



WEST OXFORDSHIRE  
DISTRICT COUNCIL

# **STREET TRADING POLICY 2015**

## Contents and Index

<b>1. INTRODUCTION .....</b>	<b>3</b>
<b>2. GENERAL INFORMATION .....</b>	<b>4</b>
<b>3. LEGISLATION .....</b>	<b>4</b>
<b>4. EXEMPTIONS .....</b>	<b>5</b>
<b>5. LICENSING COMMITTEE .....</b>	<b>5</b>
Delegation of Functions.....	5
Delegation will be as follows: .....	5
<b>6. APPLICATION PROCESS .....</b>	<b>7</b>
Notification of Application.....	8
Renewals .....	8
<b>7. DAY TRADERS AND SPECIAL EVENTS .....</b>	<b>8</b>
<b>8. FEES .....</b>	<b>8</b>
<b>9. LICENSING PROCESS .....</b>	<b>8</b>
Public Safety.....	9
The Avoidance of Public Nuisance.....	9
Decisions.....	9
Conditions .....	9
<b>10. ENFORCEMENT .....</b>	<b>9</b>
<b>11. REVIEW OF THE POLICY.....</b>	<b>10</b>
<b>12. CONTACTS.....</b>	<b>10</b>
Appendix A.....	11
Appendix B.....	15
Street Trading Consent Conditions.....	15
Conditions applicable to hot and cold food sales.....	18
Additional conditions applicable to special events/markets .....	19
Appendix C.....	20

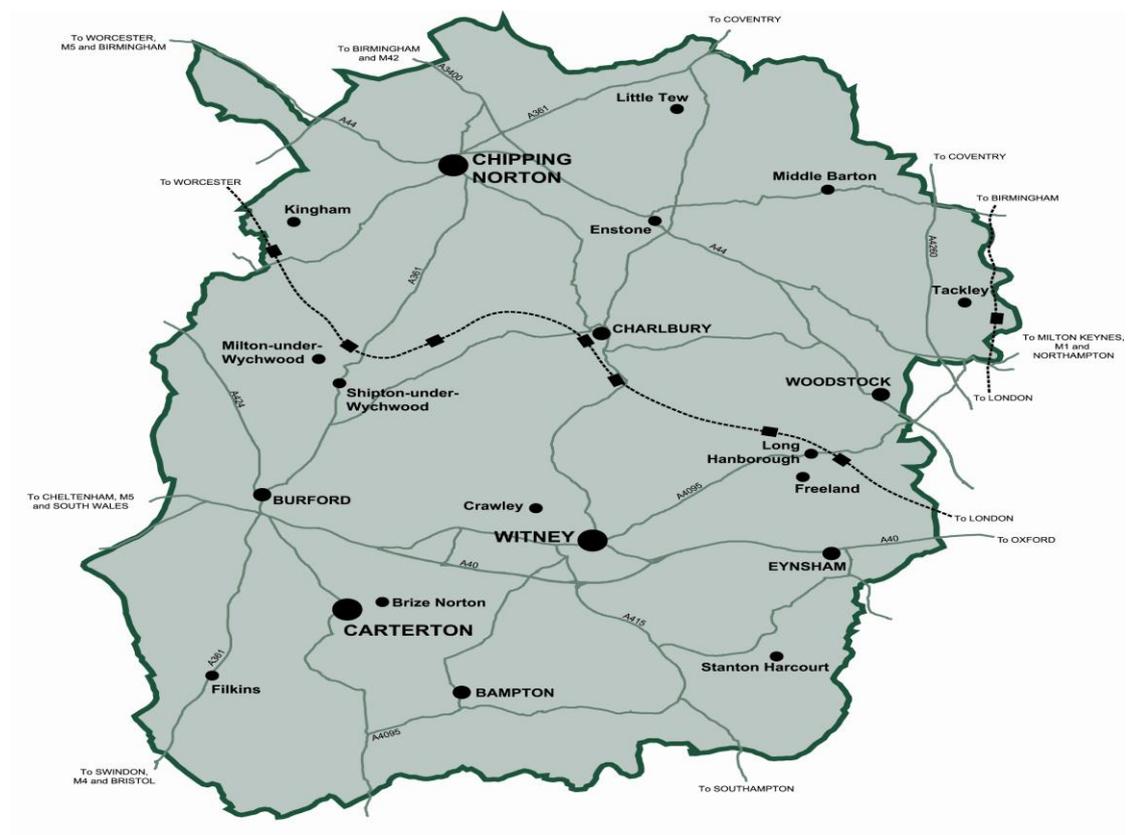
# I. INTRODUCTION

West Oxfordshire is one of the most attractive parts of Britain. Part of the District is so special it is designated an Area of Outstanding Natural Beauty and, as such, is protected by the Cotswolds Conservation Board - an organisation which works closely with the District Council.

As can be expected from the above tourism is buoyant, and is a main contributor to the district's vibrant economy. The business sector is made up of a healthy mixture of high technology small and medium enterprises and unemployment is less than 1%. It is a rural district covering 714 km<sup>2</sup> with a population of 106,000 is spread across a large number of relatively small settlements, totalling 83 parishes.

Situated in a prime central location, there are excellent communications to most parts of the country via the A40/M40 and the A34 roads. There are railway stations at Charlbury, Hanborough and Kingham with regular services to London and Birmingham.

The map below shows the area covered by the District Council within the county of Oxfordshire.



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## 2. GENERAL INFORMATION

The aim of this policy is to prevent obstruction of the streets of West Oxfordshire and ensure the safety of persons using them. In doing so, it recognises the importance of licensed businesses to the local economy and the character of the area whilst trying to ensure that the activities do not cause nuisance or annoyance to the people of the area.

This Policy will guide the Licensing Authority when it considers applications for Street Trading. (This Policy does not cover Street Cafes which are adjacent to cafes and shops; this is dealt with by Oxfordshire County Council)

In determining this Licensing Policy the Council has consulted the following people and bodies

- Town and Parish Councils
- Existing Street Traders
- Chambers of Commerce
- Thames Valley Farmers Market
- West Oxfordshire Safety Advisory Group
  - Oxfordshire County Council Highways
  - Thames Valley Police

Please see attached list of streets within West Oxfordshire that require street trading consents or are prohibited from street trading (**Appendix A**)

## 3. LEGISLATION

Street Trading is controlled in accordance with the provisions contained in Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982. The Council has adopted this legislation. As a result, some streets within West Oxfordshire are designated as consent streets. This means that anyone who wishes to trade on a street, highway or other area to which the public have access without payment must hold a street trading consent. Streets can only be designated consent or prohibited by the Miscellaneous Licensing Sub Committee.

In addition, anyone trading on adjacent land within 10 metres of the highway is required to hold a street trading consent. There are also streets in the district that have been designated prohibited streets and no street trading can take place on these streets.

The Act defines street trading as “the selling or exposing or offering for sale of any article (including a living thing) in a street.”

## **4. EXEMPTIONS**

The Act makes certain activities exempt from the requirement to hold a consent. These are:

- Pedlars acting under the Pedlars Act 1871
- Anything done within a market or fair
- Trading on a trunk road picnic area under Section 112 of the Highways Act 1980
- News vendors selling only newspapers or periodicals
- Petrol filling stations
- Shop forecourts
- Rounds men (as they have defined customers, defined routes, this is the traditional milk round delivering to order. Recently, sandwich roundsman have appeared, if the sandwiches are pre-ordered then an exemption would apply, however most turn up and act as mobile sandwich vendors, this type of trading will not be exempt and requires a street trading consent.)
- Objects or structures placed on, in or over a highway under Part VIIIA of the Highways Act 1980
- Operation of facilities for recreation or refreshment under Part VIIA of the Highways Act 1980
- Street collections

Charitable street collections, and the sale of articles for which charitable purposes are also not deemed to be street trading if what is done is authorised by regulations made under section 5 of the Police, Factories, &c (Miscellaneous Provisions) Act 1916.

## **5. LICENSING COMMITTEE**

West Oxfordshire District Council's Miscellaneous Licensing Sub Committee is made up of 5 members of the Council. Amongst other licensing functions, the Sub-Committee is responsible for the exercise of the Council's powers and duties in relation to the control of street trading under the Local Government (Miscellaneous Provisions) Act 1982.

This role includes the consideration and approval of the Council's Scheme of Street Trading (including the designation of consent and prohibited streets, hours of operation and the standard conditions under which licences are granted). In addition, the Sub-Committee also determines applications to vary individual consents to enable operation other than in accordance with the approved scheme.

### **Delegation of Functions**

Delegation will be as follows:

- The relevant Strategic Director of West Oxfordshire District Council in accordance with the Council's constitution authorises the Shared Head of

Public Protection & Regulation to issue consents, licences and to attach such conditions as are necessary under the Local Government (Miscellaneous Provisions) Act 1982.

- To refer to the Miscellaneous Licensing Sub Committee any application for a consent that;
  1. In the opinion of the Shared Head of Public Protection & Regulation it does not comply with the council's conditions and policies;
  2. Where there are objections from any of the following consultees; (Police, Fire or Highways on the grounds of Public or Highway safety)
  3. Where a similar application has been refused by the committee in the previous 2 years,
  
- To suspend a consent for a period of up to 21 days pending referral to the Miscellaneous Licensing Sub Committee

Where an application is referred to the Committee, it will determine each application on its own merits. Members of the Committee will consider all information attached to the application. If a member of the Committee has an interest in any neighbouring premises or knows an applicant personally, they must declare an interest in accordance with the Code of Conduct adopted in accordance with the Local Government Act 2000. Members should take advice from the legal officer prior to the meeting as to whether or not the interest prevents them from determining the particular application.

The scheme of the Control of Street Trading approved is as follows:-

Hot Food Sales

(Kerbside)

Carterton	)	
Chipping Norton	)	6.30pm to 01.00am
Witney	)	

Woodstock	6.30pm-11.30pm
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Hot Food Sales

(Pavement)

All locations 10.00 to 6.00pm

Ice Cream

All locations 10.00am to 6.00pm

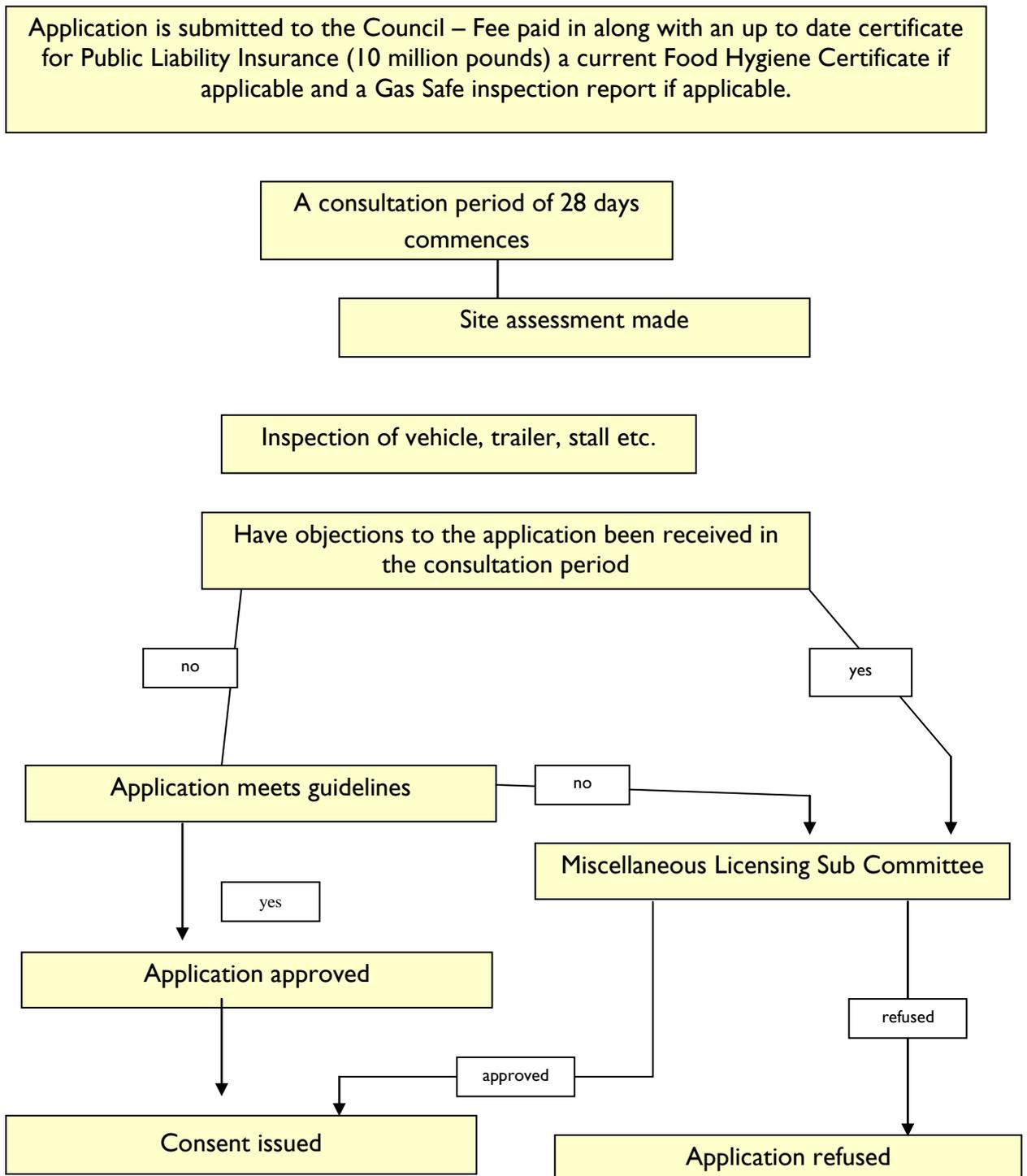
Other

All locations 08.00am to 6.00pm

## 6. APPLICATION PROCESS

This part of the Licensing Policy sets out how we will deal with applications for Street Trading consents in West Oxfordshire, and also highlights the council's undertaking to avoid duplication with other statutory provisions and our commitment to work in partnership with other enforcement agencies. The Council aims to provide a clear, consistent licensing service for service users. At the same time, it aims to protect the safety of highway users and to prevent nuisance or annoyance.

The application and approval procedure comprises of the following stages:



## **Notification of Application**

When we receive an application for a Street Trading Consent we will seek the advice of Thames Valley Police and Oxfordshire County Council Highways Department, and ask for response within 28 days. (Application form attached at **Appendix C**)

We will also notify the following bodies;

- Environmental Health (Food & Safety)(WODC)
- Environmental Pollution and Enforcement (WODC)
- Ward and Parish or Town Councillors
- Bodies who represent Trade interests in the locality of the application site

## **Renewals**

Street Trading Consents are issued for a period of up to one year. Applicants should then re-submit their application if they wish to continue to trade at least one month before the expiry of their current consent. At this renewal time, the Council may consult further to determine if the street trader has been the subject of complaints or a cause of concern.

If a renewal is not made before the expiry of the current licence, a new application will have to be made, complete with consultation. (The effect of this will be that a trader will not be permitted to trade until the new license is issued.)

## **7. DAY TRADERS AND SPECIAL EVENTS**

At special events, the council will issue a consent to the person organising the event rather than to each individual trader. This policy is aimed at promoting events and encouraging more traders to attend them.

We will issue a single consent, which will cover a number of traders.

## **8. FEES**

You can contact the Licensing Team on 01993 861636 for a full list of fees.

## **9. LICENSING PROCESS**

In considering applications for the grant or renewal of a Street Trading Consent the following factors will be considered:

## **Public Safety**

Whether the location of the trading activity represents, or is likely to represent, a substantial risk to the public from the point of view of obstruction, fire hazard, unhygienic conditions or danger that may occur when a trader is accessing the site.

Where LPG fuelled appliances are used the complete gas installation should be examined for soundness at least once per year and the correct operation of each gas appliance, including any safety devices fitted should be checked annually by a competent person who is a member of an organisation approved by the H.S.E. e.g. is Gas Safe.

A copy of the competent persons report must be forwarded with the application.

## **The Avoidance of Public Nuisance**

Whether the street trading activity represents, or is likely to represent, a substantial risk of nuisance to the public from noise or misbehaviour, particularly in residential areas.

## **Site Location**

The following will be considered when determining suitability of the site for a static trader:-

- Safety of other street users including traffic and pedestrians
- Safety of customers using the street trading unit
- Potential for obstruction, interference, inconvenience or nuisance to other street users including, other traders, traffic and pedestrians
- Potential for nuisance to residents and other businesses for example noise and/or smell
- Number of existing street traders in any one street

## **Decisions**

Following the determination of an application by the Miscellaneous Licensing Sub Committee, the Council will notify the applicant and any objectors of the decision at the end of the hearing. Confirmation in writing will be sent as soon as possible after the decision.

There is no statutory right of appeal against refusal to issue a consent.

## **Conditions**

The Council has adopted conditions relating to Street Trading. These conditions are attached to this policy as **Appendix B**. This list is not exhaustive and all conditions will be listed on the consent.

## **10. ENFORCEMENT**

This section of the policy details the Council's commitment to enforcing the provisions contained within the relevant legislation. It also highlights the Council's

commitment to work in partnership with all enforcement agencies, to provide consistent enforcement on street trading issues under the Local Government (Miscellaneous Provisions) Act 1982.

- The Licensing Team aims to work closely with other enforcement authorities when dealing with issues on the street
- Where licensable activities are conducted without the benefit of a consent the council will look to gather evidence and take enforcement action as appropriate.
- The Council will enforce the provisions of all appropriate legislation and will ask persons causing a nuisance to cease the activity that they are conducting and to leave the area.
- Works alongside the current Enforcement Policy

## **11. REVIEW OF THE POLICY**

This policy will be reviewed every five years. At the time of review, we will consult with all interested parties. In any case, the Council will continue to evaluate the policy and may update it at any time. Any minor changes can be agreed by the Miscellaneous Licensing Sub Committee.

## **12. CONTACTS**

The Licensing function is part of the Community Services Department and can be contacted on;

Telephone: 01993 861636; or visit the website: [www.westoxon.gov.uk](http://www.westoxon.gov.uk); or via email on [community.services@westoxon.gov.uk](mailto:community.services@westoxon.gov.uk)

Our address is;  
The Licensing Department  
West Oxfordshire District Council  
Council Offices  
Elmfield  
Witney  
OXON  
OX28 1PB

## Appendix A

### Consent and Prohibited Streets as of 1 May 2015

#### BLADON

Bladon Road	Prohibited
Orchard Field Lane	Prohibited
Grove Road	Prohibited
Park Street	Prohibited
The Homestead	Prohibited
Park Lane	Prohibited
Park Close	Prohibited
Lincoln Grove	Prohibited
The Green	Prohibited
Church Street	Prohibited
Lamb Lane	Prohibited
Heath Lane	Prohibited
Manor Road	Prohibited
Park End	Prohibited

#### BURFORD

Barns Lane	Prohibited
Bear Court	Prohibited
Church Lane	Prohibited
Guilford	Prohibited
High Street	Prohibited
Lawrence Lane	Prohibited
Pitts Lane	Prohibited
Priory Lane	Prohibited
Sheep Street	Prohibited
Swan Lane	Prohibited
Witney Street (to Chapmans Piece)	Prohibited
Layby at junction of Oxford Road and Barnes Close	Prohibited

#### BRIZE NORTON

Bampton Road	Prohibited
Station Road	Prohibited
Honeyham Close	Prohibited
Chestnut Close	Prohibited
South Mere	Prohibited
Chichester Place	Prohibited
The Fosseway	Prohibited
Squires Close	Prohibited
Daubigny Mead	Prohibited
Moat Close	Prohibited
Manor Road	Prohibited
Carterton Road	Prohibited
Chapel Hill	Prohibited

Minster Road	Prohibited
Elm Grove	Prohibited
Norton Way (Those parts that fall within Brize Norton Parish)	Prohibited
Monahan Way (Those parts that fall within Brize Norton Parish)	Prohibited
Burford Road	Prohibited

#### CARTERTON

Alvescot Road (to Lawton Avenue)	Consent
Alvescot Road (beyond Lawton Avenue)	Prohibited
Arlington Close	Prohibited
Arkell Avenue	Prohibited
Ashfield Road	Prohibited
Birchwood	Prohibited
Black Bourton Road (to Wycombe Way)	Consent
Black Bourton Road (beyond Wycombe Way)	Prohibited
Bluebell Way	Prohibited
Brize Norton Road (to Church View)	Consent
Brize Norton Road (beyond Church View)	Prohibited
Burford Road (to Peel Place)	Consent
Burford Road (beyond Peel Place)	Prohibited
Butlers Drive	Prohibited
Carterton Road	Prohibited
Church View	Prohibited
Holly Bush Road	Prohibited
Lord Close	Prohibited
Monahan Way(Those parts that fall within Carterton Parish)	Prohibited
Northolt Road	Prohibited
Norton Way (Those parts that fall within Carterton Parish)	Prohibited
Peel Place	Prohibited
Pinecroft	Prohibited
Rock Road	Prohibited
St John's Drive	Prohibited
Sellwood Drive	Prohibited
Teasel Way	Prohibited
Upavon Way	Prohibited
Wycombe Way	Prohibited

#### CHIPPING NORTON

Albion Street	Prohibited
Burford Road	Prohibited
Cattle Market	Prohibited
Dickenson Court	Prohibited
High Street	Prohibited
Horsefair	Prohibited
Market Place	Consent
Market Street	Prohibited
Middle Row	Prohibited
New Street (to Worcester Road)	Prohibited
Portland Place	Prohibited
The Green	Prohibited
West Street (to The Green)	Prohibited

## EYNSHAM

Abbey Street	Prohibited
Acre End Street	Prohibited
High Street	Prohibited
Lombard Street	Prohibited
Mill Street	Prohibited
Oxford Road	Prohibited
Thames Street	Prohibited
The Square	Prohibited
Witney Road	Prohibited
Old Witney Road	Prohibited

## MINSTER LOVELL

Brize Norton Road	
Burford Road	
Bushey Ground	
Charterville Close	
Cotswold Close	
Old Minster Lovell (there are no street names)	
Drylands Road	
Little Minster (there are no street names)	
Lovell Close	
Lower Close	
O'Connors Road	
Ripley Avenue	
St Kenelm's Close	
Ting Tang Lane	
Upper Crescent	
Wenrisc Drive	
Whitehall Close	
Worsham (there are no street names)	
Wychwood View	

## WITNEY

Bridge Street	Prohibited
Church Green (Note: highway only)	Prohibited
Corn Street	Prohibited
Ducklington Lane	Prohibited
High Street	Consent
Holloway Road	Prohibited
Langdale Gate	Prohibited
Market Square (Outside entrance to Woolgate Centre)	Prohibited
(Rest of) Market Square	Consent
Station Lane	Consent
The Leys	Consent
Welch Way	Consent
Witan Way	Prohibited
Service road from Welch Way to Ambulance Station	Prohibited

WOODSTOCK

Brook Hill	Prohibited
Browns Lane	Prohibited
Chaucers Lane	Prohibited
Cockpit Close	Prohibited
Harrisons Lane	Prohibited
Hensington Road	Prohibited
High Street	Consent
Market Place	Consent
Market Street	Consent
New Road	Prohibited
Oxford Road	Prohibited
Oxford Street	Prohibited
Park Lane	Prohibited
Park Street	Prohibited
Rectory Lane	Prohibited
Union Street	Prohibited
Upper Brook Hill	Prohibited

**Street Trading Consent Conditions**

Conditions applicable to a Street Trading Consent:

I. Definitions

(i) 'street' includes –

- i. [a] any road, footway, beach or other area to which the public have access ; and
- ii. [b] all forecourts, roads, footways or other areas adjacent to a street for a distance of 7 metres; and
- iii. [c] a service area as defined in section 329 of the Highways Act 1980
- iv. and also includes any part of a street;

(ii) 'street trading' means –

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

No trading to which the attached consent relates shall take place except:

Between the dates of:

The operational hours shall be:

Between the hours of ..... and .....on Mondays  
Between the hours of ..... and ..... on Tuesdays  
Between the hours of ..... and .....on Wednesdays  
Between the hours of ..... and ..... on Thursdays  
Between the hours of ..... and ..... on Fridays  
Between the hours of ..... and ..... on Saturdays

2. The street trading consent relates to the following area / site only:

\_\_\_\_\_

3. The street trading consent relates to the following vehicle /premises only:

\_\_\_\_\_

4. The trader can only trade in the goods stipulated in the consent.

5. Ancillary items can be sold where relevant to the goods being traded.

6. Where appropriate the holder of any street trading consent and the stall and/or vehicle must comply with all relevant road traffic and highways legislation

7. Where appropriate the holder of the street trading consent and the stall and/or vehicle must comply with all relevant food hygiene legislation.
8. The street trading consent holder shall only trade from a stall or vehicle approved by the Council in writing.
  - i. WC facilities must be made available for staff and members of the public if seating is made available for consumption of food on site.
9. The street trading consent holder shall maintain the stall or vehicle in a clean state and its structure shall be kept in good order, repair and condition to the satisfaction of an Officer of the Council authorised in writing under the appropriate legislation.
10. Pitch size should not exceed 9 square metres with a height limit 2.3 metres
11. The street trading consent holder shall conduct their business in such a manner to ensure that they do not:
  - Cause a nuisance to the occupiers of adjoining property.
  - Cause an obstruction to the vehicles or pedestrians in the street.
  - Cause a danger to occupiers of adjoining property or to other users of the street.
12. Refuse storage must be provided adjacent to the sale area. The storage must be of a substantial construction, waterproof and animal proof. The trade waste must be removed at the end of each working day or if the amount of refuse warrants it, when the container is full, whichever is the sooner.
13. The consent holder shall ensure that the whole of the lay-by (if applicable) and adjacent verge/footpath (but not the carriageway) to a distance of 10 metres be kept free of litter and refuse at all times whilst resident.
14. A copy of the consent, suitably protected against the weather shall be displayed in a prominent position on the stall or vehicle at all times when trading is taking place.
15. No process or operation shall be carried out which would give rise to a nuisance by reasons of noise, vibration, smoke or smell.
16. Nothing in any consent shall purport to grant to the holder any other licence or permissions required under any other Enactment or requirement and the holder is specifically advised to obtain such other approvals as may be required.
17. No poster, advertisement, signage or decoration of an unsuitable material or nature shall be displayed, sold or distributed on or about the vehicle or premises. For the purpose of this condition, material is unsuitable if in the opinion of an Officer of the Council authorised under the appropriate legislation, it is indecent, scandalous, offensive or likely to be harmful to any person likely to apprehend it. Material may also be considered to be unsuitable if it is of such a nature as to distract motorists driving on the highway.

- 18 The name and address of the operator and other address at which the trailer is normally kept or garaged must be conspicuously and legibly displayed upon it in a place where the public may view it.
19. No signage or objects shall be placed on the highway or area surrounding the vehicle / premises without the appropriate permit.
20. Where a structure is not removed at the end of the trading day, no additional permanent or semi-permanent additions or paving shall be erected or constructed adjacent to the structure for which consent has been granted.
21. Failure to comply with any condition attached to the street trading consent may result in the revocation of such consent.
22. If additional Street Cleaning is required as a result of the event, a charge will be levied in accordance with the Council's fees and charges.

## **Conditions applicable to hot and cold food sales**

1. The general conditions applicable to all street traders must be complied with.
2. All floor areas are to be covered with suitable material properly fitted with a minimum of joints.
3. Wall and ceiling areas should be smooth, impervious and all joints properly sealed to provide surfaces, which can be effectively cleaned.
4. Doors should be flush finished and in good decorative order.
5. Suitable locker provision should be made for any shoes; handbags or outdoor clothing kept on the stall.
6. All working surfaces and cupboard areas should be of laminated plastic or preferably stainless steel construction so as to be smooth, hard, impervious and capable of being effectively cleaned.
7. An impervious container with plastic liner should be provided on the stall for temporary reception of refuse and waste prior to disposal.
8. All meat products (not stored in sealed cans or vacuum packed) intended for human consumption shall be maintained at a temperature below 5 degrees C. or above 70 degrees C. prior to sale. The core temperature of cooked food must be checked to ensure it has reached above 75 degrees C for 30 seconds before the heat source is removed.
9. All cooking equipment should be maintained in a clean and hygienic condition, and if gas fired, should be provided with a suitable shut-off tap between the gas distribution pipe work and each appliance. This tap must be sited so as to enable easy access to it for isolation of the appliance in case of emergency.
10. A stainless steel sink of suitable size must be provided for the washing of utensils and equipment only. A supply of hot and cold water or water at a suitable controlled temperature must be provided over the sink. Cold water only is acceptable where the sink is used solely in connection with the sale of fish, fruit or vegetables.
11. A separate wash hand basin for the exclusive use of staff must be provided with an adequate supply of hot and cold water at a suitably controlled temperature. Soap, nailbrush and suitable drying facilities should be available at the basin.
12. Wastewater must be collected from washing facilities into sealed containers outside the trailer and the waste disposed of into a foul drainage system.
13. A first aid kit comprising suitable and sufficient bandages and blue waterproof dressings must be available on the vehicle (stall) at all times.

### **Additional conditions applicable to special events/markets**

1. All stalls to be issued with a number that must be displayed on the stall.
2. The consent holder should keep records of each stallholder present on the market, to include the stallholder's pitch number, name and company name, their address, vehicle registration and a contact telephone number. This must be produced on request to an authorised officer.
3. The consent holder must not allow the sale of offensive weapons (including imitation fire-arms, firearms, airguns, swords, crossbows and knives)
4. If the Public Conveniences are required to open beyond normal opening hours a charge will be levied in accordance with the Council's fees and charges.
5. If additional Street Cleaning is required as a result of the event, a charge will be levied in accordance with the Council's fees and charges.

**Application Form**

**WEST OXFORDSHIRE DISTRICT COUNCIL**

**LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982**

**Renewal/New Application for a Street Trading Consent**

**To: Licensing Officer  
West Oxfordshire District Council  
Elmfield  
WITNEY  
Oxon  
OX28 1PB**

**I/We wish to apply for a Street Trading Consent. I submit the following particulars:-**

---

**1. Full Name (Block letters)**

**Trading name (if any)**

---

**2. Address**

**Telephone No.  
Email Address.**

---

**3. Description of articles to be sold:**

---

**4. Type of stall or vehicle:**

**Brief description of stall or vehicle:**

**Registration/fleet no (if any):**

**Type of generator used (if any) e.g. diesel/electric:**

**Will L P G be used? (if yes please submit a Gas Safe inspection report):**

---

**5. Address of premises used for storage/ accommodation of food (if any) and Vehicle:**

---

**6. Preferred trading site(s) (precise location to be specified using a plan if necessary):**

**If more than one please list in order of preference:**

**Proposed days and times of trading:**

---

**7. Name and address of owner of site if off the highway:**

**Has owner's consent been given? If so please provide evidence:**

---

**8. Have you traded in West Oxfordshire before?**

**If the answer to 8(a) is yes, please give details (e.g. the dates, times and areas involved in the trading)**

9. Are you at present registered with **West Oxfordshire District Council** as a food business under **(Regulation (EC) 852/2004 Article 6 (2))**?

If not state which other body or write 'not applicable'.

- 
10. Do you or anyone who is employed in the sale of food hold a certificate or other evidence of having attended an approved course of food hygiene training? If yes, please provide evidence and/or certificate.

- 
11. Will you be the sole operator of the vehicle or stall?

If not, provide names and addresses of those who will help you.

- 
12. Please give any other details you may wish to be considered with your application

13. Please include with the application an up to date certificate for Public Liability Insurance (10 million pounds) a current Food Hygiene Certificate if applicable and a Gas Safe inspection report if applicable.

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I declare that I am not under 17 years of age and I certify that, to the best of my knowledge and belief, the above particulars are correct.

I understand that I am only allowed to trade from one location.

**Signature:**

**Date:**