

Street Trading Regulations

Part II

Standard licence conditions for street trading

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.

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 public highway
- 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. 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.

3.3 Only those goods or services specified in the licence may be sold or provided.

3.4 The street trading licence must be displayed in the window of the premises to which it pertains so that it may be read from outside of the premises.

3.5 Trading may take place only during the days and times specified in the licence

3.6 The licence is not transferable.

4.0 Trading and Display of Goods

4.1 No equipment, stall or display may at any time obstruct the entrance or exit to any adjacent premises or to any part of the building under separate occupation.

- 4.2 The goods on offer within the trading area may only be from among those on offer within the shop premises and as stated on the licence.
- 4.3 All goods offered for sale must be compliant with relevant legislation, be fit for purpose and be of reasonable quality.
- 4.4 The licence holder may not display any advertisement for goods, commodities, or services other than those specified in the licence.
- 4.5 Any stall from which non-pre-packed high-risk food is sold must be suitably screened from the risk of contamination.
- 4.6 Only equipment, stalls, displays and containers which are suitable, fit for purpose and deemed appropriate by an officer of the Council may be used by the licence holder.
- 4.7 Licence holders may not place any Items that are likely to cause damage to the street or street furniture outside of their premises.
- 4.8 All structures, tables and chairs must be easily removable to enable maintenance of the highway and removed at the end of each trading day. They must be removed no later than 30 minutes after the time shown on the licence for end of trading.
- 4.9 The licence holder must responsibly dispose of all refuse, including smoking related litter, from the licenced area during the course of and at the end of the trading day.

5.0 Assistants

- 5.1 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.
- 5.2 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.