

Street Trading Regulations

Part I

Standard licence conditions for Barking Town Centre Market

Effective from 1st April 2020

1.0 Definitions:

- 1.1 **‘Street trading’** means the selling or exposing or the offering for sale of any article (including a living thing) or the supplying or offering to supply any service in a street for gain or reward.
- 1.1 **‘Licence Holder’**, or **‘Licensee’** means any person who is licensed for street trading purposes under Part III of the London Local Authorities Acts 1990 to 2007(as amended).
- 1.2 **‘The Council’** means the London Borough of Barking and Dagenham.
- 1.3 **‘Receptacle’** includes a vehicle or stall and any basket, bag, box, vessel, stand, easel, board, tray or thing which is used (whether or not constructed or adapted for such use) as a container for or for the display of any article or thing or equipment used in the provision of any service.
- 1.4 **‘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.
- 1.5 **‘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 whether or not they receive payment or reward.
- 1.6 **‘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.

- 1.7 **'Refuse'** means any waste material of any description and includes litter no matter how it was produced.
- 1.8 **'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.
- 1.9 **'Low Risk Food'** includes all fresh fruit and vegetables, canned, dried foods and packaged food with an extended shelf life.
- 1.10 **'Goods'** means any goods, wares or merchandise for sale on a licensed street trading stall.
- 1.11 **'Market Manager'** includes any permanent or temporary deputy or assistant market manager

2.0 General

- 2.1 Licence holders must comply with these conditions. Any licence holder who contravenes any of the conditions of a street trading licence is guilty of an offence and their licence may be revoked or varied and/or renewal of the licence refused.
- 2.2 The grant of a street trading licence does not 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.
- 2.4 The Council may attach special conditions to a licence where it is considered appropriate and in the event of any conflict between these standard conditions and any special conditions the special conditions will prevail.
- 2.5 Licence holders must apply to the Council in writing, including by email, if they wish to vary any of the terms of their licence.

- 2.6 Any reference in these conditions to a grant, consent, approval, authorisation or agreement from the Council must be obtained in writing before it is deemed to be valid.
- 2.7 The licence holder must pay all fees and charges due to the Council in connection with the street trading licence in advance of trade.
- 2.8 The licence holder must maintain valid public liability insurance with a minimum liability cover of at least £2,000,000 (two million pounds).
- 2.9 The licence holder must exercise proper control of their business and seek to ensure that the public, other traders and officers of the Council are treated fairly and with honesty, courtesy and consideration. In particular:
- trade must be conducted in accordance with consumer's statutory rights, e.g. notices stating 'no refunds' or 'no exchanges' may not be displayed
 - the licensee and/or any assistant may not engage in or permit any activity or practices in the conduct of street trading that may cause harassment nor may they refuse service to any person on the grounds of gender, race, faith, sexuality or disability
 - the licensee and/or any assistant must comply with any reasonable instruction from Council officers in relation to the management and control of the market
 - Abuse of Council officers will not be tolerated under any circumstances. Any licensee who abuses a Council officer will have their licence immediately suspended and subject to review before reinstatement.
- 2.10 In the event of an emergency, or the exercise by the Council of any of its powers or duties, the licence holder 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.

3.0 The Licence

- 3.1 The licence may be granted to an individual trader, partnership, limited company or other organization. In all cases, other than a licence granted to an individual, a manager must be appointed by the licence holder to have day to day control of the stall. An assistant or assistants may be appointed subject to conditions 9.1 and 9.3 below. The licence holder may not sub-let the stall or any part of the stall.

- 3.2 The licence holder may trade only from the location/position specified in the licence. In the event of circumstances, such as road or utilities work, requiring a trader to be moved to an alternative position, an alternative location will be determined by the Market Manager.
- 3.3 The licence holder/appointed manager must attend the stall personally for the majority of the time that the stall is set up for trading and to supervise any assistants. If the licence holder/manager is going to be absent for more than 1 week they must notify the Market Manager in writing (including by email) and may nominate another person to attend their stall during the period of absence subject to conditions 9.1 and 9.3 below.
- 3.4 The licence holder/manager must supervise the setting up of his stall on each trading day unless condition 3.3 above applies.
- 3.5 Only those goods or services specified in the licence may be sold or provided.
- 3.6 Trading may take place only during the days and times specified in the licence.
- 3.7 Any licence holder who fails to begin setting up his stall before the time specified for vehicles to have been removed from the market forfeits the right to trade on that day unless permitted by the Market Manager. The pitch rental fee remains payable for any day where the right to trade is forfeit.
- 3.8 The licence holder must immediately notify the Market Manager of any change of his/her name or address.

4.0 MARKET STALLS

- 4.1 Stalls must be of a design, height and size deemed appropriate by the Market Manager and must fit wholly within the pitch. Tabletop stalls will be permitted only at the discretion of the Market Manager.
- 4.2 Where the licence holder occupies two or more immediately adjacent pitches, the stalls may be placed together provided that they do not obstruct any designated walkway.
- 4.3 Where stall covers are provided by the market team, they must be used by the licence holder. Any stall covers provided by the licence holder must be of a design that is deemed appropriate by the Market Manager.
- 4.4 Where stall covers are provided by the market team, the licence holder will be responsible for maintaining any such covers whilst in his use and will be responsible for the cost of replacement.

- 4.5 No fitting or accessory that may be likely to cause damage to the street or to present a safety hazard to any person may be attached to a stall.
- 4.6 The licence holder must ensure that the pitch card supplied by the Council is prominently displayed at or near the front of the stall during all trading hours.
- 4.7 Any covering sheets, covers, screens, clips, ties or any other construction or means of support must be secured so that they do not cause a safety hazard or nuisance to any person.
- 4.8 Any stall supplied by the Council must be fully undressed not later than one hour following the time specified for the cessation of trade.
- 4.9 The licence holder must remove any stall owned by him by 7pm on any trading day, unless otherwise instructed or permitted by the Market Manager.

5.0 DISPLAY OF GOODS

- 5.1 All goods, receptacles, fixtures etc. must be contained within the stall area and may not project beyond the limits of the pitch. Overhangs may be permitted by the Market Manager but may not exceed the dimensions of the pitch by 60cm in any direction.
- 5.2 All goods offered for sale must be compliant with relevant legislation, be fit for purpose and be of reasonable quality.
- 5.3 Secondhand goods may only be sold with the approval of the Market Manager. A notice must be displayed clearly indicating if goods are being offered as seconds, soiled or damaged.
- 5.4 The licence holder may not display any advertisement for goods, commodities, or services other than those specified in the licence.

6.0 ELECTRICITY SUPPLY

- 6.1 The licence holder 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 may be laid across the carriageway without the agreement of the Market Manager.
- 6.2 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 Market Manager.

- 6.3 The licence holder will be liable and required to pay for any damage to an installation provided by the Council for the supply of electricity if such damage was caused by his actions or neglect.
- 6.4 The licence holder may not use or permit to be used any radio or other audio equipment or public address system without authorisation from the Market Manager and only then at a reasonable volume. The Market Manager or other authorised Council officer will determine 'reasonable volume' where necessary. The authorisation may be withdrawn or suspended at any time.

7.0 REFUSE

- 7.1 The licence holder must ensure that all refuse arising either from his street trading or accumulated within his pitch is placed in suitable containers or sacks and remove or empty them as necessary.
- 7.2 Where recycling bins or facilities are provided by the Council all licence holders are required to recycle all relevant waste.
- 7.3 At the end of the trading day all waste must be placed in appropriate commercial waste bins provided by the Council.
- 7.4 The licence holder may not deposit any refuse arising from their business in any litter bin provided for use by the public.
- 7.5 The licence holder must comply with any directions given by the Council from time to time regarding the handling, storage and removal of refuse.

8.0 VEHICLES

- 8.1 The licence holder may not leave his vehicle within the market area except for the purposes of loading and unloading, which must be carried out as quickly as possible and the vehicle removed upon completion.
- 8.2 Pedestrian operated handling equipment may be used, but no vehicles other than normal road vehicles are permitted in the market area.
- 8.3 The licence holder must not bring or leave a vehicle in any market street between the hours of 09.00 and 17.00 unless he is trading directly from the vehicle in accordance with his licence.
- 8.4 All vehicles must be out of the market area by 7pm unless otherwise instructed or permitted by the Market Manager.
- 8.5 The Market Manager may vary Condition 8.3 in the event of severe weather or any emergency.

9.0 ASSISTANTS

- 9.1 The licence holder must notify the Market Manager if he intends to engage any assistant(s) and complete the relevant section of the licence application form.
- 9.2 Failure by any assistant to comply with any of the conditions of the licence shall be deemed to be the failure of the licence holder.
- 9.3 The licence holder may not employ any child under the age of 13, 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.

