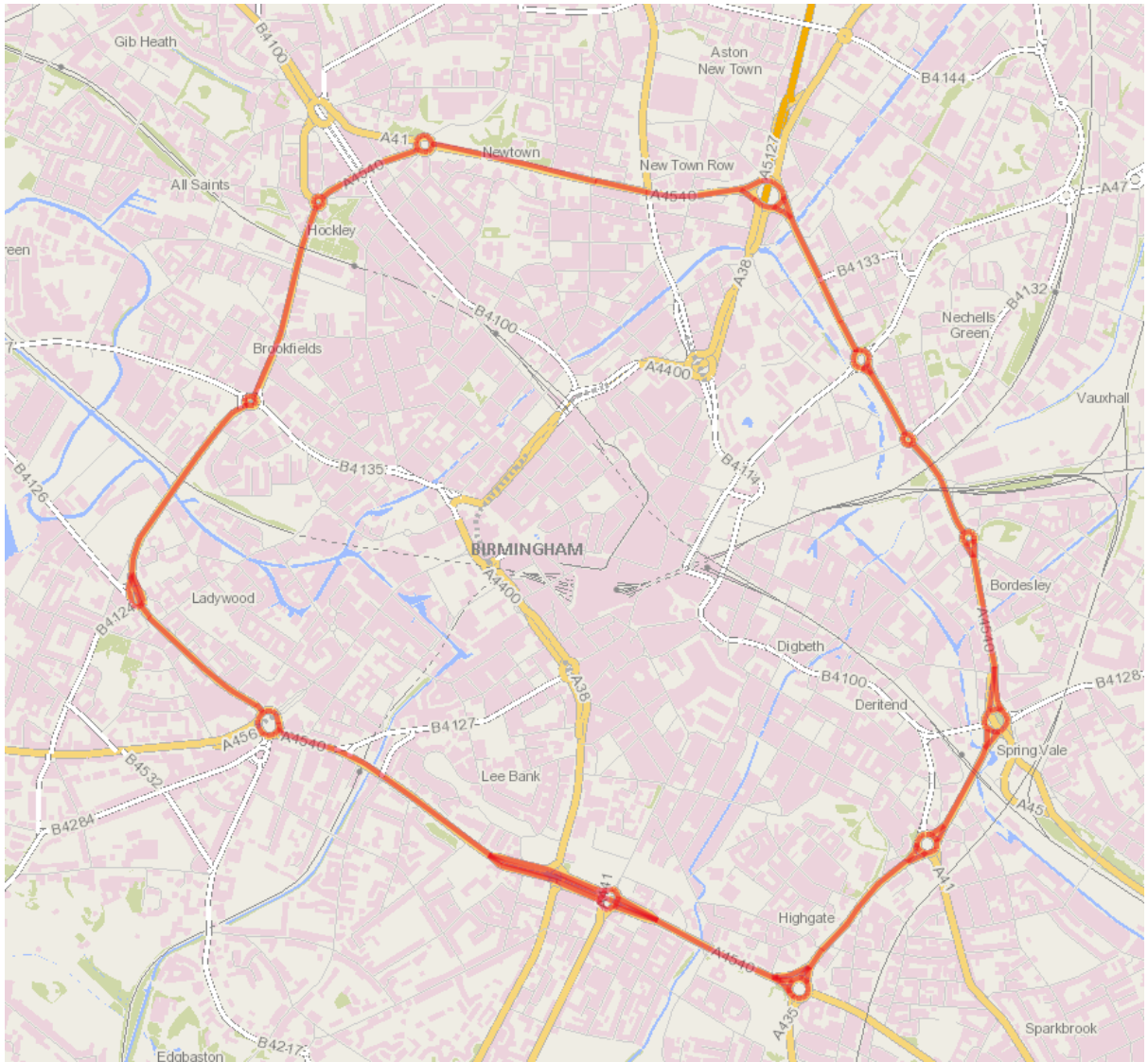
A34 Stratford Road (from Camp Hill Circus to the city boundary with Solihull)

MAPS FOR ILLUSTRATIVE PURPOSES ONLY

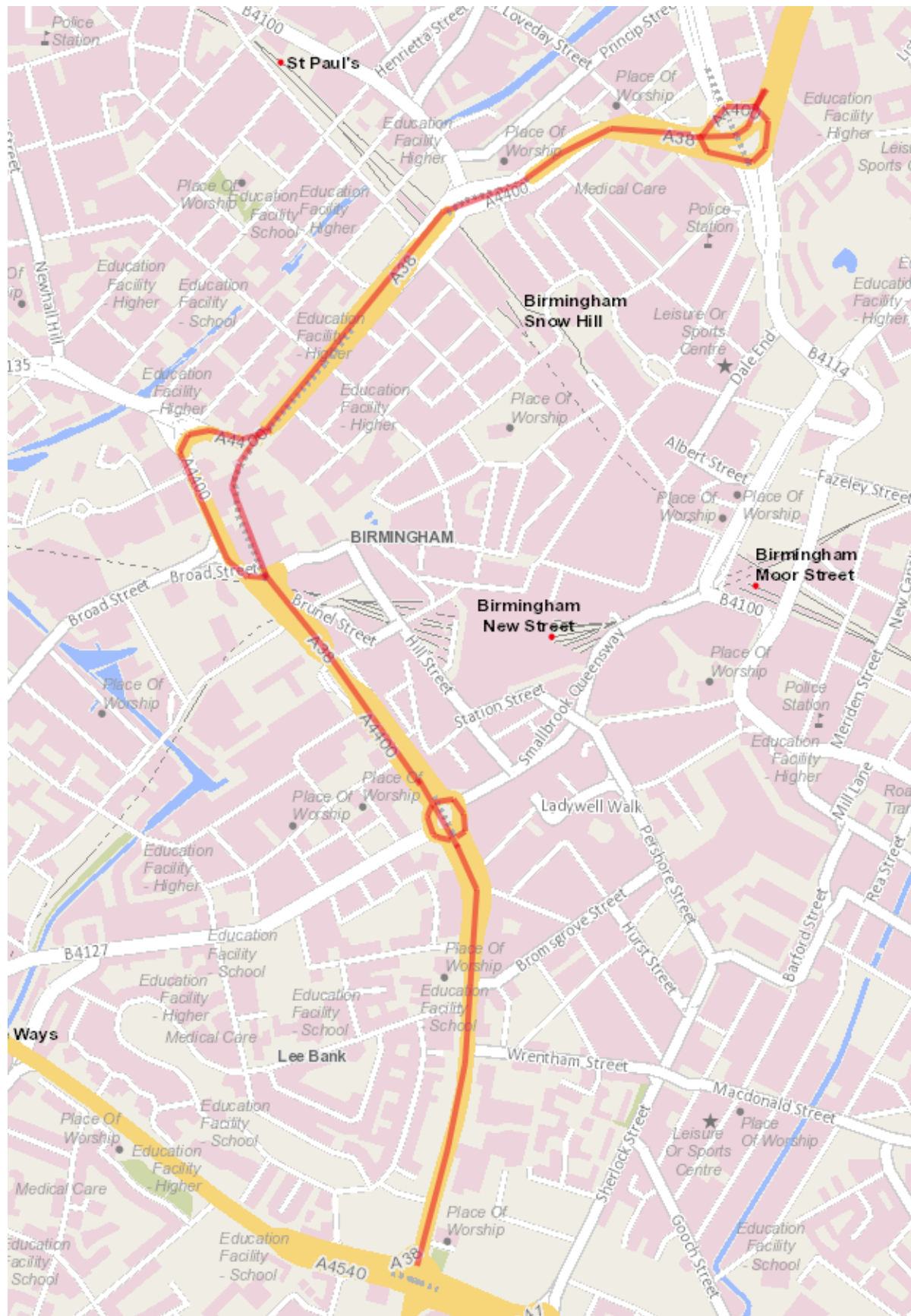
Birmingham City Council – Red Route Overview



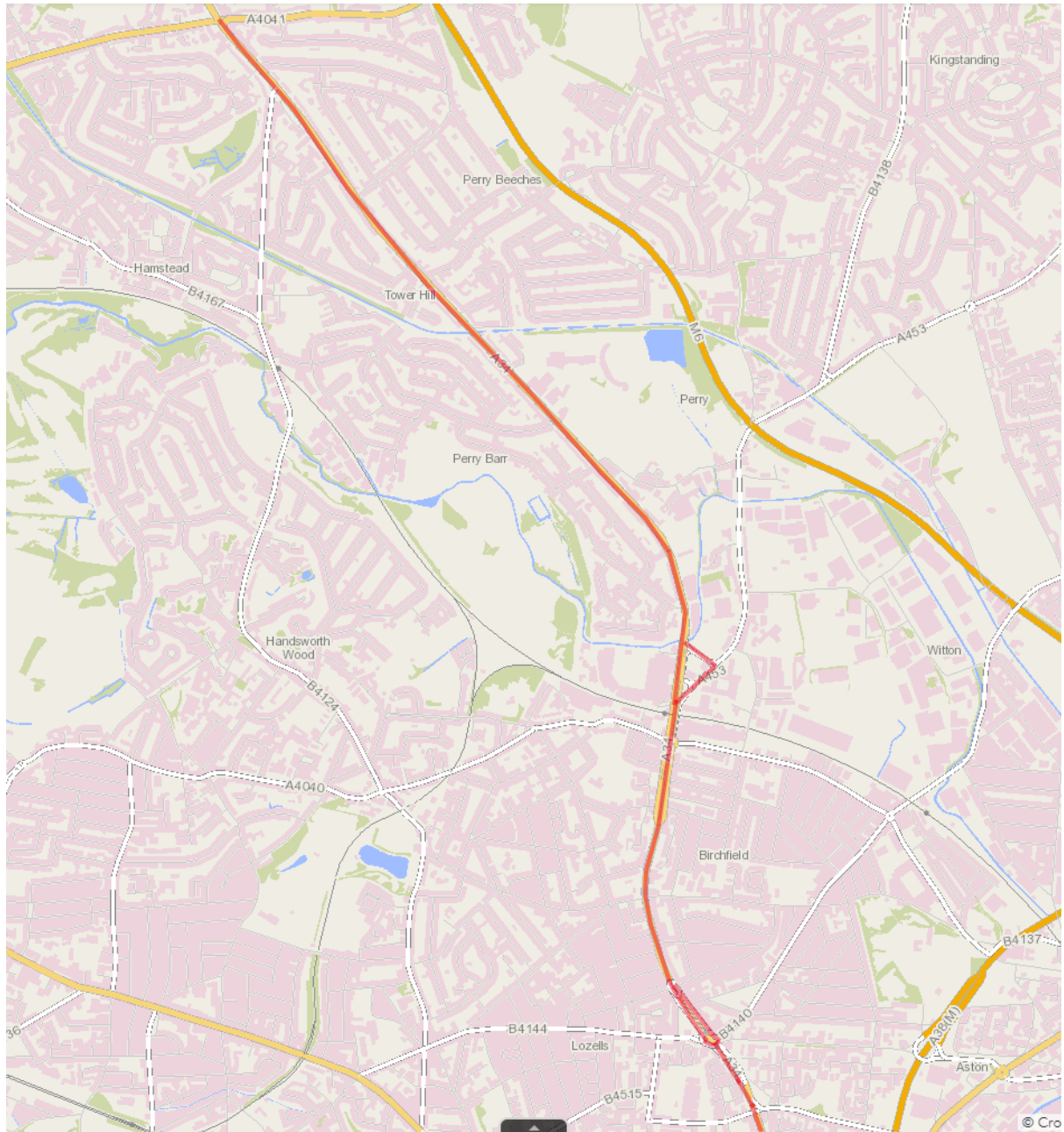
The map displays a red route starting from the city center of Birmingham, marked with a red dot. The route proceeds clockwise through several districts: Hockley, Brookfields, Ladywood, Lee Bank, Highgate, Spring Vale, and Bordesley, before returning to the center. Key roads shown include A41, A45, A4546, A456, A4400, A38, A43, A435, A436, A437, A438, A439, A440, A441, A442, A443, A444, A445, A446, A447, A448, A449, A450, A451, A452, A453, A454, A455, A456, A457, A458, A459, A460, A461, A462, A463, A464, A465, A466, A467, A468, A469, A470, A471, A472, A473, A474, A475, A476, A477, A478, A479, A480, A481, A482, A483, A484, A485, A486, A487, A488, A489, A490, A491, A492, A493, A494, A495, A496, A497, A498, A499, A500, A501, A502, A503, A504, A505, A506, A507, A508, A509, A510, A511, A512, A513, A514, A515, A516, A517, A518, A519, A520, A521, A522, A523, A524, A525, A526, A527, A528, A529, A530, A531, A532, A533, A534, A535, A536, A537, A538, A539, A540, A541, A542, A543, A544, A545, A546, A547, A548, A549, A550, A551, A552, A553, A554, A555, A556, A557, A558, A559, A560, A561, A562, A563, A564, A565, A566, A567, A568, A569, A570, A571, A572, A573, A574, A575, A576, A577, A578, A579, A580, A581, A582, A583, A584, A585, A586, A587, A588, A589, A590, A591, A592, A593, A594, A595, A596, A597, A598, A599, A600, A601, A602, A603, A604, A605, A606, A607, A608, A609, A610, A611, A612, A613, A614, A615, A616, A617, A618, A619, A620, A621, A622, A623, A624, A625, A626, A627, A628, A629, A630, A631, A632, A633, A634, A635, A636, A637, A638, A639, A640, A641, A642, A643, A644, A645, A646, A647, A648, A649, A650, A651, A652, A653, A654, A655, A656, A657, A658, A659, A660, A661, A662, A663, A664, A665, A666, A667, A668, A669, A670, A671, A672, A673, A674, A675, A676, A677, A678, A679, A680, A681, A682, A683, A684, A685, A686, A687, A688, A689, A690, A691, A692, A693, A694, A695, A696, A697, A698, A699, A700, A701, A702, A703, A704, A705, A706, A707, A708, A709, A710, A711, A712, A713, A714, A715, A716, A717, A718, A719, A720, A721, A722, A723, A724, A725, A726, A727, A728, A729, A730, A731, A732, A733, A734, A735, A736, A737, A738, A739, A740, A741, A742, A743, A744, A745, A746, A747, A748, A749, A750, A751, A752, A753, A754, A755, A756, A757, A758, A759, A760, A761, A762, A763, A764, A765, A766, A767, A768, A769, A770, A771, A772, A773, A774, A775, A776, A777, A778, A779, A780, A781, A782, A783, A784, A785, A786, A787, A788, A789, A790, A791, A792, A793, A794, A795, A796, A797, A798, A799, A800, A801, A802, A803, A804, A805, A806, A807, A808, A809, A810, A811, A812, A813, A814, A815, A816, A817, A818, A819, A820, A821, A822, A823, A824, A825, A826, A827, A828, A829, A830, A831, A832, A833, A834, A835, A836, A837, A838, A839, A840, A841, A842, A843, A844, A845, A846, A847, A848, A849, A850, A851, A852, A853, A854, A855, A856, A857, A858, A859, A860, A861, A862, A863, A864, A865, A866, A867, A868, A869, A870, A871, A872, A873, A874, A875, A876, A877, A878, A879, A880, A881, A882, A883, A884, A885, A886, A887, A888, A889, A890, A891, A892, A893, A894, A895, A896, A897, A898, A899, A900, A901, A902, A903, A904, A905, A906, A907, A908, A909, A910, A911, A912, A913, A914, A915, A916, A917, A918, A919, A920, A921, A922, A923, A924, A925, A926, A927, A928, A929, A930, A931, A932, A933, A934, A935, A936, A937, A938, A939, A940, A941, A942, A943, A944, A945, A946, A947, A948, A949, A950, A951, A952, A953, A954, A955, A956, A957, A958, A959, A960, A961, A962, A963, A964, A965, A966, A967, A968, A969, A970, A971, A972, A973, A974, A975, A976, A977, A978, A979, A980, A981, A982, A983, A984, A985, A986, A987, A988, A989, A990, A991, A992, A993, A994, A995, A996, A997, A998, A999, A1000, A1001, A1002, A1003, A1004, A1005, A1006, A1007, A1008, A1009, A1010, A1011, A1012, A1013, A1014, A1015, A1016, A1017, A1018, A1019, A1020, A1021, A1022, A1023, A1024, A1025, A1026, A1027, A1028, A1029, A1030, A1031, A1032, A1033, A1034, A1035, A1036, A1037, A1038, A1039, A1040, A1041, A1042, A1043, A1044, A1045, A1046, A1047, A1048, A1049, A1050, A1051, A1052, A1053, A1054, A1055, A1056, A1057, A1058, A1059, A1060, A1061, A1062, A1063, A1064, A1065, A1066, A1067, A1068, A1069, A1070, A1071, A1072, A1073, A1074, A1075, A1076, A1077, A1078, A1079, A1080, A1081, A1082, A1083, A1084, A1085, A1086, A1087, A1088, A1089, A1090, A1091, A1092, A1093, A1094, A1095, A1096, A1097, A1098, A1099, A1100, A1101, A1102, A1103, A1104, A1105, A1106, A1107, A1108, A1109, A1110, A1111, A1112, A1113, A1114, A1115, A1116, A1117, A1118, A1119, A1120, A1121, A1122, A1123, A1124, A1125, A1126, A1127, A1128, A1129, A1130, A1131, A1132, A1133, A1134, A1135, A1136, A1137, A1138, A1139, A1140, A1141, A1142, A1143, A1144, A1145, A1146, A1147, A1148, A1149, A1150, A1151, A1152, A1153, A1154, A1155, A1156, A1157, A1158, A1159, A1160, A1161, A1162, A1163, A1164, A1165, A1166, A1167, A1168, A1169, A1170, A1171, A1172, A1173, A1174, A1175, A1176, A1177,



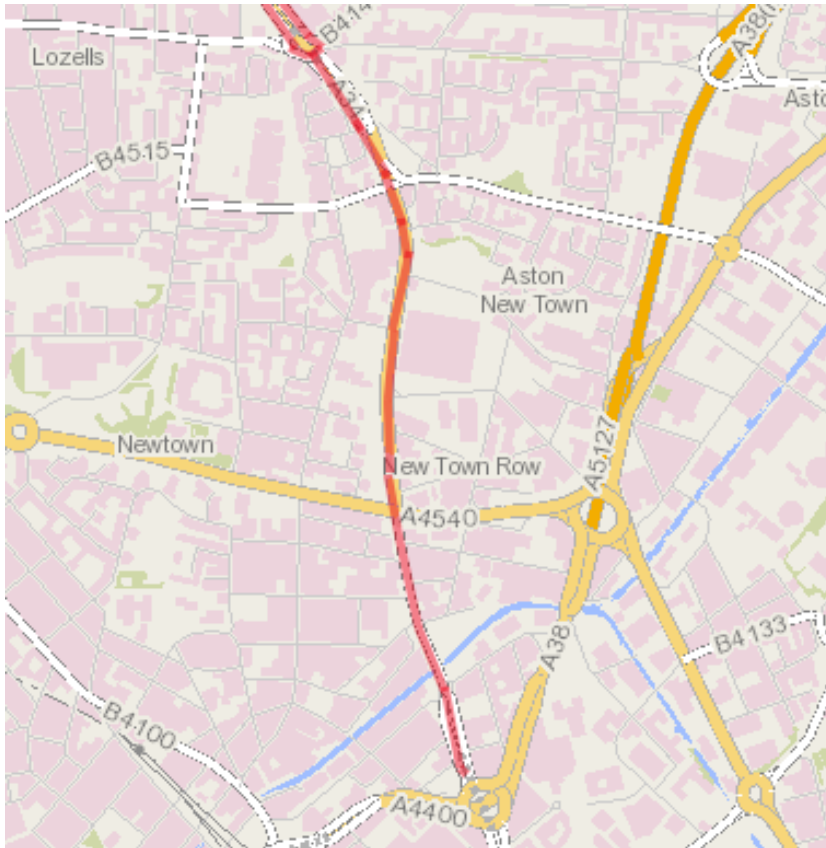
A38 Queensway Red Route



Walsall Road Red Route(Scott Arms junction to Birchfield Road)



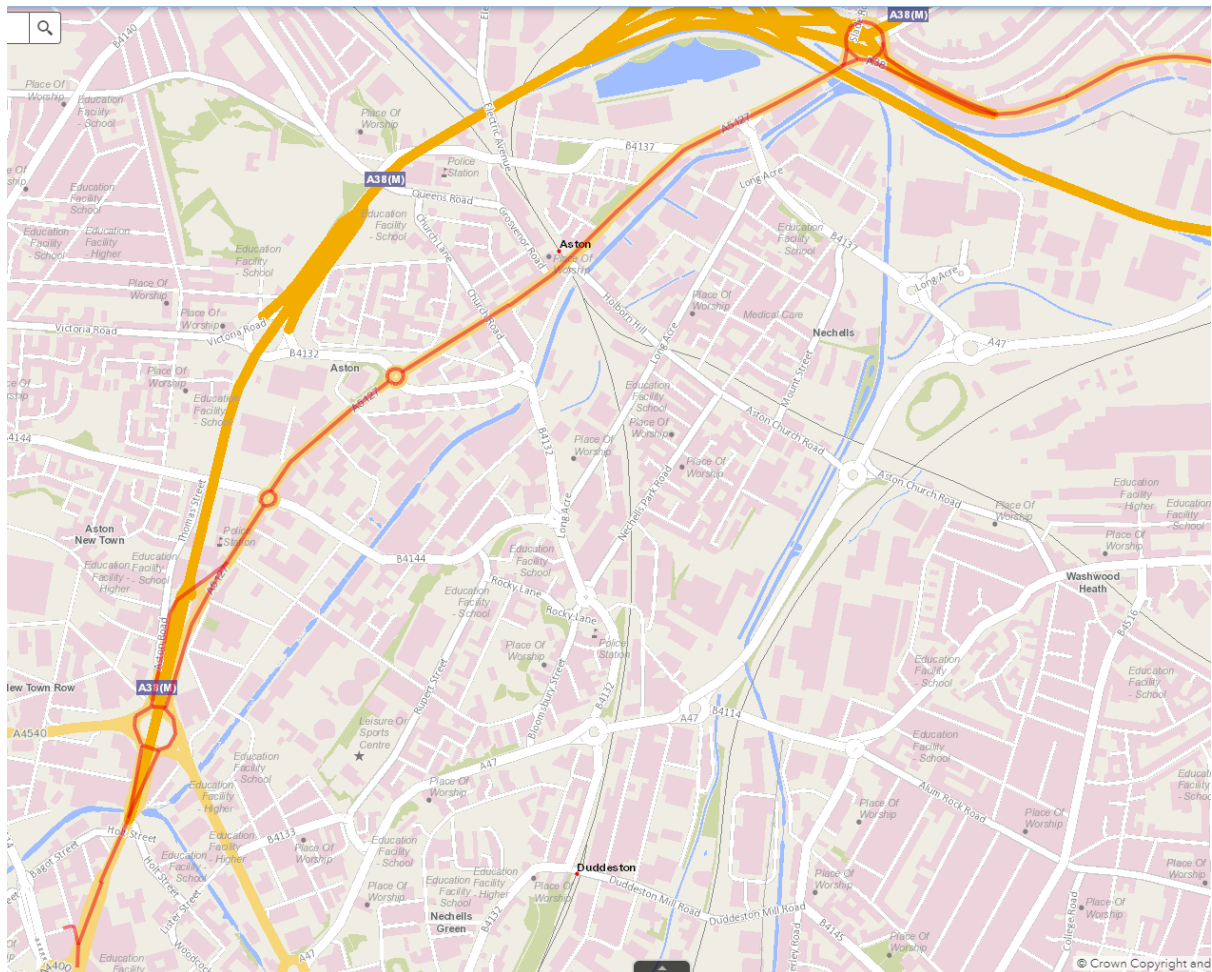
Walsall Road Red Route (Birchfield Road to Lancaster Street)



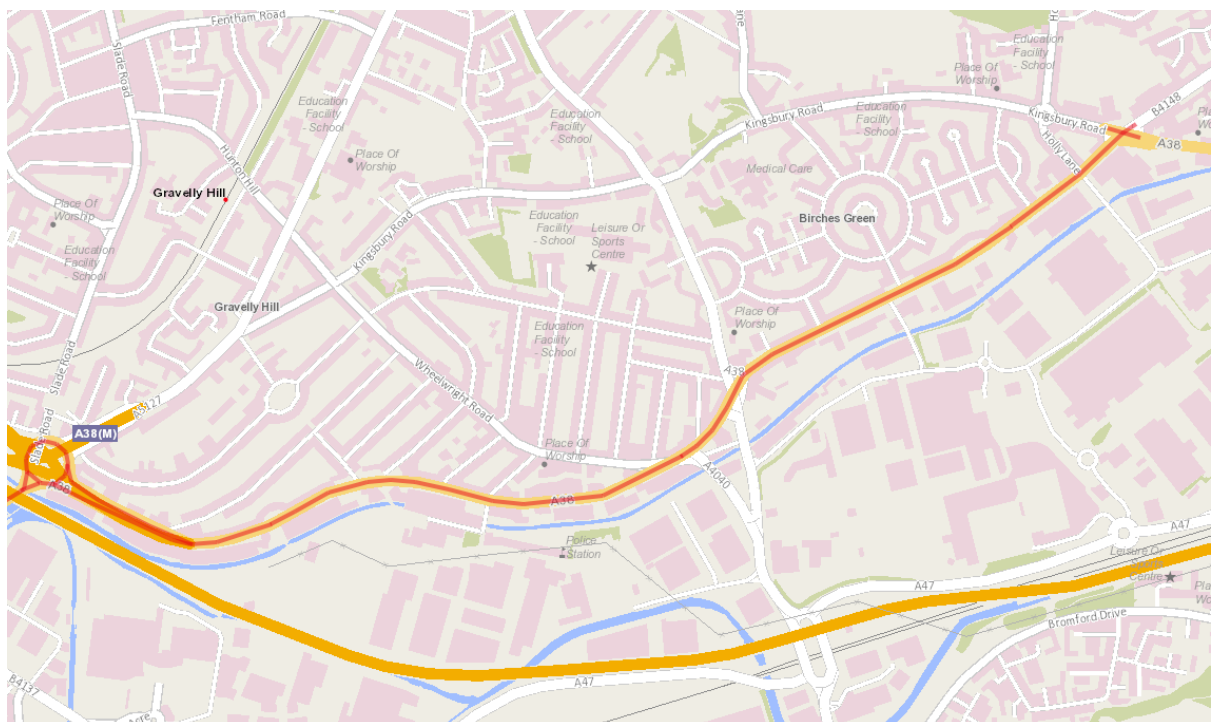
A38 Kingsbury Road Red Route



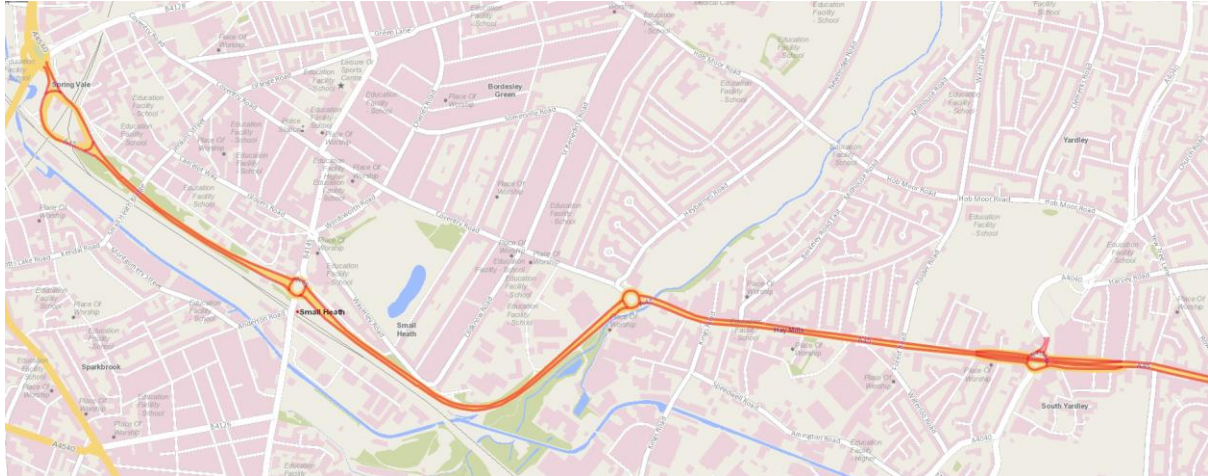
Tyburn Road Red Route (Corporation Street to Bromford Lane junction)



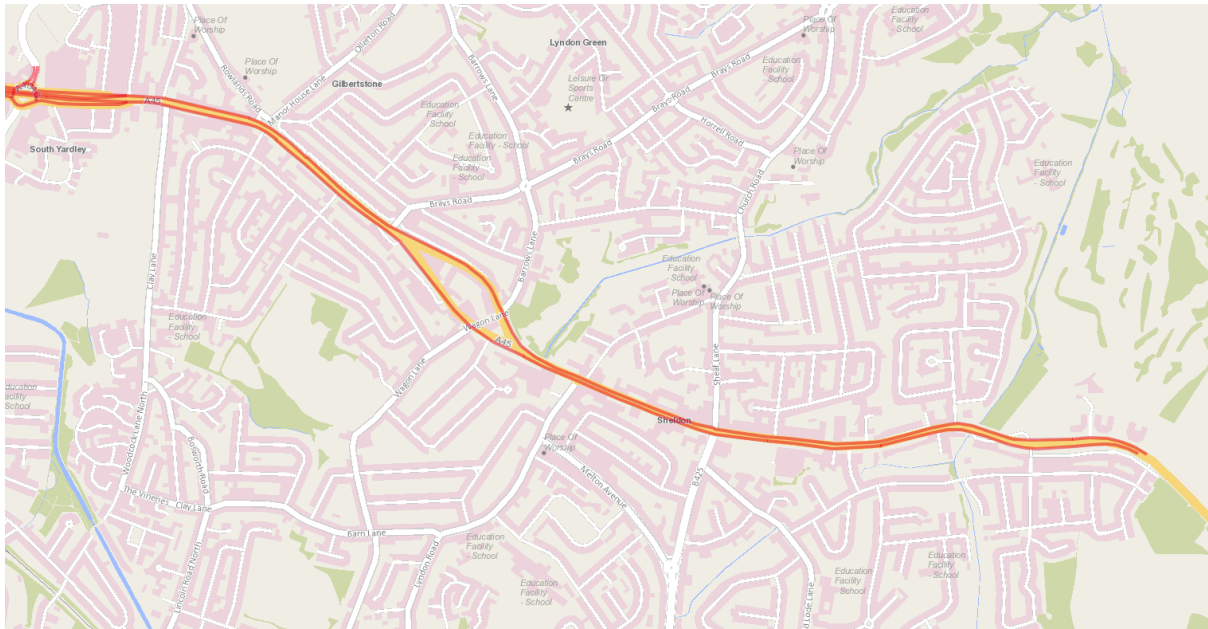
Tyburn Road Red Route (Salford Circus to Kingsbury Road junction)



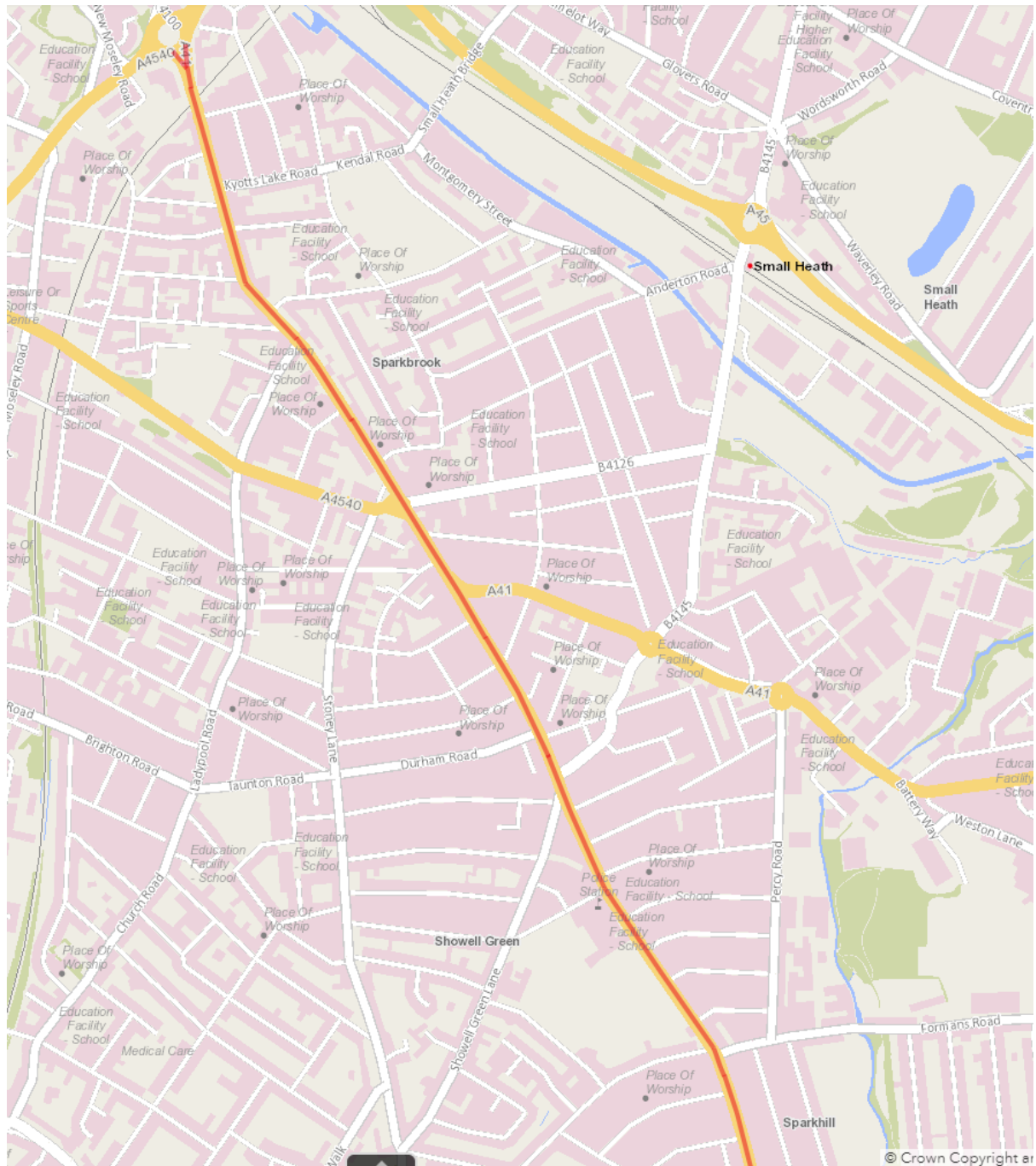
A45 Coventry Road Red Route (Bordesley Circus to Clay Lane)



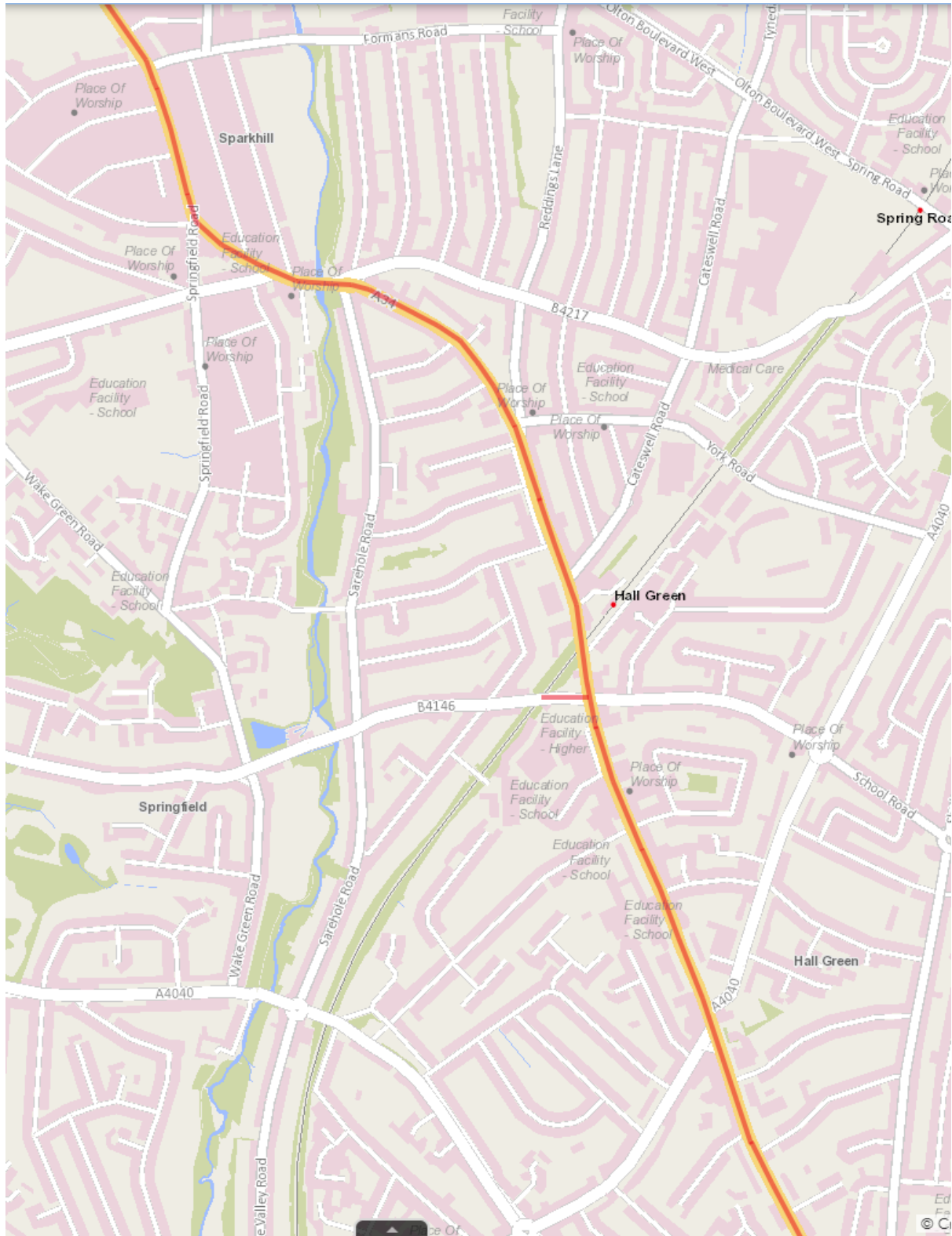
A45 Coventry Road Red Route(Swan Island to Solihull Boundary)



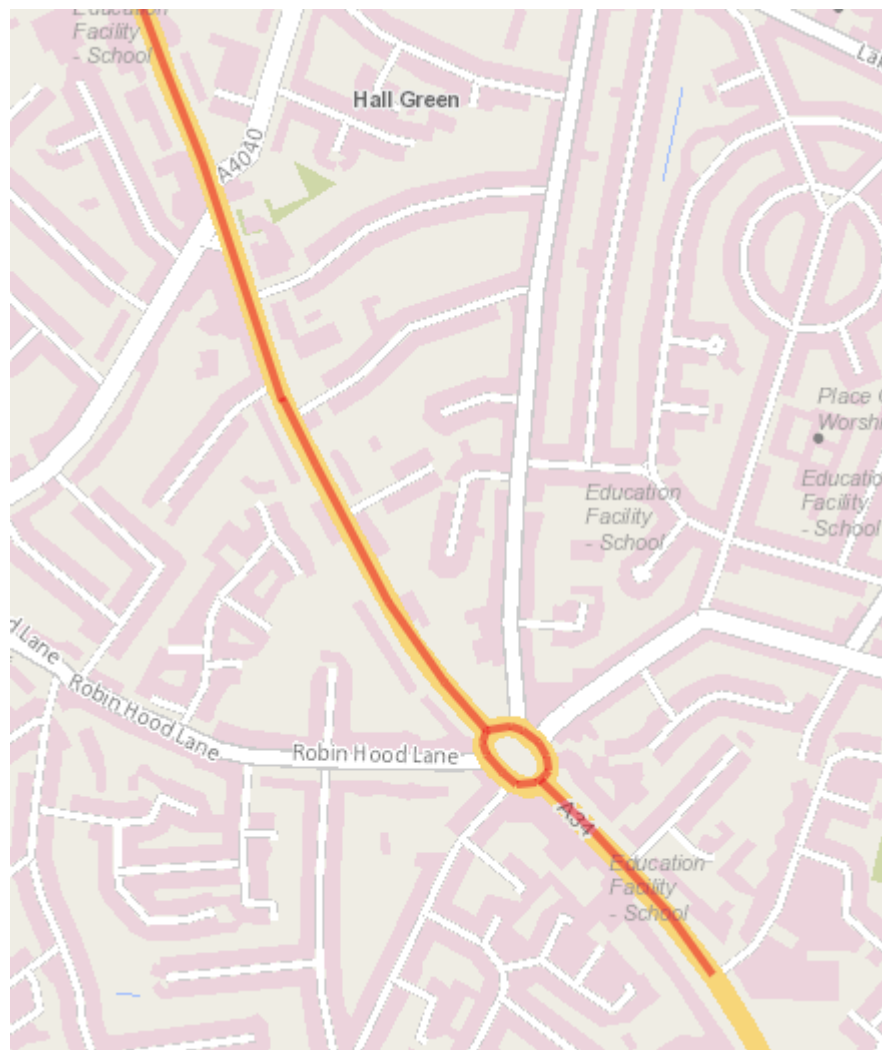
Stratford Road Red Route (Camp Hill Circus to Greswolde Road)



Stratford Road Red Route (Formans Road to Beechcroft Avenue)



Stratford Road Red Route (Fox Hollies Road to Greenhill Way)



Prohibited Street – Metro Routes

LINE 1 (Wolverhampton to St Paul's Tramstop)

None

Birmingham City Centre Extension (St Paul's Tramstop to Birmingham Grand Central Tramstop)

Colmore Circus Queensway B4 (portion of street west of Snowhill Train Station)

Bull Street B4 (Colmore Circus Queensway junction to Corporation Street junction)

Corporation Street B4 (Bull Street junction to Stephenson Street junction)

Stephenson Street B2 (Corporation Street junction to 21 Stephenson Street)

Westside extension Centenary Square Extension (Birmingham Grand Central Tramstop to Centenary Square Tramstop)

Stephenson Street B2 (21 Stephenson Street to Pinfold Street)

Pinfold Street B2 (Stephenson Street junction to New Street junction)

New Street B2 (Pinfold Street junction to Paradise Street)

Paradise Street B1 (to Paradise Circus)

Paradise Circus B1 (from Paradise Street to Broad Street)

Westside extension (Edgbaston Extension Centenary Square Tramstop to terminus at 54 Hagley Road)

Broad Street B1 (to Hagley Road)

Hagley Road B16 (A456) (to 115 Hagley Road)

Eastside extension

Bull Street B4 (Corporation Street junction to Dale End junction)

Dale End B4 (Carrs Lane junction to Albert Street junction)

New Meeting Street B4

Moor Street Queensway (Albert Street junction to Carrs Lane junction)

Park Street (Fazeley Street junction to Masshouse Lane junction)

Masshouse Lane (Park Lane junction to 22 Masshouse Lane)

Albert Street B5

Fazeley Street B5 (Queensway junction to Park Street junction)

Fazeley Street B5 (41 Fazeley Street to Benacre Drive junction)

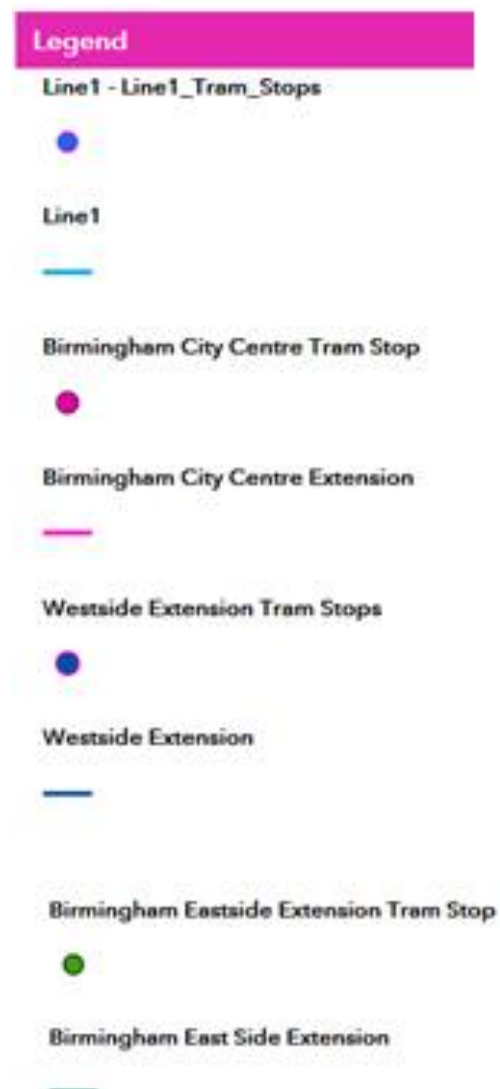
New Bartholomew Street B5 (Fazeley Street junction to 36 New Bartholomew Street)

New Canal Street B5 (Banbury Street junction to Meriden Street)

Meriden Street B5 (to Digbeth B4100 junction)

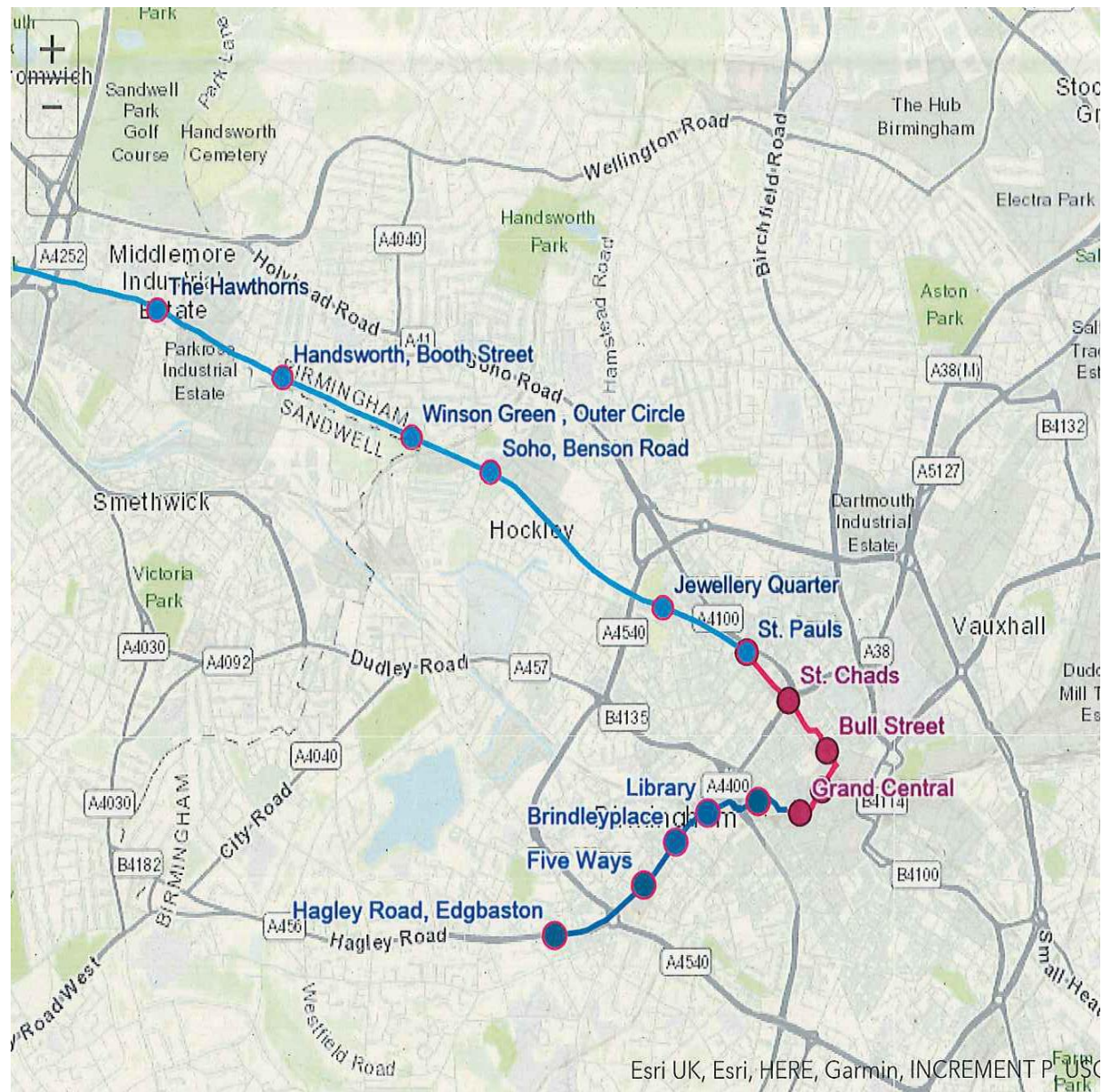
Digbeth B4100 B5 (Alison Street junction to Clyde Street junction)

MAPS FOR ILLUSTRATIVE PURPOSES ONLY

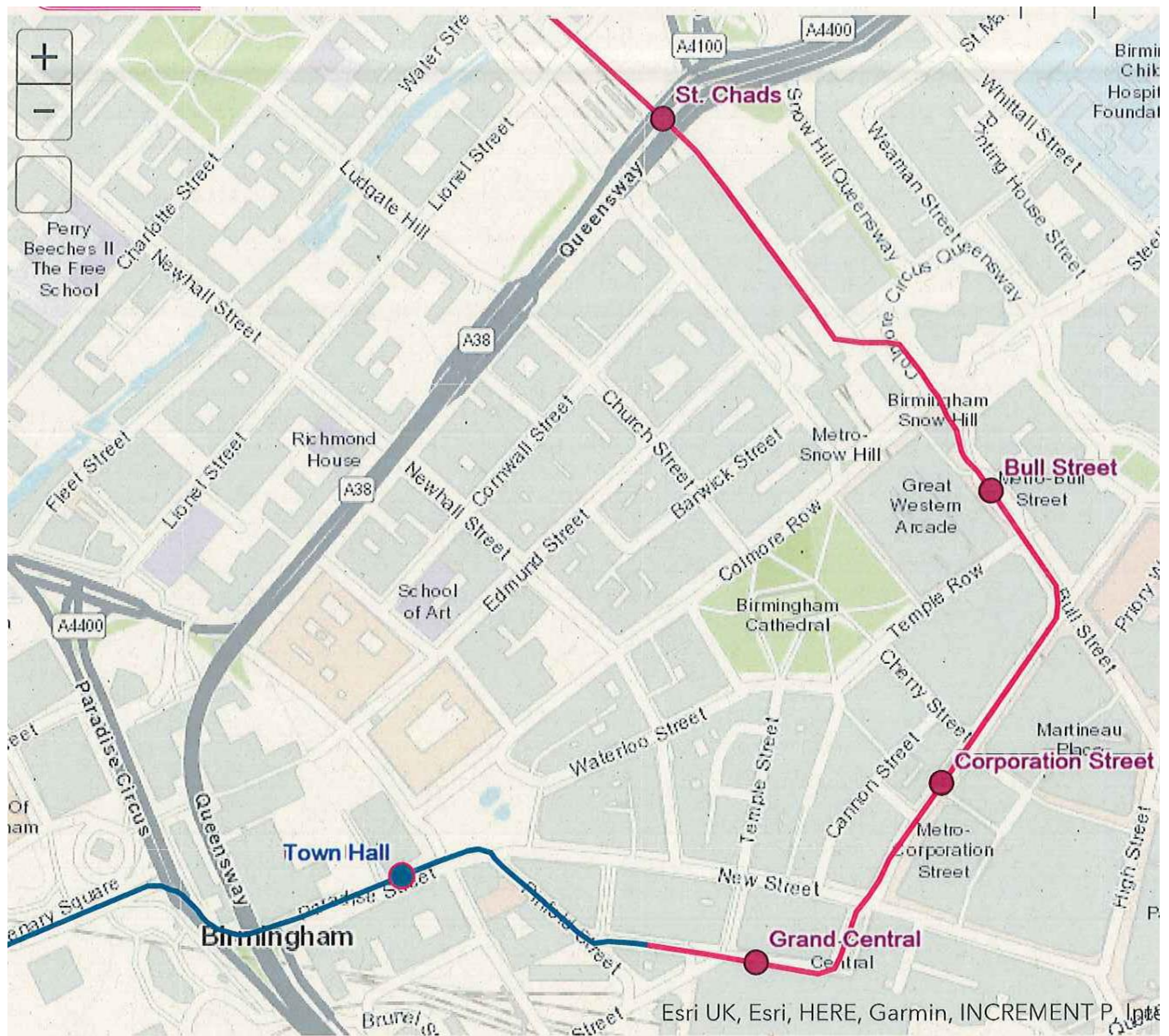


Line 1, Westside Extension (Centenary Square Extension and Edgbaston Extension)

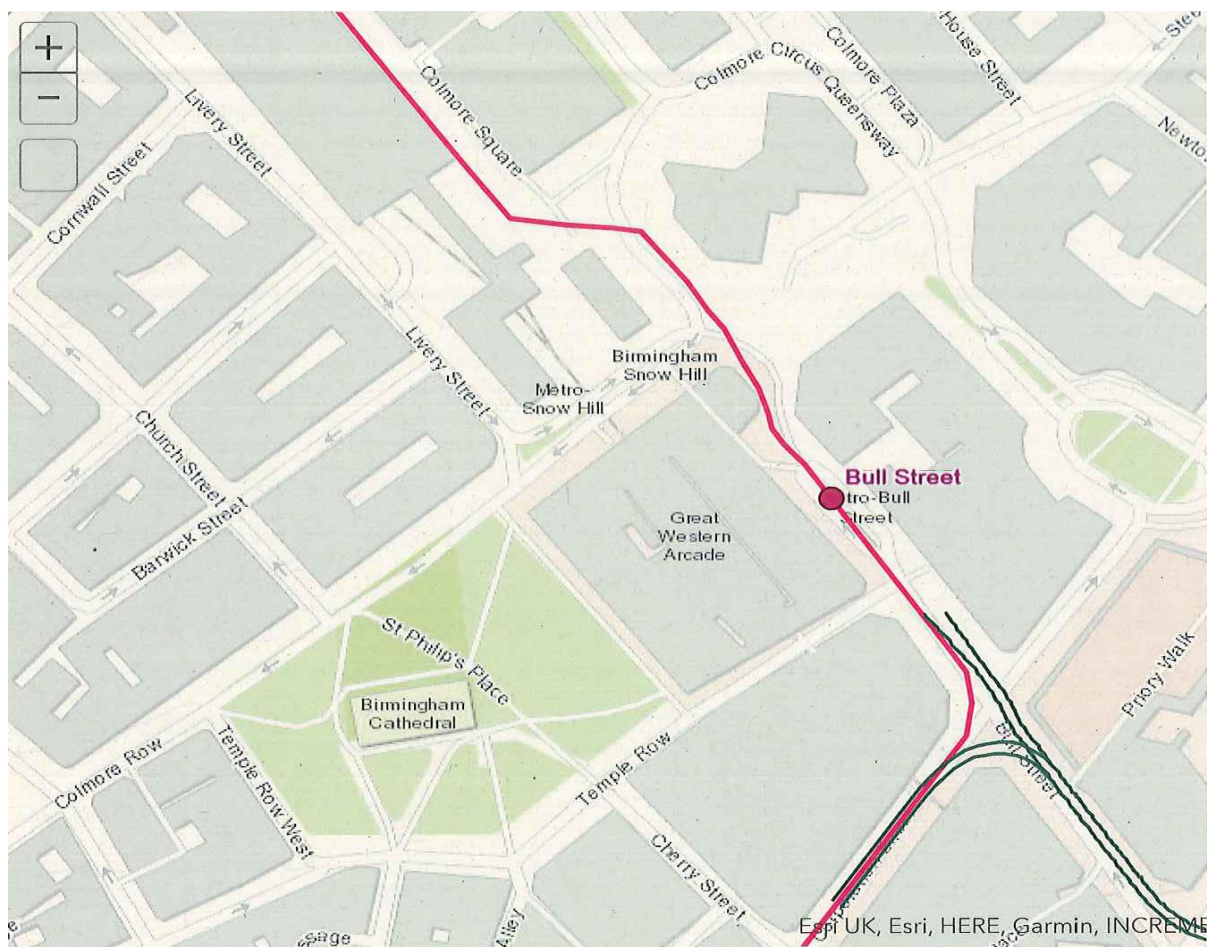
Overview



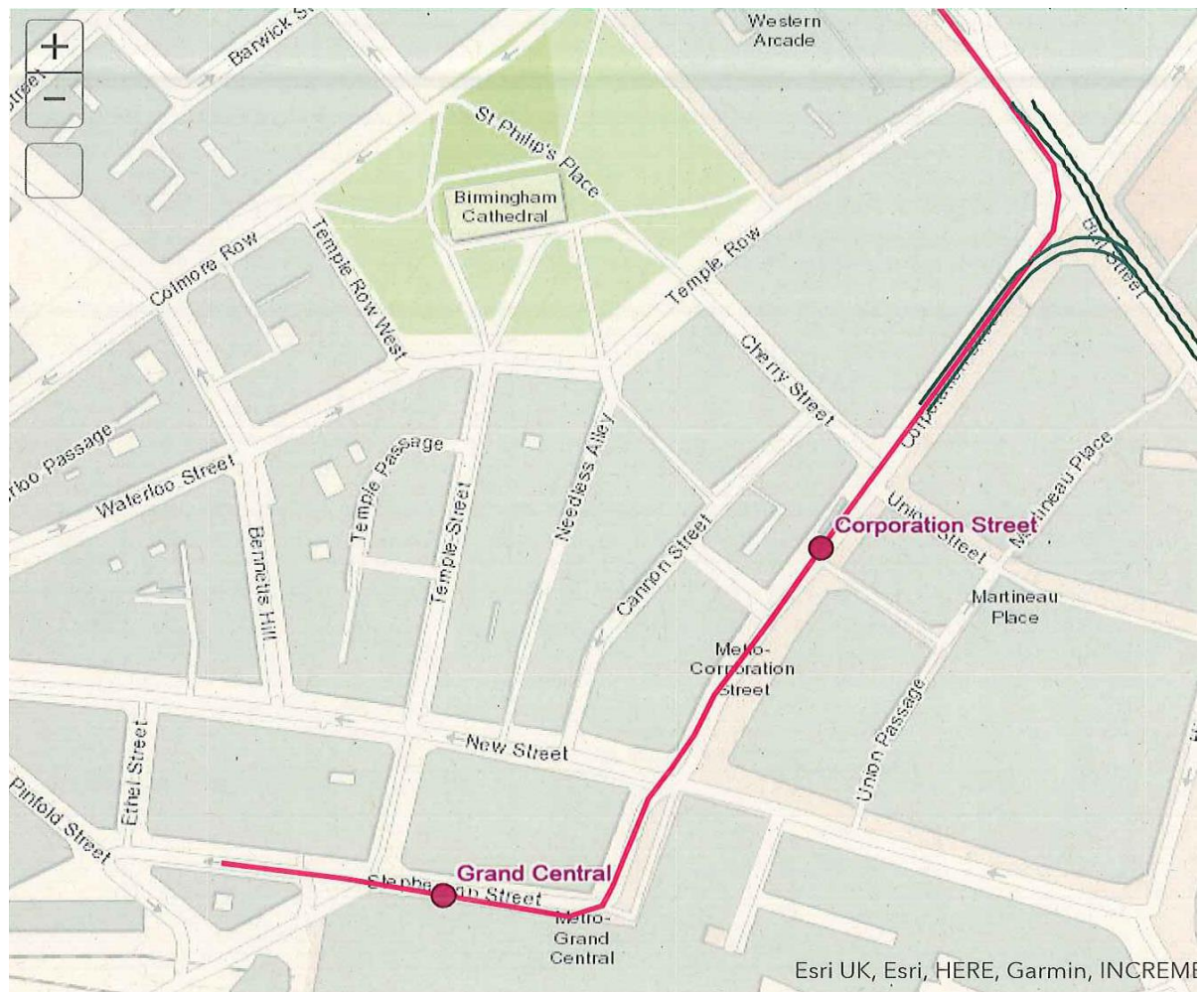
Centenary Square Extension (St. Chads to Grand Central)



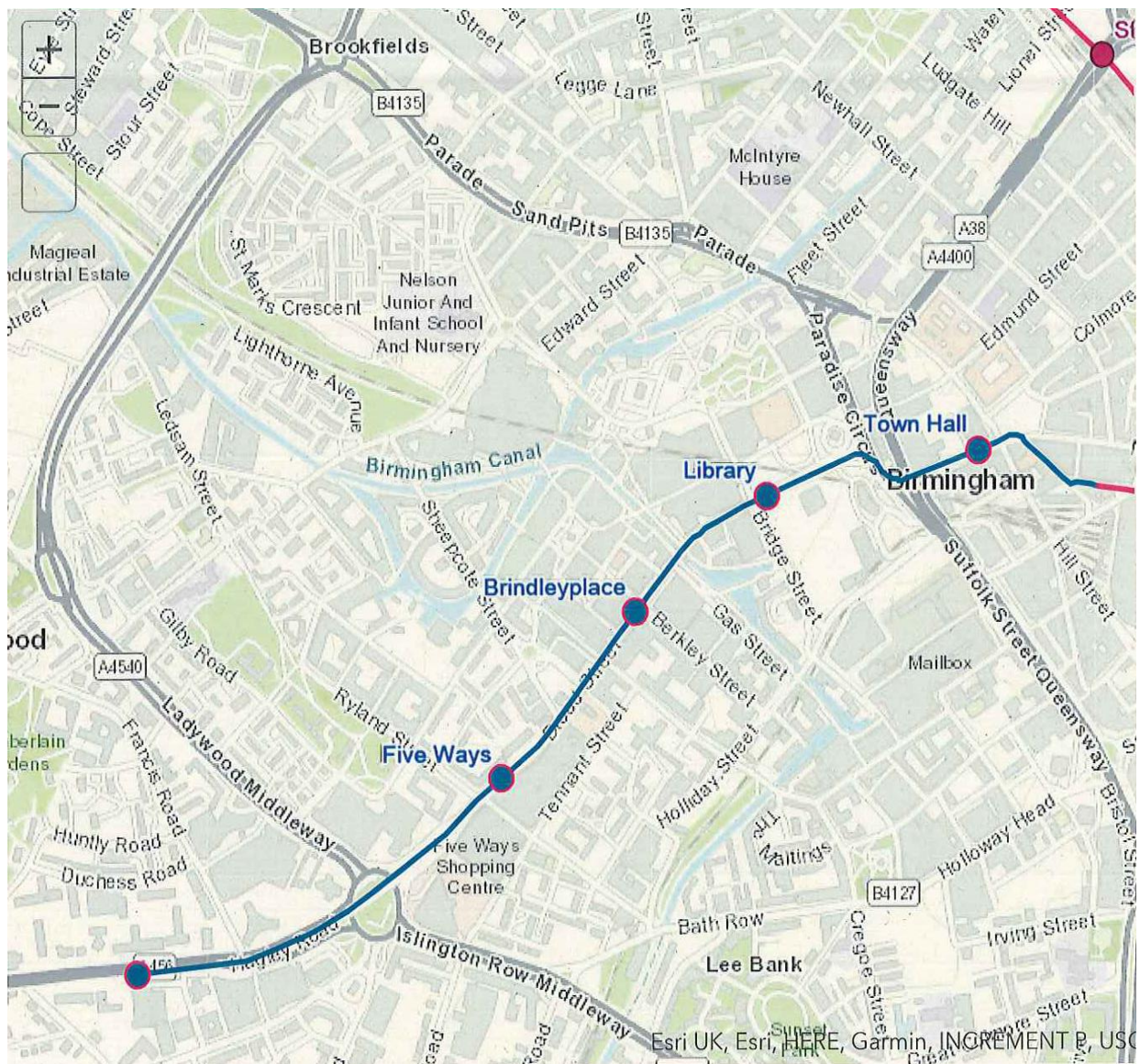
Centenary Square Extension (Colmore Square to Corporation Street)



Centenary Square Extension (Corporation Street to Stephenson Street)



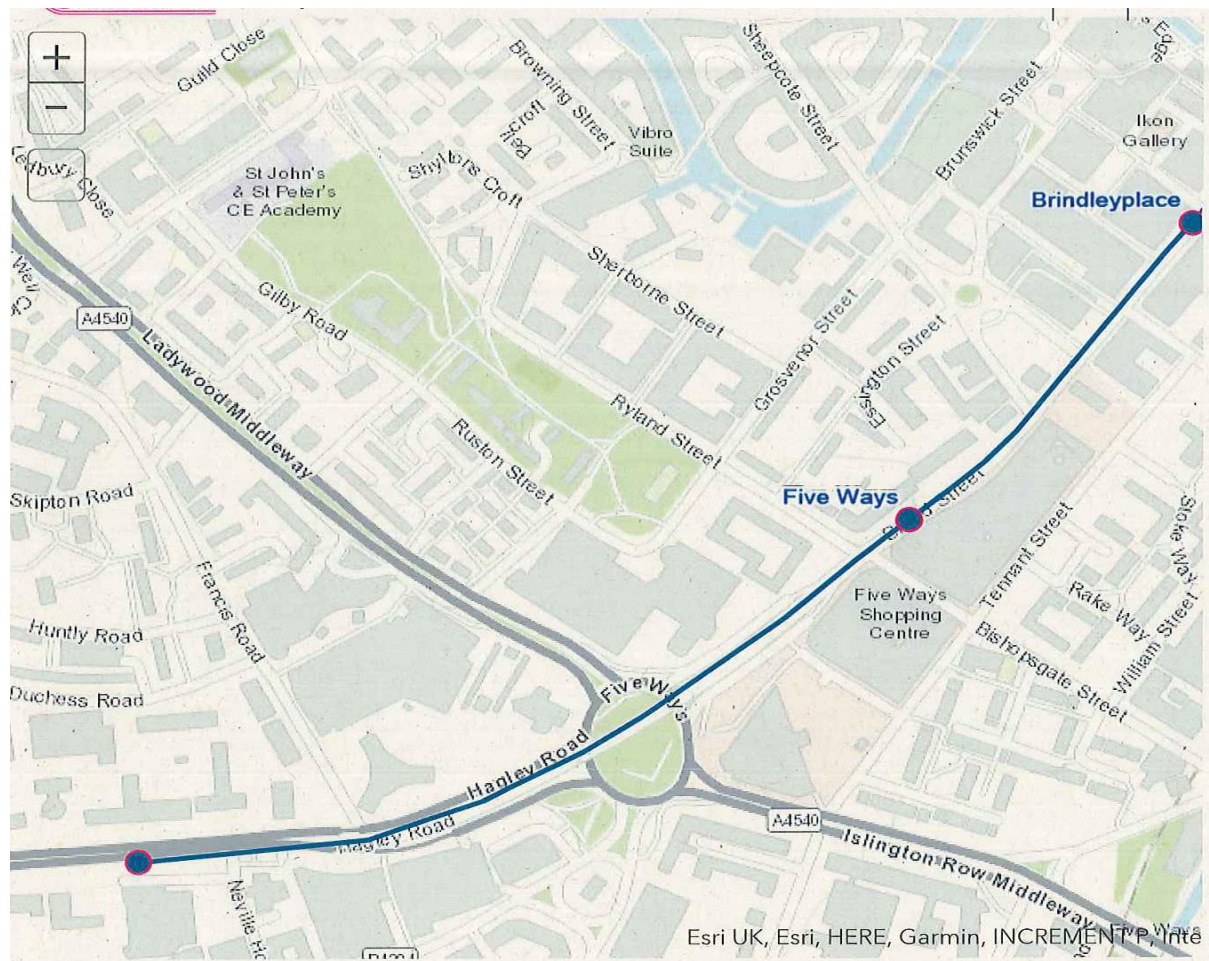
Westside Extension (Edgbaston Extension) Overview



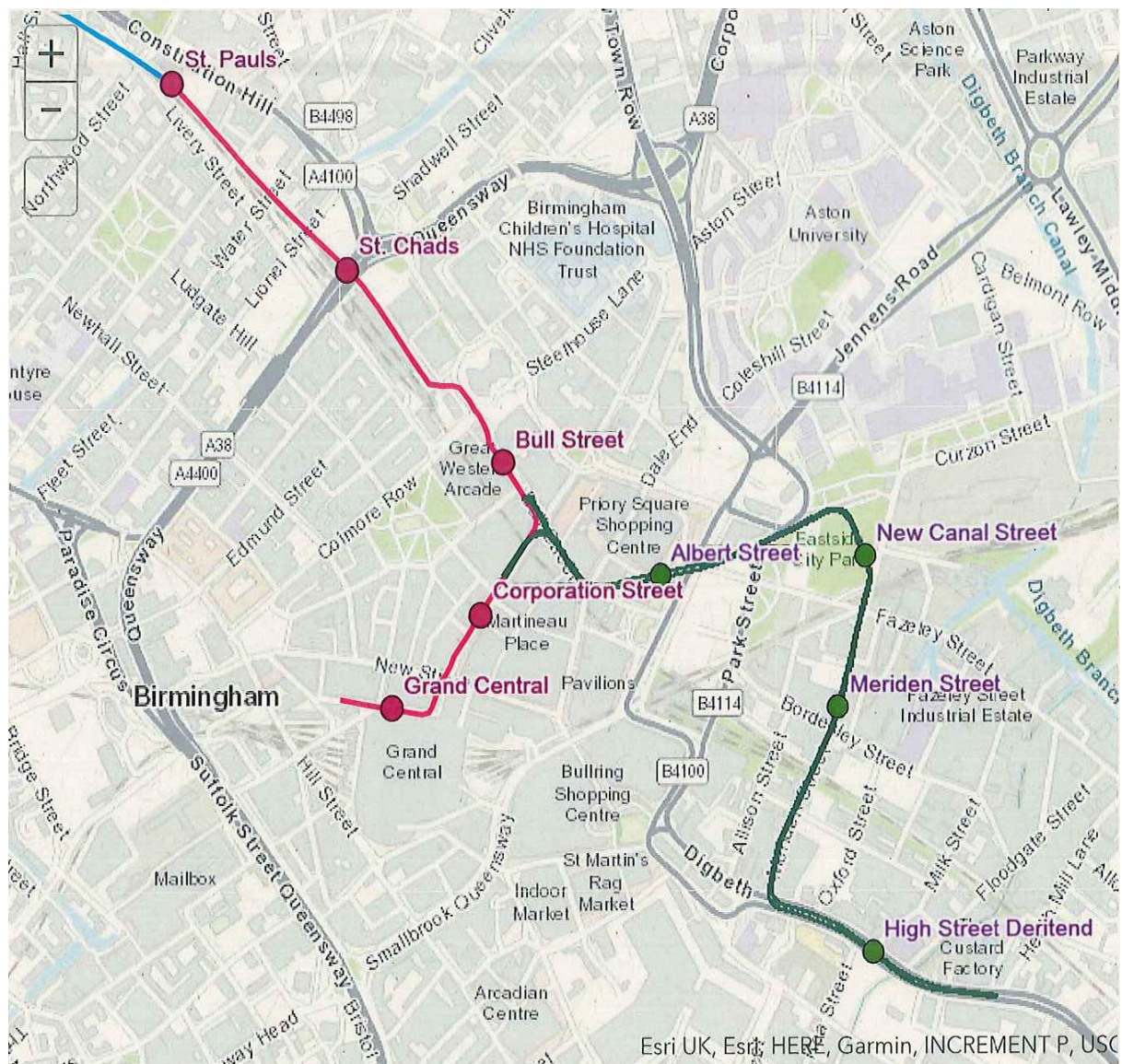
Edgbaston Extension (Pinford Street to Broad Street)



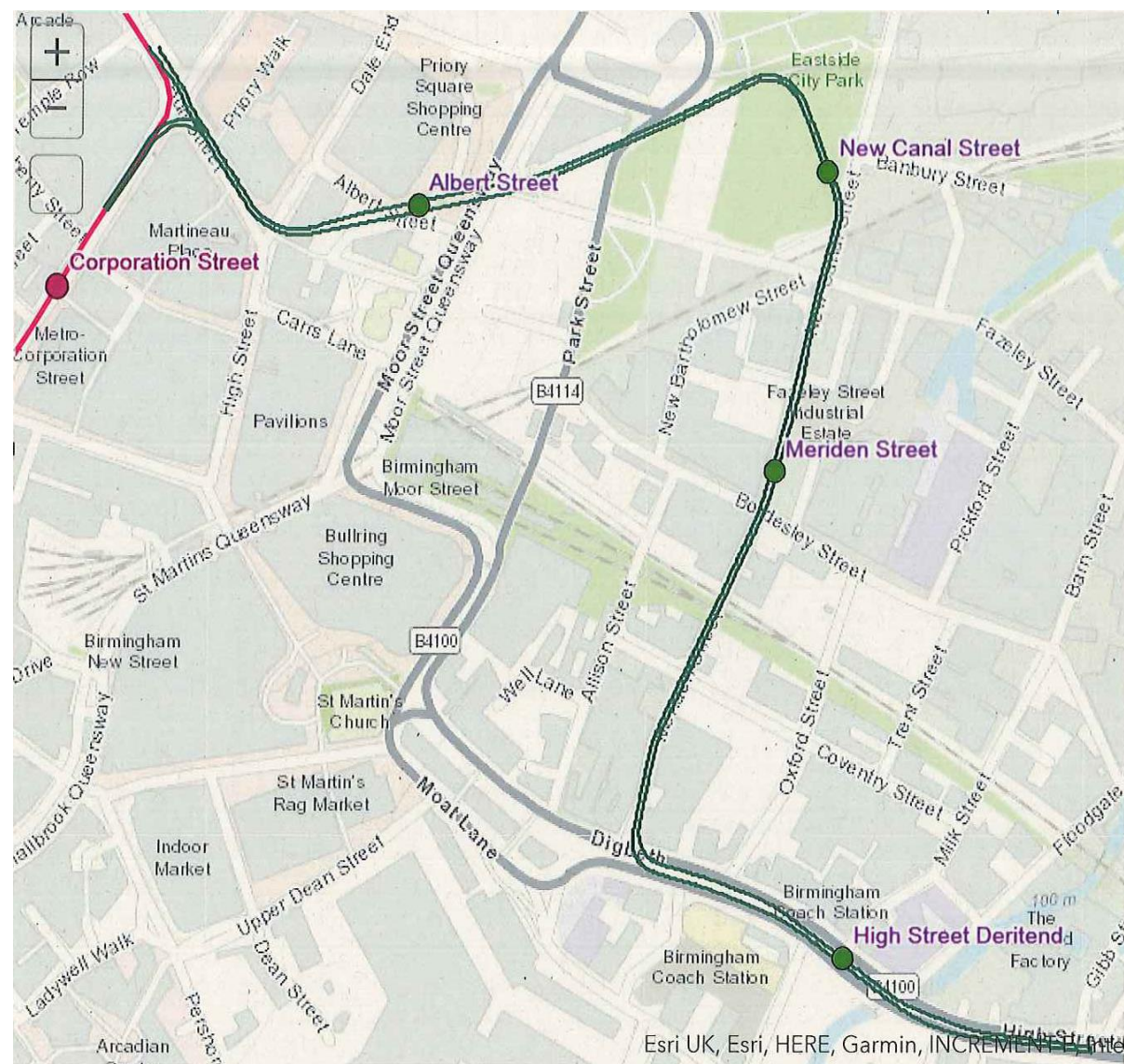
Edgbaston Extension (Broad Street to Hagley Road)



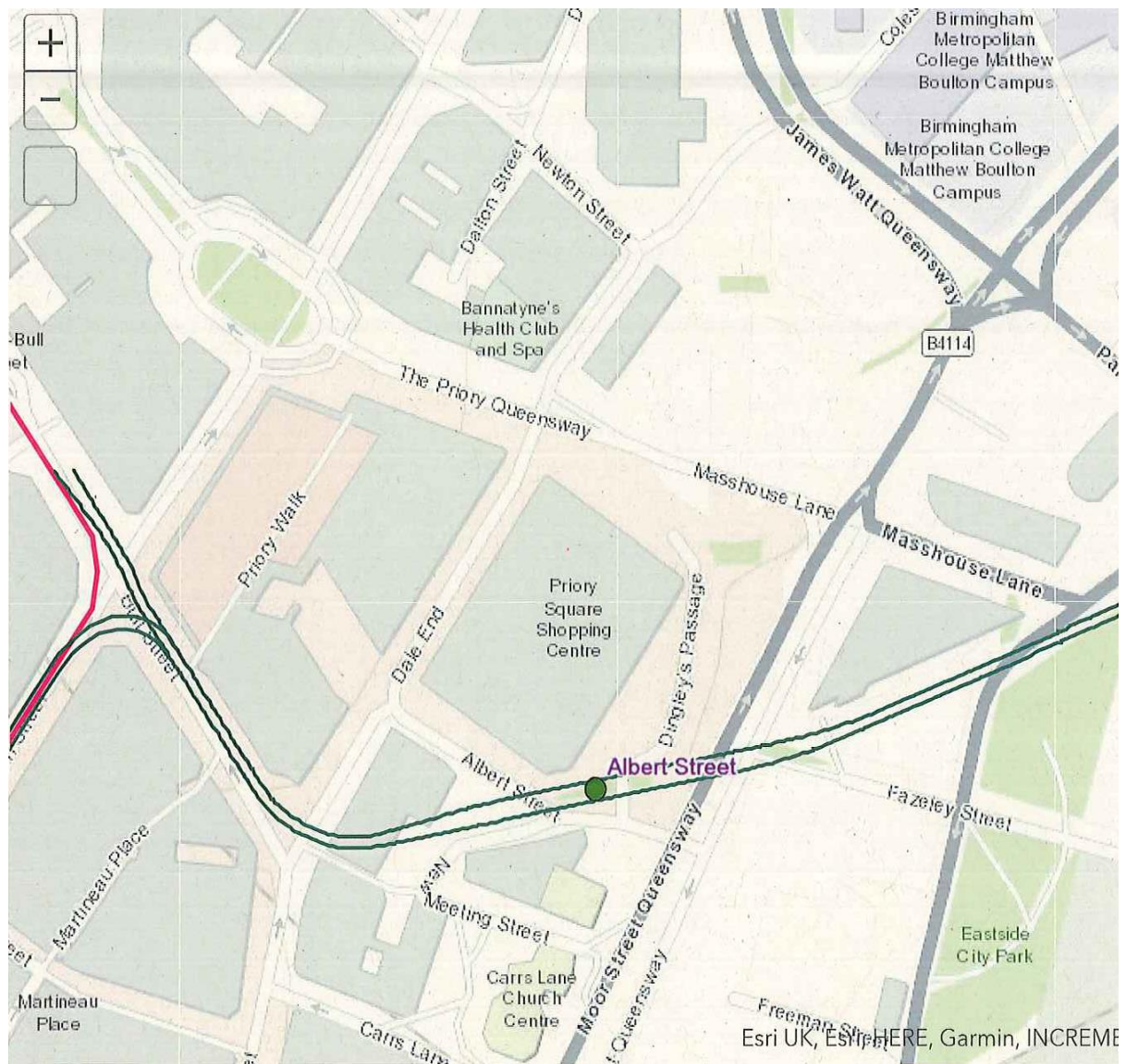
Westside Centenary Square Extension and Eastside Extension Overview



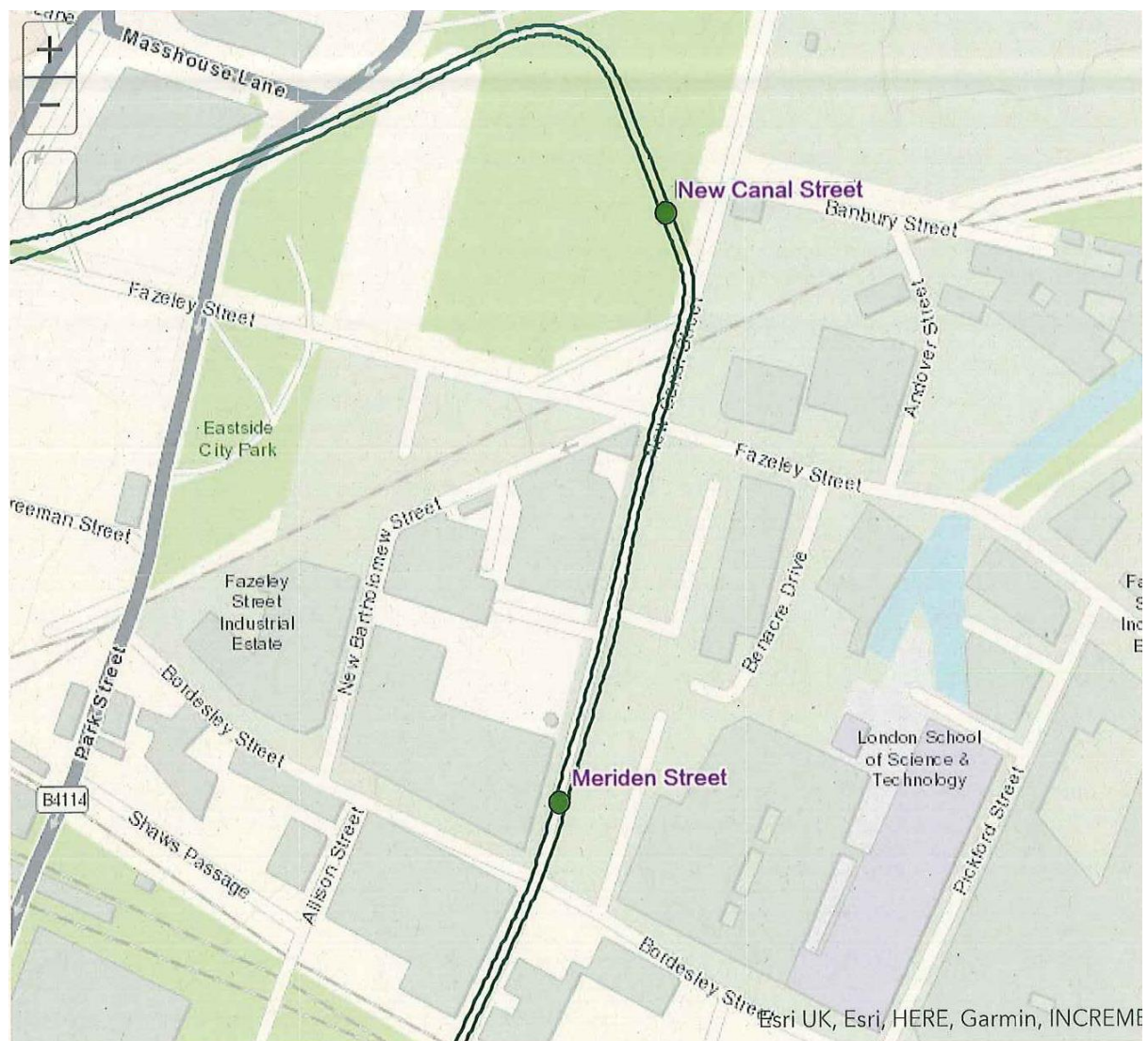
Eastside Extension Overview



Eastside Extension (Bull Street to Fazeley Street and Masshouse Lane)



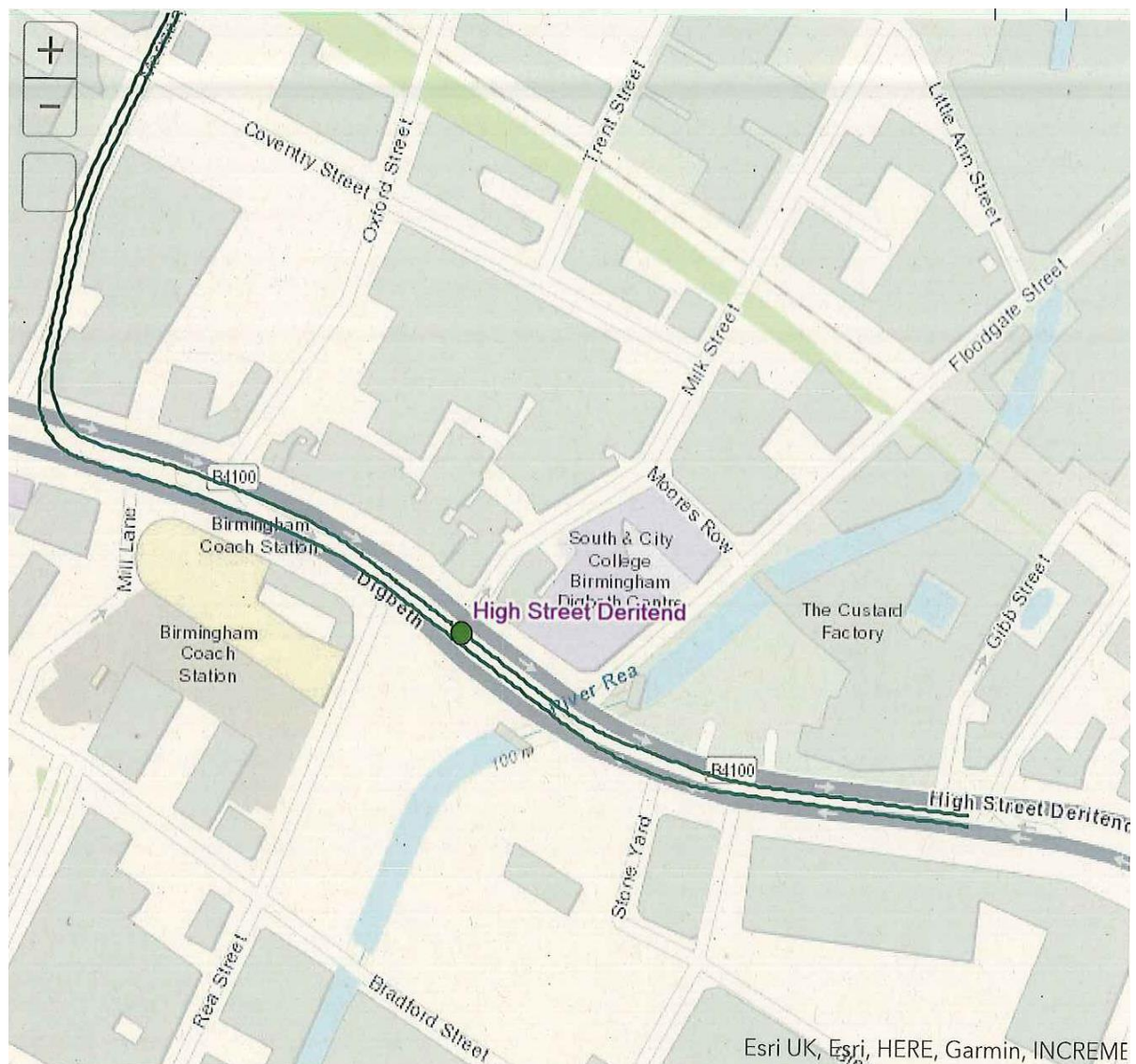
Eastside Extension (City Park to Meriden Street)



Eastside Extension (Meriden Street to Digbeth)



Eastside Extension (Digbeth to High Street, Deritend)



Street Trading Design Brief for Units

Unit proportions

The external height of the trailer must not exceed 2.5 metres

External size of the units must not exceed 2.2 metres x 4.8 metres

Unit design

Units must be of a high quality, bespoke design that complements and enhances its surrounding environment. The proposed unit design must be agreed by Birmingham City Council.

(It is suggested traders do not purchase a unit until the proposed design has been agreed by Birmingham City Council).

Colour

The colour of the unit must be approved by Birmingham City Council. Consideration will be given to the proposed location of the unit and how the colour will help the unit enhance its surroundings.

Signage

Signage must be painted (or attached via vinyl sticker) onto the trailer / stall. No other signage can be utilised by traders (such as hanging, floor sited A boards, etc)

Signage must be in one colour

Signage must be ARIAL font no larger than 30 cm in height.

Graphics or logos must be no more than 2 colours of which one is the same as the signage colour and not cover more than 1/3rd of an elevation. Graphics must directly relate to the business and/or products being sold and not contain 3rd party advertising.

No more than one sign (encompassing text and graphic or logo) should be sited on a single elevation.

Food stalls menu boards must be sited internally or on shutters.

All signage designs must be approved by the Local Planning Authority as part of the street trading consent application process.

Siting of stock & trading area

Goods cannot be displayed outside the areas of the unit e.g. via build-outs, externally hung on the unit, sited on the public realm around the unit, or by any other means. All produce / stock must be located and displayed within the unit.

Goods cannot be displayed directly on the ground and must be presented from a product specific display unit (e.g. tiered shelving for flowers)

The unit must have at least 3 opening or glazed elevations.

Subject to above, signage can be used to help enhance blank elevations.

Canopies

No goods can be hung or displayed on or from the canopy.

Canopies should only be located on the serving or opening side of the unit, for shading purposes only.

Canopies should not project any more than 1m from the unit.

The colour of canopies must complement or be the same, as the unit colour. The design and appearance of the canopy will be approved by BCC as part of the wider unit design.

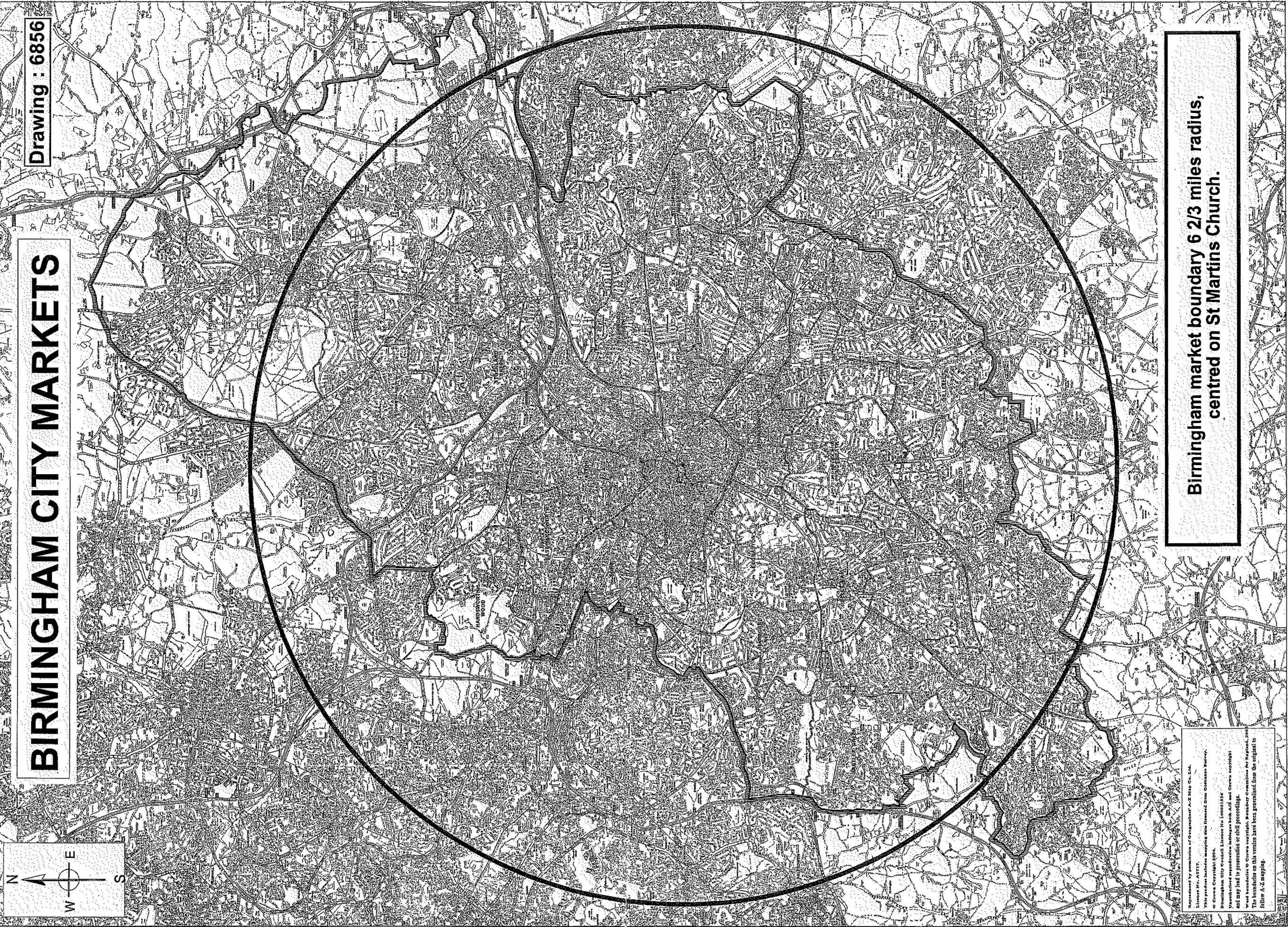
Waste

Commercial waste must be stored within the stall / trailer.

Food stalls must have a public waste bin sited next to the stall. This must be black and managed by the trader.

Lighting

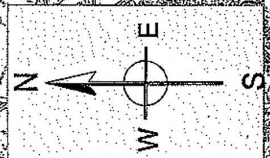
The unit must have no external lighting.



Drawing : 6856

BIRMINGHAM CITY MARKETS

Birmingham market boundary 6 2/3 miles radius,
centred on St Martins Church.



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BIRMINGHAM CITY COUNCIL
MARKETS SERVICE

STREET TRADING
DISCIPLINARY PROCESS

All Street Trading Consent Holders must comply with the Conditions attached to their Street Trading Consent.

Should a Consent Holder breach the conditions, the following process will be applied.

FIRST OFFENCE

The Consent Holder will be verbally warned on site by an “Authorised Officer” and a formal verbal warning will be issued in writing and placed on the traders file.

SECOND OFFENCE

Should the Consent Holder commit a further breach of the conditions within **six months** of the second offence, a formal written warning will be issued and placed on the traders file.

THIRD OFFENCE

Should a Consent Holder commit a further breach within **twelve months** of the third offence, the Consent Holder will be asked for a written submission relating to the breaches. A senior authorised officer will review the consent with a potential outcome being revocation.

In addition, should a consent holder commit a significant breach of the conditions so as to be considered as serious misconduct or such as to impact significantly on the following:

- **Public Safety**
- **Prevention of crime and disorder**
- **Prevention of public nuisance**

Then immediate suspension of the consent will occur with a view to a review of the consent by a senior authorised officer with a potential outcome being revocation. Written submissions for both the Street Trading Team and the consent holder will be sought prior to a decision being made.

Where circumstances change that leads the Street Trading Team to consider that a consent should be revoked they will write to the trader to inform them of this proposed course of action and the reasons why. They will give 14 days for the trader to provide written evidence why this revocation should not occur. A senior

authorised officer will then consider all evidence and make the decision whether to revoke the consent.

Where a consent is revoked the Council will advise the applicant verbally and confirm the reasons for this in writing within 10 working days.

Appeal against revocation

There is no statutory right of appeal against an officer's decision to revoke a consent however an appeal may be made to the Head of Licensing within 5 working days of the written revocation. The Head of Licensing and two other senior authorised officers will consider the appeal. Details on how to appeal will be given to applicants when a decision to revoke the consent has been made.

BIRMINGHAM CITY COUNCIL
MARKETS SERVICE

STREET TRADING CONDITIONS

These Conditions are intended to assist in the operational effectiveness of Street Trading, to ensure equity in relationship to the traders and to support the City Council's intention to provide a high quality service.

All Street Trading Consent Holders shall comply with these Conditions. Where applicable, employees shall also comply with these Conditions.

In these conditions, the following terms have the meaning hereby assigned:

'Council'	means Birmingham City Council
'Division'	means the Council's Regulation and Enforcement Division
Street Trading	the selling or exposing or offering for sale any article (including a living thing) in a street
Street	a) any road, footway, beach or other area to which the public have access without payment; and b) a service area as defined in section 329 of the Highways Act 1980
'Consent Holder'	means a Street Trader who has been granted a Consent by the Department to trade on the street
'Consent'	means a Consent granted by the Department in respect of street trading
'Employee'	means a person working for a Street Trading Consent Holder
'Authorised Officer'	an Officer employed by Birmingham City Council and authorised by the Head of Licensing in accordance with the provisions of the Local Government (Miscellaneous Provisions) Act 1982
'Senior Officer'	means the an Operational Manager within the Division
'Serious Misconduct'	Includes, but is not limited to any of the following: Sexist, racist, foul or abusive language Acts of dishonesty Acts of indecency Any act causing or likely to be dangerous or cause personal injury to a person

General Conditions

Consent Details

1. A copy of the consent must be displayed prominently on the unit at the street trading site and the trader or his employees shall produce it whenever required by any Police Officer, Market Officer or other person authorised by the Council.
2. The consent holder shall not trade outside the time and days permitted by the consent and trading shall only take place from the agreed specified trading unit.
3. The consent holder shall not trade within the consent area other than at the location permitted by the consent.
4. The consent holder shall trade in compliance with the consent and must not digress e.g. affixing barriers or advertising etc. that has not been specified in the consent.
5. The consent holder will comply with all statutory orders, regulations or bye laws made and for the time being in force.
6. The consent holder and their employees shall comply with all statutory requirements and statutory instruments including without limitation the Control of Substances Hazardous to Health Regulations 2002 and the Health and Safety at Work Act 1974 in relation to the sale of goods or provision of services from their unit.
7. The goods, articles or things, the sale of which is authorised by this consent, are strictly limited to those specified, unless written approval to amend has been given by Birmingham City Council.
8. The trading unit must be of the size and design approved by the Council and/or specified in the consent. Written approval to change the specified sales unit must be obtained from Birmingham City Council.
9. The consent holder shall not at any time lend, or purport to transfer or assign this licence to, or permit it to be used, by any other person except that he/she may employ any other approved person to assist him/her in trading without a further consent being required. Birmingham City Council must be notified of all employees/persons authorised to assist prior to them working.
10. All consent holders and their employees shall register their names and current addresses with the Division in accordance with the requirements outlined on the Division's application form, and give written notice to the Division immediately of any changes in such details.
11. All consent holders shall ensure that all their employees comply fully with the Conditions as disciplinary action may be taken against any consent holder or their employees for any breaches of the Conditions. Consent holders are under a duty to bring the Conditions to the attention of their employees.
12. The consent holder may employ another person to 'assist' with trading but shall be expected to be in attendance at the site regularly in order to remain in control of trading for the majority of trading hours.

13. The consent may be revoked by the council at any time for non-compliance with conditions or any other reasonable cause, or surrendered by the consent holder at any time.
14. Nothing in these conditions shall excuse the consent holder from any legal duty or liability and the consent holder shall indemnify the council in respect of all claims, actions or demands arising from the consent except where due to the Council's own negligence.
15. The consent holder shall at all times maintain a valid third party public liability insurance policy to the value of £5,000,000 and shall produce a valid certificate of insurance at any time.
16. The consent holder and any employees must notify the Council in writing within 48 hours of any change of address, any changes, police investigations and/or convictions or cautions which arise during the terms of the consent. The Council reserves the right to suspend a consent with immediate effect pending a review of the consent by the Head of Licensing or another senior authorised officer should any criminal matter serious enough that there are concerns for public safety.
17. The fees for the consent must be paid on or before the due date for payment as specified by the Council.
18. Should the trader wish to surrender their consent, they must do so formally in writing, returning their consent. Failure to do so will result in consent fees remaining payable.
19. Notwithstanding the details of a consent, when a pitch becomes temporarily unsuitable for any reason, the consent holder will agree to relocate to an alternative street trading pitch for the period of the temporary restriction.

General Conduct

20. The consent holder must not sell or leave any articles/goods outside of the agreed trading dimensions of the trading unit. No goods shall be hung from canopies or be placed on the ground.
21. The consent holder shall not trade in such a way that is likely to cause obstruction of any part of any street or public place.
22. The consent holder shall not trade in such a way that is likely to cause an injury to any person using the street or place.
23. The consent holder shall not trade in such a way that is likely to cause damage to any property in the street or place.
24. The consent holder shall not trade in such a way that is likely to cause a nuisance or annoyance to persons using the street or public place, or to occupiers of premises in the vicinity.
25. The consent holder shall be clean in his person and shall not exhibit insobriety, incivility, improper language or other misconduct.

26. Serious misconduct will result in an immediate suspension of the consent to enable a review to take place by the Head of Licensing or other senior authorised officer potentially leading to revocation.
27. If requested to move for any reason the consent holder shall comply the reasonable instructions of any authorised Birmingham City Council Officer or West Midlands Police Officer.
28. The consent holder must ensure that all consent fees are paid in advance by one of the methods stipulated by the Council on the invoice.
29. The consent holder agrees to abide by the disciplinary procedure as approved by the Division.
30. Where more than one mobile ice cream trader has been granted a mobile street trading consent to trade in the same street, then any such ice cream trader on entering a street where an ice cream trader is already trading shall immediately leave that street without trading in it.

Protection of Young People

31. Street trading will not normally be authorised within 50 metres of any entrance or exit to a school or nursery. (The distance from the entrance to a school or nursery may be extended where issues of public safety are raised during the consultation of the application).
32. No child aged 16 or below shall be engaged in or employed to undertake any street trading under a consent issued by the Council.

Noise Nuisance

33. The consent holder shall not use any device for the reproduction or amplification of sound; or any device or instrument to attract vendors to the stall/vehicle/trailer by sound. Ice cream vans may use a chime only in accordance with the Code of Practice on Noise from Ice Cream Van Chimes etc. 1982.

Vehicle/Unit Compliance

34. Any vehicle/unit/trailer used by the consent holder in the course of trading shall be constructed and maintained to the satisfaction of all reasonable requirements of the Council and as stipulated by the consent and design brief. A high standard of presentation and appearance will be expected to be maintained.
35. Any replacement or new units must be approved by the Council prior to being purchased or its building being commissioned.
36. The unit will comply in all respects with any legal requirements relating to the activity proposed
37. The unit shall be of a high quality design, with robust construction and materials that the daily removal will not result in the rapid deterioration in appearance of the unit.

38. The quality and appearance of the unit must be maintained at the standard approved in the original consent.
39. The unit will be of a mobile type and must be removed daily after trading has ceased unless authorised by the Division. It must not cause damage to the street or endanger persons using the street.

Health & Safety

40. The use and storage of LPG will comply with the requirements of the Health and Safety at Work etc. Act 1974 and any Fire Authority requirements.
41. Where any LPG or electricity is used then suitable fire extinguishers must be provided and maintained in a satisfactory condition.
42. The consent holder will not be permitted to erect additional awnings, tents or other structures at the site without permission.
43. The consent holder shall be responsible for any damage to the highway resulting from the trading activity.
44. The consent holder shall not keep or store explosive materials and inflammable liquids on their trading units, other than gas cylinders in compliance with current legislation.
45. The consent holder shall comply with all Traffic Regulation Orders and ensure that vehicles used in respect of their stalls are moved from the trading site immediately they are unloaded or at the request of any authorised Officer.

Advertisements / Signage

46. Advertisements must not be placed outside the perimeter of the trading site or affixed to any street furniture - e.g. lamp posts, road signs, fences, bollards.
47. Advertising should only relate to goods offered for sale on that pitch.
48. Illumination of advertisements on the outside of the unit not permitted.
49. The use of 'A' boards and any other display board/structures are prohibited.

Waste Management

50. The consent holders shall provide and maintain adequate refuse receptacles for litter and shall remove all litter in the trading vicinity; suitable arrangements must be in place for the disposal of commercial waste.
51. The consent holder must prevent the deposit in any street of solid or liquid refuse and shall not discharge any water (except as may be necessary for cleansing) to the street surface or to the surface water drains. The surrounding area shall be kept clean and tidy including the necessary washing of street surfaces.

Additional Requirements for Food Operations

52. When street trading includes the provision of food, the Food Business Operator must ensure that any trading unit is sited, designed, constructed and kept clean and maintained in good repair and condition as to avoid the risk of contamination, in particular by animals and pests. Any food handler must keep a high degree of personal cleanliness, shall wear suitable protective clothing and have received suitable hygiene training. In addition the Food Business Operator shall ensure that:-
- a) appropriate facilities are available to maintain adequate personal hygiene (including facilities for the hygienic washing and drying of hands, hygienic sanitary arrangements and changing facilities)
 - b) surfaces in contact with food are to be in a sound condition and be easy to clean and, where necessary, to disinfect. This will require the use of smooth, washable, corrosion-resistant and non toxic materials, unless the food business can satisfy the Authorised Officer that other materials used are appropriate.
 - c) adequate provision is to be made for the cleaning and, where necessary, disinfecting, of working utensils and equipment
 - d) an adequate supply of hot and/or cold potable water to be available
 - e) where foodstuffs are cleaned as part of the business operation, adequate provision is to be made for this to be undertaken hygienically
 - f) adequate arrangements and/or facilities for the hygienic storage and disposal of hazardous and/or inedible substances and waste (whether liquid or solid) are to be available
 - g) adequate facilities and/or arrangements for maintaining and monitoring suitable food temperature conditions are to be available
 - h) foodstuffs are to be so placed as to avoid the risk of contamination so far as is reasonably practicable
53. Furthermore, the consent holder must put in place, implement and maintain a permanent procedure based on the HACCP principles.
54. The consent holder must maintain a Food Hygiene Rating Scheme score of 4 or 5. The hygiene rating must be displayed prominently on the stall, trailer, or vehicle.

PLEASE NOTE:

Failure to comply with these conditions may result in enforcement action, leading to this street trading consent being revoked or an application to renew being refused.

The council reserve the right to amend these standard conditions at any time.

The Council may attach any further reasonable conditions to this consent which it appears appropriate to meet particular circumstances.

This consent and any associated documents must be surrendered to the Council if the consent holder wishes to cease trading.

Any person who engages in street trading in a designated consent street unless authorised by the Council under the provisions of Schedule 4, Local Government (Miscellaneous Provisions) Act 1982 commits an offence and is liable, on conviction, to a fine not exceeding £1000 per offence i.e. for each day of trading without consent.

Street Trading Policy Timeline

- 16 December 2019 – launch of Street Trading Policy 2020 consultation (10 weeks)
- Consultees Internal: the Leader, Elected Members, LPPC, Overview and Scrutiny Committee, Highways, Planning, Waste Management, City Centre Management, Environmental Health
- Consultees External: WM Police, WM Fire Service, BIDS, Street Trading Consent Holders, Residents Groups, MPs, Parish Councils, Transport for West Midlands, British Transport Police
- January 2020 – Licensing and Public Protection Committee consultation
- February 2020 – relevant Overview and Scrutiny Committee consultation
- 23 February 2020 – Street Trading Policy consultation ends
- March 2020 - review of Consultation Responses and Formulation of Final Policy document
- March 2020 – draft Full Council report enters BCC approval process
- March/April 2020 – 28 days before the Full Council report a notice must be published containing a draft resolution of all proposed designated streets and after the council has considered those representations, they may, if they think fit pass the resolution
- 7 April 2020 – Report to Full Council for approval and adoption of Policy
- April 2020 - Resolution to designate streets to be by way of notice in two consecutive weeks in local newspaper. First publication to be no later than 28 days before date specified for resolution to come into force
- April – June 2020- undertake legal process for implementing policy
- June/July/August 2020 – new policy implemented