

**London Borough of
Barnet**

Street Trading

Licence Conditions

Updated July 2015

DEFINITIONS

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

- 1.1 **“Act”** means Part III of the London Local Authorities Act 1990 as amended by the London Local Authorities Acts 1994, 1999, 2004 & 2007”.
- 1.2 **“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.
- 1.3 **“Assistant”** means a named person employed by and acting under the directions of a trader to assist him/her in the business of the stall and whose name and address has been notified to the London Borough of Barnet in writing by the trader.
- 1.4 **“Awning”** means a sheet of canvas or other material, which projects beyond the Pitch Limits.
- 1.5 **“Authorised Officer”** means an officer employed by The London Borough of Barnet and authorised by the London Borough of Barnet to act in accordance with the provisions of the London Local Authorities Act 1990 (as amended).
- 1.6 **“Child”** means a person under 16 years of age.
- 1.7 **“Commodities”** means any goods, wares or merchandise for sale or on display at a Licensed Street Trading Pitch.
- 1.8 **“Ice Cream Trading”** means the selling, exposing or offering for sale of goods consisting wholly or mainly of ice cream, frozen confectionery or other similar commodities from a vehicle.
- 1.9 **“Itinerant Ice Cream Trading”** means ice cream trading from a vehicle which goes from place to place, remaining in any one location in the course of trading for periods of 15 minutes or less and not returning to the same location or any other location in the same street on the same day.

- 1.10 **"Licensed Street Trader"** means any person who is licensed by the London Borough of Barnet for Street Trading under Part III of the Act.
- 1.11 **"Licensed Street Trading Pitch"** The area 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 London Borough of Barnet or a duly authorised officer of the London Borough of Barnet and for which a Licence has been granted.
- 1.12 **"Premises"** means any land, building or part of a building and includes any commercial premises adjacent to a Licensed Street Trading Pitch.
- 1.13 **"Receptacle"** includes a box, vessel, table, chair or stand, vehicle or thing which is used (whether or not constructed or adapted for such use) as a container 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.
- 1.14 **"Refuse"** means waste which has been generated in the course of a Licensed Street Trader's business activity including, but not limited to; fruit and vegetable waste, cardboard, paper, small plastic items and other non-perishable waste.
- 1.15 **"Regulations"** means the contents of this document.
- 1.16 **"Shop Front Trading Licence"** means a licence which permits the display of shop goods or the placing of tables and chairs on the street ancillary to the existing business and in a manner permitted by the Act.
- 1.17 **"Special conditions"** are such conditions as it is deemed reasonable by the London Borough of Barnet to apply / not to apply to any Street Trading Licence in addition to the standard conditions.
- 1.18 **"Standard conditions"** means those matters set out in Section 27 (7) of the London Local Authorities Act 1990 (as amended) and as stated on a Street Trading Licence together with the conditions set out in these Regulations.
- 1.19 **"Street Trading"** shall have the meaning described in Section 21 (1) of the Act.
- 1.20 **"Street Trading Licence"** A licence given by The London Borough of Barnet to trade on a licensed street (valid for a period of not less than 6 months and no more than 3 years).

- 1.21 **“Temporary Street Trading Licence”** A short term/provisional licence given by The London Borough of Barnet to trade on a street (valid for a period up to 6 months).
- 1.22 **“Street Trading Pitch”** The area 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 London Borough of Barnet or a duly authorised officer of the London Borough of Barnet.
- 1.23 **“The London Borough of Barnet”** means the council of the London Borough of Barnet.
- 1.24 **“Trader”** A trader granted permission by The London Borough of Barnet Council to trade from a specified position.

General Conditions Applicable To All Street Trading Licences

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 Bye-Law, enactment or regulation other than Part III of the London Local Authorities Act 1990 (as amended).
- 2.2 These conditions may be dispensed with or modified by the London Borough of Barnet in any individual case by means of a Street Trading Licence variation in accordance with the statutory requirements;
- 2.3 Where in these conditions there is reference to the consent or agreement of the London Borough of Barnet, such consent or agreement may be given on such terms and conditions and subject to such restrictions as may be specified by the London Borough of Barnet; any variation shall not take effect until the consent of the London Borough of Barnet has been received in writing by the licensed street trader.
- 2.4 If a licensed street trader wishes any of the terms or conditions of a Street Trading Licence to be varied, application must be made in writing to the London Borough of Barnet in accordance with the statutory requirements. Any variation shall not take effect until the licence holder has received the consent of the London Borough of Barnet in writing.
- 2.5 Licensed street traders shall ensure that they comply with all relevant legislation including orders and regulations and any amendment or replacement of such legislation. Failure to comply with such legislation may result in the revocation of the Street Trading Licence.
- 2.6 The Trader shall engage in street trading only from the position, which is indicated on the licence, unless otherwise directed by an Authorised Officer.
- 2.7 The street trading pitch shall not exceed the dimensions specified on the Street Trading Licence and any licensed street trading pitch limits marked on the ground. An awning may be permitted to extend 30cm (12inches) at the front of the licensed street trading pitch but no articles are to be suspended from the awning beyond the permitted area.
- 2.8 A trader shall not cause or permit any receptacle, part of a receptacle, goods or other articles whatsoever to project beyond the licensed street trading pitch.
- 2.9 Traders shall not cause or permit receptacles, vehicles, commodities or other articles to be placed or to stand anywhere on the street otherwise than within the

limits a licensed street trading pitch. Traders shall not use feeder barrows, feeder vehicles or feeder receptacles for the display of goods.

- 2.10 "A" boards or other free-standing advertisements located within the pitch area will only be allowed if written approval has been given for these as part of the application process. Free-standing advertisements outside the pitch area are not permitted under any circumstances.
- 2.11 The licence holder shall not make any excavations or alterations of any description in the surface of the street, or land in the ownership of the London Borough of Barnet adjoining a street, or place or fix equipment of any description in the said surface except with the previous consent from the London Borough of Barnet in writing.
- 2.12 Advertisements or other notices shall not be displayed on any street furniture or any other location without the licence holder first obtaining written consent from the highway authority or any other relevant authority.
- 2.13 Only those goods specified on the Street Trading Licence may be sold from the Licensed street trading pitch and traders shall be limited to the group of goods listed on the licence.
- 2.14 No advertisement shall be displayed on the licensed pitch, which relates to any goods, commodities or services other than the goods offered for sale or provided on that pitch.
- 2.15 Licensed street trading may only take place on the days and during the times specified on the Street Trading Licence.
- 2.16 Traders or their assistants shall remove their receptacles and commodities by the closing time stated on the Street Trading Licence.
- 2.17 Except where specifically authorised by an Authorised Officer, no receptacle shall be left in the street after the closing time stated on the Street Trading Licence.
- 2.18 Vehicles are not permitted into the street trading area when prohibited by a road traffic Order.
- 2.19 Nothing in this section permits or purports to permit a trader to contravene the terms of any parking restriction or order that applies to the street in question.
- 2.20 The dimensions of a licensed street trading pitch shall be such that a minimum of 2.0 metres clear of any obstruction shall be maintained on the public highway for the safe pass, re-pass and free flow of pedestrian and vehicular traffic.
- 2.21 Barriers will only be allowed on a licensed pitch where they have been specifically included and permitted within the licence application process. Barriers are only permitted to enclose the outer perimeter of the pitch or to enclose the outer perimeter of a seating area within the pitch (or, in the case of markets, any other such area as agreed with the licensing authority)

- 2.22 Any barrier erected on a pitch should be constructed of posts joined by textile panels. All such barriers should stand on the ground and be removable. All feet and supports should be within the defined pitch area.
- 2.23 No street trading will take place beyond the hours of 07:00 to 23:00
- 2.24 Excessive and inappropriate lighting is not allowed, as determined by an authorised officer
- 2.25 No hot food shall be cooked in an open and unenclosed area.
- 2.26 If food is sold at the street trading pitch, then the trader must ensure they comply with the Food Safety and Hygiene (England) Regulations 2013 and the Food Information Regulations 2014.
- 2.27 No goods should be sold if the cooking odours, smoke, or noise from them cause an inappropriate nuisance to persons and businesses in the vicinity, as determined by an authorised officer.

3 REFUSE

- 3.1 It shall be the Trader's responsibility to ensure that all litter and waste generated by their street trading activity is moved to a place from where it will be collected for transport to an authorised place of disposal. This may be by storage in suitable containers within the licensed street trading pitch until its collection by an authorised collector of waste.
- 3.2 The trader shall keep the pitch area (and its environs up to 5 metres in any direction from the pitch) clean and swept free of any remaining debris throughout the street trading day. In particular it shall be the duty of every trader to pick up all litter, debris, packaging and detritus that has been produced in the course of street trading or could reasonably be assumed to have been so produced or from any other source.
- 3.3 Where relevant, traders are required to have in place a commercial waste agreement with a registered carrier of waste. Any commercial waste agreement shall be sufficient in quantity and frequency of collection to cover all the waste produced by the trader at the street trading pitch or in the market environs as a result of street trading.
- 3.4 Any refuse considered by law to be an animal by-product shall be stored in an approved sealable container. For these purposes animal by product from a market stall shall include all waste water or water contaminated with material of animal origin or blood or other like fluid and no such liquid shall be allowed to drain onto the street or into the public street drainage system. All such refuse shall be stored and disposed of in accordance with the relevant legal requirements.

- 3.5 Traders shall keep waste 'Duty of Care' transfer notes or any such proof of proper disposal of commercial waste as may be required by law. All proof of proper disposal should be available for inspection at the street trading licensed pitch during trading day for inspection by Authorised Officers upon request. Obtaining of any such proof shall be the absolute liability of the Trader irrespective of the body or company removing the waste.

4 DISPLAY OF LICENCE

- 4.1 A copy of the street trading licence must be kept on the premises and produced to an authorised officer or police officer immediately upon request indicating: the trader's name, names of assistants, commodity, licence number, licensed street trading pitch, Street Trading Licence issue date and expiry date. This licence shall include the trader's photograph and those of the assistants registered to trade on the street trading licence pitch with the London Borough of Barnet. This information (save for the photographs) shall also be supplied in writing immediately to any person who requests it.

5 SAFETY OF EQUIPMENT

- 5.1 Prior to using any electrical equipment on a licensed street trading pitch permission must be sought in writing from the London Borough of Barnet.
- 5.2 Electrical equipment must be tested annually by a suitably qualified electrician. Traders will be required to retain and produce the original safety certificate for electrical equipment approved for use on the stall to an authorised officer of the London Borough of Barnet on request. All equipment will require a safety tag to be displayed recording that the equipment has passed the necessary test and the date on which it was last tested.
- 5.3 All traders using an electric supply must have consent from the London Borough of Barnet before seeking installation from an electricity supplier. Where relevant, the trader and the supplier will be required to provide the London Borough of Barnet with an indemnity for the safety of the supply of electricity.
- 5.4 Traders will disconnect from the supply when directed to do so by an authorised officer of the London Borough of Barnet.
- 5.5 Where mobile electrical generators are used their use and position must be approved by the London Borough of Barnet. They shall be so positioned as to ensure that:
- 5.5.1 They do not present a danger to the passing public.

- 5.5.2 They do not present a fire or similar hazard risk to the stall or goods displayed thereon.
 - 5.5.3 They do not cause any noise or fume nuisance.
 - 5.5.4 Any inflammable fuel is stored away from the stall in a London Fire Authority approved location and an approved container.
 - 5.5.5 A generator shall be turned off at the request of an authorised London Borough of Barnet officer or police officer.
- 5.6 A Trader must not tamper with, or use an electricity supply of the London Borough of Barnet without payment. Any trader causing damage to any London Borough of Barnet installation or equipment will be required to pay the full cost of any repair or replacement. Any trader responsible for such acts may be subject to a separate prosecution or civil proceedings.

6 RECEPTACLES

- 6.1 Receptacles shall be easily and immediately assembled and removed. The London Borough of Barnet reserves the right to inspect receptacles for health and safety compliance and to ensure that they are fit for purpose. Any receptacle deemed to present a risk or hazard shall be immediately removed at the request of an authorised officer of the London Borough of Barnet. It shall be and shall remain the responsibility and liability of the Trader to ensure that any receptacle is safe in its construction, siting, erection and use and will not cause injury to any person.
- 6.2 Traders or their assistants shall remove the receptacles and commodities for so long as may be necessary in the event of extreme circumstances and when required to do so by a police officer or an authorised officer of the London Borough of Barnet.
- 6.3 All receptacles shall be of an approved type and shall be kept in clean condition and good repair. A receptacle shall be repaired or repainted within one month of a written request from an authorised officer of the London Borough of Barnet.
- 6.4 A Trader shall ensure that until such time as a receptacle that is unsafe or becomes unfit for purpose or beyond repair in the opinion of an authorised officer of the London Borough of Barnet is replaced with one fit for purpose.
- 6.5 Only those receptacles and containers which are suitable and fit for purpose and approved by the London Borough of Barnet shall be used by the licence

holder and assistants for trading. Displays shall not be formed by the use of unsuitable items such as milk crates.

- 6.6 A display, receptacle, table or chair shall not be used if it is likely to damage the street.
- 6.7 The display/stand must be of a construction that will cause minimal damage if there is a collision. There must be no sharp edges or protruding parts.
- 6.8 Well-designed high quality finish styled appropriately for the street they are placed on

7 CONDUCT

- 7.1 A licensed street trader and any assistants employed by them shall ensure that all members of the community are fairly treated and with courtesy and respect. Traders and their assistants shall not use any form of racist, sexist, homophobic or abusive language or display any materials that can cause offence to a person's race, religion or sexual orientation. Traders must not behave in an aggressive manner or commit any acts of aggression or harassment (whether racial, sexual or otherwise) against any person.
- 7.2 In order to protect the community, any trader or assistant who commits one of the offences listed below will be liable for immediate suspension of their Street Trading Licence whilst the matter is investigated and until the London Borough of Barnet determines if their licence should be permanently revoked:
 - Possession or supply of any controlled drugs,
 - Supply of counterfeit goods or offensive weapons,
 - Sale and supply of alcohol unless permitted by licence.
 - Trading under the influence of drugs or alcohol.
- 7.3 All licensed street traders shall produce their Street Trading Licence when requested to do so by an Authorised Officer of the London Borough of Barnet or police officer.
- 7.4 Traders shall not use or permit another person to use on the licensed street trading pitch or within the immediate vicinity any equipment or apparatus to produce music or other similar sound, except in connection with the sale of their commodity and then either through ear phones or at a volume level that allows a face to face conversation at normal speech level from the traders stall. Any Trader

must reduce the level of sound from any device when required to do so by an authorised officer.

- 7.5 There shall be no continuous playing of amplified music other than for the purposes in the paragraph above.

8 INSURANCE

- 8.1 The licensed street trader shall indemnify the London Borough of Barnet against all actions, proceedings, claims demands and liability which may at any time be taken, made or incurred in consequence of the use or presence of the trader, their assistant, their stall, receptacle or goods and any other object or thing they bring with them or produce in the course of their business and for this purpose must take out at the traders expense a policy of public liability insurance approved by the London Borough of Barnet in the minimum sum of £5,000,000 (5 million pounds) in respect of any one event and must produce to the London Borough of Barnet on request the current receipts for the premium payment and confirmation of the renewals of the policy. The London Borough of Barnet reserves the right to vary this amount from time to time and to notify traders of any increase required by letter. A copy of the certificate of insurance shall be handed to the London Borough of Barnet on request.
- 8.2 Satisfactory evidence of such insurance must be produced to the London Borough of Barnet before a Street Trading Licence will be granted or renewed. Failure to produce insurance certificates when requested by an Authorised Officer of the London Borough of Barnet will lead to temporary suspension from trading until the certificate is produced and the London Borough of Barnet is satisfied with the level of cover.
- 8.3 The London Borough of Barnet reserves the right to contact insurance companies for the purposes of verifying the authenticity of the cover. Any trader who does not have full insurance for the period specified within their licence and for the value stated by the London Borough of Barnet will be suspended from trading until suitable insurance is in place and the cover note or policy presented to the London Borough of Barnet.
- 8.4 Traders must inform the London Borough of Barnet in writing and provide an updated copy of the certificate of insurance where there are any changes to their insurance cover. The London Borough of Barnet may use the information provided to contact the trader's insurer to confirm the details of any policy held or purported to be held and the applicable level of cover and indemnity provided.

9 STORAGE

- 9.1 Traders in foodstuffs shall notify the London Borough of Barnet in writing of any change of address or addresses at which the receptacle and any commodities are stored. Such notice shall be given within 7 days of the change and the London Borough of Barnet reserves the right to conduct an inspection to confirm occupancy and to ensure the storage space is compliant with relevant standards.

10 EMPLOYED ASSISTANTS

- 10.1 Traders shall notify the London Borough of Barnet in writing on the relevant forms of the name, address and national insurance number of each and every assistant who assists with sales on the licensed street trading pitch. Details of any subsequent change of assistant or any other relevant information regarding assistants shall be given in writing to the London Borough of Barnet.
- 10.2 The licence holder shall provide the London Borough of Barnet with details of all assistants who may work on the licensed street trading pitch whether the trader is present or not.
- 10.3 A licensed street trader shall not employ a child in any capacity in the course of his trade or business.
- 10.4 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.
- 10.5 Traders shall notify the London Borough of Barnet of any changes of assistants as soon as the changes occur.
- 10.6 Any contravention of these regulations by an assistant shall be deemed to be a contravention by the trader whether the trader was present at the time of the contravention or not.

11 ASSISTANCE TO LONDON BOROUGH OF BARNET OFFICERS

- 11.1 A trader shall give immediate assistance to London Borough of Barnet officers when requested so to do in the exercise of their official duties.

- 11.2 A trader shall not use rude or offensive language or behave in an aggressive manner when dealing with any agent, officer or elected member of the London Borough of Barnet.

12 PAYMENT OF CHARGES

- 12.1 A Trader shall pay all charges in connection with street trading to the London Borough of Barnet, on the dates and intervals advised by the London Borough of Barnet upon the issue and/or renewal of the street trading licence and in the manner agreed as appropriate for payment by the London Borough of Barnet.

13 CHANGE OF ADDRESS AND CIRCUMSTANCES

- 13.1 A trader shall give notice in writing to the London Borough of Barnet of the change of any of the addresses and circumstances including the trader's health. Notice of a change of address shall be given within seven days of the said change. Proof of new address will need to be submitted to the London Borough of Barnet. The London Borough of Barnet reserves the right to conduct a home visit to confirm occupancy.

14 PITCH AREA

- 14.1 The trading area shall not exceed the agreed dimensions specified within the licence; except solely in connection with the setting up or taking down of the stall and other equipment.
- 14.2 No goods or other articles whatsoever shall project beyond or be placed alongside or around the extremities of the agreed trading area. The trader shall immediately remove items placed outside the licensed area if requested to do so by an authorised officer of the London Borough of Barnet.
- 14.3 No patio heaters or other CO2 emitting heaters are permitted in the licensed area.
- 14.4 Any awnings sheets, covers, screens, clips and ties need to be secured in a manner that they do not pose a hazard or nuisance to any person. No part of an awning may be less than 2.6 metres from the ground or project into the carriageway without prior approval. No items may be affixed to it.
- 14.5 Paper goods must be secured so that they do not blow away.
- 14.6 Ashtray units allowing for the secure disposal of butts shall be present at all premises licensed for tables and chairs.

14.7 The licence holder shall ensure that customers using the tables and chairs do not cause any nuisance whatsoever to residents, other businesses or persons using the highway.

15 VEHICLES

15.1 The trader shall not leave his vehicle in the street in which he trades apart from approved parking spaces upon full payment of any relevant fee. Where permitted loading and unloading of goods shall be carried out as quickly as possible with the vehicle moved immediately on completion.

15.2 A licensed trader shall not permit vehicles used in connection with his licensed pitch to be in the vicinity of the trading area for loading/unloading or other purposes during trading hours.

16 SHOP FRONT LICENCES

The Regulations below shall apply to Tables and Chairs and shop front display Licences only in addition to the preceding conditions:

16.1 Only those items sold in the shop premises to which the street trading area is adjacent to can be sold under the 'shop front licence'.

16.2 Only those services provided within the premises can be provided in the licensed area where a licence permits tables and chairs to be placed on the street.

16.3 Alcohol shall not be consumed in the licensed street trading pitch unless the plan attached to the premises licence issued under the Licensing Act 2003 includes the licensed street trading pitch.

Appendix A List of prohibited goods and services

The following are prohibited to be sold as part of a street trading licence:

- Live animals
- Second hand electrical goods
- Sex articles
- Medicines or treatments

- Alcohol (unless consumption in an shop front licence adjacent to a licensed premises and covered by the premises licence or as part of a street market with a relevant authorisation for alcohol sales)
- Cigarettes or tobacco
- Any form of gambling
- Firearms
- Fireworks

