



London Borough of Bexley

**Foots Cray Offices
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STREET TRADING CONDITIONS

FOR

INDIVIDUAL PITCHES

London Local Authorities Act 1990 (As Amended)



London Borough of Bexley

STREET TRADING CONDITIONS

The following regulations are standard conditions under Section 27(3) of the London Local Authorities Act 1990.

Definitions

In the Regulations, unless the context otherwise requires the following expressions, shall have the following meanings:-

1. "Street Trading" shall have the meaning ascribed to it in Section 21(1) of the London Local Authorities Act 1990.
2. "The Council" means the Council of the London Borough of Bexley.
3. "Licensed Street Trader" means any person who is licensed for street trading under Part III of the London Local Authorities Act 1990.
4. "Advertisement" means any word, letter, model, sign, placard, board, notice, whether illuminated or not, the nature of, and employed wholly or partly for the purpose of: advertisement, announcement or direction and includes hoarding or similar structure or any balloon used, or adapted for use for the display advertisements, and references to the display advertisements, and references to the display of advertisement shall be constructed accordingly.
5. "Assistant" means a person employed by and acting under the direction of a trader to assist him/her about the business of the stall and whose name and address has been notified to the Council.
6. "Awning" means a sheet of canvas or other material, used as a protection against the weather, which projects as an extension of the roof beyond the structure of the stall.
7. "Goods" means any goods, wares or merchandise for sale at a stall.
8. "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.
9. "Pitch limits" means the authorised ground markings defining the area within which a street trading stall is to be contained.
10. "Refuse" includes as waste material.
11. "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. This also included all rubbish or refuse created as a result of the business.
12. "Premises" means any shop, house or block of flats behind or adjacent to the licenced pitch.

13. "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 By-law enactment or regulation other than Part III of the London Local Authorities Act 1990 nor where the licensed street trading pitch is situated on a private ownership shall such a grant be deemed to give any approval or consent to the continuation of street trading against the wishes of the private freeholder or where the land is held under the terms of a lease, the leaseholder.

The marginal notes inserted in those Regulation are inserted for the purpose of convenience only and shall not in any way affect the meaning or construction thereof.

Terms and Conditions:

1. 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.
2. Wherein 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 restriction as may be so specified.
3. If a trader wishes any of the terms of a licence to be varied or to seek the Council's agreement under these rules, application must be made in writing to the Council in accordance with the statutory requirements.
4. Traders must pay all monies due in advance of trading, contrary to the licence period (daily, monthly or 6 monthly). No licence will be issued until full payment has been received.

Trader

The trader shall trade only from the street and the present position therein which is indicated on the licence.

Trading Area Size and Type

The trading area shall not exceed the dimensions specified on the licence and any pitch limits marked on the ground during trading hours except during immediate re-stocking.

Goods or Service

Only those goods sold or services specified on the licence may be sold or offered or exposed for sale on the licensed street trading pitch.

Days and Time

Trading may only take place on the days and during the times specified on the licence. Traders shall commence trading, their stalls being in position and all goods contained within the pitch no later than one hour after the time specified in the licence for the commencement of trading. Unless specifically agreed by the Council, trading will not normally be permitted after 5.30pm and during the hours of darkness. Apart from absences or illness or holidays traders shall be in personal attendance on their pitch for most of the trading day.

Receptacles

Only those receptacles approved by the Council or duly authorised officer of the Council shall be used by the trader and shall include receptacles for the storage of perishable goods.

Conduct – Traders and Assistants

1. Traders and any assistants employed by them shall ensure the public are treated fairly and with courtesy regardless of colour, creed, ethnic or national origin, disabilities, age, sex or sexual orientation.
2. Traders shall ensure that their staff are competent, courteous and helpful. Traders shall conduct their undertaking in such a way as to ensure so far as is reasonably practicable that no person is exposed to risks to their health and safety.
3. Traders shall endeavour to ensure their customers do not cause any obstruction of the street and shall ensure they cause no obstruction during re-stoking of their stalls.
4. Traders shall observe and comply with directions given by an authorised Council Officer or Police.
5. Traders shall notify the Council in writing of the name of any assistant which they employ on the stall and notify details of any change of assistant.
6. No advertisement shall be displayed on the licensed pitch, which relates to any goods, or service other than those offered for sale or provided on that pitch.

Refuse

The trader shall ensure that all refuse arising as a result of the activities of the trader shall be placed in suitable covered 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. Refuse will be contained within the pitch and will be disposed of lawfully each day by the trader.

Food Safety

The trader shall comply with the provision of the Food Hygiene (Market Stall and Delivery Vehicles) Regulation 1966 or similar statutory process as may from time-to-time be enacted.

Safety of Equipment

All traders using heat producing equipment or appliances such as braziers or cooking equipment must ensure that:

1. The equipment is so placed within the trading area as to offer maximum safety to the public.
2. Suitable hand held firefighting appliances shall be provided and maintained in accordance with the current London Fire and Civil Defence authority recommendations.
3. Liquid Petroleum Gas, if used, shall be used only for cooking.
4. Correct fittings, valves and connections are used and installed properly whenever Liquid Petroleum Gas is used for cooking.

5. It shall be the responsibility of the trader to ensure that proper advice is obtained and followed in the installation and use of any such equipment.

Services and Amenities

1. 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 connection readily detachable and the detailed arrangements agreed with the Council before implementation.
2. All electrical power supplied shall have the appropriate consent from the Council before seeking installation from the EDF.
3. Mains electrical power may be supplied from the permanent premises to the trading area providing that equipment and wiring shall be placed, installed, maintained and operated in accordance with the provisions of the Health and Safety at Work etc Act 1974 and all other relevant Regulations.
4. All electrical cables that are suspended over the public footway shall have a minimum clearance of 2.6m from the footway surface, and 5.1m from the surface of the carriageway.
5. Where mobile electrical generators are employed they shall be so positioned that:
 - a) they do not present a danger to the passing public
 - b) do not present a fire or similar hazard to the stall or goods displayed thereon
 - c) do not cause any noise or fume nuisance
 - d) any inflammable fuel is stored away from the stall in a London Fire Brigade approved container of not more than 5 litres capacity
6. Petrol driven generators should not normally be used. However, where it is not practical to use any other form of generator, the storage, use and quantity of fuel allowed should be in accordance with the Petroleum Branch of the London Fire and Civil Defence Authority.
7. All electrical wiring and components shall comply with the basic EDF specification and be earthed and insulated accordingly. Electrical power shall only be used for the purposes of lighting and the operations of electrical scales and the tills and the testing of electrical goods.
 - a) The Licensee will at all times ensure that any power supply unit (whether or not provided by the Council) used to provide electrical power to the Licensee's stall does not constitute a hazard to any person, ensuring that any cables etc across the footway are covered (matted).
 - b) The Licensee will ensure that any such power supply unit is safely stored away before removing their stall from the pitch.
 - c) The Licensee will at all times ensure that their public liability insurance is such as to cover any liability arising from the Licensee's failure to comply with conditions (a) and (b) above.

- d) The Licensee will arrange for the annual safety testing and certification of all electrical apparatus used on the stall and provide copies of such certificates to the Council.
 - e) The Licensee shall be liable for the costs of all electricity used from any supply provided by the Council and shall make any such repayments as may be required, in addition to the annual licence fee.
8. The distance above ground level of any part of any roof, awning, or supports of the stall 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 and where a heat-producing appliance is in use on the stall, must be of a fireproof variety. The maximum forward projection of such awning over the footway shall be 1 metre and no awning shall come within 1 metre of the kerb.

Control of Licensed Pitch

All goods, containers or other articles shall be contained within the licensed pitch area and height and shall not project beyond.

A License Holder or assistant shall not bolt or otherwise secure temporarily or permanently anything to the street or street furniture.

Removal

Stalls shall be easily and immediately removable.

Traders or their assistant shall remove the stall and goods for so long as may be necessary in the event of any emergency or in exercise of the Council's powers and duties, if reasonable required to do so by a police officer or a duly authorised officer of the Council.

Stalls and goods shall be removed from the public highway within one and a half hours of the described on the licence from the end of trading on that day.

Vehicles

Any traders in pedestrianized areas, they are required to comply with all Permit access conditions.