

## **Standard Conditions: Temporary Licences**

### **1) Definitions**

a) In these Conditions unless the context otherwise requires the following expressions shall have the following meanings:

I. "Street Trading" shall have the meaning ascribed in Section 21(1) of the London Local Authorities Act 1990.

II. "The Council" means the London Borough of Barnet Council.

III. "Licensed Street Trader" means any person who is licensed for street trading under Part III of the London Local Authorities Act 1990.

IV. "Advertisement" means any word, letter, model, sign, placard, board, notice, whether illuminated or not, in the nature, and employed wholly or partly for the purposes of advertisement, announcement or direction and includes any hoarding or similar structure or any balloon used, or adapted for use for the display of advertisements, and references to the display of advertisement shall be constructed accordingly.

V. "Assistant" means a person employed by and acting under the directions of a trader to assist him/her about the business of the stall and whose name and address has been notified to the Council.

VI. "Awning" means a sheet of canvas or other material, used as a protection against the weather, which projects as an extension of the roof beyond the structure of the stall.

VII. "Goods" means any goods, wares or merchandise for sale at a stall.

VIII. "Licensed street trading pitch" means a pitch in any street authorised as a place at which street trading may be engaged in by a street trader, and includes any temporary alternative place approved by the Council or a duly authorised officer of the Council.

IX. "Pitch Limits" means the agreed area within which a street trading stall is to be contained.

X. "Refuse" includes any waste material.

XI. "Stall" means any structure used by a trader for the display of goods, or in connection with his or her business, and which occupies a licensed street trading pitch; and includes all goods offered or to be offered for sale and any additional structure or equipment used as part of the stall or business. On "isolated pitches" this also includes all rubbish created as a result of the business.

XII. "Premises" means any shop, house or block of flats immediately behind the licensed pitch.

XIII. "Trader" means a person in whose name a current licence is held authorising street trading from a licensed street trading pitch.

## **2) General**

- a) The grant of a street trading licence shall not be deemed to give any approval or consent which may be needed under any bye law enactment or regulations other than Part III of the London Local Authorities Act.
- b) These conditions may be dispensed with or modified by the council in any individual case by means of a licence variation.
- c) The trader shall trade only at the location, and on the days and during the hours that are specified on the licence.
- d) The trader shall take all reasonable steps to avoid the creation of nuisance or obstruction of the highway at all times during trading hours, setting up

and taking down.

- e) The trader shall immediately remove the stall or other equipment, and any goods, clearing the trading site for so long as may be necessary in the event of an emergency, or to enable the Council or other authority to exercise its powers and duties, if reasonably required to do so by a police officer or an authorised officer of the Council.
- f) The trader and any other person employed at the stall shall not obstruct any authorised officer of the Council in carrying out their duties
- g) The trader shall ensure the licensed trading pitch is washed down prior to setting up in the morning and after clearing up in the evening.
- h) All rules/regulations governing the operation of the business must be complied with
- i) The trader shall not make any excavations or indentations of any description whatsoever in the surface of the highway
- j) Traders shall not use or permit to be used on the licence pitch area or within the immediate vicinity any radio, cassette, cd or other equipment or apparatus to produce music or other sound,
- k) Traders shall comply with all Acts of parliament, Statutory Instruments, Regulations and Bye Laws relevant to the use of the stall and the carrying on of his trade or business and including where applicable strict compliance with the Food Safety Regulations and the Health and Safety at Work etc. Act 1974 and all regulations made thereunder and shall take all practical measures to ensure cleanliness, wholesomeness, safety and freedom from infection of all goods and articles displayed or sold.

### **3) Licence**

- a) The licence shall be prominently displayed where visible to the public at any stall (or other structure if so required by the Council) at all times during trading hours

### **4) Licence holder**

- a) The trader shall notify the Council in writing within seven days of any change of address.

- b) The trader and anyone employed by them shall ensure that the public and council officers are treated fairly and with courtesy.
- c) The trader will pay fees and charges within 14 days of being so required. A licence holder must pay the councils administrative and any other costs reasonably incurred in collection of any arrears of fees and charges

## **5) Pitch area**

- a) The trading area shall not exceed the agreed dimensions of the stands; except that items may be placed outside the specified area for a maximum of 30 minutes during the specified trading hours solely for the purpose of restocking the stall or other equipment; solely in connection with the setting up or taking down of the stall and other equipment.
- b) The trader shall immediately remove items placed outside the licensed area if requested to do so by an authorised officer of the Council.
- c) No patio heaters or other CO2 emitting heaters, "A" boards, or barriers are permitted in the licensed area
- d) Ashtray units allowing for the secure disposal of butts shall be present at all premises licensed for tables and chairs
- e) Any awnings sheets covers screens clips and ties need to be secured in a manner that they do not pose a health and safety hazard or nuisance to any person
- f) Paper goods must be secured so that they do not blow away.

## **6) Display of goods**

- a) Only commodities agreed of at the time of licensing can be displayed or offered for sale at the licensed site.
- b) No advertisement shall be displayed at the licensed street trading pitch which relates to any goods, commodities or services other than offered for sale or provided on that pitch.

## **7) Electricity**

- a) Any electrical equipment used in conjunction with the street trading must comply with the Electricity at

## Work Regulations 1989

- b) The only connection between stalls on the footpath and other stalls or premises shall be for the purposes of electrical lighting or other agreed services; and any such electrical or other connections shall be readily detachable and the detailed arrangements agreed in writing with the council.
- c) All electrical power supplies shall have the appropriate consent in writing from the council before seeking installation from the appropriate electrical supplier.
- d) All electrical cables that are suspended over the public footway shall have a minimum clearance of 2.6m from the footway surface and 5.7m from the surface of the carriageway.
- e) Where mobile electrical generators are employed that shall be positioned such that:
  - (i) They do not present a danger to the passing public
  - (ii) They do not present a fire of similar hazard risk to the stall or goods displayed thereon
  - (iii) They do not cause a noise or fume nuisance
  - (iv) Any inflammable fuel is stored away from the store in a London Fire Brigade approved container
  - (v) An appropriate fire extinguisher shall be maintained within the stall area

## 8) Refuse

- a) The trader shall remove and properly dispose of all refuse or litter in the immediate vicinity of the stall or other equipment at the end of each day's trading, and at other times during trading hours as may be necessary to keep the site in good order

## 9) Vehicles

- a) The trader shall not leave his vehicle in the street in which he trades apart from approved parking spaces. Except for the loading and unloading of goods. Such loading and unloading shall be carried out as quickly as possible with the vehicle moved immediately on completion

## 10) Assistants

- a) The licensed trader may employ any other person to assist in the conduct of the business but may not let

assign or part with his interest or possession under this licence, but he may surrender it at any time. The right granted by this licence cannot be sub let transferred or shared with any other person or party.

- b) Traders shall notify the council of any changes of assistants as soon as the changes occur.