

## London Local Authorities Act 1990 (as amended)

### Standard Licence Conditions

Regulations made by the London Borough of Waltham Forest pursuant to Section 27(3) of the London Local Authorities Act 1990 (as amended) prescribing standard conditions applicable to street trading licences.

Date of adoption:

Date of coming into force: 1<sup>st</sup> February 2008

#### 1.0 Definitions

- 1.1 **'Street trading'** shall have the meaning as set out in Section 21(1) of the London Local Authorities Act 1990 (as amended).
- 1.2 **'Licence Holder'**, or **'Licensee'**, or **'Licensed Street Trader'** means any person who is licensed for street trading purposes under Part III of the London Local Authorities Act 1990 (as amended).
- 1.3 **'The Council'** means the London Borough of Waltham Forest Council.
- 1.4 **'Receptacle'** shall have the same meaning as set out in Section 21(1) of the London Local Authorities Act 1990 (as amended).
- 1.5 **'Stall'** means any structure, vehicle or trailer used by a licensed street trader for the display of goods, or in connection with his or her business, and which occupies a licensed street trading pitch.
- 1.6 **'Assistant'** means a person acting under the direction of, or with the implied authority of, or to the benefit of, a licence holder to assist him/her about his/her business as a licensed street trader whether or not employed by him and irrespective of whether they receive payment or reward. This includes any person directed solely or otherwise in the transportation and/or erection of the licensee's stall.
- 1.7 **'Awning'** means a sheet of canvas or other material used as protection against the weather, whether or not it projects as an extension of the roof beyond the structure of the stall.
- 1.8 **'Advertisement'** means any word, letter, model, sign, picture, placard, board, notice, whether illuminated or not, and used wholly or partly for the purposes of advertisement, announcement or direction and includes any hoarding or similar structure or any balloon or flag used or adapted for the display of advertisements.
- 1.9 **'Refuse'** means any waste material of any description and includes litter no matter how it was produced.

- 1.10 **'High Risk Food'** means food which will rapidly deteriorate in quality and/or pose a health hazard when incorrectly stored or displayed. 'High Risk Food (non-packed)' includes all perishable foods which are stored, prepared, displayed or sold without individual wrapping or sealing and includes food for sale from catering stalls. 'High Risk Food (prepared)' includes all perishable foods which are stored, displayed or sold fully wrapped or sealed where such wrapping or sealing does not take place at the stall.
- 1.11 **'Low Risk Food'** includes all fresh fruit and vegetables, canned, dried foods and packaged food with an extended shelf life.
- 1.12 **'Goods'** means any goods, wares or merchandise for sale on a licensed street trading pitch.
- 1.13 In accordance with the provisions of Section 6 of the Interpretation Act 1978 in these conditions;
- Words of the masculine gender include the feminine;  
Words of the feminine gender include the masculine;  
Words in the singular include the plural and words in the plural include the singular.

## **2.0 GENERAL**

- 2.1 A licence holder shall at all times comply with these conditions. Any licence holder who contravenes any of the conditions of a street trading licence shall be guilty of an offence and his/her licence may be revoked.
- 2.2 The grant of a street trading licence shall not be deemed to give any approval or consent which may be needed under any enactment, regulation or bye-law other than Part III of the London Local Authorities Act 1990 (as amended).
- 2.3 These conditions may be varied, modified or dispensed with by the Council in any individual case by means of a licence variation in accordance with the statutory requirements.
- 2.4 The Council may add special conditions where it considers it appropriate and in the event of any conflict between these standard conditions and any special conditions attached to a licence then the special conditions will prevail.
- 2.5 If a trader wishes to vary any of the terms of a licence an application must be made in writing to the Council in accordance with the statutory requirements.
- 2.6 Any reference in these standard conditions to a grant, consent, approval, authorisation or agreement from the Council must be obtained in writing before it will be deemed to be valid.

### 3.0 THE LICENCE

- 3.1 The Licence is for the sole use of the licence holder named in the licence (see assistants). No licence holder shall sub-let the stall or any part of the stall or licensed site, or install a manager to operate the license.
- 3.2 The Licence holder shall trade only from the location/position specified in the licence.
- 3.3 Licence holders must attend their stalls personally for the majority of the time that the stall is set up for trading and to supervise any assistants. If the licence holder is going to be absent for more than 1 week they must notify the Council in writing. The licence holder will be able to nominate another person to attend their stall during the period of absence with the written agreement of the Council.
- 3.4 An assistant must not begin setting up a stall unless the licence holder is present in person or unless prior written consent has been obtained from the Council.
- 3.5 The commodity description shall be contained in the licence. Only those goods or services specified in the licence may be sold or provided.
- 3.6 Trading may take place only on the days specified in the licence.
- 3.7 Trade may only take place in accordance with the times specified in the licence conditions.
- 3.8 If a licence holder fails to begin setting up his stall before the time specified for vehicles to have been removed from the market (see 10.4) then he forfeits his right to trade on that day unless previously agreed by the Council.
- 3.9 The licence holder must immediately notify the Council of any change of his name or address.
- 3.10 The Council may revoke or vary or refuse to renew a licence if licence conditions are breached or in accordance with section 25 of the London Local Authorities Act 1990 (as amended) subject to any rights of appeal by a licensed street trader or applicant for a street trading licence.

### 4.0 THE LICENCE HOLDER

- 4.1 A licence holder must pay all fees and charges due to the Council in connection with the street trading licence in advance of trade. Fees are paid per calendar month and become due on the first of the month and must **be received** at the Council not later than the 28<sup>th</sup> day of the month in which they become due. An individual licence holder must pay to the Council the administrative costs incurred in collecting any rent arrears.
- 4.2 A licence holder must take out third party public liability insurance cover with a minimum liability of at least £5,000,000 (five million pounds).

4.3 A licence holder must exercise proper control of his business and shall ensure that the public, other traders and officers of the Council are treated fairly and with honesty and courtesy and as such:

- i) Traders must trade in accordance with consumer's statutory rights e.g. notices stating 'no refunds' or 'no exchanges' cannot be displayed. The Council will take action to stop any practice that it considers misleading, is contrary to the interests of customers or is likely to give the market a bad reputation; and
- ii) The licensee or any assistant shall not use or permit any activity, omissions or practices in the conduct of their business that may cause harassment or refusal of service to any person on the grounds of gender, race, faith, sexuality or disability

4.4 A licence holder must give every assistance to Council Officers or contractors in carrying out their duty.

4.5 In the event of an emergency, or in the exercise by the Council of any of its powers and duties a licence holder, or his assistant, must immediately remove his stall and goods for as long as necessary if required to do so by a duly authorised officer of the Council or a police officer.

## 5.0 **STALLS**

5.1 Stalls must be of such a design to fit within the pitch size and must not exceed 8.00ft in height. High-risk food, refreshment stalls and trailers must also be able to be fully contained within the pitch dimensions specified in the licence and must have a removable tow bar if used. Where necessary the stall or trailer must comply with the Food Safety Act 1990 and Food Hygiene (Market Stalls and Delivery Vehicles) Regulations 1996 and have received prior approval for their use by the Council.

5.2 A stall must be placed on the designated pitch area. Where the use of an adjacent site has been authorised the stalls can be placed together, but a wider gangway must be created on either side of the double site which must be kept clear of obstruction at all times.

5.3 The use of a back sheet or side sheets is permitted provided they are manufactured in the same material and colour as the awning or from a clear (uncoloured) transparent material, or from a plain white material.

5.4 No fittings or accessories shall be attached to the stall that would be likely to cause damage to the street or represent a health and safety hazard to any person.

5.5 A licensed street trader shall have legibly, prominently and permanently displayed on his stall a notice (pitch card) supplied by the Council displaying his name and photograph.

5.6 A stall from which high-risk food (non-pre-packed) is sold must be suitably screened from the risk of contamination.

5.7 A licensed street trader shall ensure that any awning sheets, covers, screens, clips, ties or any other construction or means of support are secured in such a manner so that they do not cause a health and safety hazard or nuisance to any person.

5.8 A stall must be fully undressed not later than one hour following the time specified for the cessation of trade. The scheduled times of trading are:

Tuesday	8.00am to 5.00pm
Wednesday	8.00am to 5.00pm
Thursday	8.00am to 5.00pm
Friday	8.00am to 5.00pm
Saturday	8.00am to 5.30pm
Sunday	9.00am to 4.00pm

5.9 A licensed street trader must remove, or cause to be removed, any stall owned by him within one and a half hours of the specified time of cessation of trade, or such other time as specified in the licence.

## **6.0 PITCH AREA**

6.1 The pitch dimensions shall be specified in the licence.

6.2 The pitch location shall be specified in the licence.

6.3 The limits of the pitch will be denoted by visible means and may include studs, lines, blockwork or paving.

## **7.0 DISPLAY OF GOODS**

7.1 All goods, containers, fixtures etc. shall be contained within the pitch area and shall not project beyond the limits of the pitch at any height.

7.2 A licensed street trader shall not cause or permit any goods, advertisements, articles or sheeting to be suspended from any permitted overhang or permitted awning which projects outside of the pitch limits.

7.3 A licensed street trader must satisfy himself that all goods, including second hand goods, comply with the requirements of any legislation, are fit for their purpose and are of merchantable quality. A notice in writing must clearly state if goods are being offered as seconds, soiled or damaged.

7.4 A licensed street trader engaged in the storage, preparation, sale or offering for sale high and low risk food must comply with the requirements of current food safety legislation.

7.5 A licensed street trader must not sell or offer for sale any foods, which do not comply with relevant food labelling or packaging regulations.

- 7.6 A licensed street trader may place or permit to be placed immediately adjacent to a stall a container provided solely for the collection of refuse provided that it does not obstruct the gangway between stalls or any other passageway or supply of services.
- 7.7 A license holder must not display any advertisement that does not relate to those goods, commodities, or services prescribed in his licence.
- 7.8 No trader will be licensed for a commodity that is being sold within 4 stalls from another trader selling the same commodity. This will apply to stalls alongside and opposite any particular pitch. This 'no clash' rule will not apply to shops wishing to obtain licenses for tables and chairs on pitches outside of a food premise.

## **8.0 ELECTRICITY SUPPLY**

- 8.1 A licensed street trader must ensure that any connection or cable for the purpose of supplying electrical power to his stall is readily detachable and that no part of any connection shall be at a lesser height than 8 feet above the footway or gangway. No electrical connection or cable can be laid across the carriageway at any time.
- 8.2 Except for any special arrangements for high risk food stalls and refreshment stalls, electrical power shall be used only for the purposes of lighting, the operating of electrical scales and tills, and the testing of electrical goods. Any other uses must have the written consent of the Council.
- 8.3 It is recommended that the electrical installation on each stall must be protected by an RCD (residual current device). All electrical cable and accessories must comply with the relevant British Standards. All electrical equipment must comply with the H.S.E. Electricity at Work Regulations 1989, the I.E.E. Wiring Regulations as amended (or any legislation which subsequently supersedes the foregoing) and the requirements of the electricity supplier.
- 8.4 A licence holder will be held liable for any damage to any installation provided by the council for the purpose of supplying electricity if it is shown that such damage was caused by their actions or neglect.
- 8.5 A licensed street trader shall not use or permit to be used any radio or other audio equipment or public address system without prior written authorisation from the Council and only then at a reasonable level determined by the Council. In these circumstances the market officer or other duly authorised officer of the Council will be the sole arbiter of 'reasonable level'. The authorisation can be immediately withdrawn or suspended at any time by a notice served by the market officer or duly authorised officer of the Council if he/she deems it appropriate.

## **9.0 REFUSE**

- 9.1 A licensed street trader or his assistant shall cause all refuse arising from the business to be placed in suitable containers supplied by him, unless otherwise provided by the Council, and shall cause them to be removed to or emptied, from time to time, as may be necessary into any vehicle or container provided for the purpose.

- 9.2 A licensed street trader or his assistant shall keep the area around his stall predominantly free of litter.
- 9.3 A licensed street trader or his assistant shall ensure that all waste water is collected in a secure container and disposed of or discharged legally and in such a manner so as not to cause a nuisance.
- 9.4 A licence holder and his assistant(s) shall give every assistance to any contractor employed in refuse, cleansing or maintenance services.
- 9.5 Any arrangements the Council makes in respect of cleansing of street trading areas does not absolve a licensed street trader or his assistant(s) of his responsibilities under the Environmental Protection Act 1990 (or any subsequent or superseding legislation).

## **10.0 VEHICLES**

- 10.1 A licensed street trader must not leave his/her vehicle in the street in which he/she trades except for the purposes of loading and unloading which shall be carried out as quickly as possible and the vehicle removed immediately upon completion.
- 10.2 A licensed street trader or his assistant must not use or cause to be used any vehicle which does not comply with Road Traffic Legislation in force at the time. A license holder must ensure that he or his assistant is fully qualified and insured to drive any vehicle used about his business e.g. forklift trucks.
- 10.3 A licensed street trader must not bring/leave or cause a vehicle to be brought/left in any licensed street (market) between the hours of
  - 09.00 hrs and 16.00 hrs Weekdays,
  - 09.00 hrs and 17.00 hrs Saturdays,
  - 10.00 hrs and 15.00 hrs Sundays,or such time as specified in the licence.
- 10.5 The market officer may vary Condition 10.4 in exceptional circumstances, e.g. severe or dangerous weather or an emergency situation, in respect of the time a vehicle may be brought into the market for the purposes of packing up the stall.

## **11.0 ASSISTANTS**

- 11.1 A licence holder must, if required, notify the Council in writing of the name and address or any other relevant information in regard to any person they use to assist them.
- 11.2 Failure by any assistant to comply with any of the conditions of the street trading licence held by the licence holder shall be deemed to be a failure of the licence holder.

11.3 A licensed street trader shall not employ any child, whether paid or not, in the business of street trading, including the putting out or stocking of receptacles, clearance of refuse, attending a stall or any related activity. 'Child' means a person under compulsory school leaving age as in the Education Act 1996.

## **12.0 THE TOWN SQUARE**

12.1 No vehicles, goods, equipment, refuse or any other article or thing may at any time be driven onto, placed on or deposited on the area denoted as the Town Square except with the written consent of the Council.