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LONDON BOROUGH OF ISLINGTON

STANDARD STREET TRADING CONDITIONS (MARKETS AND SCATTERED SITES)

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Street Trading Licence Conditions

- 1) These Conditions will apply from 1 October 2019 (and to licences issued from 1 January 2016 in respect of which notice has been given) to all street trading licences issued under the London Local Authorities Acts 1990-2012.
- 2) The Council reserves the right to suspend any licence on account of failure to comply with these conditions, and may also result in the revocation of the licence.

Definitions

- 3) The following expressions will have the following meanings assigned as determined by the Act 1990 (Part III, Section 21(1) as amended) unless otherwise stated.
 - a) **'The Act'** – the London Local Authorities Acts 1990-2007.
 - b) **'Advertisement'** means any word, letter, model, sign, placard, board, notice, whether illuminated or not, in the nature of, and employed wholly or partly for the purpose of, advertisement, announcement or direction and includes any hoarding or similar structure or any balloon used, or adapted for the display of advertisements, and shall be construed accordingly.
 - c) **'Assistant'** means a person employed by and acting under the directions of a trader to assist him/her about the business of the stall, and whose name and address has been notified to 'Council'.
 - d) **'Awning'** means a sheet of canvas or other material, used as a protection against the weather, which projects as an extension of the roof beyond the structure of the stall.
 - e) The **'Council'** means the London Borough of Islington.
 - f) **'Fixed Penalty Notice'** may be given under section 15 (fixed penalty offences) of the London Local Authorities Act 2004 (part 4) by an authorised officer in respect of any offence set out in schedule 2 of the Act. The officer may give that person a notice offering him the opportunity of discharging any liability to conviction for that offence by payment of a fixed penalty in accordance with Schedule 2 of the Act.
 - g) **'Goods'** means any goods, wares or merchandise for sale or stored at a stall.
 - h) **'Licensed street trader'** means any person who is licensed for street trading under part III of the London Local Authorities Act 1994.
 - i) **'Licensed street trading Pitch'** means a pitch in any street authorised as a place at which street trading may be engaged in by a street trader, and includes any temporary alternative place approved by the Council
 - j) **'Nominated Successor'** A person shall be treated as being related to another if the person is the wife, husband, civil partner, father, mother, grandfather, grandmother, stepfather, stepmother,

son, daughter, grandson, grand-daughter, stepson, stepdaughter, brother, sister, half-brother or half-sister of the applicant. These relationships are also recognised in cases of illegitimacy or adoption

- k) **'Premises'** means a shop, house or block of flats immediately behind a licensed pitch.
- l) **'Receptacle'** includes a vehicle or receptacle and any basket, bag, box, vessel, stand, stall, easel, board, tray or thing which is used (whether or not constructed or adapted for such use) as a container for or the display of any article or thing or equipment used in the provision of any such service.
- m) **'Refuse'** includes any waste material.
- n) **'Stall'** means any structure used by a trader for the display of goods, or in connection with his/her business, and includes all goods offered or to be offered for sale and any additional structure or equipment used as part of a stall business. This also includes rubbish created as a result of the business.
- o) **'Stall limits'** means the authorised ground markings defining the area within which the stall is to be contained.
- p) **'Street trading'** shall have the meaning ascribed in Section 27 (1) of the London Local Authorities Act 1994. A licence granted under the Act and valid for the period specified therein being not less than six months and not more than three years.
- q) **'Temporary licence'** means a licence granted under the Act valid for a single day or for such period as may be specified in the Licence not exceeding six months.
- r) **'Temporary licensee'** means a licence holder who is on a six month probationary period.
- s) **'Us'** and **'we'** mean the London Borough of Islington's Street Trading Section.
- t) **'You'** means the trader or person named as the holder of this licence authorising street trading from a licensed pitch. Where a licence is held in more than one name, 'you' means each person named and applies to each person both individually and collectively. 'Your' shall be read in this context.
- u) **'Your pitch'** means the pitch (es) identified on the licence.

Licence compliance

- 4) The business activity of the stall shall be undertaken in compliance with other legislation enforced by the Council or other Agencies, e.g. Environmental Health, Health and Safety, Food Safety, Trading Standards, Fire Prevention, Waste Management and Highways Regulations.
- 5) The licence is the approval to trade under the Act. It does not constitute any other approval that a trader might need, under bye-laws, regulations or other enactments.

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- 6) Council may vary the conditions of this licence or attach additional conditions at any time or on application by the licence holder.
- 7) Where Council provides its approval under this licence, it may attach any conditions or restrictions that are deemed reasonably appropriate.
- 8) If you wish to vary any of the licence terms or conditions, you must make it in writing to Council.

Use of this Licence

- 9) This licence is for your sole use. You may not assign it to anyone else. You must be able to produce your licence, which must be carried at all times when trading, if requested by an authorised officer of the Council or Police Officer.
- 10) You must, whilst trading, display a stall card supplied by the Council, indicating the licence and pitch number, name and photograph of licensee, location and size of pitch, market and commodities sold.
- 11) If a nominated assistant is trading in the absence of the Licensee, they must display their stall card.
- 12) Trading may only take place on the days and during the times specified on the licence/stall card.
- 13) The Council reserves the right to suspend a licence if the activity of the trader compromises the health and safety of members of the public, officers of the Council or other traders.

Stall Requirements

- 14) You shall only trade from the location which is indicated on your licence unless agreed by the Council.
- 15) The trading area shall not be larger than the size stated on your licence and any stall limits marked on the ground unless agreed by the Council.
- 16) You shall only use receptacles approved by us. All goods and containers or other articles need to be contained within the licensed pitch area and not extend outside.
- 17) The design and appearance of the stall and display will be as agreed at the commencement of the licence. Variations to the agreed design/appearance will require written approval from the Council
- 18) Tarpaulins should be clear at the back unless agreed by the Council.
- 19) The stall needs to be easily and immediately removed in the case of an emergency. You or your assistant must remove the stall and goods for as long as required in the event of an emergency, or when requested by an authorised officer of the Council or Police Officer.
- 20) The height of any stall or display shall not exceed 2.6m (8'6") unless agreed, in writing, by the Council.

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- 21) Stalls not removed from the pitch at the cessation of trading may be removed by the Council to a place of storage. The Council has the right to recover from you any costs incurred by the Council for removal and storage of your stall.
- 22) Once removed at the end of the trading day, stalls and other trading receptacles should not set up or placed in the market (pitch) again until the allowed setting up time for the following day.
- 23) Stalls or accessories must not damage the carriageway or footway.
- 24) No advertisement shall be displayed on your pitch which relates to any goods, commodities or services apart from those being offered for sale from your pitch.
- 25) The use of advertising boards (A Boards) is not permitted unless it is kept within your licensed pitch.
- 26) The operation of your stall must not cause a nuisance to other traders or the general public.

Use of Kiosks

- 27) The maintenance and upkeep of all kiosks used by traders on scattered sites is the responsibility of the licensed trader. There is to be no advertising on these kiosks apart from the traders name banner; unless approved by the Council. Such advertising is subject to planning consent. The display boxes are for the sole use of Council campaigns and will be maintained by the Council.

Health & Safety

- 28) All businesses **must** carry out a **Health & Safety Risk Assessment**. The Health & Safety Risk Assessment must include (but not be limited to) Electrical Safety, Fire Safety (requires a separate Fire Safety Risk Assessment), Use and storage of LPG, Adverse Weather Conditions, Slips and Trips, Manual Handling, Employment of Young People.
- 29) Staff working on the stall **must** be trained to implement the **Health & Safety Risk Assessment**.
- 30) The following is a list of items to consider, but is not intended to be a comprehensive list. This will depend on the initial risk assessment.

Electricity

- All electrical equipment should be tested regularly by someone competent to carry out the test. Portable appliance testing (PAT) should be carried out on all portable appliances annually and six monthly for handheld devices in accordance with the IEE Code of Practice for in-service Inspection and testing of Electrical equipment. Certification to be provided to the Council.
- External plugs and sockets must be waterproof and the circuit breakers must work effectively.

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- Cables must not be a tripping hazard and should be protected from accidental damage. If for outdoor use; cables must be of industrial grade BS7179 (HO7RN-F or equivalent) rubber, with a minimum voltage designation of 450/750v (heavy duty flexible as a minimum as defined in BS7540-1) and resistant to abrasion and water.
- Electrical power shall only be used for the purpose of lighting and the operation of electrical scales and tills, or other agreed services. Fires and heaters of any description are not permitted
- You will be held liable for any damage to any electrical installation provided by the Council if it is shown that the damage was caused by your actions or neglect.
- You may only run electric cables for lighting or other agreed services between your stall and other stalls or premises. Any electrical connections shall be easily detached and the detailed arrangements agreed with the Council. Electrical cables hung over the public highway will require a minimum clearance of 2.6m (8'6") from the footway surface and 5.6m (18'6") from the carriageway surface. Cables on the footway must not present a tripping hazard.
- Only equipment that has been authorised by the Council shall be connected to the Councils electrical supply.
- Mobile electrical generators can only be used with the prior approval in writing from the Council.
- If the Council needs to have any appliance tested; a fee as set out in the Council's schedule of fees will be charged to the trader.
- Electrical boxes or pillars must be kept clean and clear of any debris or litter and kept shut / locked at all times whether or not in use.

Fire Hazards

- The food business operator must carry out a fire risk assessment.
- All combustible materials that could promote fire spread need to be identified and stored away from any ignition source. Structures, curtains and drapes used on the stall/pitch must be treated with a flame retardant in accordance with BS 5438 and marked accordingly.
- Appropriate fire extinguishers must be provided and checked every 12 months. All staff working at the pitch must be trained to use any fire extinguishers provided. The following is required:
 - Stalls cooking food - 4kg dry powder.
 - Stalls with Deep Fat Frying – Fire Blanket
 - Stalls with generators/electrical equipment – 4kg dry powder or Carbon Dioxide CO2
 - Stalls not cooking food – 4.5 litres of water

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- Deep fat fryers should be fitted with an automatic high temperature-limiting device (operates at a fat temperature of 250°C or lower).

Liquefied Petroleum Gas (LPG)

- Gas fixtures and systems require appropriate annual certification from a competent person who is Gas Safe registered for LPG appliances. Certification to be provided to the Council.
- Cylinders should be fitted with automatic cut-off valves and be protected from tampering.
- All pipes should be protected from abrasion or mechanical damage (armoured if subject to temperatures over 50°C) and should meet the appropriate British Standard. All pipes should be regularly checked and renewed where necessary.
- All gas appliances must be fitted with a flame failure device and adequately ventilated.
- Staff that use gas equipment should be trained in how to use it and in how to carry out visual checks for obvious faults. This will include such things as damaged pipework and connections, inoperative flame supervision devices (these shut off the gas supply automatically if the flame disappears), and smells of escaping gas. All staff should be familiar with what to do in these situations. Routine tasks such as connecting and disconnecting plug-in gas connections to appliances when moving for cleaning, or changing LPG cylinders or hoses, can be carried out by persons who are not Gas Safe registered, but they must be competent.
- Cylinders must be used and stored in accordance with the UKLPG Codes of Practice (or any superseding legislation/guidance).

General

- The burning of solid fuel (e.g. barbeques) is not permitted.
- Traders preparing and selling high risk foods in the market must have enclosed stalls (a roof and at least 2 sides).
- Any accidents and incidents must be reported in accordance with Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 2013 (RIDDOR) (or any superseding legislation).

Refuse

- 31) You are responsible for all refuse arising as a result of your activities. You must at all times comply with the requirements of the Environmental Protection Act 1990 (or any superseding legislation) with regard to your waste.
- 32) In keeping with the Council's environmental sustainable initiatives you are to support the following practices where practical:

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- a) Keep packaging of goods to a minimum or use recycled packaging where possible
 - b) Keep the use of non-recyclable carrier bags to a minimum;
 - c) Where possible compost food waste in line with the Council's policy of composting
 - d) Recycle all refuse where appropriate in line with Council's policy.
- 33) All refuse, food debris, waste, and litter must be contained within sacks on your pitch at the end of the trading day or transported to containers that may be provided by the Council as directed. All boxes must be broken down to their smallest size. Waste must be separated to prevent contamination of recyclable materials.
- 34) The trader shall collect and dispose of any food debris and wrappings caused by their activities, within a 2 metre radius of their pitch at the end of the trading day and as often as necessary during the trading day
- 35) Traders must ensure that all waste water and any kind of oil is collected in a secure container and disposed of or discharged legally and not be poured into drains or placed in litter bins
- 36) You are not permitted to use the Street Market waste collection service/facilities if your licence is linked to fixed premises. In these circumstances you must make your own separate arrangements for waste collection.

Product

- 37) Only the goods specified on the licence may be sold on your pitch.
- 38) You must not sell, supply or distribute, or have in your possession for sale, supply, or distribution any of the following:
- a) political material
 - b) any material designed to promote or incite hatred.
 - c) weapons
 - d) explosives
 - e) fireworks
 - f) knives (unless approved in writing by the Council)
 - g) cigarettes (including E cigarettes), tobacco and smoking requisites (unless approved in writing by the Council)
 - h) real fur products or products containing real fur
 - i) alcohol (unless approved in writing by the Council)
 - j) other illegal substances
 - k) counterfeit goods, or goods in breach of a trademark

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- 39) The above list is not intended to be exhaustive and the Council retains to right to prevent or restrict the sale of other items as and when deemed necessary.

Attendance

- 40) You must be in personal attendance on your pitch for the majority (at least 50 per cent) of the working day, apart from absences for illness or holidays unless otherwise approved by the Council.
- 41) You must attend and trade for a minimum of three days each week unless otherwise approved by the Council.
- 42) You may **NOT** enter the market with a vehicle to remove your goods or stall until the end of the official market trading day or at a time agreed with the Council.

Trader Conduct

- 43) You must give all reasonable assistance to an authorised officer of the Council carrying out their duties.
- 44) You must immediately notify the Council in writing and provide evidence of any change of your name or address or place of storage of commodities and trading receptacles
- 45) You must ensure that you have the required level of Public Liability Insurance (£5 million) throughout the duration of the licence and be able to produce this on request.
- 46) You must ensure that you and your staff are competent, courteous and helpful and ensure all members of the general public are treated fairly and with courtesy. The Council does not tolerate abuse of any sort. Any complaints of serious abuse of any nature against Council officers, other street traders or members of the public may be regarded as grounds for revocation of a street trading licence.
- 47) You and your staff must not advocate or incite hatred, violence or call for any action that may break the law.
- 48) You and your staff must not promote any extremist materials and are not permitted to encourage, glorify or promote any acts of terrorism including individuals, groups or organisations that support such acts.
- 49) You must be in position, have your goods displayed and contained within the pitch, and able to commence trading from your stall by no later than 45 minutes after the commencement times listed below. If your pitch is not utilised by you at commencement of trading we may re-let the pitch for the day.
- 50) Hours of commencement and cessation may be varied, in individual cases with prior written consent by us. Unless specifically agreed in

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writing, stalls should not put out 2 hours prior to commencement of trading

- 51) The stall and goods are to be removed from your pitch to your nominated storage area, as stated on the application form or agreed in writing by the Council, within one hour of the cessation of the day's trading (i.e. the time shown on your licence to end trading for that day),

Market/area	Days of trading	Commencement of trading	Cessation of trading
Chapel ¹	Tuesday to Sunday	9am Tuesday to Sunday	6pm Tuesday to Saturday 4pm Sunday
Whitecross	Monday to Friday	10am Monday to Friday	5pm Monday to Friday
Exmouth	Monday to Friday	9am Monday to Friday	6pm Monday to Friday
Camden Passage	Wednesday and Saturday	9am Wednesday and Saturday	6pm Wednesday and Saturday
Islington High St/Camden Passage	The area is designated for street trading on a Sunday but currently no trading is carried out.		
Archway Navigator Square	Wednesdays, Saturdays and Sundays 8am – 8pm.		
Torrens Street	The area is designated for street trading on a Sunday but currently no trading is carried out.		
Scattered sites	Monday to Sunday	9am Monday to Sunday (unless otherwise stated)	6pm Monday to Sunday (unless otherwise stated)
Arsenal Area	First Team and International Matches	Two hours prior to start of match	One hour after cessation of match (unless otherwise stated)

Late arrivals in markets

- 52) If a licensee arrives after the commencement time it is the discretion to the street trading officer to locate them at the most appropriate pitch (even if the licensees pitch is available).
- 53) Vehicles will not be permitted to stay or enter the market 45 minutes after the commencement of trading until the agreed end of trading day.

¹ Includes White Conduit,

Ownership of the Street Trading Licence

- 54) Licence is personal to the holder
- 55) A licence is granted only to the person named on it. It may not be transferred, assigned, sold or sub-let. Any such instances of the above may result in the revocation or non-renewal of the licence.

Fee and Charges

- 56) All licence fees and charges must be paid in advance.
- 57) Your account will be on charge from the start date as stated on your licence.
- 58) Fees (other than administration and casual vouchers) will be invoiced per calendar month; payments must be made by the 15th of the month or collected via direct debit on the agreed date.

Surrender of Licenced Pitches

- 59) If you decide to surrender the pitch; you are required to provide written confirmation by post or email to the street trading team. You will still be liable to pay the remaining months fees. Part refunds will not be given for the month in which you surrender.

Conditions Specific to Food Traders

60) Food Hygiene

- a) All licensed food traders shall achieve and maintain for the duration of their licence a Food Hygiene Rating Standard of 3 or higher. New traders will be required to achieve this standard within timescales specified by the Council.
- b) All licensed food traders shall display a copy of their Food Hygiene Rating in a prominent position so that can be easily read by the consumer.

61) Storage, Display, Service and Transport of food

- a) To avoid possible contamination, food must not be placed directly onto the floor (all unwrapped food needs to be stored off the ground by at least 45cm).
- b) There should be protection of high risk foods from the public touching, coughing or sneezing in the display area. This can be achieved by use of sneeze guards or other coverings. There should be adequate covers available to protect foods from insects.
- c) Food handlers are required to wear clean protective over-clothing when handling unwrapped food.

62) Hand Washing Facilities

- a) Where open high-risk food is handled there must be good hand washing facilities. These must include a basin or sink with a supply of

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hot and cold water. Hot water may be supplied from an urn that has a constant supply of hot water, but NOT from a kettle.

Conditions specific to Casual trading (Markets)

- 63) If you do not trade for a period of three consecutive months your casual licence will lapse and no further trading vouchers will be issued.
- 64) No trading will be permitted without the surrender of a valid voucher
- 65) Vouchers are not transferable
- 66) Unspent vouchers returned to Council within three months from date of issue will be eligible for a full refund. No refund will be given for vouchers outside of this time frame.
- 67) Casual Registrations must be renewed in the first week of January every year. No trading will be permitted unless registrations are renewed.
- 68) Assistants may only trade in the presence of the licensee
- 69) There is no right of appeal against the revocation of a temporary or a casual licence.
- 70) Casual trading vouchers are valid for the duration of their registration providing there is no change to the fees.
- 71) Traders are required to purchase a minimum of 5 of each type of voucher.
- 72) A refund on unused vouchers is subject to an administrative fee and is only applicable to vouchers that have been issued within 3 months prior to the date of surrender.