

REGULATIONS MADE BY THE LONDON BOROUGH OF HAMMERSMITH AND FULHAM PURSUANT TO SECTION 27(3) OF THE LONDON LOCAL AUTHORITIES ACT 1990 (AS AMENDED) PRESCRIBING STANDARD CONDITIONS APPLICABLE TO STREET TRADING LICENCES.

DEFINITIONS

1. In these Regulations unless the context otherwise requires the following expressions shall have the following meanings:
 - (i) “Street Trading” and Street Trading Licence” shall have the meaning ascribed in Section 21(1) of the London Local Authorities Act 1990. The licence will be for a twelve months period from 1st April each year.
 - (ii) “The Council” means the London Borough of Hammersmith and Fulham Council.
 - (iii) “Licensed Street Trader” means any person who is licensed for street trading under Part III of the London Local Authorities Act 1990.
 - (iv) “Advertisement” means any work, letter, model, sign, placard, board, notice, whether illuminated or not, in the nature, 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 use for the display of advertisements and references to the display of advertisement shall be constructed accordingly.
 - (v) “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 the Council.
 - (vi) “Awning” means a sheet of canvas or other materials, used as a protection against the weather, which projects as an extension of the roof beyond the structure of the stall.
 - (vii) “Goods” means any goods, wares or merchandise for sale at a stall.
 - (viii) “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 or a duly authorised officer of the Council.
 - (ix) “Pitch Limits” means the authorised ground markings defining the area within which a street trading stall is to be contained.
 - (x) “Refuse” includes any waste material.
 - (xi) “Stall” means any structure used by a trader for the display of goods, or in connection with his or her business, and which occupies a licensed street trading pitch; and includes all goods offered or to be offered for sale and any additional structure or equipment used as part of the stall or business. On “isolated pitches” this also includes all rubbish created as a result of the business.

- (xii) "Premises" means any shop, house or block of flats immediately behind the licensed pitch.
- (xiii) "Trader" means a person in whose name a current licence is held authorising street trading from a licensed street trading pitch.

GENERAL

The Grant of a street trading licence shall not be deemed to give any approval or consent which may be needed under any Bye-law, enactment or regulation other than Part III of the London Local Authorities Act 1990 (as amended).

- (a) These conditions may be dispensed with or modified by the Council in any individual case by means of a licence variation in accordance with the statutory requirements.
- (b) Where in these conditions there is reference to the consent or agreement of the Council such consent or agreement may be given on such terms and conditions and subject to such restrictions as may be so justified.
- (c) If a trader wishes any of the terms of a licence to be varied or the Council's agreement under these rules application must be made in writing to the Council in accordance with the statutory requirements.

LICENCES

- 4. (a) At the time of application for a street trading licence the applicant agrees to pay such weekly or annual charges as the Council may from time to time agree to recover the reasonable costs incurred under Section 32 of the London Local Authorities Act 1990 (as amended).
- (b) A street trading licence shall cease to have effect only upon being surrendered to the Council by the street trader to which it was granted and in exchange for a receipt in writing.

PITCH POSITION

- 5. The trader shall trade only from the position, which is indicated on the licence **and within any pitch limits marked on the ground**, which may be varied at the discretion of the Council.

PITCH SIZE

- 6. The trading area (**i.e. the total area occupied by the stall and the stallholder during trading**) shall not exceed the dimensions specified on the licence and any pitch limits marked on the ground during trading hours (**except during re-stocking**). All goods, containers or other articles shall be contained within the licensed pitch area and height, **and any pitch limits marked on the ground**, and shall not project beyond.

STREET MARKETS AND STREET TRADING STANDARD CONDITIONS

- 7. Only those goods specified on the licence may be sold on the licensed street trading pitch. Any requests to the Authority to change the goods specified on the licence may be made with the annual renewal application or after a period of six months since the last request for a change of goods specified.

A fee, not exceeding one week's rental charge, will be made for all requests not received with the annual renewal application.

DAYS AND TIMES OF TRADING

8. (a) Trading may take place on the days and during the times specified on the licence.
- (b) Traders must commence trading by 10:00am, their stalls **and all goods** first being positioned within the pitch area. **If for any reason a licence holder is unable to trade on a day that they would normally trade they must notify the Council of this immediately and by 10.00 am at the latest. Notification must be by appropriate means e.g. by telephone or fax. The council may re-let any pitch that has not been occupied by 10.00 am to a temporary licence holder.**
- (c) **Unless fixed and provided by the council**, stalls and goods shall be **removed from all trading pitches** to the place of storage, as stated on the application form, or such an alternative place subsequently agreed by the Council in writing, within one hour of the time prescribed on the licence for the end of trading on that day.
9. The licensee must;
- (i) Trade in person **on the stall for which they are licensed.**
- (ii) **Only employ assistants whose details have been furnished with the Council.**
- (iii) **Advise the council if for any reason they may be absent from the stall on any day that they would normally trade e.g. due to illness. The council may then permit any named assistant to run the stall during this period. A doctor's certificate must be presented to the council if sickness prevents a licence holder from trading for more than one week.**
- (iv) Not sublet the pitch in any form whatsoever.

NATURE AND TYPE OF STALL (*OR TRADING VEHICLE/TRAILER)

10. Only those **stalls*** approved by the Council shall be used by trader.

CONDUCT

11. (a) Traders and any assistants employed by them shall ensure the public are treated fairly and with courtesy.
- (b) Traders shall not harass or discriminate against any person including other traders and members of the public.
- (c) Traders shall ensure that their staff are competent, courteous and helpful.
- (d) Traders shall give every assistance to Council Officers in carrying out their duties.

DISPLAY OF LICENCE PLATES ETC

12. Traders shall at all times display a plate supplied by the Council indicating the licensed pitch number of the stall. This plate shall be kept prominently and permanently exhibited on the stall together with the trader's name or **business name.**

13. No advertisements shall be displayed on the licensed pitch that relates to any goods, commodities or services other than offered for sale or provided on that pitch.

REFUSE

14. The trader shall ensure that all refuse arising as a result of the activities of the trader shall be placed in suitable **containers** provided by the trader, unless otherwise provided by the Council, and shall be kept exclusively for that purpose. Such refuse containers shall be kept as clean as is reasonably possible **and must not give rise to nuisance. Refuse must not be allowed to accumulate within the pitch area.**
15. Refuse containers shall be emptied whenever necessary into any vehicle, container or compactor provided by the Council for that purpose.

HEALTH AND SAFETY

16. **All licence holders must ensure that they comply with the requirements of the Health and Safety at Work etc Act 1974 and regulations made thereunder. Similarly, they are reminded of their civil law duty of care to the public. This extends to the provision of safe equipment and articles used in connection with their trading activities.**
17. Heat producing equipment shall be so placed within the trading area as to offer maximum safety to public. The position of such equipment in relation to other goods or materials shall be agreed with the Council's officers.

SERVICES AND AMENITIES

18. The only connection between stalls on the footway and other stalls or premises shall be for the purposes of electric lighting or other agreed services; and any such electrical or other connections shall be readily detachable and the detailed arrangements agreed with the Council.
19. **The licence holder must ensure that they have the appropriate consent from the council in respect of any proposed power supply before they seek installation from 24Seven.**
20. **All electrical equipment, including connectors and adaptors, that are used by the stall holder must comply with the Electricity at Work Regulations 1989 and the current edition of the Institute of Electrical Engineers (I.E.E.) Wiring Regulations. Electrical power shall only be used for the purposes of lighting and the operation of electrical scales and tills and the testing of electrical goods. Any conductors that are suspended over the public footway shall have a minimum clearance of 2.6m (8'6") from the surface of the carriageway.**
21. **Licence holders shall not use electrical generators unless the council has given approval. They shall also only be positioned so that:**
 - (a) They do not present a danger to the passing public;
 - (b) They do not present a fire or similar hazard risk to stall or goods displayed thereon;
 - (c) They do not cause any noise or fume nuisance.

- (d) Any inflammable fuel is stored away from the stall in a London Fire and Emergency Planning Authority approved container.

HEADROOM

22. The distance above ground level of any part of any roof, awning or supports of the stall or goods suspended from any of these, shall (unless a dispensation has been granted by the Council) be at least 2.6m (8'6"). The roof awning or any other projection shall be contained within the pitch area unless agreed by the Council.

REMOVAL OF STALLS

23. **Unless fixed and provided by the council**, stalls shall be easily and immediately removable.
24. Traders and their assistants shall remove the stall and goods for so long as may be necessary in the event of an emergency or in exercise of the Council's powers and duties, if required to do so by a police officer or a duly authorised officer of the Council.

TRADERS VEHICLES

25. **Traders must abide by any parking restrictions imposed in the area in which they trade. As such, traders' vehicles may only be parked in approved parking spaces such as metered bays**, except for the purpose of loading and unloading goods. Such loading and unloading shall be carried out as quickly as possible and the vehicle removed immediately on completion. (This condition shall not apply when waiting restrictions are not in force).

DAMAGE AND INSURANCE

26. Traders must not intentionally permit stalls or accessories to cause damage to the carriageway or footway.
27. Traders shall take out third party insurance cover with a minimum liability of at least **£10 million**.

STORAGE

28. Traders shall notify the Council in writing of the address(s) or any change of address(es) at which the stall and perishable goods are stored. Such notice shall be given within 7 days of the change.

ASSISTANTS

29. Traders shall notify the Council in writing of the name of any assistant **in advance of when they employ them on the stall**; details of any change of assistant or any other relevant information regarding assistants **must also be provided within 7 days of that change**.

RADIOS, ETC

30. Traders shall not use or permit to be used on the licensed area or within the immediate vicinity any radio, cassette or other equipment or apparatus to produce music or other sound except within a closed vehicle and at a reasonable volume.

PENALTIES

31. Any person found guilty of an offence against any of the foregoing **standard conditions** shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale