

SHEFFIELD CITY COUNCIL

The Street Food Market Licence Regulations

21st December 2022

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Street Food Market Licence Regulations

1.0 INTRODUCTION

1.1 The Street Food Market Licensing Initiative

Sheffield City Council are aware that consumers continue to choose a more flexible lifestyle and diverse food palette, the street food economy has never looked brighter.

We would like to provide new opportunities within the street food market for new and existing operators to trade in the city centre. With more and more people looking to enter the sector, it can often provide the first step in setting up a business, before moving on to open a permanent outlet.

Street food also has the potential to 'rejuvenate and re-energise the food offering' and has already been shown in many areas to help increase footfall and promote a safer, more vibrant community life.

The council feels that it has a responsibility to work with the food retail industry and small businesses to help both existing and new traders to open, expand, develop and professionalise their business offering in the city, so that they can remain firmly entrenched in our local community for years to come.

Street food can provide quality, sustenance and nutrition and is generally reasonably priced, easily accessible, often nutritious, and offers an endless culinary variety of traditional dishes for every taste.

Street foods are ready-to-eat foods and beverages prepared and/or sold by vendors in the streets, or in premises and other similar places. They represent a significant part of urban food consumption for millions of consumers, particularly in city centres on a daily basis.

Please note that markets are primarily a concourse for buyers and sellers, not a forum for promotion of political parties, views, petitions, collections or other similar activities.

1.2 The Street Food Market Licensing Scheme

These regulations are intended to be fair, reasonable, and proportionate whilst providing the flexibility of the Council's markets operation, replacing the out-dated street trading regime of the past, and will assist us to meet the future needs of street food operators and their customers.

These Regulations set out the penalties for a breach and include a fair and clearly defined process to appeal certain decisions taken by the council's markets service. The council's Waste & Street Scene Committee will hear any such appeals and will be responsible for determining any contested applications, setting policy, fees, processes, and conditions.

It is our aim to work with street food operators to provide a high-quality provision to our residents and visitors to Sheffield City Centre. With that in mind these regulations set out the terms, conditions and criteria which must be adhered to by a trader granted a licence to trade under this scheme. These regulations define the Council's rights as the market operator, and the standards and obligations the Council places upon the trader.

1.3 The Council's Commitment to Street Food Market Licensed Traders

The Council commits that it will administer the Street Food Market initiative in such a way as to ensure: -

- a safe and welcoming environment in which to trade,
- the continuous development and promotion of the markets and events to attract new shoppers and traders,
- a balanced offering with limited duplication with other traders and permanent retail outlets in the immediate area,
- a fair and thorough application process for traders wishing to apply to ensure the market retains a high-quality offer,
- a right of appeal against the suspension and/or termination of a licence with a defined process and timetable, and
- open and two-way communication with all traders, either directly or through their nominated representatives.

1.4 Changes to These Regulations

If the council chooses to change these regulations at any time in the future, it will consult with traders for not less than four weeks (28 days) and will then give a further four weeks written notice before any change take effect.

The daily operation of the market is the responsibility of the markets service (and their authorised/delegated markets officers) who is entrusted and authorised to apply discretion and judgement in the interpretation of these regulations.

2.0 GENERAL

Traders are not permitted to move vehicles on or off the market/site between the hours during which they are permitted to trade as specified in the licence without the express permission of an authorised markets officer.

Traders will be allocated a pre-determined site for their stall/vehicle to trade from, and the size and position of such site will be at the sole discretion of the Markets Service, who reserve the right to change the location and size of a site in the event of exceptional circumstances.

The decision of the markets service in this respect shall be final and is not subject to an appeal. No individual site may be increased in size or vehicle changed, without the prior written permission of the markets service.

All traders must be issued with a street food market licence and sign a declaration form to state that they have read and agree to abide by these regulations. Traders will not be permitted to trade in the market without a valid licence and a signed declaration.

All traders are required to provide proof of public liability insurance cover as required under Regulation 6 to the markets service prior to a licence being granted.

Any permanent trader (annual licence) wishing to cease trading on the market must give a minimum of four weeks (28 days) written notice of their intention to the markets service. Such notice period may be waived by the markets service at their sole discretion. Failure to give the agreed notice will result in the trader maintaining payment(s) for that period and unable to claim any refund until the appropriate notice is given.

Nothing contained in these regulations is to be taken to relieve or excuse the trader from any other existing legal duty.

Nothing herein shall be deemed to create the relationship of landlord and tenant between the Council and the Trader.

All traders shall observe and comply with their licence conditions, these regulations and the byelaws.

3.0 THE LICENCE

3.1 Nature, Term, and Review of Licence

For permanent traders the licence will run for 12 months from the date it is granted, and the licence will be renewed on an annual basis, applications should be made at least 14 days in advance of the expiry date.

Temporary licences will run for the relevant term applied for, for example 1 day, 1 week or 1 month etc. Temporary licences cannot be renewed, each application will be dealt with as a new application.

A licence may be reviewed by the markets service at any time and the trader will be advised in writing that their licence is under review and has 10 working days in which to respond before any decision is taken following the outcome of the review.

The criteria used to review a licence will include but is not limited to issues such as any outstanding fees, and the outcome of any complaint(s).

If following a review the markets service decides to suspend and/or revoke the licence, the trader will be given written notice to cease trading immediately. The trader has the right to appeal any decision to suspend / revoke their licence in writing to markets service and the appeal will be dealt with in accordance with the appeal process as set out in these regulations

3.2 Transfer of Licence

The Licence is non-transferable subject to the regulations below, and traders may not sublet or share their site without the prior written consent of the markets service in writing.

During the term of a licence, a permanent trader who has been trading continuously for a minimum of 10 years in their own name and right may request the council to consider the transfer of the licence to a third party. Any such transfer will be at the sole discretion of the markets service and the council is not obliged to agree to transfer the licence.

Prior to agreeing to a request to transfer the licence, the application shall be reviewed by the markets service to determine whether such a transfer request fits within the street food initiative and ascertain that any new trader can comply with these regulations, the licence conditions and byelaws.

Upon requesting the transfer of a licence, the new trader must provide to the markets service a full application, a fee, and all supporting information as requested.

The decision of the Council is final, and the trader will have no right of appeal where an application to transfer the licence has been refused.

Transfer of a licence upon the death of a permanent trader will be permitted upon supply of all relevant information as requested. The Council will permit a relative or civil partner to take over the licence on production of appropriate documentation. An administration fee as determined by the council will be required in such circumstances.

3.3 Applications

All applications for a licence must be submitted in writing (including electronic applications) using the appropriate form, which is available on the council's website or upon request to the markets service.

The Council will impose a reasonable fee, that is to cover the costs involved in administering and processing such applications and the enforcement of the relevant terms and conditions of the licence, these regulations, and the byelaws etc.

The markets service will consider all applications for sites against the street food trader qualitative criteria, the street food initiative, and the ability to comply with these regulations, the licence conditions, and byelaws.

All unsuccessful applicants for sites will be advised in writing with reasons why their application has been unsuccessful. The trader has the right to appeal any decision to their application in writing to the markets service and the appeal will be dealt with in accordance with the appeal process as set out in these regulations.

4.0 PAYMENT & FEES

Permanent traders may trade for up to 52 weeks per year but will be charged for approximately 48 weeks per year. This slight reduction is to cover for unforeseen circumstances where the council may give notice to the trader that they will not be able to trade on a given date(s). For example, where other events are taking place, construction work is being undertaken, health & safety grounds and/or the prevention of crime and disorder.

Street Food Market Licence Fees and other charges are determined by the Council on an annual basis, and traders will be notified in writing of the council's intention to change any such fees and charges.

The Council reserves the right to revise the basis upon which licence fees and charges are agreed. In such circumstances the council will consult with and consider representations from the traders.

Licence Fees will be reviewed annually, generally during February and March each year, and a written report must be submitted to the Waste & Street Scene Committee to determine fees on an annual basis even if no change is proposed.

The Council reserve the right to conduct additional reviews of fees at intervening intervals if required.

Traders may pay their licence fees in advance of the due date given payment will only be accepted via BACS transfer or Credit/Debit card. Temporary traders may only pay in advance when making their application.

PLEASE NOTE: We do not accept cash or cheques.

If a trader fails to pay any fees that are due, the licence will be suspended immediately in writing, and the trader will not be permitted to trade until the outstanding fee is paid and the suspension lifted.

The Council may decide to review the licence as set out in 3.1 above if fees are unpaid.

5.0 INSURANCE & LIABILITY

5.1 Insurance

Traders must provide evidence that they hold third party public liability insurance at the minimum level required by the council as notified to traders in writing.

PLEASE NOTE: The minimum requirement by the Council is currently £5 million.

Where appropriate, traders that are responsible for employees must hold Employer's Liability Insurance. Under the Employer's Liability (Compulsory Insurance) Act 1969, all employers are required to have a minimum level of cover of £5 million.

It is the responsibility of the trader to know and understand their legal liabilities under this Act, and in respect of all and any other legislation regarding the employment of staff.

5.2 Indemnity

Traders shall indemnify the council against all demands, claims, losses, costs and expenses made against or incurred by the council (including all direct, indirect and consequential loss in relation to but not limited to personal injury, property damage and/or loss or damage to third parties), or damage suffered by the council caused by or arising from the negligence of the trader in connection with the market or arising under or in connection with any facilities provided to the trader under the Licence.

The Council reserves the right to charge any trader the full cost of repair or renewal to any council property related to the markets where, in the reasonable opinion of the council, the trader or anyone working with the trader caused the damage.

6.0 CODE OF CONDUCT

Traders are responsible for their own conduct and that of anyone working on or in connection with their Stall at all times while they are on the Market. A breach of these Regulations by anyone working on or in connection with a Trader's Stall will be deemed to be a breach by the Trader.

Traders are responsible for complying with all legislation and regulations that apply to the individuals they employ or engage.

Traders and those working with them must not:

- use abusive or foul language or intimidating behaviour,
- be abusive to any official of the council,
- discriminate against anyone on the grounds of age, gender, race, nationality, ethnic origin, sex or sexual orientation, disability, gender reassignment, religion, or belief,
- use or permit the use of illegal substances within the footprint of any stall on the market,
- smoke within the footprint of any stall on the market,
- hawk or carry goods about for sale, except where they have express written permission from the markets service to do so,
- sell animals or any other living thing on the market,
- cause or encourage anything that is considered by the markets service to be a nuisance or annoyance to the public or other traders or occupiers of property in the vicinity of the market, and
- make any noise or play music (unless agreed in advance and appropriately licensed) that is considered by the markets service to be a nuisance or inconvenience to other traders, customers, or occupiers of property in the vicinity of the market.

Animals, including pets, (other than assistance dogs) are not permitted on any Market.

Payments to council staff (other than licence fees) or the giving of goods to council staff by traders is not permitted under any circumstances. Acceptance of such payment or goods by council staff will be considered serious misconduct and will render them liable to dismissal.

Any trader found doing so will be given written notice by the council of immediate suspension from the market and the potential termination of their licence.

The trader has the right to appeal in writing to the markets service and the appeal will be dealt with in accordance with the appeal process as set out in these regulations.

The council reserves the right to notify the appropriate authorities if it believes that any trader has attempted to bribe any council official.

7.0 MARKET / SITE OPERATION

7.1 Hours of Operation

The trader may only operate during the days and hours of operation and attendance as set out on the face of the street food market licence.

Traders will remove from the market / site and access areas any additional vehicles and or equipment (other than the authorised vehicles under the licence), by no later than 09.00am each day.

No vehicle shall be brought back onto the market / site or access areas before the time stated on the licence as the closing time unless by consent of the markets service or authorised officer.

The trading vehicle / stall / vessel remaining on the market / site during the above hours shall not be moved unless ordered to be removed by a police officer or the markets service or an authorised officer before 05:00pm

Market close and pack up should not commence before the time stated on the licence or as advised by the markets service or an authorised officer.

Traders must ensure that their vehicle / stall / vessel is suitably staffed throughout the hours it is open for trade.

It is the responsibility of the licence holder or nominated deputy to notify the markets service of any delay in attending the market / site (for example, because of illness, vehicle breakdown or other reasonable cause beyond the licence holders control).

7.2 Closure and Layout

The markets service shall have the right to close the market / site at their absolute discretion if they consider this to be necessary on the grounds of health and safety or as directed by police.

Furthermore, the markets service may close or alter the layout of the market / site or close and stop the sale of goods or services from any market / site or vehicle at any time, without being liable for any loss sustained by the trader, directly or indirectly, if it is considered by the markets service to be in the interest of the council or the public to do so.

7.3 Works Affecting the Market

Whenever possible, traders will be given prior notice of maintenance and other work on and around the market which could affect their trading activities. The council will not be liable for any direct or consequential loss arising from work affecting the market / site.

8.0 HEALTH & SAFETY

8.1 General Health and Safety

Traders have a legal duty of care to maintain the health and safety of their employees, other traders, customers, and visitors to their site / vehicle. All Traders must comply with all requirements of the Health and Safety at Work Act 1974 as amended and with any directions that may be issued from time to time by the council with a view to maintaining or improving the health and safety environment within the perimeter of the market / site and in the adjacent area.

8.2 Vehicle Movements

The traders are responsible for health and safety in respect of vehicular movement. Traders must ensure that any vehicle they bring on to the market is taxed and insured for business use.

Traders must drive carefully when accessing (setting up) / egressing (closing down) the market / site and should be supervised by another person with regard to pedestrian movements and ensure that they observe a maximum vehicle speed of five miles per hour when on or in the vicinity of the market / site.

When moving vehicles Traders must display hazard warning lights. When reversing a vehicle, traders should be supervised by another person to help direct the vehicle and protect pedestrians.

A failure by a trader or a person working on their vehicle / stall to comply with these regulations may result in the trader being suspended from trading on the market for a period determined by the markets service.

8.3 Obstruction, Setting Up, and Closing

When setting up and/or closing their vehicles / trailers etc, traders shall cause as little obstruction and inconvenience as possible to the public, other traders or the council's employees and contractors.

Traders must comply with such requirements as the markets service deems necessary to ensure emergency access is not compromised including a standing requirement to park vehicles parallel to the emergency access.

8.4 Risk Assessment

All traders are required to submit a suitable and sufficient risk assessment in respect of the site that they are to occupy, which should include the set-up, operation, and closure of their site. The markets service reserve the right to refuse trading if the risk assessment is not submitted or if in the opinion of the council the risk assessment is not suitable and sufficient for purpose.

To obtain information and details on risk, how to assess risk, the completion of risk assessments and to download a risk assessment form. Visit the HSE Health & Safety Executive web site. www.hse.gov.uk

8.5 Fire

Traders must provide fire extinguisher(s) suitable for the activities that they are undertaking (also see LPG). If electrical equipment is on the site then a CO² extinguisher should be available. Fire extinguishers must be located within the site and be easily accessible and maintained in accordance with the Regulatory Reform (Fire Safety) Order 2005.

The fire extinguisher must display an inspection label to show it has been inspected within the previous 12 months.

Traders must provide a fire risk assessment for their site and ensure that their staff/volunteers are aware of what to do in the event of a fire in accordance with the fire evacuation procedure.

The trader shall avoid any action which would or would be likely to contribute to a fire risk, including overloading electrical supplies and inappropriate storage of combustible materials.

8.6 Liquid Petroleum Gas (LPG)

All traders using liquid petroleum gas (LPG) must conform to LPG Code of Practice 24 and have the current annual gas safety inspection certificate on site and available for inspection.

All traders using LPG must provide a suitable, serviceable fire extinguisher which must be located near the appliance.

Suitable hazard signage must be displayed on the site so as to comply with the Health and Safety (Safety Signs and Signals) Regulations 1996.

All LPG must be caged / secured in a manner that it can not be tampered with by members of the public etc. at any time.

8.7 Electricity

A limited electricity supply may be available for traders to use and this will be chargeable. Check with the markets service for details on supply and for current fees.

Traders may only use electrical equipment that is in good condition, weatherproof and suitable for outside use. All electrical equipment must have a valid up to date Portable Appliance Test (PAT) certificate which must be on site and available for inspection upon request.

Traders are responsible for ensuring that the electrical equipment used is inspected by a competent person (which can be the trader) as follows:-

- before use inspection – no written record required,
- six-month equipment formal inspection – as laid out in the Code of Practice for In-Service Inspection and Testing of Electrical Equipment (4th Edition), written record required,
- 12-month formal inspection and test – as laid out in the Code of Practice for In-service Inspection and Testing of Electrical Equipment (4th Edition), written record required.

Connections to the electricity supply must be made by a suitably competent person (using robust, moisture and tamper proof connections which are suitable for outside use). Suitable and sufficient earth-leakage protection must be installed and maintained as part of the fixed wiring installation.

Traders are required to provide cable mats and or covers (at their own expense), to ensure that trailing cables do not present trip hazards or any other hazard(s) and are suitably protected.

Under no circumstances is electricity to be used for heating vehicles / trailers, or for charging electric vehicles etc.

8.8 Generators

Only silent running diesel generators will be permitted on any site, and only with the prior written agreement of and subject to such conditions as the markets service may require.

Permitted generators must be located so as not to be accessible to members of the public or other unauthorised persons.

No refuelling or storage of fuel is allowed on any site.

If the markets service considers that a generator is too noisy, they may require that the generator be switched off immediately.

8.9 Temporary structures

Any temporary structure erected as part of the site must be suitable for the purpose intended, of good condition and erected by competent persons.

Structures will need to be suitably secured with appropriate ballast to prevent the risk of overturn or collapse; any fabric will need to be fire retardant and meet The Furniture and Furnishings (Fire) (Safety) Regulations 1988.

8.10 Trading Outlet – Vehicle / Trailer / Cart etc.

Traders must not place or cause any goods to be placed on any site such that they encroach or extend beyond the boundaries of the site unless they have the written consent of the council. Consideration must be given to ease of access for all users of the site. Any trader breaching this regulation will be liable to suspension from the site.

Traders may only use A-boards on the site if the boards are wholly contained within the boundary of the site, not causing an obstruction and subject to any requirements of the markets service.

Traders must not leave any goods, articles, or equipment on the site outside the designated trading hours stated on the licence without the prior written consent of the markets service.

Any trader's property left on the site outside of the designated hours is left at the individual trader's own risk and may be removed and destroyed. The failure by the trader or a person working on the site to comply with this regulation may result in the trader being suspended from trading on the site.

8.11 Identity

The council will issue a street food market licence with a unique number for each site. The licence holder must ensure that the said licence is displayed in a prominent and visible location on their site.

All traders will be required to display their food hygiene rating awarded to under the council's food hygiene rating scheme.

The Council has a statutory responsibility under the National Fraud Initiative to provide detailed information about the traders licensed to trade in a market. All applicants / traders must therefore provide the details of their current permanent address, date of birth, national insurance number, email address and contact telephone number when making an application.

Two forms of documentary proof of the applicants / trader's identity and address must be supplied. Traders who fail to provide this information will not be permitted to attend the site / market until this is provided.

The licence holder must notify the markets service of any changes to any of the above within seven days.

8.12 Litter and Waste

It is the sole responsibility of the licence holder / trader to ensure the safe management of waste on and around their site, which if not handled properly can cause surfaces to become hazardous for slips, trips, and falls.

The site must be kept clean and tidy at all times, and it is the responsibility of the licence holder / trader to ensure that all waste is removed from the site at the end of each day.

Throughout and at the end of the Market Day Traders must ensure their site and surrounding areas are swept, cleaned and clear of all refuse and waste, and the surfaces around the site are left safe and without hazard to others.

Traders must provide the correct waste receptacle in respect of food waste, general waste and cardboard waste. No loose refuse, waste or unfit food is to be allowed to accumulate on or about the site. It must be bagged securely on a regular basis throughout the day and removed.

All cardboard waste produced by the trader must be flattened prior to disposal in the correct waste receptacle.

Under no circumstances must traders use the public litter bins for disposal of their trade waste.

Traders providing containers for food or drink consumption on or off the site shall make such additional arrangements for litter are available as deemed necessary by the markets service.

Traders must comply with any new or existing initiatives that are intended to improve the recycling of trade waste.

8.13 Food & Food Hygiene

All traders shall comply with any legislation relating to their business including (but not limited to) the provisions of the Food Safety and Hygiene (England) Regulations 2013 (or its equivalent).

All traders should have available on the vehicle / trailer / cart a fully equipped first aid box, that must be on the site at all times.

Any cuts and abrasions must be covered by a blue waterproof dressing.

All food must be kept at least 18 inches above the ground and protected at all times from the risk of contamination.

Open or unwrapped food, other than fruit and vegetables, must only be sold from Stalls or vehicles which are approved by the Council for this purpose.

Traders selling pre-cooked food including (but not limited to) pies, cakes, pastries, cooked meat, poultry, dairy products (including cheeses), must be covered and must provide adequate refrigeration where applicable. Such produce must only be sold from vehicles / trailers / carts which are approved by the Council for this purpose.

Fish must be displayed with an adequate ice or ice water covering to ensure sufficient refrigeration.

Wastewater from sinks, wash hand basins etc. must be discharged in street drains or collected in appropriate containers, stored, then removed from site and disposed of appropriately.

Traders or any person working on their vehicle / trailer / cart (site) must not smoke behind or in the vicinity of the point of trading.

Traders must wear suitable, clean and where appropriate protective clothing and shall maintain a high degree of personal cleanliness.

Traders must have hand washing facilities with hot and cold water available on the site.

All Traders must have a food hygiene rating of at least '3' or above and must display a valid food hygiene rating certificate on the site at all times.

8.14 Toilets

Where a market is providing drinks over a prolonged period of hours / days, then the licence holder / traders must ensure that they provide appropriate toilet facilities for male / female and the disabled.

9.0 Other Licences & Permissions

9.1 Alcohol

Traders will only be permitted to sell alcohol with the express permission of the Council via the Markets and Licensing Services and in accordance with any licence granted under the Licensing Act 2003.

9.2 Music

Traders will only be permitted to play live and/or recorded music with the express permission of the Council via the Markets and Licensing Services and in accordance with the any licence granted under the Licensing Act 2003.

9.3 Tables & Chairs

Traders will only be permitted to place tables and chairs on the site with the express permission of the Council via the Markets and Licensing Services and in accordance with a pavement café licence.

10.0 Disciplinary Code of Practice

If any Trader (including any person working on the vehicle / trailer / cart etc.) fails to comply with these regulations and/or any byelaw relating to the market, they may be disciplined by the council in accordance with the following “Disciplinary Code of Practice”.

Ignorance of these regulations, the associated byelaws and/or the clauses and conditions set out in your licence will not be accepted as a defence.

Contravention of these regulations/byelaw and/or any misconduct with the exception of those contraventions which are expressly identified as carrying an immediate suspension or termination, the Council will apply the following disciplinary process:

- a) the first infraction by a licence holder / trader or any person working on a site and/or vehicle / trailer / cart etc. will be given a written notice of such breach from the Markets Service. Traders will be reminded in writing of their obligations and no further action taken,
- b) a second and repeat infraction by a licence holder / trade or any person working on their site and/or vehicle / trailer / cart etc. – a written notice will be issued from the Markets Service giving notice of suspension. Subject to (c) below, the licence holder will be suspended for a period of three days on the days / dates that will be specified within the notice,
- c) a third infraction by a licence holder / trade or any person working on their site and/or vehicle / trailer / cart etc. – a written notice will be issued from the Markets Service giving notice of suspension. Subject to (c) below, the licence holder will be suspended for a period of seven days on the days / dates that will be specified within the notice,
- d) a fourth and final infraction would result in a permanent exclusion from the market / site,
- e) in the event that the licence holder decides to appeal against any of the above, they will be allowed to continue trading until the appeal is heard.

Penalties for contravention of these regulations, the associated byelaws, and/or the clauses and conditions in your licence or any misconduct as previously set out within these regulations, will be suspension for up to a maximum of 7 trading days for the following :

- Not keeping the site / stall clean and clear of waste, site kept swept and left clean & tidy - the licence holder will be suspended for the period specified within the notice with immediate effect and the licence holder / trader will be charged the full cost including any reasonable administrative costs arising from the removal and disposal of the waste

- Traders leaving the site early, the licence holder will be suspended for the period specified within the notice with immediate effect
- Traders packing up / closing early, the licence holder will be suspended for the period specified within the notice with immediate effect
- Unauthorised movement of vehicle on the market or failure to remove vehicle from the site / market, the licence holder will be suspended for the period specified within the notice with immediate effect
- Exceeding the allocated site area, the licence holder will be suspended for the period specified within the notice with immediate effect
- Changing or extending product line(s) without prior approval – the licence holder will be suspended for the period specified within the notice with immediate effect
- Failure to notify the markets service of their absence, the licence holder will be suspended for the period specified within the notice with immediate effect

Contraventions which will result in termination of the licence holder or traders licence by the council will be for those regulations referring to their conduct (or the conduct of a person working on their site, vehicle / trailer / cart etc.) which is considered by the council to be serious misconduct.

In the event that a licence is terminated, the licence holder / trader shall not be entitled to compensation from the council.

Examples of serious misconduct which will justify termination of a licence are outlined below:

- Dishonesty.
- Under the influence of alcohol, legal highs or other illegal substances
- Unauthorised gambling / betting games.
- Assaulting a member of the public, a council employee, any other regulatory officer and/or another trader.
- Verbal abuse, the use of foul or abusive language, harassment, intimidation, discrimination or bullying towards a member of the public, a council employee, any other regulatory officer and/or another trader.
- Interfering in any way with the business of another trader.
- In the reasonable opinion of the council the trader brings the market into disrepute.
- Failure to comply with the requirements of the consumer protection legislation.
- Failure to comply with the requirements of the food hygiene regulations.
- The licence holder / trader has been convicted of selling counterfeit products or has received a formal caution, formal warning or such other similar measure from the trading standards service or any other enforcement agency.
- The licence holder / trader has persistently failed to make payment of the Licence fee, within the time limit set and or consistently fails to honour a direct debit for the payment of licence fees.

- The licence holder / trader has failed to comply with the health and safety legislation affecting the Market or any health and safety requirements notified to the trader by the council.
- The trader fails to attend the site / market that they are licensed to attend on more than 4 separate occasions and/or more than 10 days in total during the term of the licence
- The trader persistently infringes these street food market licence regulations.

If a trader wishes to appeal against the termination of their licence in accordance with these Regulations should note that their Licence will remain suspended pending the outcome of the appeal.

11.0 Appeals Process

A licence holder / trader who has been suspended from the market / site in accordance with these regulations or whose licence has been terminated in accordance with these regulations, may appeal in writing to;

The Waste & Street Scene Committee
 Sheffield City Council
 Markets Service
 The Moor Market
 Sheffield
 S1

Any appeal must be made in writing within five working days starting from the day after the day the licence holder / trader was notified in writing of the decision against which they wish to appeal.

The trader is entitled to request a hearing to make representations to explain why the decision against which they wish to appeal should be overturned. Such request must be made at the time of submitting the written appeal.

The Waste & Street Scene Committee will conduct the hearing of the appeal within 28 days of receipt of the written request.

In considering any appeal the Waste & Street Scene Committee will have regard to any relevant documentation and may call to give evidence such person, including the appellant licence holder / trader, as they consider appropriate.

Traders attending an appeal will be entitled to bring with them a legal representative, a friend or colleague or, if they are a member, a local representative of the National Market Traders Federation who are allowed to speak on their behalf.

The written decision of the Waste & Street Scene Committee, including the reasons for it, will be sent to the registered address of the trader within 14 days of the hearing.

The decision of the Waste & Street Scene Committee shall be final and there shall be no further right to appeal.

12.0 Complaints

Any Traders with a problem or complaint with regard to management of the Market must first contact the Director of Operational Services in writing at the address given below. The matter will be dealt with in accordance with the Council's complaints procedure.

Director of Operational Services, Howden House, Union Street, Sheffield, S1

If the trader is still not satisfied, they may refer the matter to the Local Government Ombudsman.

13.0 Data

We are collecting your personal information in order to process your application under the Financial Services and Markets Act 2000 as we are the Licensing Authority.

Your data will not be shared with third parties but may be used for council purposes, in order to prevent or detect crime, to protect public funds or where we are required or permitted to share data under other legislation.

Your data will be kept for 6 years plus the current year after you have ceased trading and in line with our retention policy.

You have the right to access your data and to rectify mistakes, erase, restrict, object or move your data in certain circumstances. Automated decision making and processing is not used during this application.

Any complaints regarding your data should be addressed to the Data Protection Officer in the first instance.

If you do not provide the information required on the application form, then we will not be able to process your application for a licence.

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