

**MONMOUTHSHIRE COUNTY COUNCIL  
REPORT**

**SUBJECT: Application for an Annual Block Street Trading Consent for Abergavenny Town Centre**

**DIRECTORATE: Social Care, Safeguarding and Health**

**MEETING: Licensing and Regulatory Committee**

**Date to be considered: 13<sup>th</sup> September 2016**

**DIVISION/WARDS AFFECTED: All Wards**

**1. PURPOSE:**

- 1.1 To consider an application for a Block Street Trading Consent to trade in Abergavenny Town Centre. (Application and Plan attached to this report as Appendix A and Appendix B respectively)

**2. RECOMMENDATION(S):**

It is recommended that:-

- 2.1 Members consider and determine the application attached to this report as Appendix A.

**3. KEY ISSUES**

- 3.1 An application was received on 30<sup>th</sup> August 2016 from Ms Sharon Hutchinson, on behalf of Facilities and Market, Monmouthshire County Council for Abergavenny Town Centre, which is attached to this report as Appendix A. The application request is to trade on Monday to Sunday between the hours of 07.00hrs until 23.00hrs. The location and number of pitches requested in the application form for Abergavenny Town Centre are as follows:-

- Plan 1 : Abergavenny Castle (50 pitches)
- Plan 2 : Linda Vista Gardens (50 pitches), St Johns Square (26 pitches), Flannel Street (7 pitches), Nevill Street (23 pitches), High Street (32 pitches), Cross Street (70 pitches), Brewery Yard (50 pitches), Baker Street (10 pitches)
- Plan 3 : Pen-y-Pound (50 pitches), Bailey Park (50 pitches)

The total pitches requested for Abergavenny Town Centre is 418 pitches.

- 3.2 The applicant has stated the pitches will be subject to the following:
- Trading will not be permitted in any area that contravenes Traffic Regulation Orders / Highway Law.
  - Facilities and Markets to notify the Licensing Section when events other than regular markets are taking place.
  - Trading is subject to road closure where applicable.
  - Trading on certain areas is subject to approval from relevant departments.
- 3.3 The applicant has further stated that if the consent is granted she will ensure pitch holders will comply with the Council's conditions for the consent. The applicant has stated within Section 6 of the application form that each person requesting a pitch will be required to complete an "Application for a Day Market Pitch", which

will be issued by Facilities and Market, Monmouthshire County Council, attached as Appendix C.

- 3.4 The application was forwarded to the consultees (Appendix A), these being Heddlu Gwent Police, Monmouthshire County Council's Highways, Planning, Environmental Health, Car Park Manager and Community Hub. Local Ward Members and Abergavenny Town Council. The following responses were received:

Environmental Health

*No objections to this application.*

Car Parks

*The Linda Vista stalls closes off the Byefield Lane Car park and Tudor Street car park, this has a loss of 326 car parking spaces.*

*Pen Y Pound & Bailey Park, on Plan 3 this is the Fairfield Car park, which has 473 car parking spaces.*

*Brewery Yard car park has 85 Car Parking spaces. Also, we have a 11 residents permit parking in this car park. In addition to this we have a number of paid season permit parking holders to consider.*

*Out of the 1365 available car parking spaces in the Abergavenny Car parks 1024 will be lost, this leaves a total of 341 car parking spaces.*

*Also, 26 of the 48 disabled spaces will be lost.*

Traffic Management – Gwent Police

*The concern which you may wish to note is the trading times 7 days a week 0700 to 2300hrs. I appreciate that this is a cover all time but possibly 2300hrs is a little late with other night time use of the town centre.*

Licensing – Gwent Police

*No objections to this application.*

- 3.5 In view of the comments submitted by the Transport Section in relation to car parks mentioned in 3.4 above, the applicant amended the application to include "Trading on certain areas is subject to approval from relevant departments." (see 3.2 above)
- 3.6 Section 13 of the Street Trading Policy adopted by this Authority on 9<sup>th</sup> February 2016 states;  
An Authorised Officer will approve the application if it:-
- Meets the criteria and
  - There are no reasonable and appropriate objections.
- And further states, "Except where objections are received for safety reasons the Head of Regulatory Services can determine the application or defer the matter to the Licensing and Regulatory Committee."  
The Head of Regulatory Services has decided in this instance to defer the matter to the Licensing and Regulatory Committee for a decision, due to the application being a new application for a permanent consent, which will include a number of

pitches with wider potential impact. Furthermore, Section 7 of the Policy states that trading is not permitted on any Council owned pay and display car parks and the applicant has requested such trading in car parks.

- 3.7 It must be drawn to the attention of Members that the policy adopted by Monmouthshire County Council at the Licensing and Regulatory Committee referred to in 3.4 above is for guidance and is not legally binding.
- 3.8 Under Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982 Part III there is no right of appeal against the refusal to grant or renew a consent or against the revocation or variation of a consent.
- 3.9 As there is no statutory right of appeal the applicant has the right to seek judicial review. As a judicial review is largely about the decision making process, it is difficult to see how any judicial review application could be made, when the applicant understands the reasons for the Members decision. If reasons are not given then there is de facto denial of judicial review.
- 3.10 A District Council are under no duty to grant a street trading consent and need not specify statutory grounds for refusal. However in the case of R v The Mayor and Commonalty and Citizens of the City of London ex parte Matson, the Court highlighted the need for decision makers to give reasons in the interests of fairness and to enable judicial review proceedings to become available.

#### **4. REASONS**

- 4.1 To determine the application for a Block Street Trading Consent for Abergavenny Town Centre.

#### **5. RESOURCE IMPLICATIONS**

- 5.1 All Licensing fees and charges are recovered on a cost recovery basis.

#### **6. WELLBEING AND FUTURE GENERATIONS IMPLICATIONS**

- 6.1 The 'Future Generations' template is attached as Appendix D.

#### **7. CONSULTEES:**

Heddlu Gwent Police  
Highways Department, Monmouthshire County Council  
Planning Department, Monmouthshire County Council.  
Environmental Health Department, Monmouthshire County Council  
Car Park Manager, Monmouthshire County Council  
Community Hub, Monmouthshire County Council  
Local Ward Members  
Abergavenny Town Council

#### **8. BACKGROUND PAPERS:**

Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982 Part III  
Monmouthshire Street Trading Policy, approved 9<sup>th</sup> February 2016

#### **9. AUTHOR:**

Linda O’Gorman  
Principal Licensing Officer

**CONTACT DETAILS:**

Tel: 01633 644214

Email: [lindaogorman@monmouthshire.gov.uk](mailto:lindaogorman@monmouthshire.gov.uk)

**APPENDIX A**



MONMOUTHSHIRE COUNTY COUNCIL,  
LICENSING SECTION, THE MELVILLE  
CENTRE, PEN-Y-POUND ROAD,  
ABERGAVENNY NP7 5UD.

**LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982**  
**APPLICATION FOR A BLOCK STREET TRADING**  
**CONSENT**

<b>1. APPLICANT DETAILS</b>	
Full Name:	Sharon Hutchinson
Current Residential Address:	Facilities & Market Officer Monmouthshire Council
Telephone Number:	[REDACTED]
Mobile Number (optional):	
Email (optional):	
Date of Birth: (DD/MM/YYYY)	
National Insurance Number:	
Are you entitled to work in the UK	Yes
Do you have any unspent convictions? (If yes please state details)	No
Have you previously had any Street Trading Consent revoked or surrendered? (If yes please state details)	No

--	--

2. TRADING DETAILS	
Please state number of pitches	418 max. on any one day
Address of the precise location of where the pitches will be located: (Please include names of streets)	<p><u>Plan 1</u> Abergavenny Castle 50 stalls</p> <p><u>Plan 2</u> Linda Vista Gardens 50 stalls St Johns Square 26 stalls Flannel Street 7 stalls Nevill Street 23 stalls High Street 32 stalls Cross Street 70 stalls Brewery Yard 50 stalls Baker Street 10 stalls</p> <p><u>Plan 3</u> Pen-y-Pound 50 stalls Bailey Park 50 stalls</p> <ol style="list-style-type: none"> <li>1. Trading will not be permitted in any area which contravenes Traffic Regulation Orders / Highway Law</li> <li>2. Facilities and Markets to notify the Licensing Section when events other than regular markets are taking place.</li> <li>3. Trading is subject to road closure where applicable.</li> <li>4. Trading on certain areas is subject to approval from relevant departments.</li> </ol>
Do you have permission from the owner of the land where you wish to trade? <b>(If yes please ensure that you submit a copy of the written permission)</b>	Yes
Please provide contact details for the owner of the land: (Please include name, address and telephone number )	Monmouthshire Council Estates Department
Please provide details of the type of articles which you propose the pitches will sell:	Local Produce inc. Breads, Pies, Pastries, Cakes, Preserves, Oils, Vinegars, Fruit, Vegetables, Plants and Flowers, Meat, Fish.

	<p>Local crafts inc. pottery, jewellery, prints and paintings. Wooden goods, needlecraft, knitted and fabric goods.</p> <p>Vintage goods inc. china and clothing.</p> <p>Other goods deemed appropriate in line with street trading policy and conditions.</p>
<p>Please provide details on how you will ensure compliance of pitch holders with the Council's Street Trading Conditions. (Use a separate sheet if necessary). See enclosed Monmouthshire County Council's Street Trading Policy.</p>	<p>Individual stall holders will be required to complete the Monmouth Town Council's "Application for Day Market Pitch" (attached) which has been designed with the County Council's Street Trading Conditions in mind.</p> <p>Compliance with all conditions set out in the "Application for a Day Market Pitch" will be verified and confirmed prior to consent being granted.</p> <p>Market setup and trading to be checked daily by a Nominated Monmouth Town Council member</p>

3. TYPE OF CONSENT BEING APPLIED FOR	
<p>Please state which type of street trading consent you wish to apply for: (Please note that first time applications for Block Street Trading Consents will take a <b>maximum of 60 days</b> to be determined and will normally be heard at the Licensing and Regulatory Committee for determination)</p>	<p>Block Annual Street Trading Consent <input checked="" type="checkbox"/></p> <p><input type="checkbox"/></p>
<p>Are there any other consent holders in the vicinity? (If yes please give further details)</p>	<p>No</p>

4. TRADING DATES AND TIMES	DAY	TIMES From/To
<p>Please give details of day and times in which you wish to trade: (Trading in Alcohol will require an additional licence under the Licensing Act</p>	Monday:	7am to 11pm
	Tuesday:	7am to 11pm
	Wednesday:	7am to 11pm
	Thursday:	7am to 11pm

2003, as will Hot Food and Drink after 11p.m. up to 5a.m.). If a day consent please state the date you require : _____	Friday:	7am to 11pm
	Saturday:	7am to 11pm
	Sunday:	7am to 11pm

5. FEES	
10% Administration Fee (See attached notes for fees payable – this fee is non refundable)	£700.00 The full payment is required within 21 days of written acceptance from Monmouthshire County Council or an invoice will be arranged if requested by the applicant to enable direct debit payments. The street trading consent will not be issued until the fee has been paid in full or an invoice has been issued to the applicant.

6. ADDITIONAL DOCUMENTATION
<p>To apply for a Street Trading Consent you <b>MUST</b> submit the following documents to support your application</p> <ul style="list-style-type: none"> <li>• 10% of the full fee</li> <li>• Copy of Ordnance survey map of at least 1:1250 scale, clearly showing the proposed site position by marking the site boundary line with a red line. Available online including from <a href="http://www.planningportal.gov.uk/planning/applications/plans">www.planningportal.gov.uk/planning/applications/plans</a> (Google or bing style maps are not acceptable )</li> <li>• Written permission from the land owner (If applicable)</li> <li>• Proof of Food Registration (If applicable). Information available at <a href="http://www.monmouthshire.gov.uk/food-safety/food-premises-registration/">http://www.monmouthshire.gov.uk/food-safety/food-premises-registration/</a></li> <li>• Licence under the Licensing Act 2003 (If applicable)</li> <li>• One Passport-type photograph of the applicant.</li> </ul>

7. DECLARATION
<p>The Local Government (Miscellaneous Provisions) Act 1982 offences are as follows: A person who engages in street trading in a consent street without being authorised to do so or being authorised by a consent, trades in that street</p> <ul style="list-style-type: none"> <li>(i) From a van, cart, barrow or other vehicle, or</li> <li>(ii) From a portable stall.</li> </ul> <p>Without first having been granted permission to do so contravenes a condition imposed shall be guilty of an offence. It shall be a defence for a person charged with such an offence</p>



to prove that he took all reasonable precautions and exercised due diligence to avoid commission of the offence. Any person who in connection with an application for a consent makes a false statement which he knows to be false in any material respect, or which he does not have reason to believe to be true, shall be guilty of an offence.

PLEASE NOTE: The Council's Licensing Committee is, with specific exceptions, a public forum. Not all applications require consideration by the Committee. Where our processes, as defined by relevant legislation, policies and guidance, require your application for a licence/permit/consent to be considered by the Licensing Committee, the identifying details you provide in your application may appear on documents which are considered by the Committee and are therefore available to the public. The personal information you provide will be used only for purposes related to the assessment of your application and future management of any licence/permit/consent granted. If you believe there is a legitimate reason for non-publication of your personal data, please provide those reasons with your application so that they can be considered in advance of preparation of Committee papers.

This authority is under a duty to protect the public funds it administers, and to this end may use the information you have provided on this form for the prevention and detection of fraud. It may also share this information with other bodies responsible for auditing or administering public funds for these purposes. For further information, see [NFI information on MCC website](#) or contact the Audit Manager on 01633 644258

**I declare that I have read and understood the Standard Conditions and any additional conditions which may apply. I believe that all of the above particulars are correct and to the best of my knowledge. I understand that the 10% administration fee I pay will not be refundable if the application is withdrawn or if the consent is granted and I do not take it up.**

Applicant Signature  
Print Name:.....

#### GENERAL

Where an application has been approved the following also will be required prior to the issue of Street Trading Consent:-

- **An original copy of a certificate of insurance covering the street trading activity for third party and public liability risks up to £5million.**
- **Copies of gas, electrical safety certificates for each equipment and recent records of periodic inspection reports.**

The Street Trading Consent will specify the location, times and days for which it is valid and the type of goods to be sold. Consent Holders must follow the terms of their Street Trading Consent. Failure to do so may result in the Street Trading Consent being revoked or not renewed, or in a prosecution.

The granting of a Street Trading Consent does not in any circumstances exempt the Consent Holder from the need to obtain any other licence or permission that may be required or from obligation to comply with all other general or local legislation. There may be additional costs involved in obtaining these additional licences or complying with other legal requirements.

It is the obligation of the Consent Holder to familiarise themselves and their employees with this legislation. The council may revoke a Street Trading Consent for any failure to comply with any other general or local legislation.

A Consent Holder shall not assign, underlet or part with his interest or possession of a Street Trading Consent, but it may be surrendered to the council at any time.

The Council reserves the right to revoke a Street Trading Consent at any time without compensation.

Please send completed application to:-

<p>Licensing Section Monmouthshire County Council The Melville Centre Pen-y-Pound Road Abergavenny NP7 5UD</p> <p>Telephone: 01873 735420</p> <p>Email: <a href="mailto:licensing@monmouthshire.gov.uk">licensing@monmouthshire.gov.uk</a></p>
--

### **Street Trading Fees**

Type of Street Trading Consent	Full Fee	10% Admin Fee
Block Annual Street Trading Consent (Please invoice XXXXX)	£700	£70
Block Street Trading Consent	£122 per day	£12.20

Payment can be made as follows:-

cheque/postal order should be made payable to Monmouthshire County Council and returned to, Licensing Section, Monmouthshire County Council, Melville Theatre, Pen-y-Pound, Abergavenny, NP7 5UD.

If you wish to pay by BACS you may do so by using the following information (quoting your licence number as a reference)

Bank: Barclays Bank plc

Sort Code: 20-18-15

Account Number: 13996565

Account Name: Monmouthshire Main ACC

**(If you do pay by BACS you will need to inform the licensing office that the payment has been made, you can do so by emailing [licensing@monmouthshire.gov.uk](mailto:licensing@monmouthshire.gov.uk) quoting your licence number)**

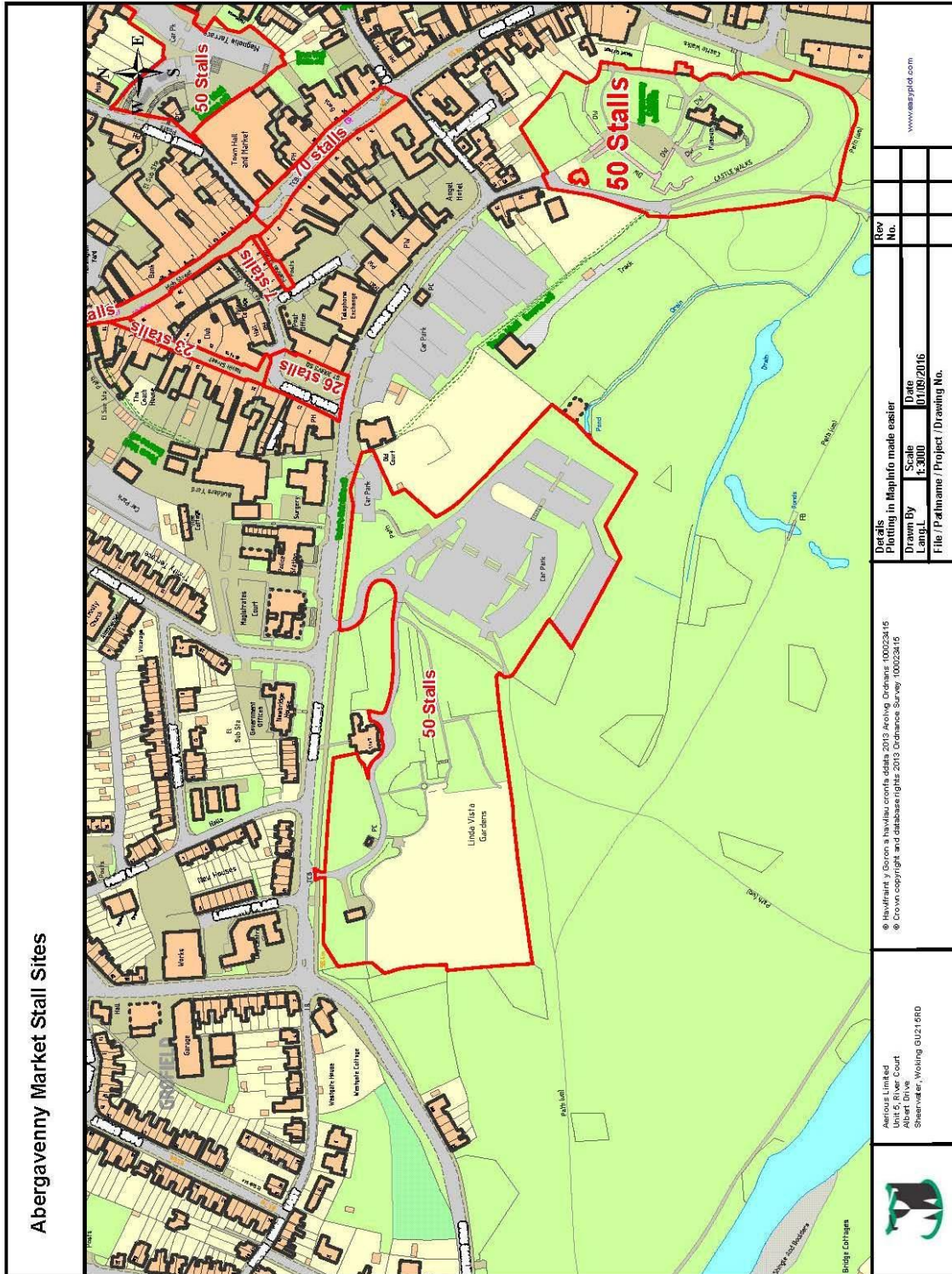
You can also make a payment by telephoning our payments line on 01873 735420 (quoting your licence number as a reference).


**APPLICANT CHECKLIST**

- Signed Street trading application form
- 10% Administration Fee
- Copy of a map, site position marked by red line
- Permission from the land owner (if applicable)
- Food Registration (if selling food)
- Licence under the Licensing Act 2003 (if applicable)
- One passport type photograph of you



APPENDIX B



© Newfields y Cwmni hysbysu cerbydau, 2015. Arrolwg Ordnance, 100023416 © Crown copyright and database rights 2013 Ordnance Survey 100023416	<b>Details</b> Plotting in MapInfo made easier		Rev
	Drawn By Lang.L	Scale 1:3000	Date 01/08/2016
Address: Larkfield Unit 5, River Court Albert Drive Shearnwater, Woking GU21 5RD	File / Pathname / Project / Drawing No.		
			
			<a href="http://www.waspijtd.com">www.waspijtd.com</a>



# Abergavenny Market Stall Sites



Aspirin Limited  
 Unit 20, Five Court  
 Albert Drive  
 Sheerwater, Woking GU24 5RD

© Newfrontiers Geomatics, 2015  
 © Crown copyright and database rights 2015 Ordnance Survey 100023415

Details  
 Plotting in MapInfo made easier  
 Drawn By: Lang.L  
 Scale: 1:3000  
 Date: 01/09/2016  
 File / Pathname / Project / Drawing No.

Rev No.	Rev

www.mapinfo.com



# Abergavenny Market Stall Sites



Revision List Unit 20, Fleece Court Albert Drive Shearnwater, Woking GU24 5RD	© Newfrontiers / Geospatial Information Systems Ltd 2015. Ordnance Survey, OS2023415 © Crown copyright and database rights 2015. Ordnance Survey 100023415		Details Plotting in MapInfo made easier	Rev No.
	www.mapplot.com	Drawn By Lang.L	Date 12/08/2016	Scale 1:2000
File / Pathname / Project / Drawing No.		[Empty cells for drawing details]		



**APPENDIX C**

**Facilities & Market**  
**Monmouthshire County Council, P O Box 106, Caldicot NP26 9AN.**

**Application for Day Market Pitch**

Surname of Applicant (BLOCK CAPITALS)  (Mr//Ms/Mrs/Miss) _____		
Forename(s) _____		
Current Address: _____ _____		
Tel No: _____	Mobile No: _____	Email: _____
Trading Name: _____		
Pitch Location: _____		Ref. No: _____
Council Stall(s): _____	Council Tables: _____	Power supply required: Yes/No
Alcohol Licence Required YES/NO		If Yes, Checked Licence in place by (initials):
Electrical Safety Certificates/Periodic Inspection Reports		Checked by (initials):
Own power supply: Yes/No	Gas Safety Certificates	Checked by (initials):
Traders own Stall:	Length:___ Width___ Height:___	Condition checked by (initials)
Trading from vehicle:  Yes/No	Reg No: _____  Length:_____ Width_____ Height:_____	
Date of Trading: _____		Hours of Trading: _____ to _____
Names and Addresses of Assistants: _____ _____		

<hr style="border: 0; border-top: 1px solid black; margin-bottom: 10px;"/>	
<p><b>APPLICANTS DECLARATION</b></p> <p>a) I declare to the best of my knowledge and belief, the answers given are true.</p> <p>b) If a day market pitch agreement is granted I undertake to pay the appropriate fee and comply with the conditions attached to the agreement and also comply with applicable legislation and to any orders made thereunder. I understand that failure to comply by me or any of my assistants employed by me, with or without payment, will render both me and my assistants liable to prosecution and may result in the revocation of my agreement.</p> <p><b>APPLICANTS ARE ADVISED THAT TO MAKE, KNOWINGLY OR RECKLESSLY, A FALSE STATEMENT OR OMIT ANY INFORMATION FROM THIS APPLICATION IS A CRIMINAL OFFENCE.</b></p>	
DATE ____/____/____	Signature of applicant_____
DATE ____/____/____	Signature of applicant_____
<b>OFFICE:</b>	
Current Insurance Certificate checked	Checked (initials)
Risk Assessment received	Checked (initials)
<b>Food Stalls</b>	
(a) Evidence of Level 3 Food Hygiene Rating Scheme provided. (b) Proof of Registration with appropriate Local Authority as Food Business (c) Trader issued with a copy of Monmouthshire County Council's "outdoor Events in Monmouthshire – Guide for Food Traders" and "Event Check List"	Confirmed (initials)
<b>Day Market Pitch authorised:</b> _____ <b>Date</b> _____	



**Facilities & Market**  
**Monmouthshire County Council, P O Box 106, Caldicot NP26 9AN.**

**Day Market Pitch Conditions**

**Introduction**

The following conditions shall apply to all traders/stall holder applicants and have been designed to ensure compliance with the policies and priorities of Facilities & Market and the terms of the Block Street Trading Consent granted by Monmouthshire County Council's Licensing and Regulatory Committee on 3<sup>rd</sup> May 2016.

**Standard Conditions for all traders/stall holders**

**General Conditions**

1. The holder of this market pitch/stall Agreement (hereinafter referred to as 'the trader', which expression where appropriate, includes joint holders of this Agreement) and any person employed by him/her to assist him/her in his/her trading shall produce it or a photocopy of it on demand when so required by a Police Officer or a duly authorised officer of Monmouthshire County Council's (hereinafter referred to as 'the Council')
2. A market pitch/stall does not relieve the Trader, or any person employed to work on the stall, of any obligation to comply with all other general or local legislation and conditions.
3. A Trader shall not assign, underlet or part with his interest or possession of this market pitch/stall agreement.
4. Under the terms of this agreement no person under the age of 18 shall engage in street trading activities.
5. Trading may only take place on the days and during the times specified in the market pitch/stall agreement.
6. Traders shall not trade outside the designated trading area.
7. The Trader shall pay the market pitch/stall agreement fee determined by Facilities and Market of the Council.
8. The Trader shall at all times maintain a valid insurance policy covering the street trading activity for third party and public liability risks up to £5 million and must produce a valid certificate for this insurance at any time on the request of an authorised officer of the Council.
9. The sale of the following goods are not permitted firearms and replica firearms, knives, offensive weapons and replica weapons, tobacco products, fireworks, articles that would typically be sold in sex shops, animals and legal highs. This list is not exhaustive and the Committee has the right to refuse the sale of any goods.

(Where alcohol is to be sold, no sale will be permitted to anyone under the age of 18). The trader will also be required to obtain separate prior permission under the Licensing Act 2003.

10. The trader not cause any obstruction of the street or nuisance or danger to persons using it and shall not permit persons to gather around him/her or any vehicle, stall or other mode used in connection with the trading so as to cause a nuisance, or danger to any persons lawfully using the street.
11. The trader shall not do or suffer anything to be done in or on the street which in the opinion of the Council may be or become a danger, nuisance or annoyance to or cause damage or inconvenience to the Council or to the owners or occupiers of any adjacent or neighbouring premises or to members of the public.
12. The trader shall indemnify and save harmless the Council and their agents, servants, contractors and workmen from and against all proceedings, damages, claims or expenses in respect of an injury to a third party or damage to property which may be sustained by the Council or any person or persons body or company whatever arising out of or in any way connected with his trading and the provision of facilities under this agreement.
13. The trader shall not make any excavations or indentations of any description whatsoever in the surface of the street or places or fix any equipment of any description in the said surface.
14. The trader shall not place on the street any advertisement, furniture or equipment other than as permitted by this agreement and he must maintain the same in a clean and tidy condition and not place them so as to obstruct the entrance to or exit from any premises.
15. If a stationery vehicle is used in connection with the street trading, any exhaust fumes therefrom shall be discharged vertically into the atmosphere, and oil drip trays shall be placed thereunder so as to protect the surface of the street.
16. Other than street trading primarily involving the sale of ice cream, no electronic amplifying equipment shall be used.
17. A trader trading in hot foods shall at all times carry on the vehicle a 4.5 kilo Dry Powder Fire Extinguisher.
18. Where the trader trades from a stationery vehicle, that vehicle shall in all respects, comply with the Motor Vehicle Construction and Use Regulations. Motor vehicles shall be capable of their own propulsion and shall not be towed into trading positions.
19. The trader will vacate the pitch upon request, and for as long as necessary to enable highways inspections, repairs to street works and highway improvements to be undertaken, or if the pitch is required to facilitate temporary traffic and/or pedestrian management arrangements. No compensation will be paid to the trader for lost trading days as a result of the above or for any loss of business as a result of unforeseen occurrences on the highway network.
20. The siting of the street trading vehicle or stall shall not impede the access of emergency vehicles. The street trading activity shall not obstruct any street furniture, signs or lighting.
21. Where the mode of trading is from a stall, the construction and size thereof shall be subject to the approval of Facilities and Market of the Council.
22. The trader shall keep his vehicle or stall or other mode used for trading, and trading location and the immediate area in a clean and tidy condition during the permitted

hours and also leave the same in a clean and tidy condition and unobstructed at the end of each period of trading each day of such trading.

23. The trader shall provide at his own cost and expense, litter bins or similar receptacles for the deposit of litter resulting from his street trading activities and remove them and their contents at the end of each period of trading on each day of such trading.
24. The trader shall retain with his vehicle or stall or other mode used for trading, any water used or waste produced until the end of each period of trading on each day of such trading and then remove it or dispose of it lawfully elsewhere, and in particular shall not deposit any such waste near or into the street, drain or channel.
25. The trader shall comply with all requirements of the Council in respect of street trading.
26. No street trading shall be undertaken in breach of food hygiene, health and safety, public health or planning legislation and the requirements of Monmouthshire County Council shall be complied with in respect of such matters.
27. The use of generators is not permitted, unless permission has been specifically granted by an Authorised Officer of Facilities and Markets of the Council.
28. The trader shall not assign, underlet or part with his interest or possession under this agreement or any part thereof.
29. This agreement may be revoked by the Facilities and Markets of the Council at any time and the Council shall not in any circumstances whatsoever be liable to pay compensation to the holder in respect of such revocation.
30. Monmouthshire County Council may vary, amend or add to the conditions of this agreement at any time.
31. Where however, planning permission is required in respect of the trading activities covered by this Consent, and such permission has not been obtained, this Consent shall not entitle the Consent holder to carry out such trading activities during any period required to be covered by such planning permission (to carry out such trading activities in such circumstances will be a criminal offence).
32. The Consent holder must obtain planning permission, where it is required, in respect of the trading activities covered by this Consent. Failure to do so will result in the Consent being revoked.
33. Traders and their employees should have access to suitable and sufficient sanitary accommodation at all trading times.
34. Traders and their employees shall not trade under the influence of any illegal or intoxicating substance.