

## **Appendix 4**

### **Terms and Conditions for all Street Trading Licences & Market Licences**

#### **1. FEES**

A fee is payable to the Council for consideration of the grant, renewal or variation of a licence. The prevailing fees can be found on the Council's website. Fees must be paid at the time of application for the application to be accepted as "duly made".

#### **2. SURRENDER OF LICENCES**

A licence shall cease to have effect when it is returned to the Council by the licence holder. A receipt shall be provided by the Council confirming this. All fees and charges are due, up to and including the day accepted as the day of surrender of the licence.

#### **3. TRADING LOCATION OR POSITION**

The trader shall trade only from the position indicated on the licence, unless otherwise directed by an authorised officer. The Council reserves the right to suspend any licensed street pitch/market place if the highway is obstructed or if health and safety concerns emerge. If this happens, another street trading pitch/market place may be allocated by the Licensing Service, if one is available.

#### **4. PITCH SIZE**

The licensed area must be within the dimensions shown on the licence, or any relevant pitch limits marked out on the ground by the Council. An awning may be permitted to extend 30 cm (12 inches) at the front of the pitch/market area, but no articles are to be suspended from the awning beyond the permitted pitch/market area.

#### **5. COMMODITIES / ITEMS TO BE TRADED OR SOLD**

Only those commodities or groups of specified on the licence may be sold from the licensed street trading pitch/market place.

#### **6. ADVERTISEMENTS**

No advertisement shall be displayed on the licensed pitch/market place for goods, commodities or services other than those licensed for sale or provided on that pitch/market place.

#### **7. DAYS AND TIMES OF TRADING OR BUSINESS**

Trading may only take place on the days and during the times specified on the licence. The Council shall advise traders/market operators of any extension of trading times for specified trading periods when and as relevant.

#### **8. TRADING ALONGSIDE PERMANENT BUSINESSES**

Licence times shall be the same as trading times applicable to shops in the vicinity of the licensed street trading pitch/market place. However, traders may trade only during the times stated on the licence.

#### **9. REFUSE OR WASTE**

It is the trader's/market operators responsibility to ensure that all litter and waste generated by their licensed activity is collected for recycling or disposal, in ways that are compliant with legislation. This can mean storage in suitable bins or containers within the licensed area until collection can take place by a registered carrier of waste.

To prevent blockages, odours or nuisance to others, road gullies or surface water drains may not be used for the disposal of food based liquid wastes or other noxious substances.

#### 10. PORTABLE GENERATORS

Generators shall be positioned so that they do not present problems for other street users or traders. Flammable fuel must be used safely and stored in suitable containers.

#### 11. STREET CLEANLINESS

The trader/market operator must keep the immediate licensed area, and the area within 5 metres in any direction from the licensed area, free of any wastes or spillages resulting from the trading activity, throughout the trading day. When trading is finished or upon leaving the site the trader/market operator must leave it in a clean condition.

#### 12. DISPLAY OF LICENCE

The licence must be shown at all times, in a prominent position, so that it can be easily read.

#### 13. SAFETY OF EQUIPMENT

Electrical equipment must be approved by the Council before being used on a trading pitch. Regular testing may be required.

#### 14. USING A MAINS VOLTAGE ELECTRICAL SUPPLY

Traders/market operators using a mains electrical supply must have consent from the Council before seeking installation from an electricity supplier. Where relevant, the trader/market operator and the electricity supplier will be required to provide the Council with certification for the safety of the electricity supply.

#### 15. INTERFERENCE WITH ELECTRICAL SUPPLIES

A trader/market operator will be subject to suspension of a licence if they tamper with, or use an electricity supply belonging to the Council without a prior arrangement to do so. A trader/market operator causing damage to any Council installation or equipment will be required to pay the full cost of any repair or replacement.

#### 16. PITCH EQUIPMENT, OR TRADING STALLS

Pitch equipment or stalls should be easily and quickly assembled and removed. The Council reserves the right to inspect for stability and safety and to ensure that they are fit for purpose. Any obviously dangerous item must be made safe or immediately removed on request. It is the trader's/market operators responsibility to ensure that items and structures are put up and taken down safely, are properly designed, well sited and in a good, clean condition.

#### 17. GENERAL CONDUCT

Any trader/market stall holder and/or any assistants employed by them shall conduct themselves in a decent manner and ensure that all members of the community are fairly treated and shown courtesy and respect. Trading activities should not give rise to noise inappropriate to the area, or cause other nuisance.

#### 18. PRODUCTION OF LICENCES ON REQUEST

All licensed traders shall produce their licence when requested to do so by an authorised officer the Council or a police officer.

#### 19. NOTIFICATION OF LOCATION FOR STORAGE OF FOOD COMMODITIES, PITCH EQUIPMENT, OR TRADING STALLS etc.

Traders in foodstuffs must notify the Council in writing of any change of address or addresses at which the pitch equipment stalls etc (the "receptacles") and any commodities are stored. Such

notice must be given within 7 days of the change. Checks may be made to confirm details and suitability.

#### 20. EMPLOYED ASSISTANTS

Traders shall notify the Council in writing of the name, address of every assistant who may be given responsibility for the pitch in the absence of the trader. Details of any subsequent change of assistant or any other relevant information regarding assistants should be given in writing to the Council.

#### 21. EMPLOYMENT OF CHILDREN

A licensed trader shall not employ any person under the age of 17 years in any capacity in the course of his trade or business.

#### 22. ASSISTANCE TO COUNCIL OFFICERS

A trader shall give immediate assistance to Council officers when requested to do so. In dealing with an emergency, this might mean moving a stall or equipment away from the area, quickly.

#### 23. CHANGE OF ADDRESS AND CIRCUMSTANCES

A trader shall give notice in writing to the Council of the change of any of the addresses and circumstances. Unless a trader is unable to do so for good reason, notice of a change of address should be given within seven days of any change. Proof of new address will need to be submitted to the Council.

#### 24. FOOD RELATED TRADING

Food traders shall comply with the necessary food hygiene, food hygiene training and food registration requirements as required by the Councils Food, Health & Safety Team.

### **Conditions Specific to Tables & Chairs Licences**

In addition to the conditions relating to all street trading and market licences, these conditions apply specifically to “Tables and Chairs” licences.

1. The grant of a tables and chairs trading licence does not give any approval or consent which may be needed under any other legislation other than under the Act(s).
2. A copy of the tables and chairs licence must to be displayed in the window of the licensed premises. The copy licence is to be displayed so as to be clearly visible and legible from the street.
3. Only those commodities sold in the relevant shop premises can be served under the tables and chairs licence.
4. Only those services provided within the relevant shop premises can be provided in the licensed area where a licence permits tables and chairs to be placed on the street.
5. A tables and chairs licence is not transferable.

## **Conditions Specific To Shop Front Licences**

In addition to the conditions relating to all street trading and market licences, these conditions apply specifically to “Shop Front” licences only

1. Any display or part of a display of goods or services sold or offered within a shop and that is located on a public forecourt adjacent to the shop shall require a shop front licence, if the display is placed within 7 metres of the boundary at the rear of the footway delineating between the private property and the public Highway, as may be evidenced by Deeds of the property and / or the Highway register.
2. A copy of the shop front trading licence must to be displayed in the window of the premises outside which trading is permitted. The copy licence is to be displayed so as to be clearly visible and legible from the street.
3. Food Traders shall comply with the necessary food hygiene and food registration requirements as required by the Councils Food, Health & Safety Team.
4. Monetary exchange or payment cannot be made in the licensed street trading pitch.
5. The dimensions of a licensed street trading pitch shall be such that a minimum of 2m 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.
6. No equipment, stall, container, or display or tables(s) or chair(s) shall at any time be permitted to obstruct an entrance or exit to any adjacent premises or to any part of the building to which the licence applies that is under separate occupation.
7. Temporary barriers of an approved type must be in place during licensed hours and the same must be removed outside of the hours permitted by the licence
8. A shop front trading licence is not transferable.
9. Only those commodities sold in shop premises can be displayed outside premises provided they are not excluded items as defined in these regulations.
10. A separate street trading licence shall be required in the event that a commodity that is not sold in the shop is displayed or offered for sale on the licensed street trading pitch.
11. Only that equipment, stall, container, or display or tables(s) or chair(s) and containers which is suitable and fit for purpose and approved by the Council shall be used by the licence holder and assistants for shop front trading or ancillary to shop front trading.
12. The following items may not form part of the commodities displayed under a shop front licence:
  - a. Alcoholic beverages, tobacco and tobacco products;
  - b. Lottery tickets, phone cards, raffles, tombola and/or other games of chance;
  - c. Medicines, drugs and other prescribed substances
  - d. Uncooked meat or fish

- e. New and used cars and motorcycles
- f. Pets and livestock
- g. Containers of Liquid Petroleum Gas (LPG) including any which are fully or partly discharged or emptied;
- h. Explosives, including fireworks;
- i. Goods considered by the Council to pose a Health and Safety risk to the public.

13. The dimensions of a licensed street trading pitch shall be such that a minimum of 2m 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.

14. Items that are likely to cause damage the street or street furniture may not be used.

15. An awning may be permitted to extend up to a maximum of 30 cm (12 inches) at the front of the licensed shop front pitch but no articles are to be suspended from the awning beyond the permitted area. Additionally, the placement of the awning must permit safe pass and re-pass by pedestrian traffic.

### **Standard licence conditions for market operators**

In addition to the conditions relating to all street trading and market licences, these conditions apply specifically to “market operator” licences only.

***The licensed market operator must ensure that the following conditions are adhered to;***

- 1) No person shall sell goods in a market place other than during market hours;
- 2) No person shall bring a vehicle into the market place during market hours unless in case of emergency;
- 3) No stall shall cover or obstruct a fire hydrant. Clear access must be maintained at all times.
- 4) No person in charge of a vehicle shall, during market hours, allow it to stop in the market place, or in its immediate approaches, for longer than is reasonably necessary for the loading or unloading of goods;
- 5) No person shall place any goods on, or occupy any stall or pitch without the permission of the licensed market operator;
- 6) No person shall light a fire in the market place;
- 7) No person shall keep or sell any explosive or highly flammable substance in the market place;
- 8) No person shall bring a petrol generator into the market place. NB. Diesel generators are permitted.
- 9) No person shall post or display any bill, placard or poster, other than a description of goods advertised for sale, in any part of the market place, except with the prior permission of the market authority;
- 10) No person in the market place or in its immediate approaches shall, except by way of sale, distribute or attempt to distribute to the public any printed matter unless prior consent has been obtained from the market authority;
- 11) No person shall bring into or allow to remain in the market place any animal;
- 12) Food traders shall comply with the necessary food hygiene and food registration requirements as required by the Council's Food and Health & Safety Team.
- 13) The market operator shall ensure that each trader is able to demonstrate adequate public liability insurance cover of £2million minimum.

## **Standard Licence Conditions for Market Traders**

In addition to the conditions relating to all street trading and market licences, these conditions apply specifically to “Market” licences only

- 1) Every Market Trader;
  - a. Ensure that the stall/pitch is properly cleansed before and after market hours as often as may be necessary during those hours;
  - b. Ensure that all refuse accumulated in connection with the stall is placed in a bin or container provided *or* approved by the Council for that purpose;
  - c. As often as is necessary, ensure that the contents of the bin or receptacle are removed to an area designated by the Council for that purpose
- 2) Traders shall have in place the following documentation at the time of trade and must produce them if requested to do so by an Authorised Officer of the Council;
  - a. Food hygiene documentation (where the traders commodity is food)
  - b. Valid public liability insurance of £2million minimum
- 3) Traders shall not bring petrol generators into the market place. *NB. Diesel generators are permitted.*
- 4) The use of gas cylinders is permitted only where;
  - traders have checked the valves and hoses of gas cylinders for defects before bringing them into the licensed market place, and;
  - the cylinders are in safe working order