

**APPENDIX A**

Current Page number & Section Number	Current text	Proposed text	Comments
P3	Although, street trading is a District Council function, the Council has delegated to Yeovil Town Council (YTC) the responsibility for dealing with applications for Consents (and some enforcement activity) for some areas within Yeovil Town's administrative boundary. The precise areas and division of responsibilities between the Council and YTC are set out in the relevant delegation agreement between the authorities and a map is attached, as Appendix 1A, to show the areas administered by YTC. Application must be made to the appropriate Council but where the site of the trading straddles the area of both councils then the application must be made to SSDC.	None – delete whole paragraph	Reference to Yeovil Town Council has been removed as Street Trading as the delegation agreement is no longer in place.
P4	Para 4 remove “Hygiene Certificates”	Replace with “business registration”	
P5	trade carried out by ‘roundsmen’. A ‘roundsman’ has been defined as one who visits a ‘round’ of customers delivering the orders of those customers”. e.g. milkmen. N.B An operators of an ice cream unit are not roundsman .	trade carried out by ‘roundsmen’. A ‘roundsman’ has been defined as one who visits a ‘round’ of customers delivering the orders of those customers”. e.g. milkmen. N.B An operators of an ice cream unit are not roundsman <sup>1</sup> .  Footnote added regarding case law (High Court)	
P6	A Consent is needed before	A Consent is needed	Remove reference

<sup>1</sup> Sean Kemplin v Brighton and Hove Council [2001] EWHC Admin 140

APPENDIX A

Current Page number & Section Number	Current text	Proposed text	Comments
	any person can trade in a street within South Somerset. Details of the application procedure, whom to contact and the current fees payable for a Consent <b>will be</b> set out in the Application Form. <b>A copy is attached as Appendix 2.</b>	before any person can trade in a street within South Somerset. Details of the application procedure, whom to contact and the current fees payable for a Consent are set out in the Application Form.	to application form being in current Appendix 2 as proposed to be a separate document.
P6	Who can apply? To apply for a Consent a person must be: - • an individual (although 2 people can apply jointly) but not a company or other legal entity • <b>over 18 years of age</b> • legally entitled to live and work in the UK • of good character (see below under Determination of the Application for Consent)	Who can apply? To apply for a Consent a person must be: - • an individual (although 2 people can apply jointly) but not a company or other legal entity • <b>over 17</b> years of age • legally entitled to live and work in the UK • of good character (see below under Determination of the Application for Consent)	The Local Government (Miscellaneous Provisions) Act 1982 from where our power relating to street trading arises, states a street trading consent shall not be granted to a person under the age of 17 years
P7	An application will be treated as being received, only, when the relevant application form <b>(see Appendix 2)</b> and the necessary supporting evidence has been received <b>at the relevant Council Office – see Section 2 -</b> and the relevant fee has been paid (and if paid by cheque etc the payment has cleared).	An application will be treated as being received, only, when a correctly completed relevant application form and the necessary supporting evidence has been received <b>at the Brympton Way Council Office – see Section 2 - and the relevant fee has been paid</b>	Reference to Yeovil Town Council has been removed as Street Trading as the delegation agreement is no longer in place. Remove reference to current Appendix Two (application form as separate to policy) Remove last sentence as permit would be revoked
P7	Cheques are to be made payable to 'South Somerset District Council' <b>or 'Yeovil Town Council' as appropriate - see Section 2.</b> Post-dated cheques will not	Cheques are to be made payable to 'South Somerset District Council' -. Post-dated cheques will not be accepted.	Reference to Yeovil Town Council has been removed as Street Trading as the delegation agreement is no

APPENDIX A

Current Page number & Section Number	Current text	Proposed text	Comments
	be accepted.		longer in place
P7		The application can only be checked by a member of the Licensing Service, and only where a prior appointment has been made. Should an application be left at any other South Somerset District Council office or without an appointment, it will be treated as a postal application.	Heading - Receipt of Applications and Fees Add paragraph so becomes paragraph 2
P8	Where an application is refused, in its entirety, full reasons for not granting the Consent will be given in writing (this includes e-mail or fax etc). The Act does not provide for an appeal where a Consent is not granted, nor limit the Council's power to impose conditions; however, the Council complaints' procedure will apply and be followed should the applicant be dissatisfied. The applicant may, also, be able to seek judicial review of the decision through the courts.	Replace paragraph with:  The Act does not provide for a formal route of appeal to the Court where a Consent is not granted, nor does it limit the Council's power to impose conditions; however, the Council has granted the power to the Licensing Manager to hear any appeal; the applicant must set out their case in writing and provide reasons why it should have been granted or conditions should not have been imposed. If the appeal is not successful, the applicant will be given full reasons for not granting the Consent in writing (this includes e-mail or other electronic means etc.). The applicant may, also, be able to seek judicial review of the decision through the courts	It has been suggested that applicants should be able to appeal to the Licensing Manager as an informal route of appeal  Also included 'other electronic' means where the Council is interacting with the applicant.
P8		Add paragraphs to top of heading - Issue of Consent  Consents shall only be issued to persons who have the legal right to work	

**APPENDIX A**

Current Page number & Section Number	Current text	Proposed text	Comments
		<p>in the UK.</p> <p>Applicants applying for a 3 month consent or longer shall provide proof of this right to the Council where requested. If the applicant is assisted by any persons at their pitch, they shall also supply proof that their assistants have the right to work in the UK. The applicant is required to supply a current photograph of themselves and any assistants; the Council will upon successful application, issue a badge to the holder (and any assistants) which bears a their photograph. Badges must be visibly displayed upon their person during the period of trading.</p> <p>The holder of the Consent shall ensure that any persons joining their employ - whether paid or unpaid has received their badge prior to assisting at the pitch and shall return their badge(s) to the Council when they have left this employment within one month of leaving.</p> <p>The applicant and any assistants shall provide evidence of a suitable background check in the form a basic disclosure to the Council before any consents and/or badges are granted. The disclosure shall not be any older than three months at the time of submission to the Council.</p>	

APPENDIX A

Current Page number & Section Number	Current text	Proposed text	Comments
P11		<p>Add sentence to policy at bottom of heading Revocation or Surrender of a Consent:            If the Consent is surrendered and it was subject to a discounted rate, this discount will no longer apply; the holder must then pay the council any monies due in accordance with the nearest undiscounted fee payable for the period of trading.</p>	<p>Originally included in application form but wish to make it clearer to applicants that they would need to pay any shortfall.</p>
P12		<p>Add Paragraph to bottom of section 6            Where a Consent is surrendered or revoked, the Council will endeavour to advise the availability of that pitch on its website and should there be more than one applicant for that pitch, the Licensing Manager shall determine which applicant will be successful.</p>	
P12	<p>The fee structure for currently consists of two charging zones across South Somerset. These are:</p> <ul style="list-style-type: none"> <li>the 'Inner Zone' which is that land lying within the boundaries of the following roads: Brunswick Street, Park Street, Summer House Terrace, Old Station Road, Reckleford and Queensway – a map defining this area is attached as</li> </ul>	<p>Please see our current scale of fees &amp; charges</p>	<p>Delete whole paragraphs as Yeovil Town Council no longer issue street trading consents AND the fees are shown within our current fees and charges structure</p>

APPENDIX A

Current Page number & Section Number	Current text	Proposed text	Comments
	<p>Appendix 1B</p> <ul style="list-style-type: none"> <li>the 'Outer Zone' which cover the rest of South Somerset.</li> </ul> <p>The Inner Zone will pay a higher fee to reflect the fact that pitches in this part of the District are subject to a higher footfall and trading mainly takes place on the street rather than on private land, thereby not incurring additional charges for ground rent.</p> <p>The Outer Zone pays a lower fee to recognise that the pitches in these areas are less lucrative and may face additional costs compared to the Inner Zone traders.</p> <p>In both Zones a discount is given to those paying for longer periods and/or booking for 3 or more days per week. Further details are shown on the application form.</p>		
P12		<p><b>ADD</b> If the Consent is surrendered and it was subject to a discounted rate, this discount will no longer apply and the holder must pay the council any monies due in accordance with the nearest undiscounted fee payable for the period of trading.</p>	<p>The declaration already contains wording to this effect however to make it clearer to applicants, it is proposed to put this in the policy.</p>
P13		<p>Add Paragraph to bottom of section 8 Where the consent is given for a food unit, the Council will normally add the following condition to a</p>	

APPENDIX A

Current Page number & Section Number	Current text	Proposed text	Comments
		<p>consent unless it believes there are extenuating or other significant reasons for not doing so:</p> <ul style="list-style-type: none"> <li>The holder of a street trading consent shall hold a four or five star food hygiene rating for the food unit; should that rating fall below four star, and shall ensure that at least a four star rating is obtained within 3 months of receiving a lower score; should this not be obtained; the consent shall be revoked.</li> </ul>	
P13	<p>Enforcement Action Persons trading without a Consent and who are not exempt (see Section 3 for exemptions) will be the subject of enforcement action in accordance with the Council's Environmental Health Enforcement Policy at Appendix 6.</p>	<p>Revise paragraph as follows:            Persons trading without a Consent and who are not exempt (see Section 3 for exemptions) will be the subject of enforcement action in accordance with the Council's Environmental Health Enforcement Policy which can be found on our website at:   <a href="http://www.southsomerset.gov.uk/environment/environmental-health/environmental-health-enforcement/">http://www.southsomerset.gov.uk/environment/environmental-health/environmental-health-enforcement/</a></p>	<p>As this is a shared document it may be updated by other persons, hence thought better to refer to the link to the document instead.</p>
P15 & 16	<p>Maps of the Parish of Yeovil</p>	<p>Remove as Yeovil Town Council no longer administer Street Trading on behalf of this Council.</p>	

APPENDIX A

Current Page number & Section Number	Current text	Proposed text	Comments
P17 – 22	Application Form	Remove entirety Appendix 2	Remove the application form from the policy so that it is a stand-alone document.
P24	The following does not form part of the policy on street trading; its aim is to provide useful information to applicants so that they are aware of other legislative requirements. Please note that this is not an exhaustive list and does not cover, for example, highways or planning consents for which further advice may need to be sought so please contact the Licensing Team for further advice	Add the following text highlighted in red to this paragraph The following does not form part of the policy on street trading; its aim is to provide useful information to applicants so that they are aware of other legislative requirements; however the Council does not accept any responsibility for this information, as it is subject to amendment and/or repeal which is not within its remit or control. Please note that this is not an exhaustive list and does not cover, for example food legislation, highways or planning consents for which further advice may need to be sought	
P24 – P31	Appendix 3 - Remove headings and text in its entirety from “Food Premises Registration” to Drainage	Replace with Heading “Food Hygiene” and text “As there are frequent changes to food legislation, it is recommended that applicants and consent holders visit the website of the Food Standards Agency and view their latest publications such as “Food Hygiene – A Guide for Businesses” <a href="http://www.food.gov.uk/business-industry/food-hygiene">http://www.food.gov.uk/business-industry/food-hygiene</a>  Re-number as Appendix 1	It is thought that as applicants/consent holders need to keep abreast of any changes to legislation as soon as it occurs; it would be more helpful to provide a link to document that is more regularly kept up to date.



APPENDIX A

Current Page number & Section Number	Current text	Proposed text	Comments
P36		<p>Appendix 4 re-number as Appendix 2 and re-number Site Conditions from current condition 6 so this then becomes condition 8 and so on</p> <p>Add</p> <p>6. The roof awning or any other projection shall be contained within the pitch area unless agreed by the Council.</p> <p>7. All goods, containers or other articles shall be contained within the consented pitch area and shall not project beyond.</p>	
P33	<p>Persons granted a street trading consent should also be aware of the Regulatory Reform (Fire Safety) Order (RRFSO), which came into force in England and Wales on 1<sup>st</sup> October 2006. Further information is available <b>from the Council's Licensing Service</b> or at:</p> <p><a href="http://www.devonandsomersetfire.co.uk">www.devonandsomersetfire.co.uk</a> .</p>	<p>Persons granted a street trading consent should also be aware of the Regulatory Reform (Fire Safety) Order (RRFSO), which came into force in England and Wales on 1<sup>st</sup> October 2006. Further information is available at: :</p> <p><a href="http://www.devonandsomersetfire.co.uk">www.devonandsomersetfire.co.uk</a> .</p>	<p>Remove reference to information being available from the Council's Licensing Service</p>
P36	<p>The trader will be responsible for cleansing the trading area and ensure that all refuse arising as a result of the activities of the trader shall be placed in suitable covered containers provided by the trader, unless otherwise provided by the Council, and shall be</p>	<p><b>Add sentence to heading Site Conditions paragraph 1 as below:</b></p> <p>The trader will also be responsible for reimbursing the Council for any costs involved in any cleansing where the applicant has either failed to do so, or</p>	

**APPENDIX A**

<b>Current Page number &amp; Section Number</b>	<b>Current text</b>	<b>Proposed text</b>	<b>Comments</b>
	kept exclusively for that purpose. Such refuse containers shall be kept as clean as is reasonably possible and refuse is disposed of in an approved manner on a daily basis.	failed in the opinion of the Council, to do so effectively or adequately.	
P37	<p>Under Heading - Food Trading remove:            "2. All staff must have attended, as a minimum. "level 1" Food Hygiene training within the past 5 years. Evidence of Food Hygiene training must be available for examination by an authorised officer of the Council at any time when the unit is trading.</p> <p>Remove as point 3:            3. A valid food registration certificate is in force for the business"</p>	<p>Replace with:            2. Staff who handle food must be supervised and instructed and/or trained in food hygiene in a way that is appropriate for the work they do.</p> <p>Add as Point 3            3. The person or people responsible for developing and maintaining the business food safety management procedures, based on the principles of Hazard Analysis and Critical Control Points (HACCP), must have received adequate training to enable them to do this.</p> <p>Replace as point 4:            4. A valid food registration certificate is in force for the business"</p> <p>Add as point 5:            Where a Consent is surrendered or revoked, the Council will endeavour to advise the availability of that pitch on its website and should there be more than one applicant for that pitch, the Licensing Manager shall determine which applicant will be successful.</p>	
P38	<b>Yeovil Town Centre</b>	Remove all text from this	

APPENDIX A

Current Page number & Section Number	Current text	Proposed text	Comments
	<p><b>Conditions</b> (These are in addition to those specified above)</p> <ol style="list-style-type: none"> <li>1. If a trader is not using a pitch for a period longer than seven days then the trader/consent holder must notify the Council.</li> <li>2. Vehicles may only be used for delivery before 10.30am and after 5.30pm in the consented areas. Once any vehicles have been unloaded, they should be removed from the consented area immediately.</li> <li>3. The roof awning or any other projection shall be contained within the pitch area unless agreed by the Council.</li> <li>4. All goods, containers or other articles shall be contained within the consented pitch area and shall not project beyond.</li> <li>5. Traders shall not use or permit to be used on the pitch area or within the immediate vicinity any radio, cassette, CD players, iPod or MP3s etc. or other</li> </ol>	<p>page Conditions 3 &amp; 4 to be added to current page 36 now 19 as conditions 6 &amp; 7</p>	

**APPENDIX A**

<b>Current Page number &amp; Section Number</b>	<b>Current text</b>	<b>Proposed text</b>	<b>Comments</b>
	equipment or apparatus to produce music or other amplified sound.		