



# Proposed terms

## Standard Street Trading (Markets) Licence Conditions

Respond by:  
**Monday  
9 December  
2019**





# 1. DEFINITIONS

1.1 In these Standard Conditions, unless the context otherwise requires, the following expressions shall have the following meanings:

1.1.1 “51 %” means 51 % of the period of time in each and every Licensed Street Trading Day, as specified by market in the below Terms and Conditions. (Amended Term)

1.1.2 “Act” means Part III of the London Local Authorities Act 1990 (as amended).

1.1.3 “Address and Contact Details” means the permanent address of residence, email address, telephone and mobile telephone numbers.

1.1.4 “Advertisement” means any word, letter, model, sign, placard, board, notice, whether illuminated or not, in 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.

1.1.5 “Animal By-Products” means meat, fish, milk and eggs which are not intended for human consumption including blood, hides, feathers, wool, bones, horns, hooves and waste water or water contaminated with material of animal origin or blood or other fluids.

1.1.6 “Assistant” means a person employed and acting under the direction of, with the implied authority of or to the benefit of a licence holder to assist him/her about his/her business as a licence holder. This includes any person directed solely or otherwise in the transportation and erection of the stall and/or the loading and unloading of stock and whose details have been provided to the Council as a registered assistant by the Licensed Street Trader. (Amended Term)

1.1.7 “Authorised Officer” means an authorised officer of the Council.

1.1.8 “Avail” means the Street Trading Licence holder must use and take advantage of the ability to trade for the duration of the Licence. The Licence holder must be present 51 % of each and every trading day as specified on the Licence and be accessible to an authorised officer upon request within 48 hours of request as and when required. (New Term)

1.1.9 “Awning” means a sheet of canvas or other material, which projects beyond the structure of the Stall and which shall contain no Advertisements other than that of the market branding, as directed or authorised by the Council, whether or not it is in respect of the goods or commodities sold at the stall. (Amended Term)

1.1.10 “Council” means the London Borough of Hackney.

1.1.11 “Employed” means to engage in service or offer assistance, whether or not for gain and references to “Employ” shall be constructed accordingly.

1.1.12 “Enforcement Sanction” includes, but is not restricted to, prosecution, Licence suspension, revocation, variation of Licence conditions, imposition of further conditions, civil recovery action, injunction or a combination of these as considered appropriate. (New Term)

- 1.1.13 “Food Stuff” means all food including pre-packed, hot, cold and raw food.
- 1.1.14 “Further Conditions” means additional conditions as defined under the “Act” which are added to an individual trader for compliance instead of revocation of a Licence.
- 1.1.15 “Goods” or “Commodities” means any goods, wares or merchandise for sale or possession for supply at a Stall.
- 1.1.16 “High Risk Food” is defined as foods that are ready to eat and do not require further cooking. Foods which will rapidly deteriorate in quality and/or pose a health hazard permitting bacteria to live, grow and thrive when incorrectly stored or displayed.
- 1.1.17 “Licence” means a Permanent Street Trading Licence or a Temporary Street Trading Licence.
- 1.1.18 “Licensed Street Trader” means any person who is licensed to undertake Street Trading under the Act.
- 1.1.19 “Licensed Street Trading Day” means the period of time for which a Licensed Street Trader can legally trade as specified for any given market.
- 1.1.20 “Licensed Street Trading Pitch” means the Pitch Limits in any street at which Street Trading may be conducted by a Licensed Street Trader, and includes any temporary alternative placed, including private land approved by the Council or a duly Authorised Officer of the Council. (Amended Term)
- 1.1.21 “Low Risk Food” includes all fresh fruit, vegetables and salads (excluding prepared salads containing High Risk ingredients), canned, dried foods and food with an extended shelf life.
- 1.1.22 “Manager” means a manager employed by the Licensed Street Trader to manage their street trading and whose name and address has been notified to the Council in writing by the Licensed Street Trader.
- 1.1.23 “Markets Service” means the service provided by the Markets and Street Trading team for the London Borough of Hackney.
- 1.1.24 “Name Plate” means the plate issued by the Council upon approval of a person’s application for a Licence or renewing a Licence, displaying a Licensed Street Trader’s name, the names of their Assistants, the Commodities authorised, Licence number and Licensed Street Trading Pitch number.
- 1.1.25 “Permanent Street Trading Licence” means a Street Trading Licence valid for one year and not more than three years with the period defined on the Licence.
- 1.1.26 “Permanent Licensed Street Trader” means any person holding a current Permanent Street Trading Licence with the London Borough of Hackney.
- 1.1.27 “Persistent” or “Persistently” means a continuing act or omission or three or more instances whether for a consecutive period or otherwise which is in contravention of any of the Licence conditions within any twelve month period. (New Term)

- 1.1.28 “Pitch Limits” means the trading area identified by ground markings on a street or the area stated on the Licence within which a Stall is to be situated.
- 1.1.29 “Premises” means any land, building or part of a building.
- 1.1.30 “Receptacle” means a vehicle, refrigerated mobile unit, basket, bag, box, vessel, stand, stall, **trestle**, 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 or sale or offer or display of Goods for sale. **(Amended Term)**
- 1.1.31 “Refuse” means waste which has been generated in the course of Street Trading including fruit and vegetable waste, cardboard that is or is not recyclable, paper, small plastic items and other non-perishable waste.
- 1.1.32 “Relative” means as currently defined in the Act: an individual shall be treated as related to another if the latter is the wife, husband, father, mother, grandfather, grandmother, stepfather, stepmother, son, daughter, grandson, granddaughter, stepson, stepdaughter, brother, sister, half-brother or half-sister of the former and shall be deemed to be so related notwithstanding that they are related only through illegitimacy or in consequence of an adoption. The Council will, subject to appropriate documentary evidence, also include a trader’s civil partner or common-law spouse or partner as a relative.
- 1.1.33 “Special Conditions” are such conditions as it is deemed reasonable by the Council to apply to any Licence in addition to the Standard Conditions.
- 1.1.34 “Stall” means a stall structure with canopy, awnings and weights, plus any additional equipment such as a table or stand used by a Licensed Street Trader for the display of Goods, including trailers and barrows, that is approved by the Council
- 1.1.35 “Stall Vehicle” means a vehicle used by a Licensed Street Trader as a Stall for displaying Goods and producing food that is approved by the Council for use as a stall vehicle.
- 1.1.36 “Standard Conditions” means these standard conditions.
- 1.1.37 “Street Trading” means the selling or exposing or offering for sale of any article (including a living thing) or the supply or offering to supply any service in a street for gain or reward and references to “Street Trades” shall be constructed accordingly.
- 1.1.38 “Street Trading Licence” means a licence granted under the Act and valid for the period specified on the Licence being not less than six months and not more than three years.
- 1.1.39 “Suspension” means the exercise of the power to enforce the temporary cessation of trading activities from a Stall holder, his/her Assistant (from using the pitch area) as may be attached by the Markets Service as a further Licence condition or a variation of a current Licence in any individual case where it appears reasonable in all the circumstances. **(Amended Term)**
- 1.1.40 “Temporary Street Trading Licence” means a Licence granted under the Act is valid for a single day or for a period of time as specified on the Licence not exceeding six months. **(Amended Term)**



- 1.1.41 “Temporary Licensed Street Trader” means any person holding a current Temporary Street Trading Licence with the London Borough of Hackney.
- 1.1.42 “Trading Days” means the days and times specified on the Licence and references to “Trading Day” as specified in section 7.2 as Market open for trade to closing for trade shall be constructed accordingly. (Amended Term)
- 1.1.43 “Young Person” means a person who has attained the age of 14 but who has not yet reached school leaving age.
- 1.2 In these Standard Conditions, words importing the singular shall include the plural and vice versa and words importing the masculine gender shall include the feminine gender and vice versa.

## 2. GENERAL

- 2.1 The grant of a Street Trading Licence shall not be deemed to give any approval or consent which may be needed under any By-Law, enactment or regulation other than the Act.
- 2.2 A Licensed Street Trader shall at all times comply with these conditions. A person who contravenes any of the conditions of a Street Trading Licence may be guilty of an offence and/or subject to appropriate enforcement sanctions in accordance with our enforcement policy. Any contravention of these conditions by an Assistant shall be regarded as having been committed by the Licence holder. (Amended Term)
- 2.3 The Council may add Special Conditions at the grant of a Street Trading Licence. The Council may add Further Conditions where a Licenced Street Trader has breached a Standard Condition or Special Condition as directed under the Act. Any Special Conditions or Further Conditions on a Street Trading Licence will be transferred at renewal to the new Street Trading Licence.
- 2.4 We may vary the conditions of a Licence or attach Special Conditions in accordance with statutory provisions. We may at any time attach such further conditions to a Licence as appear to us be reasonable in any individual case. The Licence holder may make an application via the Officer Licencing Panel (OLP) for the variation of the Licence. In the event of conflict between these Standard Conditions and any special conditions attached to the Licence, the latter will prevail. (New Term)
- 2.5 If a Licensed Street Trader wishes any of the conditions of his/her Licence to be varied, representation must be made in writing to the Markets Service as in accordance with the statutory requirements. Any subsequent grant, consent, approval, authorisation or agreement from us must be obtained in writing before it will be deemed to be valid. (New Term)
- 2.6 Where in these regulations there is reference to our consent or agreement, this consent or agreement may be given on such terms or conditions and subject to such restrictions as we might reasonably specify, any variation shall not take effect until the consent of the Council has been received in writing by the Licence holder. (New Term)

- 2.7 Licensed Street Traders and their Manager/Assistants must comply with all trading standards legislation; e.g.:
- 2.7.1 Goods must be sold in metric units.
  - 2.7.2 Goods that contravene the Trade Marks Acts, for example counterfeit goods, must not be sold.
  - 2.7.3 All goods must have a price inclusive of VAT displayed on them.
  - 2.7.4 All food Receptacles must be registered with the local authority in whose area the Receptacle is kept and stored.
  - 2.7.5 All food traders are to register with the Nationwide Caterers Association and upload all relevant information to their membership page.
  - 2.7.6 A Licenced Street Trader and his Assistant shall comply with all health and safety legislation and where food is sold they shall also comply with all food hygiene legislation.
- 2.8 The business activities of a Licensed Street Trader shall comply with and be conducted in a manner that conforms with all relevant legislation enforced by the Council or other agencies. Particular attention is drawn to general Health & Safety, food safety, Trading Standards, fire prevention and highways regulation. Licensed Street Traders must also comply with appropriate local requirements and by-laws. Failure to comply with this condition will result in enforcement action being taken and does not preclude separate sanctions being applied to the Licensed Street Trader or their Assistants for any breach committed.
- 2.9 A Licenced Street Trader must trade in accordance with the consumer's protection legislation, 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.
- 2.10 Where compliance notices are issued with regard to health and safety and food hygiene legislation the requirements of the notices must be complied with within the period stated in the notice. Failure to do so may result in the removal of your Licence.
- 2.11 All Licenced Street Traders who sell Food Stuffs from their stall/stall vehicle must ensure that they are registered as a food premises with the Council or have provided evidence that they are already registered with another local authority prior to a Street Trading Licence being issued. This condition includes moveable vehicles.
- 2.12 Licensed Street Traders and/or their Manager/Assistant shall offer all assistance to the Council by;
- 2.12.1 Providing copies of all consents required to Street Trade. The following documents may be requested by an Authorised Officer: Licence card, Public Liability Certificate, Authorisation Letter (if applicable), Gas Certificate (if applicable), proof of portable appliance testing (as relevant), Manager/Assistant ID card.
  - 2.12.2 Providing all documentation as and when requested by an Authorised Officer. Checks will be carried out on an ad hoc basis to ensure compliance and failure to comply will constitute a breach of 20.2 of the Standard Conditions.

- 2.13 If any information given by a trader in an application for a Street Trading Licence is found to be false or misleading, the Council may consider revoking the Licence in question.
- 2.14 Any damage done to property owned by the Council, by a Licensed Street Trader or their Manager/Assistants, is to be paid for in full by the Licensed Street Trader and **could face enforcement sanctions up to and including revocation of their Street Trading Licence.** (Amended Term)
- 2.15 If there are any changes in the following details registered with us namely:- the address at which they live or store their Stall and/or Goods, email, mobile and landline telephone numbers where applicable, the registration number of any or additional vehicle they use in connection for street trading purposes within the borough of Hackney, the Licence holder must notify the Market Service in writing of such change within seven days of such change occurring. Any failure to provide said information may result in the Licence being temporarily suspended until the notice and/or documentation is received. (Amended Term)
- 2.16 Licence holders are required to provide us with satisfactory evidence that they are eligible to work in the UK, this must be a valid National Insurance (NI) number, a valid UK passport (or overseas passport with work permit) or a letter from the Home Office. Any Licence holder who cannot prove that they have the right to work legally in the UK when challenged by an Authorised Officer will be prevented from trading until such point as this information can be provided. Such action does not preclude further measures from being taken by other agencies. (New Term)
- 2.17 An annual audit of market traders/registered Managers & Assistant's documentation in relation to 2.15 and 2.16, if the Licence holder fail to notify the Council of any changes to personal details this will be deemed a breach of the Standard Licence Conditions. (New Term)
- 2.18 All Licenced Street Traders using a vehicle for market purposes must provide the Markets Service with the vehicle registration document (V5) application form and payment for permit before using vehicle in the market. Failure to do so may result in the issuance of a Penalty notice issued. The Licence holder is responsible for and advising the Market Service within seven days with proof of any change of vehicle. The Council are not liable for any costs incurred to Licence holders who do not follow the process. (New Term)
- 2.19 All Licenced Traders are required to use sustainable packaging for their products to be traded in and the use or sale of single use plastic bags,bottles and cutlery is prohibited on our markets & Street Trading sites. (New Term)
- 2.20 All Licenced Street Traders are required to provide sustainable or bio degradable bags as an alternative to providing customers with single use plastic bags to be used when making a purchase in our markets and street trading sites. (New Term)



### 3. LICENCES

- 3.1 The Street Trading Licence is merely consent to trade under the Act. It does not constitute any other approval or consent that Licence holders might need under bye-laws, regulations or other enactments, such as planning, highways or water supplier consents. Responsibility for ensuring that appropriate approval or consents are obtained or adhered to rests with the Licence holder/applicant. **(New Term)**
- 3.2 A Licensed Street Trader shall carry their Licence at all times whilst Street Trading and produce it upon the request of an Authorised Officer or police officer.
- 3.3 A Street Trading Licence shall cease to have effect on being surrendered to the Council by the Licensed Street Trader to whom it was granted. This must be done by way of written cancellation. Cancellations can only take effect from the date received by the markets office. The effective date of surrender will not be earlier than the receipt of the written request to surrender the Licence. All outstanding fees and charges shall be payable up to and including the date of surrender of the Licence. **(Amended Term)**
- 3.4 A Licence is only effective for the period stated on the Licence.
- 3.5 The Council reserves the right to issue Street Trading Licences to traders who offer Commodities that will enhance the viability of the market before any other trader or applicant. **(New Term)**
- 3.6 Permanent Licences are only available at certain markets. Any applications/requests for a permanent Licence on miscellaneous sites will be considered at the subsequent OLP, however, the Council reserves the right to refuse an application/request, with any decision made by the Council is final. **(Amended Term)**
- 3.7 To apply for a Permanent Street Trading Licence a trader must be a current Temporary Licence holder and will not be considered for a Permanent Street Trading Licence until they have held their Temporary Licence for a minimum period of six months. The period of six months gives both the Council and the trader the opportunity to ensure a good fit.
- 3.8 A Permanent Street Trading Licence will not be renewed if a Licenced Street Trader is in arrears or has appeared on the monthly arrears report 3 or more times in a calendar twelve months.. All Fees and Charges must be fully paid within the financial year and any Permanent Street Trader in arrears during the renewal process will not have their Street Trading Licence renewed and will be prohibited from Street Trading from 1st April on a Permanent Street Trading Licence.
- 3.9 Any Permanent Street Trader falling into 3.8 above may apply for a Temporary Street Trading Licence, paying the appropriate temporary fees and charges whilst agreeing to a payment plan until the arrears are cleared within the agreed timeframe. The council however reserve the right to not re-issue a permanent Licence in the event of Persistent arrears. **(Amended Term)**

- 3.10 Succession of a Permanent Street Trading Licence may only be granted if the requirements of the Act are met and the successor meets the application requirements. On the death or retirement due to age and/or ill health of a Street Trading Licence holder, we may issue a Licence to a nominated relative to trade from the pitch shown in that Licence in accordance with the succession rights granted in the Act. As currently defined, an individual shall be treated as related to another if the latter is the wife, husband, father, mother, grandfather, grandmother, stepfather, stepmother, son, daughter, grandson, granddaughter, stepson, stepdaughter, brother, sister, half- brother or half-sister of the former and shall be deemed to be so related notwithstanding that they are related only through illegitimacy or in consequence of an adoption. **(Amended Term)**
- 3.11 We may also, at our discretion and subject to appropriate documentary evidence, include other individuals connected to the Licence holder, limited to a nominated Assistant of a Permanent Street Trader who has been working for that trader for a continuous period of at least seven years. In this instance the application will be assessed at the earliest OLP hearing, to ensure an appropriate decision is made in accordance with the requirements and the legislation. **(New Term)**
- 3.12 In the event that a permanent Licence is granted to a successor in accordance with the paragraph above the Markets Service may attach such further conditions as appear to be reasonable in any individual case. **(New Term)**
- 3.13 Succession will only be permitted if there are no arrears of charges payable. Only one successor can be nominated at any one time.
- 3.14 The Street Trading Licence is for the sole use and benefit of the Licence holder and whilst it provides permission to trade and bestows trading rights, it does not confer ownership of the allocated pitch, this is retained exclusively by the Council. Licence holders must therefore not assign their Licence to anyone else, employ a manager in their place and not attend or Avail themselves during market operating hours or otherwise sublet any part of their stall. If we have evidence that this condition has been breached, then the Licence holder and other persons trading or assisting on the stall may be subject to enforcement sanctions, including revocation of the Licence. **(New Term)**
- 3.15 To exercise their ability to trade under the Street Trading Licence, Licence holders must be present in person during the setting up of the Receptacle and on its closure, and for at least 51 % of the Trading Day as specified in section 8.2. Failure to do so could result in enforcement sanctions and/or revocation of the Street Trading Licence. **(New Term)**
- 3.16 Traders requesting a variation of their Street Trading Licence, such as change of Commodity or transfer of pitch etc., must complete an application form and pay the variation fee before requests will be considered at the subsequent OLP, however the Council reserves the right to refuse an application, with any decision made by the Council is final. **(New Term)**
- 3.17 Where a charitable organisation is applying for a Street Trading Licence, proof of charitable registration number must be provided upon application **(New Term)**
- 3.18 For Ridley Road Market, all permanent Street Trading Licence holders will need to Avail themselves to the Markets office and sign in to confirm their attendance at the start of the Trading Day and sign out at the end of the Trading Day. The Trading Day is as specified in section 8.2 from market open for trade to trade end. **(New Term)**

## 4. TEMPORARY STREET TRADING LICENCES

- 4.1 The holders of a Temporary Street Trading Licence are subject to these Standard Conditions in the same way as holders of a Permanent Street Trading Licence.
- 4.2 The holders of a Temporary Street Trading Licence shall report to the Authorised Officer at the market each Trading Day before commencing Street Trading to be allocated a pitch for that Trading Day. The decision by an Authorised Officer to allocate a pitch to the holder of a Temporary Licence is final.
- 4.3 The Council reserves the right to withdraw the Licence of any temporary Street Trading Licence holder without notice and without any reason having been given in writing. A temporary trader shall cease trading when requested to do so by an Authorised Officer of the Council or police officer. Following the withdrawal of the Licence, the Council will supply the trader the reasons for the withdrawal of the Licence in writing, where the trader will be able to appeal the decision at the next available OLP panel. **(New Term)**
- 4.4 The refusal by the holder of a Temporary Licence to Street Trade from a pitch allocated by an Authorised Officer may result in them not being able to Street Trade on a Trading Day or future Trading Days.
- 4.5 The issue of a Temporary Licence is without prejudice to the Council's application process for Permanent Street Trading Licences and does not infer a legal right to the grant of a Permanent Street Trading Licence.

## 5. ATTENDANCE & TRADING

- 5.1 Permanent Street Trading Licence holders must trade in person at their pitch for a significant proportion of the trading day, as set out in section 8.2. This is currently defined as 51 % of each and every Trading Day specified on the Licence (see condition 3.10). At all other times, the stall may only be operated by an Assistant who is registered with the Markets Service. **(New Term)**
- 5.2 The calculation of 51 % attendance will be made using the method that we consider most appropriate for each market and will be based upon specific attendance monitoring over a trading period of at least 2 months. We reserve the right to vary the monitoring method used subject to our giving reasonable notice. The level of monitoring carried out shall be at the Council's discretion. **(New Term)**
- 5.3 If the Stall is to be left unmanned for any reason other than comfort breaks, it is to be closed up and left in a safe and secure position. **(New Term)**
- 5.4 The holder of a Temporary Street Trading Licence must [subject to reasonable time for meals and toilet breaks] trade in person on the pitch at all times throughout the trading day. **(New Term)**
- 5.5 Temporary pitches, additional pitches, and pitch moves (via the Licence variation request and OLP process) will be allocated by Officers from the Markets Service only. Traders who set up on pitches without prior permission or move without prior permission from the Markets Manager/ Officers will be in breach of this condition and will potentially face enforcement sanctions. **(New Term)**

- 5.6 All Temporary Street Trading Licence holders to whom a specific pitch is not been pre-allocated shall report to the Markets Office before commencement of trading for the purpose of pitch allocation by an Authorised Officer. Pitches are allocated on a first come, first served basis and at the discretion of the Market Officer/Authorised Officer whose decision is final and non-negotiable. **(New Term)**
- 5.7 No trading may take place on the stall of a Permanent Licence Holder unless the Licence holder themselves or one of his/her registered Assistants is present. (In the event that this requirement is not complied with we may impose any enforcement sanction that we deem appropriate). **(New Term)**
- 5.8 Any Awning used by a Licence holder must be approved prior to use, the Council may specify colour, type and condition of any Awning used. Any Awning must be replaced or repaired within one month of a written request from the Council. **(New Term)**
- 5.9 The use of bread crates/boxes for the purpose of trading must be covered with an approved covering for suitable display purposes, and all bread crates/boxes must be removed at the end of the trading day **(New Term)**
- 5.10 The Licensed Street Trader shall only trade from the Licensed Street Trading Pitch, unless otherwise directed by an Authorised Officer. The Council reserves the right to change a Permanent Licensed Street Trading Pitch and allocate an alternative pitch on a permanent basis. The Licenced Street Trader will receive written notification and provided 28 days notice of the proposed changes. **(New Term)**
- 5.11 The Council reserves the right to change a Permanent Licensed Street Trading Pitch and allocate an alternative pitch on a temporary basis where one is available until his/her Permanent Licensed Pitch becomes available at a date to be agreed by the Authorised Officer. The Council will provide written notice of this change to the Licensed Street Trader as soon as reasonably practicable. **(New Term)**
- 5.12 Where no alternative pitch is available the Licenced Street Trader will cease Street Trading and remove their Stall and Goods immediately where directed to do so by an Authorised Officer. The Council will refund any Licence fee to the Licensed Street Trader for the period that the Licensed Street Trading Pitch is not available.
- 5.13 For Street Trading Licence holders trading in markets or Street Trading sites without a designated pitch location but trade from the same location every week, if you fail to attend for more than four weeks the Council reserves the right to replace you with another trader who wishes to trade from that location. **(New Term)**
- 5.14 If it is considered to be in the interests of the ongoing sustainability of markets and street trading within the Borough of Hackney, for example due to redevelopment of a particular area, pitch location, pitch dimensions and orientation may be varied following consultation and reasonable notice. **(New Term)**

- 5.15 Hackney Council will not accept responsibility for any loss or damage suffered by Licence holders due to any trading pitch relocation decision or any other actions taken by us.
- 5.16 Council Officers will from time to time inspect market stall set-ups to ensure an acceptable standard of appearance is maintained and request appropriate changes to enhance market locations. **(New Term)**

## 6. PITCH SIZE

- 6.1 A Licensed Street Trader shall not exceed the Pitch Limits (including where no stall are placed on an adjacent pitch). An Awning may be permitted to extend 30cm (12") at the front of the Pitch Limits but no articles are to be suspended from the Awning beyond the Pitch Limits.
- 6.2 The trading area shall not exceed the dimensions specified on the Licence and any Pitch Limits marked on the ground or otherwise identified on the Licence during trading hours, except during immediate re-stocking. NO goods, boxes, containers, displays, waste or any other articles shall be placed outside the perimeter or within the immediate vicinity of the Pitch Limits except during immediate re-stocking. **(New Term)**
- 6.3 A Licensed Street Trader shall not at any time cover or obstruct any fire hydrant or public utilities access point or pedestrian access to bus stops or crossings, or the free flow of open traffic lanes. **(New Term)**
- 6.4 A Licensed Street Trader shall not cause or permit any Receptacle, part of a Receptacle, vehicles, Goods or other articles whatsoever to project or be played beyond the Pitch Limits or above the height of three metres (10') from the ground.
- 6.5 The distance above ground level of any part of any roof, Awning, or support of a Stall or Goods suspended from any of these, shall (unless a dispensation has been granted by the Council in writing) be at least 2.3 metres (7'6") and a maximum of 3 metres (10'). The roof, Awning or any other projection shall be contained within the Pitch Limits unless approved by an Authorised Officer in writing.
- 6.6 Licensed Street Traders shall not use feeder barrows, feeder vehicles or feeder Receptacles for the display of Goods.
- 6.7 On miscellaneous sites where there is no specified pitch size, the normal single pitch size will be deemed to be 3m x 3m.
- 6.8 Licensed Street Traders who display Goods which encroach a pitch which is not designated to them will be required to pay for additional pitches and will potentially receive enforcement sanctions for contravention of this Licence condition.



## 7. GOODS & COMMODITIES (Amended Term)

- 7.1 Only those Commodities or Goods specified on the Licence may be sold from the Licence Street Trading Pitch and traders shall be limited to the group of Commodities listed on the Licence. The Council reserves the right to allow more than one trader to sell the same Commodity as another trader or shop in the market in that area. The Council's decision as to Commodities sold and the numbers and positions of traders in the various Commodity groups is final. **(Amended Term)**
- 7.2 Street Trading Licence holders and their Managers/Assistants must at all times adhere to our Commodity framework, the aim of which is to regulate the types of Goods sold at the markets in order to promote a safe, healthy and inclusive environment for both Licenced traders and their customers. Goods are to comply with the requirements of current consumer safety and/or copyright/trade/Olympic brand protection legislation; they are to be fit for purpose and of satisfactory quality (as described), and an advisory notice in writing provided where the Goods are second hand, soiled, damaged or Catalogue Returns. **(New Term)**
- 7.3 All Goods are to be clearly priced and where sold by weight or number the unit of quantity is to be clearly stated. Licence holders offering a service shall make clear the nature and cost of that service. **(New Term)**
- 7.4 All weighing scales and indications of price are to be in clear and unobstructed view of the customer. **(New Term)**
- 7.5 The sale of Goods deemed by the Council to be offensive, dangerous or pornographic, or that is believed to be counterfeit, or that can release a projectile or can be modified to that end, is prohibited. **(New Term)**
- 7.6 At their Stall, permanent and temporary Licence holders must not sell, offer for sale, advertise, display or expose any Goods other than those specified in their Licence. If they wish to change the Commodities specified in their Licence, then they must make written representation to the Market Service and apply for a variation via the OLP. **(New Term)**
- 7.7 If a Street Trading Licence permits the sale of more than one Commodity and it appears to the Markets Service that the License holder has not consistently displayed for sale a particular named Commodity, that Commodity may be removed from the Licence. In this context, 'consistently displayed' means that the Commodity concerned has been displayed for sale on every Trading Day at which the License holder has presented themselves for Street Trading purposes within three consecutive months and that it appears to us to comprise at least 25 % of their displayed stock. **(New Term)**
- 7.8 We may, subject to human rights considerations, prohibit the sale of certain lawful Goods as not being appropriate for Street Trading or because they are not consistent with Council policy or national policy. Licence holders will be given reasonable notice if this is proposed. Any such prohibition may either be general in nature or be subject to restrictions (e.g. apply only to new Licence holders). **(New Term)**

- 7.9 Licence holders shall not mislead the public about their legal rights, either orally or by displaying signs e.g. 'no goods exchanged' or 'no refunds given'. Any signage intended for this purpose must be approved by the Markets Service before it is permitted to be used. **(New Term)**
- 7.10 Ignorance of the law is not a defence. All Street Trading Licence holders and their Managers/ Assistants must familiarise themselves with and adhere to such legislation relating to their Goods, Commodities or service. Licence holders are encouraged to seek further advice from the Markets Service if they are unclear about their obligations. **(New Term)**
- 7.11 We will take action to stop any practice that we consider misleading, inappropriate, contrary to the interests or statutory rights of customers, or which is likely to give the market a bad reputation and may also refer the matter to the appropriate agency for investigation and action. **(New Term)**
- 7.12 Real Deal - a Licensed Street Trader is prohibited from supplying illegal Goods, which includes stolen Goods, suspected stolen Goods, counterfeit/pirated Goods, unsafe Goods, tobacco or other nicotine Goods and alcoholic Goods.

## 8. TRADING DAYS AND TIMES

8.1 Street Trading may only take place on the days and times permitted on the Street Trading Licence. Pitch charges must be paid whether or not the permanent Licence holder has traded.  
(Amended Term)

8.2 Market Street Trading operational hours are set out as follows;

Market	Set up time Traders & vehicles	Vehicles out of Market	Market open for trading (Trading Day)	Trading Ends (Trading Day)	Stalls cleared and vehicles out of market*
Ridley Road Market	From 06:00 Hours	09:30 Hours Monday to Thursday 09:00 hours Friday & Saturday	09:30 hours Monday to Thursday 09:00 hours Friday & Saturday	17:00 Hours Monday to Thursday 18:00 Hours Friday & Saturday	18:00 Hours Monday to Thursday 19:00 Hours Friday & Saturday
Christmas Week, from 17th to 24th December	From 06:00 hours	09:00 hours Monday to Saturday	09:00 Hours Monday	Vehicles must not enter the market until 16:00 (New Term)  18:00 Hours Monday to Saturday	19:00 Hours Monday to Saturday
Hoxton Street Market	From 06:00 Hours	10:30 Hours Monday to Friday 09:00 hours Saturday	10:30 Hours Monday to Friday 09:00 hours Saturday	16:00 hours	17:00 hours
Broadway Market (Saturday only)	From 06:00 Hours	09:00 Hours	09:00 Hours	17:00 Hours	18:00 Hours
Chatsworth Road Market (Sunday only)	From 08:00 Hours	10:00 Hours	10:00 Hours	16:00 hours	17:00 hours
Kingsland Waste Market	From 07:00 Hours	09:00 Hours	09:00 Hours	16:00 Hours	17:00 Hours

\* Time limit applies to trader owned Stalls, those setup in bulk for the market and hired out to stall holders have agreed contractor times for setting up and breaking down Stalls.

- 8.2.1 On Trading Days between 17 December and 24 December all markets will be permitted to extend their operational hours upon agreement with the Market Manager (excluding Ridley Road Market which already has extended opening hours).
- 8.3 Licensed Street Traders and/or their Assistants shall remove their Receptacles, Goods and Stalls (where Stalls have not been provided by the Council) at the end of each Trading Day specified on the Licence at the times set out in condition 8.2 above for each of the Council's markets or the time stated on the Licensed Street Traders Licence if earlier.
- 8.4 The "Stalls cleared and vehicles out of market" times set out in condition 8.2 are the latest times that Receptacles and Trader owned Stalls must be removed from the Licensed Street Trading Pitch, and either taken by the trader or taken to an agreed place of storage off of the market. Any barrow, trailer, vehicle or Stall left at a market or any adjacent street shall be removed by the Council and taken to a place of storage. Any barrow, Stall, Receptacle, trailer or vehicle removed by the Council from a market or a street adjacent to a market shall not be returned to the Licensed Street Trader until all costs and charges associated with the removal and storage of the same have been paid in full by the owner or the Licensed Street Trader
- 8.5 All Licensed Street Traders remain responsible for their vehicle at all times. The Street Trading Licence does not confer any permission or right to park a vehicle within the trading area. Vehicles must abide by parking regulations including, but not limited to, loading and unloading, parking correctly in appropriate bays and properly displaying any required permit and clear identification of market trader and pitch designation. (Amended Term)
- 8.6 A Licensed Street Trader shall not leave a vehicle in the street in which he Street Trades when that street is in operation as a market except for the purpose of loading and unloading Goods within the hours permitted in any traffic management order made in respect of the street. Such loading and unloading shall be carried out as soon as reasonably practicable and the vehicle removed immediately once loading/unloading has been completed to an authorised parking place outside the market. Nothing in this condition permits or purports to permit a Licensed Street Trader to contravene the terms of any parking restrictions or traffic management order that apply to the street.
- 8.7 All vehicle movement associated with the market operation shall, regardless of the time of day, be at a maximum of 5 miles per hour and hazard warning lights must be on. When loading/unloading their vehicles, all Licensed Street Traders shall cause as little obstruction and inconvenience to the general public, other traders or Council staff and contractors as possible.
- 8.7.1 Any market which operations an exemption list for traders shall comply with the times stated on the signage within the market. A Licensed Street Trader may hold two vehicles on the exemption list at any time. The vehicle must belong to the Licensed Street Trader or Manager/Assistant and a copy of the V5C document must be provided before registering vehicles.
- 8.7.2 Licensed Street Traders must unload their vehicle of any Goods and remove vehicle within one hour of arrival. All vehicles must have left the market by the times listed in 8.2. Failure to adhere may result in retrospective enforcement action. (Amended Term)

- 8.8 Traders must comply with requirements to ensure emergency access to markets at all times.
- 8.9 Licensed Street Traders must be set up, vehicle removed and ready for trade by the start of the market Trading Day as listed in 8.2. (Amended Term)
- 8.10 Any Licenced Street Trader trading or operating outside of a market or Street Trading sites agreed operating hours will be considered as illegally trading and will receive enforcement sanctions up to and including revocation of Licence and a £1000 fine. (New Term)
- 8.11 If a Ridley Road Market Permanent Licensed Street Trader is not present on the market by 08:30, Monday to Thursday, their right to trade on that day is lost, unless permission to set up late has been granted by Council Market Inspectors. Permanent Licensed Street Traders must be present by 8am Friday and Saturday or they lose their right to trade on that day.

## 9. REFUSE & WASTE

- 9.1 Licence holders and their Manager/Assistants must contain all Refuse in an appropriate manner, using containers or bags provided or approved by the Council and which shall be kept exclusively for that purpose. They must cooperate to enable such containers and bags to be removed or emptied as often as may be necessary into any vehicle or other Receptacle provided for the purpose. Such containers should be kept as clean as reasonably practical. The Licensee shall keep the pitch area clean and swept of any debris throughout the Trading Day, in particular it shall be the duty of every licensee to pick up all litter, debris packaging and detritus both within and outside their pitch area that has been produced in the course of his/her business or could reasonably be assumed to have been so produced.
- 9.2 The Council reserves the right to specify the level of waste collection that is included in the Licence fee and reserve the right to make additional charges for any excess waste generated. For the purposes of assessing the level of waste generated, any Refuse left on a Licence holder's pitch or which can otherwise be reasonably attributed to them will be included.
- 9.3 Licensed Street Traders shall ensure that they familiarise themselves with and comply with all specific requirements for waste management on the market they attend.
- 9.4 Licensed Street Traders shall keep their pitch and the immediate area around the pitch clean at all times during the course of trading and must ensure that the pitch is left in a clean and tidy state at the end of trading. The Council reserves the right to charge a Licensed Street Trader the additional cost of cleaning the pitch where the Licensed Street Trader has left the pitch in a dirty and poor state at the end of trading. Any Licenced Street Trader cooking on site must ensure that there are no fat, oil or other deposits made on their pitch or anywhere within the market area.
- 9.5 Street Trading Licence holders shall ensure that all wastewater is collected in a secure container or otherwise discharged in such a manner so as not to cause a nuisance. It is the responsibility of the Licence holder to ensure that any legal requirements concerning wastewater are complied with, for example, formal consent to dispose of trade effluent into a public sewer. Failure to provide sufficient evidence of such compliance will be deemed a breach of this trading condition. (New Term)



- 9.6 Licensed Street Traders shall ensure that crates, trolleys or similar used to deliver or transport Goods into the market are removed immediately from the market after delivery. It shall be the responsibility of traders to dispose of such items or materials.
- 9.7 Licensed Street Traders and/or their Manager/Assistant shall not cause a container used for the purpose of storing Animal By-Product to be exposed in the market or cause such waste to leak or escape from the container.
- 9.8 All Food waste must be contained in a suitable manner to avoid leakage and damage to the Council footways/carriageways. The cost of rectifying any damage will be re-charged to the Licensee and Persistent on-going concerns may result in review of the Licence. Approved ground cover must be placed on the footway/carriageway to avoid oil and food spillages to prevent damage. **(New Term)**
- 9.9 Licensed Street Traders are required to have in place a commercial waste agreement with a registered carrier of waste if fish waste or any other waste covered under the Animal By-Product legislation is a part of the Licensed Street Traders' Street Trading operations.
- 9.10 All Animal By-Product waste shall be stored in a sealable container approved by the Council's Environmental Enforcement/Health Officers and disposed of in accordance with all requirements under the food hygiene legislation. No Animal By-Product shall be allowed to drain onto the street or into the public drainage system.
- 9.11 Licensed Street Traders who produce fish waste or any other waste covered under the Animal By-Product legislation as part of their Street Trading operations must provide valid waste transfer notes, confirming their waste carrier, upon request from an Authorised Officer.
- 9.12 Licensed Street Traders and their Managers/Assistants are expected to recycle cardboard boxes and support the collection of refuse by removing unwanted products from boxes, flat packing all the cardboard and stacking neatly adjacent to their Stall, ready for collection. **(New Term)**
- 9.13 Licensed traders trading in fruit and vegetables are to place all waste in the organic sack/bin provided and tie sacks when full. Contamination of waste is not acceptable and if identified will result in an enforcement sanction issued and potential prosecution and or revocation of your Licence. **(New Term)**
- 9.14 Licensed Street Traders shall ensure all cooking waste such as oil/fat is contained and disposed of appropriately and on no account should be poured into drainage systems.
- 9.15 Street Trading Licence holders and their Managers/Assistants will be held accountable for the costs to unblock drains/gullies if evidence supports that Animal By-Product, fishwater/waste, grease/oil have been deposited into drains and gullies. In addition to recovery of costs, those responsible may be subject to further enforcement sanctions, which could lead to a revocation/refusal to renew a Licence. **(New Term)**
- 9.16 Licensed Street Traders who have a shop premises in addition to a Street Trading Licence must arrange a separate trade waste agreement and not dispose of shop waste onto the market.
- 9.17 Where hot or cold food is prepared for immediate consumption and provided to customers in containers, such containers must be made of recyclable/biodegradable materials.

- 9.18 All pallets and trolleys/carts and cages (used to carry and store stock or for the purposes of transporting stock around the market area must be removed from the market after setting up. Traders must remove/arrange collection of all pallets and trolleys/carts and cages from the market at the end of each Trading Day. It is the traders responsibility to remove all pallets and trolleys/carts and cages and not to discard or dump them on the market area or side streets. Any discarded or dumped pallets/trolleys/carts and cages will be treated as fly-tipping and appropriate enforcement sanctions taken against perpetrators may be taken to include issuance of Fixed Penalty Notice/s or prosecution proceedings and or revocation of the Street Trading Licence. **(New Term)**

## 10. DISPLAY OF LICENSE NAME PLATE

- 10.1 Licensed Street Traders shall at all times display their Licence & Name Plate in a prominent visible position on the Stall at all times, so that it can be easily read by any officer or person. **(Amended Term)**
- 10.2 All Street Trading Licence holders (whether permanent or temporary) and their Managers/ Assistants are required to possess a Licence and Assistant ID card supplied by us, which they must display or be able to produce immediately upon request by an Authorised Officer of the Council during the Trading Day. Failure to do so will be considered a breach of these conditions. **(New Term)**
- 10.3 No Advertisement shall be displayed at the Licensed Street Trading Pitch which relates to any Goods, Commodities or services other than the Goods offered for sale at the pitch.

## 11. HEALTH AND SAFETY

- 11.1 All Licensed Street Traders must adhere to safe working practices and promote this by:
- 11.1.1 Knowing their individual responsibilities, and responsibilities as employers in relation to the Health and Safety at Work Act 1974.
  - 11.1.2 Adhere to all safety measures whether given verbally or in writing.
  - 11.1.3 Ensure working practices in their area of responsibility are kept up to date.
- 11.2 All Licensed Street Traders will complete an annual risk assessment, a copy of which will be given to the Markets Service, and follow all measures identified in the same to mitigate any risks identified.
- 11.3 The use of electricity is restricted to lighting only unless otherwise agreed in writing with the Markets Service.
- 11.4 All other electrical equipment must be approved by the Council in writing before being used at a Stall. All electrical equipment must be tested by a suitably qualified electrician at the Licensed Street Trader's expense and copies of electrical safety test certificates must be deposited with the Council before written approval will be given by the Council.

- 11.5 Licensed Street Traders shall provide to the Council (Markets and Environmental Health) annually a Gas Safety Certificate pursuant to the Gas Safety (Installation and Use) Regulations 1998 all gas equipment at the Licensed Street Trading Pitch. All gas equipment/ canisters must be installed by a commercial Gas Safe Register engineer and used in accordance with legislative requirements and health and safety guidance for such equipment. Camping equipment is strictly prohibited.
- 11.6 All electrical equipment used at a Stall shall display a safety tag to demonstrate that the equipment has passed the necessary safety test and the date on which it was last tested.
- 11.7 All electrical connections/cabling must be weather resistant and manufactured for external/ outdoor use (for example arctic cables with caravan style plugs). They should be placed and maintained to prevent any electrical short circuit or danger from electric shock, and not create a hazard.
- 11.8 All arrangements to connect Stalls to adjacent Premises for electricity must notify the Council in writing in advance unless in the case of an emergency or circumstances sufficiently unforeseeable, in which case the Council must be notified within 24 hours of such arrangements being introduced. All connections shall be readily detachable and shall not obstruct a street, and meet all health and safety regulations.
- 11.9 All Licensed Street Traders intending to use an electrical supply must obtain the Council's written consent before seeking installation of the supply by an electricity supplier. Where the supplier of electricity is not the Council, the Licensed Street Trader and the electricity supplier shall indemnify the Council in writing in respect of the safety of the supply before written consent is given by the Council.
- 11.10 Licensed Street Traders shall disconnect from an electrical supply when directed to do so by an Authorised Officer and given the reasons for this request.
- 11.11 All electrical cables that are suspended over a street shall have a minimum clearance of 2.3m (7'6") from the footway surface and 5.3m (17'6") from the surface of the road, and as far as possible away from pedestrian areas. Licensed Street Traders shall ensure that electrical supplies are used in a manner that ensures full compliance with all health and safety legislation. Cables are not to be placed on the ground on footpaths/public areas.
- 11.12 The use of mobile electrical generators and their location must be approved in writing by the Council prior to their use. Mobile electrical generators will need to be positioned so as to ensure that:
- 11.12.1 They do not present a danger to the public;
  - 11.12.2 They do not present a fire or similar hazard risk to the Stall or Goods displayed;
  - 11.12.3 They do not produce fumes or any airborne solids, beyond that reasonably expected in normal use, having regard to the proper functioning of any equipment;
  - 11.12.4 They operate and do not produce any noise or vibration that disturbs other traders;
  - 11.12.5 Any inflammable fuel not being used shall be stored away from the Stall in a location and container approved by the London Fire Authority.

- 11.13 Any generator shall be turned off at the request of an Authorised Officer and the reasons for this request will be given.
- 11.14 A Licensed Street Trader shall not use an electrical supply without the Council's written consent or may be subject to the enforcement actions listed in section 20.
- 11.15 A Licensed Street Trader will be held liable for damage to any installation or facility provided by us for the purpose of supplying electricity, water or other amenity, if it is shown that such damage was caused by their actions or neglect or that of their registered Managers/Assistants or other person acting on their behalf. The matter may also be referred to other agencies (e.g. the police) for action and may result in potential revocation of your Street Trading Licence. **(New Term)**
- 11.16 All Licensed traders shall ensure that electricity bollard covers are secured at the close of each Trading Day. Faults should be reported to the market officer immediately. **(New Term)**
- 11.17 A Street Trading Licence holder will be subject to automatic suspension of a trading Licence and trading privileges if it is proven they or anyone registered to their Licence tamper with, or use an electricity supply of the Council without payment. Any trader proven to have caused damage to any Council installation or equipment will be required to pay the full cost of any repair or replacement. Any trader/Manager or Assistant responsible for such acts may be subject to a separate prosecution or civil proceedings. **(New Term)**
- 11.18 All Licenced traders should not bring or allow any animal onto your pitch or within the market area at any time. **(New Term)**
- 11.19 No machinery shall be operated at a Licensed Street Trading Pitch without the written consent of the Council.
- 11.20 All parts of any machinery that could cause injury shall be covered or fenced in when in motion.
- 11.21 All Stalls or vehicles or parts thereof used for cooking shall be equipped with a dry powder type fire extinguisher, fire blankets and a carbon dioxide fire extinguisher which shall be placed near any electrical installation to the satisfaction of the Fire Service Authority/Council officers.
- 11.22 The Council reserves the right to check all or any equipment used by Licensed Street Traders, at any time. The trader will immediately give access upon request from an Authorised Officer.
- 11.23 All Licensed Street Traders selling high risk food must provide hand washing facilities at their Stall. This must include a supply of hot water, towels, a bowl and soap (preferably a liquid soap dispenser). Separate washing facilities must be used for knives and other serving implements used. A sufficient supply of hot water is required; Hot water cannot be supplied from a thermos flask. The hand washing facilities must be of a type approved by the Council.
- 11.24 Prepared cooked food may only be offered and sold from Council approved fit for purpose catering equipment and in accordance with food safety legislation. **(New Term)**
- 11.25 The cost of additional cleansing required in any market relating to the cooking, display or sale of food will be re-charged to all food sellers in that market. **(New Term)**

- 11.26 When Applying for a Street Trading Licence, only traders that have achieved a minimum standard of a 3\* food hygiene rating will be considered for a Street Trading Licence. **(New Term)**
- 11.27 During the lifetime of the Street Trading Licence, any premises which receives a food hygiene rating of a 1\* or 2\* shall have their Licence temporarily suspended until such time they complete the reasonable adjustment and receive a 3\* or higher on the follow up visit. Any trader that fails to achieve this will have their Street Trading Licence revoked. **(New Term)**
- 11.28 All Licensed Street Traders shall comply with the electrical safety agreement in advance of using electricity on any market.

## 12. STALLS

- 12.1 The Council exercise the right to designate the type of Stall/gazebo that can be used for trading purposes in each designated market and Street Trading location, If it is considered to be in the interests of the ongoing sustainability of markets and Street Trading within the Borough of Hackney, for example due to redevelopment of a particular area, the type of Stall/gazebo authorised to use for trading may be varied following consultation and reasonable notice. **(New Term)**
- 12.2 Hackney Council will not accept responsibility for any loss or damage suffered by Street Trading Licence holders due to any Stall/gazebo purchase decision made without written permission or authorisation by the Council or any other actions taken by us. **(New Term)**
- 12.3 Any Stalls/gazebos provided by the Council must be kept in good repair, and any damages to the Receptacles may be chargeable to the Street Trading Licence holder. **(New Term)**
- 12.4 All Licensed Street Traders must trade from a Stall/gazebo approved by the Council, consisting of a full frame, canopy/Awnings, and weights when required, that fits their pitch; unless the Council has specifically undertaken to provide a Stall/gazebo. Alternatively, traders may apply to trade from a Stall Vehicle designed for that purpose, which must be approved by the Council. **(Amended Term)**
- 12.5 Where the Council provides a Stall/gazebo this is to be used carefully and all reasonable care taken. The Council reserves the right to charge the Street Trading Licence holder for any damage to the Stall/gazebo, either for repairs or buying replacement parts. **(Amended Term)**
- 12.6 Where Awnings/covers/canopies/trims are provided by the Council, they must be used by the Licensed Street Trader.
- 12.7 Any Stall/gazebo deemed to present a risk or hazard shall, at the request of an Authorised Officer, be removed from the market immediately. A Licensed Street Trader shall ensure that any Stall, gazebo, barrow, Receptacle, etc. is safe in its construction, sitting, erection and use and shall not cause injury to any person. **(Amended Term)**
- 12.8 Licensed Street Traders or their Manager/Assistants shall remove the Stall and Goods for so long as may be necessary in the event of extreme circumstances and when reasonably required to do so by an Authorised Officer.



- 12.9 All Stalls/gazebos shall be identified with the name of the owner or Licensed Street Trader if they are the owner.
- 12.10 All Stalls shall be on an approved type, suitable for the purpose to which it is to be used, and shall be kept in a clean condition and in good repair. A Stall shall be repaired and/or repainted within one month of a written request from the Council and shall be repainted in an approved colour at least once every two years.
- 12.11 A Stall that is or becomes unfit for purpose of Street Trading or beyond repair in the opinion of the Council must be replaced with one fit for purpose within one month of a written request by the Council.
- 12.12 Fabrics or other sheet materials used in the construction of that Stalls, roof coverings, drapes or Awnings shall be rendered flame retardant and maintained in that condition to the satisfaction of the London Fire Authority.
- 12.13 Canopies, clips, display goods and other similar items must be positioned in a way so as to cause no risk or danger to pedestrians or vehicles.
- 12.14 Licensed Street Traders must not place any Goods or equipment in the Licensed pitch such that they encroach or extend beyond the confines of their pitch, unless they have permission from Authorised Officers.
- 12.15 All structures, scaffolds and poles are to be within the perimeter of the pitch. Overhangs are only permitted with the agreement of an Authorised Officer, and if allowed must not cause a hindrance to others, an obstruction or a danger to pedestrians/vehicles.
- 12.16 Licensed Street Traders shall ensure that they familiarise themselves with and comply with any specific requirements for stalls on the market they attend.
- 12.17 All tables or other furniture for presentation and sale of Goods, shall be properly designed and professionally made for such a purpose and able to withstand the rigours of Street Trading. Makeshift structures are not acceptable.
- 12.18 All avenues, gangways, passages and other areas between pitches and adjacent highways must be kept free of obstructions.
- 12.19 Council Officers will from time to time inspect market stall set-ups to ensure an acceptable standard of appearance is maintained and request appropriate changes to enhance market locations. **(New Term)**
- 12.20 Any Stall/Gazebo rented from the Council must be paid for in advance of your attendance to trade. If you fail to attend the Market/Street Trading site after requesting use of one of the Councils Stalls/Gazebos, the fee will be added to your next invoice or pitch payment. The Council are not liable for any charges you incur through non-attendance. **(New Term)**

## 13. INSURANCE

- 13.1 A Licensed Street Trader shall have public liability insurance in the sum of £5,000,000 (five million pounds) in respect of any one event approved by the Council in writing and must produce to the Council on request the current receipt for payment of the insurance premium. A copy of the certificate of insurance shall be provided to the Council within seven days of a request being made.
- 13.2 All Street Trading Licence holders must provide the Market Service with sight of originals of applicable insurance certificate at the time their Licence is granted and whenever they make any changes to the policy. They must also provide originals of all renewals no later than seven days before the previous certificate expires. We reserve the right to make further copies or contact the insurance company at any point if we deem it necessary to do so.  
(Amended Term)
- 13.3 All Street Trading Licence holders are prohibited from trading at any time unless they have valid insurance cover and contravention of this condition will result in appropriate enforcement sanction being applied. In the event of a query regarding insurance, or as part of routine checking, a market officer may request sight of any relevant documentation and/or the Licence holder may be required to produce such documentation at the offices of the Markets Service. Failure to produce insurance certificates within seven days when requested by an Authorised Officer of the Council will lead to temporary suspension from trading until the certificate is produced and the Council is satisfied with the level of cover. (New Term)

## 14. STORAGE

- 14.1 Licensed Street Traders who Street Trade in Food Stuffs shall notify the Council in writing of any change of address or addresses at which the Stall and any Goods are stored. Such notice shall be given within seven days of such change and the Council reserves the right to conduct an inspection to confirm storage at the address and to ensure that the storage space complies with all relevant legislation.
- 14.2 Licensed Street Traders who lease a container from the Council must not fall into more than two months arrears. The containers must only be used to store items that are legal and within the Commodity Regulations, and relate to their trading on the market.
- 14.3 The Council reserves the right to request the revocation of a leased container if the Licenced Street Trader has Persistent arrears. The Council will provide 28 days notice of revocation of container to facilitate the Licensed Street Trader to make alternative storage arrangements.  
(New Term)
- 14.4 The container must be made available for inspection by an Authorised Officer's request, failure to comply with these rules will result in the Council repossessing the container and any outstanding fees will still be owed.
- 14.5 Any damages to the container(s) leased from the Council that incurs repair charges are not the liability of the Council and will be chargeable to the Street Trading Licence holder.  
(New Term)

- 14.6 Subletting of any leased container by a Street Trading Licence holder will result in the issuance of 28 days notice to remove Goods and the Council will revoke the leased container. Any costs accrued in the process will be chargeable to the Street Trading Licence holder. **(New Term)**
- 14.7 The Council reserves the right to request the return of a leased container if the Licenced Street Trader has not attended the market for 51 % of each and every Trading Day on the Licence over a period of three months. The council will provide 28 days notice of revocation of container to facilitate the Licensed Street Trader to make alternative storage arrangements. **(New Term)**

## 15. EMPLOYED MANAGER AND/OR ASSISTANTS

- 15.1 All Street Trading Licence holders must register each of their Managers/Assistants when they first apply for a Street Trading Licence and also inform the Market Service of any change of Assistant or recruitment of an additional Assistant within seven days. A maximum of one Manager & three Assistants can be registered on the Licence. **(New Term)**
- 15.2 A Temporary Licensed Street Trader may employ up to four Assistants. **(Amended Term)**
- 15.3 A full registration providing the details as set out below must be submitted to the Market Service by the Street Trading Licence holder in respect of each and every Manager/Assistant to be employed by the Licence holder:
- Written details of the Assistant's full name, address, date of birth, email address, mobile and landline phone number, where applicable.
  - One identical and up-to-date full face passport photograph of the Manager/Assistant.
  - The Assistant's valid NI number, copy of a valid UK passport (or overseas passport with work permit) and/or other satisfactory evidence that they are eligible to work in the UK, such as a letter from the Home Office.
  - Proof that they are covered by both Public liability and where applicable, Employer liability, insurances.
  - Proof of payment of the appropriate fee.
  - Any other information that we may reasonably require or consider relevant. **(Amended Term)**
- 15.4 Licenced Street Traders may only make four changes to their registered Managers/Assistants on their Licence in one calendar year unless prior approval has been sought by the Market Service. If the number of registered Manager/Assistant changes are likely to exceed four in any one calendar year, prior approval must be sought from the Market Service before any more Assistants can be registered. **(New Term)**
- 15.5 A registered Assistant can only be registered to a maximum of two permanent traders during a twelve month period. **(New Term)**

- 15.6 Only a Manager/Assistant registered with the Council may work on a Stall. Any Manager or Assistant must apply for a Markets ID card and their completed application must be presented to the Council within seven days of starting work on the market for a Licensed Trader.
- 15.7 Any Manager/Assistant whose registration has expired and who is not in the process of completing full registration will be regarded as unregistered. The use of unregistered Managers/Assistants by a Licence holder is a breach of Licence conditions. **(New Term)**
- 15.8 A Licensed Street Trader shall not employ a Young Person in any capacity in the course of Street Trading unless that Person is registered with a Local Authority and a work permit has been issued. A written record shall be kept of the hours of work of any Young Person Employed together with the duties performed. This record shall be produced to an Authorised Officer upon request.
- 15.9 A Manager/Assistant shall carry their Markets ID card at all times when working for the Licensed Street Trader, and present it to Markets Officers/Council officers when requested (as per Section 2.9.2) (of proposed terms).
- 15.10 Street Trading Licence holders must supervise any Assistant that they employ. If their Manager/Assistant breaches any of the conditions of the Street Trading Licence, then the Licence holder will be liable for the breach and enforcement sanction may follow as a result. This may be in addition to any action taken against the Assistant. **(New Term)**
- 15.11 When a person ceases to be their Manager/Assistant, the License holder must notify the Council of that fact within seven calendar days and the Manager/Assistant will be required to surrender their ID card, if any has been issued.
- 15.12 No new Assistant will be registered to a permanent trader if he/she has arrears of charges. **(New Term)**
- 15.13 A Street Trading Licence holder cannot be a registered Manager/Assistant on another Street Trading Licence holder's Street Trading Licence within the London Borough of Hackney. **(New Term)**
- 15.14 Registered Managers/Assistants cannot hold their own personal Street Trading Licence whilst still registered as a Manager/Assistant for another Street Trading Licence holder in the London Borough of Hackney. **(New Term)**
- 15.15 Any Managers/Assistants found to be in violation of any conditions within this document will have their Assistant's Licence revoked on any Street Trading Licence for which they appear on. **(New Term)**

## 16. ASSISTANCE TO AUTHORISED OFFICERS

- 16.1 A Licensed Street Trader or Manager/Assistant shall give immediate assistance to Authorised Officers when requested to do so.
- 16.2 A Licensed Street Trader and/or Manager/Assistant shall not use rude or offensive language or behave in an aggressive manner when dealing with an Authorised Officer or member of the Council.
- 16.3 A Licensed Street Trader and/or Manager/Assistant must not commit any acts of harassment (whether racial, sexual or otherwise) against an Authorised Officer.
- 16.4 If any Licenced Street Trader and/or Manager/Assistant provides information to an Authorised Officer when requested, that is later found to be false or misleading, the Council may consider revoking the Licence in question. **(New Term)**
- 16.5 A Licensed Street Trader and/or Manager/Assistant shall not make offers to bribe, induce or act fraudulently when or in connection with Enforcement, Planning, Regeneration, Street or Shop Front Trading in and around the vicinity of a Council market or Street Trading site. **(New Term)**

## 17. ABSENCES AND SICKNESS

This section applies to Permanent Licensed Street Traders only

- 17.1 In any cases of sickness/pregnancy where a Licence holder (and their Manager if they employ one) is unable to occupy their pitch, they should notify the Council on the first day of absence, specifying the reasons and the likely length of absence if possible. During the period of absence, a registered Assistant is permitted to trade on behalf of the License holder or, if they do not employ a Manager or an Assistant, the Council may temporarily allocate the pitch to a Temporary Licence holder.
- 17.2 Licensed Street Traders shall pay all Markets and Street Trading fees and charges in connection with their Licence for the first four weeks of sickness. Where due to sickness a Licensed Street Trader is unable to trade for a period of four continuous weeks, the Licensed Street Trader must complete a Markets Sickness Form and return the Form to the Markets Service Admin officer with the medical sickness certificate duly signed from his/her GP covering the four weeks continuous sickness period. The Licence holder must meet the cost of obtaining any certificate[s]. **(Amended Term)**
- 17.3 Where any sickness continues for a period of more than four weeks, the holder of a Street Trading Licence shall submit and continue to submit monthly to the Council medical certificates for each four week period of sickness. If a medical certificate is not submitted at the beginning of each four week period of sickness to the Council, the Markets and Street Trading fees and charges in connection with the Street Trading Licence for the whole four week period shall be payable to the Council even where a medical certificate is submitted retrospectively. The Licence holder must meet the cost of obtaining any certificate[s]. **(Amended Term)**



- 17.4 After 12 weeks of continuous absence due to medically certified sickness and subject to there being no significant arrears in charges payable, we may exercise our discretion if requested to do so by a Street Trading Licence holder and allow a registered Manager/Assistant to act on behalf of a Licence holder. This does not confer on the named registered Assistant any claim over the pitch or associated rights following the return of the permanent Licence holder and must be surrendered at this point if they wish to continue acting as a registered Assistant. Such arrangements will be kept under review. In the event that no medical certificates are forthcoming we may take steps to revoke the Street Trading Licence. **(New Term)**
- 17.5 The Council will review the suitability of the absent Street Trading Licence holder to continue to hold a Permanent Street Trading Licence after six months of continuous absence and every six months thereafter. If it becomes the case that they are unable to return in person and attend their pitch to the full extent required by their Licence, then they shall be given the opportunity to surrender it and apply for a temporary Licence or retire on ill-health grounds, in the absence of a successor being nominated in accordance with 3.8 above. This condition will also apply where sickness exceeds six months aggregate within any 12 month period. This is without prejudice to our taking steps to revoke the Licence on the grounds that the Licence holder is an individual who has without reasonable excuse personally failed fully to Avail himself of his/her Licence. **(New Term)**
- 17.6 A Street Trading Licence holder is required to give written notice forty-eight hours in advance for holidays of a duration which is less than two weeks. For extended leave exceeding two weeks, the Licence holder must obtain written permission from the Market Service and ensure that all outstanding fees and charges have been paid. During their absence, a registered Assistant will be allowed to trade on their behalf or, if they do not employ an Assistant, we may allocate the pitch to a temporary Licence holder. **(New Term)**
- 17.7 Licence holders that take unauthorised leave may be subject to enforcement sanctions including revocation of Street Trading Licence. The Licence holder is required to pay all Street Trading charges regardless of sickness or holiday absence. **(New Term)**
- 17.8 A Licence holder who is an expectant mother shall be permitted to deposit her Licence with the Market Service for up to nine months or such alternative period as may be specified by law. If she employs a registered Assistant, then on application by the Licence holder we will allow a named registered Assistant to act on her behalf. This does not confer on the Assistant any claim over the pitch or associated rights following the return of the permanent Licence Holder. It remains the responsibility of the Licence Holder to pay all trading charges. If the Licence Holder has no registered Assistant then whilst consideration may be given to wholly or partially waiving charges for the period of absence, we may propose that on their return, the Licence Holder will be allocated a pitch different to that which they previously occupied. **(New Term)**

- 17.9 Any application in relation to sickness or holiday will relate solely to the financial year (1st of April to 31st of March the following year) in which the sickness or holiday occurred.
- 17.10 All other requests for extended leave, on the grounds of paternity leave, religious purposes, carers leave or similar, will be considered on an individual basis to ensure that a fair and reasonable decision is made in every case. The Council's decision shall be final. Such leave where agreed and credited must be for a minimum of one week.
- 17.11 The holder of a Street Trading Licence should notify the Council in writing in advance of their intention and the dates on which they will be absent for a period not exceeding **two weeks** in aggregate during one financial year commencing on 1 April and ending on 31 March the following year, for the purpose of going on holiday. The Street Trading Licence Trader's trading account will be credited in lieu of such holiday period. Such holiday period booked and credited must be for a minimum of one week. **(Amended Term)**

## **18. FEES & CHARGES (Amended Term)**

- 18.1 A Licensed Street Trader shall pay all Markets and Street Trading fees and charges in connection with his Licence on the dates and intervals specified by the Council upon the issue and/or renewal of the Licence and in the manner agreed as appropriate for payment by the Council.
- 18.2 A Permanent Licensed Street Trader shall use one of the payment methods notified to them at the time of his application for a Licence or renewal of his Licence or as otherwise given in writing by the Council to pay their Markets and Street Trading fees and charges. We reserve the right to vary this general requirement with reasonable notice of not less than three months. **(Amended Term)**
- 18.3 Any Permanent Street Trader who falls into arrears of 4 weeks or more within the period of their Licence must either clear the debt in full or enter into an agreed repayment plan. If arrears continue without an agreed repayment plan, The traders Permanent Licence will be suspended and they will be offered the opportunity to trade as a temporary trader with a final repayment plan agreed to clear all monies owing. Persistent accrual or failure to clear arrears in full puts the Licence at risk of revocation or the Council refusing to renew the Permanent Licence upon expiry. See also 3.7 and 3.8 regarding permanent Licence renewal. All Fees and Charges must be fully paid within the financial year and any Permanent Street Trader in arrears during the renewal process will not have their Street Trading Licence renewed and will be prohibited from Street Trading from 1st April on a Permanent Street Trading Licence. **(Amended Term)**
- 18.4 All Fees and Charges must be fully paid within the financial year and any Permanent Street Trader in arrears during the renewal process will not have their Street Trading Licence renewed and will be prohibited from Street Trading from 1st April on a Permanent Street Trading Licence. Any Street Trading Licence holder who fails to clear their outstanding debt and/or persistently falls into significant arrears (with or without proposals to revoke being made) is considered to have breached their Licence conditions. We therefore reserve the right to undertake further enforcement sanction regardless of whether the debt is discharged in the meantime. This may include attaching further conditions to or varying the Licence conditions as we consider appropriate. **(New Term)**

- 18.5 The Council reserves the right to commence proceedings in the County Court to recover all arrears. This is without prejudice to any other enforcement sanction that has been or may be taken by us. **(New Term)**
- 18.6 Street Trading Licence holders are also required to pay additional charges reasonably demanded by us for actions like damage to Council-owned street furniture, the production of excessive Refuse, damage/staining to pavements/blocked drains through discharge of Animal By-Product or liquids within fourteen days of us demanding payment from them. This is without prejudice to any enforcement sanction that has been or may be taken by us or any other agency. **(New Term)**
- 18.7 If they fail to pay these other charges, then we reserve the right to apply a further charge added to the next monthly trading charge. A charge may also be made for all reasonable administrative costs incurred by the Council in the recovery of arrears, taking enforcement sanction or for additional late payments. **(New Term)**
- 18.8 Permanent and temporary traders are required to use an electronic payment method acceptable to the Market Service and use a self-service online traders' portal to make transactions with the Council, this includes applications for Licences, variations making online advance payments for invoices and temporary trading and booking pitches. Debit or credit card payments can be made at the Markets office. In the event that payment is by credit card an additional fee as notified may be levied. Cheques submitted to the Market Service will not be accepted. **(New Term)**
- 18.9 Any Licenced Street Trader requesting a Street Trading Licence variation must be debt-free, with no **enforcement sanctions on file** at the time of the request and for at least six months consecutively preceding the request. **(Amended Term)**
- 18.10 A variation of a Street Trading Licence agreed at the Officer Licensing Panel (OLP), shall only be permitted once every 12 months for a Commodity change (in line with the Commodity Regulations) and once every **six** months for a pitch transfer. **(Amended Term)**
- 18.11 A Licensed Street Trader shall be required to pay a non-refundable fee for an application to vary a Street Trading Licence at any OLP sitting (see current Council fees and charges).
- 18.12 Temporary Licensed Street Traders can pay as follows:
- 18.12.1 On markets where temporary traders can turn up and seek to trade on the day, they will be charged on the day and their pitch is allocated by the Market Officer for that day and is only confirmed on receipt of payment.
- 18.12.2 Traders on miscellaneous sites can pay for **up to four weeks** in advance via the Markets Office or a Markets Officer on the market. **(Amended Term)**
- 18.12.3 Traders with confirmed pitches on weekly markets can pay for a maximum period of four weeks in advance via the Markets Office or a Markets Officer on the market.

## 19. CONDUCT & BEHAVIOUR (Amended Term)

- 19.1 Hackney Council will not tolerate abuse or intimidation of any sort. Street Trading Licence holders are required to ensure that they and their Managers/Assistants are at all times competent, courteous and helpful, treating members of the public, other Licence holders, Authorised Officers from the Market Service or any other Council officers or officers from other agencies fairly, reasonably and with respect. **(New Term)**
- 19.2 Street Trading Licence holders or their Managers/Assistants must not commit any acts of harassment (whether based on race, gender, sexual orientation, age, disability, religious belief or other) against any person, including Council officers and their own employees. Harassment is considered to include, but is not limited to:
- Violence or threats of violence towards any person.
  - Abusive, racial or insulting words and/or behaviour towards any person.
  - Damage or threats of damage to property belonging to another person.
  - Writing threatening, abusive or insulting graffiti/emails or other correspondence.
  - Refusal, without reasonable cause, to serve or permit access to a Stall, Licensed site, Premises or services.
  - Sexual acts or comments towards any person.
  - Persistent comments of a derogatory or malicious nature towards a Council officer or member of the public.
  - Any act or omission calculated to interfere with the peace or comfort of any person, to inconvenience such person or otherwise considered to bring the markets into disrepute.
- (New Term)**
- 19.3 Street Trading Licence holders and their Managers/Assistants must co-operate in allowing Markets Service Officers, other staff and contractors employed by the Council or representatives from other agencies to carry out their duties, which includes complying with any reasonable request or instruction. Such requests may include the production of documents such as those related to food registration where applicable. **(New Term)**
- 19.4 Any complaints deemed by the Market Service to be of a serious nature against a Street Trading Licence holder and/or their Manager/Assistant by members of the public, other Licence holders, Council officers or relevant third parties may be regarded as grounds for preventing/suspending them from trading until the matter is resolved, or could lead to a revocation/refusal to renew a Licence. **(New Term)**

- 19.5 Any allegations made by Street Trading Licence holders or their Manager/Assistants against members of the public, other Licence holders or Council officers will always be fully investigated. However, if such allegations are found to be without factual basis and were made in a frivolous or malicious and/or disingenuous manner, then the suitability of the individual responsible for the allegation to hold a Street Trading Licence (whether permanent or temporary) or be a registered Assistant may be called into question and will also be deemed to be a breach of conditions and those responsible may be subject to further enforcement sanction, which could lead to a revocation/refusal to renew a Licence. **(New Term)**
- 19.6 In order to protect our community, any existing Street Trading Licence holder or who is convicted, cautioned, arrested, warned or admits to the commission of any offence relating to assault, criminal damage, drugs, dishonesty, public order, weapons or bladed articles, sexual offences, non-fatal offences against the person, consumer related offences (including safety, counterfeit, copyright, pricing and food hygiene) or the unlicensed sale and supply of alcohol will have their Licence reviewed to consider their continued suitability to trade or remain as a registered Assistant. In addition, Licence holders and their Assistants are strictly prohibited from trading whilst under the influence of alcohol or illegal substances. **(New Term)**
- 19.7 Where a Manager or an Assistant is convicted of one of the offences described above (or similar), the Manager/Assistant will have their Manager/Assistant card revoked and the Street Trading Licence holder may face further enforcement sanctions. **(Amended Term)**
- 19.8 Licensed Street Traders and/or their Manager/Assistant must not make an offer to bribe or induce a Council officer or act fraudulent in connection with Street Trading. If found to be doing so it will be deemed to be a breach of conditions and those responsible may be subject to further enforcement sanctions, including revocation/refusal to renew a Licence. **(Amended Term)**
- 19.9 Licensed Street Traders and/or their Manager/Assistant shall not consume or cause to be consumed alcohol or any illicit substance pending revocation. If found to be doing so it will be deemed to be a breach of conditions and those responsible may be subject to further enforcement sanctions, including revocation/refusal to renew a Licence. **(Amended Term)**
- 19.10 Licensed Street Traders and/or their Manager/Assistants shall not be permitted use of a radio or music playing device by the Licensed Street Trading Pitch unless agreed by an Authorised Officer in writing. If agreed it is to be only on the pitch or within the immediate vicinity, and the sound level produced by such a device is at a level judged by an Authorised Officer to be reasonable and which allows a face to face conversation between two people and does not disturb other traders or members of the public.

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### Bengali

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### Somali

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### Vietnamese

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### Urdu

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اگر آپ یہ جاننا چاہتے ہیں کہ دستاویز میں کیا لکھا ہے تو ازراہ کرم مناسب باکس میں صحیح کا نشان لگائیے اور اپنا نام، پتہ اور فون نمبر اس صفحہ کے نیچے لکھئے اور اسے نیچے دیئے گئے پتہ پر واپس بھیج دیجئے۔

### Chinese

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