

***REGULATIONS MADE BY THE LONDON BOROUGH OF HARINGEY PURSUANT TO SECTION 27(3) OF THE LONDON LOCAL AUTHORITIES ACT 1990 PRESCRIBING STANDARD CONDITIONS APPLICABLE TO STREET TRADING LICENCES.***

**DEFINITIONS**

1. In the Regulations unless the context otherwise requires, the following expressions shall have the same meanings that appear in Section 21(1) of the London Local Authorities Act 1990 as amended.

**'Receptacle'** includes a vehicle or stall and any basket, bag, box, vessel, stand, easel, board, tray or thing which is used (whether or not constructed or adopted for such use) as a container for or for the display or any article or thing or equipment used in the provision of any service.

**'Street'** includes:-

- (a) any road or footway;
- (b) any other area, not being within permanently enclosed premises, within 7 metres of any road or footway, to which the public have access without payment;
- (c) any part of such road, footway or area;
- (d) any part of any housing development provided or maintained by a Local Authority under Part II of the Housing Act 1985:

**'Street Trading'** means the selling or exposing or the offering for sale of any article (including a living thing) or the supplying or offering to supply any service in a street for gain or reward:

**'Street Trading Licence'** means a Licence granted under the Act and valid for the period specified therein being not less than six months and not more than three years:

**'Temporary Licence'** means a Licence granted under the Act valid for a single day or for such period as may be specified in the Licence not exceeding six months.

**2. THE FOLLOWING ARE THOSE DEFINED BY THE COUNCIL**

**'The Act'** means the London Local Authorities Act 1990 Part III as amended.

**'The Council'** means the London Borough of Haringey.

**'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.

**'Assistant'**

- (a) means a person employed by, and acting under the directions of a Licence Holder to assist him/her about the business of the stall, whether for reward or not and includes a person directed solely or otherwise to transport the Licence Holder's stall.
- (b) where a Licence is granted outside a catering establishment or shop premises; 'assistant' shall also include any other employee, manager, secretary, director, partner, supervisor or the like who may from time to time or full time be involved in the street trading activity including those engaged in the completion of a transaction within the premises.

**'Awning'** includes a street 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 and includes parasols provided to tables outside catering establishments.

**'Catering Establishment'** means any premises used for the retail sale of food or drink for consumption on the premises, where the Council has licenced a site for tables and chairs to be provided for customers' use on the street.

**'Child'** means a person under compulsory school leaving age as in the Education Act 1996 or successor and includes a baby/child of pre-school age.

**'Goods'** means any goods, wares, or merchandise displayed for sale at a stall or Licenced Site.

**'Harassment'** includes but is not limited to:-

- (a) Violence or threats of violence towards any person;
- (b) Abusive or insulting words or behaviour;
- (c) Damage or threats of damage to property belonging to another person;
- (d) Writing threatening, abusive or insulting graffiti;
- (e) Any act or omission calculated to interfere with the peace or comfort of any person or to inconvenience such person;
- (f) Refusal to serve or permit access to a stall, licenced site, premises or services.

**'Licence Holder'** means any person who is licenced for street trading under Part III of the London Local Authorities Act 1990 as amended.

**'Licenced Site'** means a place in any street authorised at which street trading may be engaged in by a Licence Holder, and includes any temporary alternative place approved by the Council or a duly authorised Officer of the Council.

**'Loading and Unloading'** includes stocking or replenishing goods at a Licenced Site, vehicle or receptacle.

**'Refuse'** includes empty and discarded receptacles and any waste material.

**'Stall'** means the structure for which the Council grants a Licence for goods or services to be displayed thereon or from which services are provided.

**'Street Furniture'** includes seating facilities provided by the Council for public use, bollards, stanchions, railings, the walling of flower beds and any structure owned by a statutory undertaking or the like.

**'Undressing the Stall'** means removing goods and receptacles and any other things thereon in part or in whole or dismantling or adjusting any part of the stalls' structure.

**'Approved Street Festivals'** means those street festivals whereby the Council may issue temporary Street Trading Licences.

**'Displays Outside Shop Premises'** means where the Council has granted a Licence to display goods from a stall or licenced site on the footway immediately outside the shop premises.

**'Refreshment Stalls'** includes coffee stalls and those selling foodstuffs capable of immediate consumption.

'Spurs Matchday Site' means a Licence granted for the sale of goods in the vicinity of Tottenham Hotspur Football Ground when any public event is held within the stadium.

'Traditional Stalls' includes those licenced to sell garments, hardware and raw foodstuffs.

## GENERAL

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 under the Act.

The stall, trade, business, activity etc. shall comply and be conducted in a manner that conforms with other relevant legislation enforced by the Local Authority or other Agencies. These include General Health and Safety, Food Safety, Trading Standards and Fire Prevention and Highways Regulations.

## INFORMATION

- (i) Headings inserted in these regulations are for the purpose of convenience only and shall not in any way affect the meaning or construction thereof.
- (ii) Where in 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 restrictions as may be so specified.
- (iii) 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.
- (iv) If a trader wishes any of the terms of a Licence to be varied or the Council's agreement under these rules, application must be made in writing to the Council in accordance with the statutory requirements.

## 1. INSURANCE

- (a) The Licence Holder shall take out third party insurance cover with a minimum liability of at least two million pounds.
- (b) In respect of Licences granted for the display of goods outside shop premises and tables and chairs outside catering establishments this may be incorporated in an insurance policy of the business.
- (c) Satisfactory evidence of such insurance must be produced to the Council before a Licence will be granted or renewed.
- (d) Evidence of such insurance shall also be produced by a Licence Holder on demand to an Authorised Officer of the Council or a Police Officer.

## 2. DAYS AND TIMES

Trading shall only take place during the times specified in the Licence.

## 3. DISPLAY OF NAMES

Licence Holders except in respect of displays of goods outside shop premises and chairs outside catering establishments shall prominently display a sign with their surname or family name and licenced Site or Licence Number on the stall. Additionally they may exhibit a trading name or title.

## 4. INSPECTION OF LICENCE ETC.

- (a) Licence Holders shall produce their Licence for Inspection when requested to do so by an Authorised Officer of the Council or Police Officer.
- (b) In respect of displays outside shop premises and catering establishments the Licence shall be exhibited within the premises in the safe vicinity of the entrance so that it can be seen by an Authorised Officer of

the Council or Police Officer.

- (c) Where the Council has issued a Certificate of Variation to a Licence that shall be produced and displayed with the Licence.
- (d) All other Licence Holders in their absence shall ensure that the Licence is retained on the stall so that it can be produced by an assistant on demand to an Authorised Officer of the Council or Police Officer.
- (d) If alcoholic beverages are consumed at a licenced site, the Licence Holder or Assistant shall produce on demand the appropriate Justices Licence to an Authorised Officer of the Council or Police Officer.

## 5. POSITION

- (a) The Licence Holder shall only use the licenced site prescribed in the Licence (which may be marked or denoted on the ground by means of white lines, contrasting paving or other device by the Council) unless the circumstances under 5(e) shall arise.
- (b) The Licence Holder shall not cause or permit stalls, goods, receptacles; (except refuse containers under Regulation 16c) to project whether grounded or suspended beyond the licenced site or to be placed or to stand anywhere else in the street.
- (c) In respect of catering establishments, tables and chairs shall not be placed or used outside of the site defined in the Licence. This may be denoted by the Council marking the boundary by White Lines or other means.
- (d) The Licence Holder or Assistant shall inspect the licenced site whilst in use at least every hour to ensure that tables and chairs are not outside of the licenced area.
- (e) If the licenced site is obstructed by roadworks or other hazard the Licence Holder may consult an Authorised Officer of the Council or failing that a Police Officer in uniform and produce their Licence. Temporary trading elsewhere whilst the obstruction persists shall be at the discretion of the Officer consulted. The name of the Council Officer or the number of the Police Officer must be noted by the Licence Holder.

## 6. SIZE

- (a) The Licence Holder shall not place or cause to be placed on the street, a stall that exceeds the dimensions prescribed in the Street Trading Licence.
- (b) Stalls shall not exceed the following standards dimensions unless otherwise prescribed in the Street Trading Licence or extended under Regulation 6(d) or 6(e).
- (c) Large Traditional Licenced Sites may be extended up to 0.90 metres in length when trading is being conducted by means of a structure that does not rest on the street and can be easily dismantled or folded in to necessitate the removal of the stall.
- (d) The Council may grant by variation of the Licence an extension or further extension to a stall subject to the proviso in 6(d) and observance of Regulation 9(a) and 9(g).
- (f) The dimensions of all stalls prescribed in Licences shall include any towing bar or bracket or the like that remains projecting from the stall whilst trading is being conducted.
- (g) Displays outside shop premises shall not exceed a depth of 1.05m or a lesser amount if prescribed in the Street Trading Licence. The Council will take into account any private forecourt and the available depth of footway.
- (h) In respect of catering establishments the number of tables and chairs on the street shall not exceed the numbers prescribed in the Licence. (See also Regulation 14(a)(iv)).
- (i) The sizes of tables and chairs and parasols shall not exceed those prescribed in the Licence.

## 7. PERMITTED GOODS AND SERVICES

- (a) Only those goods or services specified in the Licence may be displayed, used, provided or offered for sale.
- (b) In respect of displays outside shop premises, cash registers, scales and other measuring devices shall be contained within the shop and not brought onto the street, licenced site or the stall. (See also Regulations 8(j) and (k)).
- (c) No advertisement shall be displayed on a stall or licenced site which relates to any goods or services

other than those offered for sale or provided on the stall or licenced site. (See also Appendix A(c)).

## **8. DEALING WITH THE PUBLIC**

- (a) Licence Holders and their assistant shall ensure that the public are treated fairly and with courtesy.
- (b) Licence Holders are responsible to ensure that assistants are competent, courteous and helpful.
- (c) Admission or service shall not be refused to any person on the grounds of gender, race, ethnic origin or the grounds that they are lesbians or gay men.
- (d) Admission or service shall not be refused to a person on the grounds of disability without the written consent of the Council.
- (e) The Licence Holder shall not use or permit any activity, omissions or practice in the conduct of the business which will cause harassment to women, black and ethnic minority people, lesbians, gay men or people with disabilities.
- (f) The serving of customers shall not take place in the road.
- (g) A Licence Holder or assistant offering a service shall make clear the nature and cost of that service by way of a notice on the stall or within the licenced area.
- (h) All goods shall be clearly marked with a price, and where appropriate an indication of the unit quantity in which they are being offered for supply.
- (i) Where the licenced site is in the road or adjacent, scales and cash registers shall be placed on the stall at the furthestmost point from passing vehicular traffic.
- (j) The customer should clearly be able to view the goods being weighed, measured etc. before they confirm their intention to purchase.
- (k) In respect of goods selected by customers from displays outside shops the requirement in Regulation 8(j) shall be carried out within the shop premises.
- (l) A Licence Holder or assistant shall not use a megaphone or amplification equipment or a loud voice to shout out the price of goods etc. in order to attract customers.
- (m) Radios or other audio equipment shall not be used in or around the licenced site other than agreed with the Council under Regulation 11(a).

## **9. RECEPTACLES & CONSTRUCTION OF STALL**

- (a) Only those receptacles approved by the Council shall be used by the Licence Holder and assistants. Stalls shall not be formed by the use of old milk crates and the like and other receptacles notified to the Licence Holder by letter.
- (b) Goods must not be placed directly on the street unless specified in the Licence.
- (c) Unless otherwise specified in the Licence all stalls shall be on wheels and a suitable braking device shall be maintained.
- (d) Where the Council has licenced the display of bulky furniture or the like outside shop premises on the street and has granted an exemption under 9(b), a suitable trolley to remove the goods shall be maintained within the shop.
- (e) Stalls shall be constructed so as not to become unbalanced or otherwise unstable.
- (f) Stalls shall be free from protruding nails or other hazards likely to cause injury or damage to a person or their clothing.
- (g) Stalls shall be constructed so as to be immediately removable without the necessity of undressing the stall.
- (h) Nothing shall be placed or stored underneath a stall.
- (i) No stall, part of the stall, accessory, table or chair shall be used if it is likely to damage the street.
- (j) A Licence Holder or assistant shall not bolt or otherwise secure temporarily or permanently anything to the street or street furniture.
- (k) Sites licenced for the displays of goods outside shop premises shall not incorporate any form of seating facility, nor may any seating be used or provided by the Licence Holder or assistant immediately outside the licenced site or elsewhere in the street other than on a private forecourt associated with the business.
- (l) Other Licence Holders shall not provide or use any form of seating facility outside of the licenced site (other than street furniture provided by the Council for public use) unless they have the written consent



of the Council. Such permission may restrict their use to the Licence Holder and assistants and prescribe the number of seats, their construction, size and positioning together with other conditions.

#### **10. ROOFING OF STALLS ETC.**

- (a) The distance between ground level and any support of the roof, awning or supports of the stall or goods suspended from any of these, shall be at least 2.4m unless otherwise specified in the Licence.
- (b) A Licenced Street Trader shall not permit the awning or roof of the stall to project outside the area of the pitch, save as provided in Regulation 10(c).
- (c) The awning or roof of a stall may project over the footway for a distance not exceeding 0.6 metres from the boundary of the pitch unless otherwise specified or restricted by a further condition of the Licence.
- (d) The roof or awning shall be safely constructed and must not shed water over customers or passers by.
- (e) No awning other than a parasol may be used as part of a stall for displays outside catering establishments.

#### **11. ELECTRICITY SUPPLY ETC.**

- (a) The only connection between stalls in the street and other premises shall be for the purposes of electric lighting and power for the operation of electronic scales, measuring equipment and cash registers and the testing of electrical goods or other agreed services; and any such electrical or other connections shall be readily detachable and the detailed arrangements agreed with the Council. No connection shall be made with any other stall.
- (b) Where the Council provides an electrical supply system to the stall, the trader shall pay to the Council upon demand the installation costs and for the supply and maintenance of the service and equipment.
- (c) All electric power supplies shall have the appropriate consent from the Council before seeking installation from the Electricity Board.
- (d) All electrical wiring and components shall comply with the basic Electricity Board Specification and be earthed and insulated accordingly.
- (e) All electrical cables that are suspended over the public footway shall have a minimum clearance of 2.4 metres from the footway surface, and 5.1 metres from the surface of the roadway.
- (f) Any suspended lighting shall be safely protected and shall not expose the public, Licence Holder or assistants to any form of risk.
- (g) In respect of displays outside shop premises and catering establishments, mains electrical power may be supplied from the permanent premises to the trading area providing that all 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.
- (h) In all such cases an automatic circuit breaker must be installed within the premises between the point of supply and the equipment in the trading area.

#### **12. ELECTRICITY SUPPLY ETC.**

- (a) Electrical generators shall not be used at displays outside shop premises and catering establishments.
- (b) When mobile electrical generators are permitted they shall be so positioned that:-
  - (i) they do not present a danger to the public, and
  - (ii) they do not present a fire or similar hazard risk to the stall or goods displayed thereon, or to persons engaged on or about the stall, and
  - (iii) they do not cause any noise or fume nuisance, and
  - (iv) any inflammable fuel is stored away from the stall in a container and position approved by the Council.
- (c) Heat producing equipment shall be so placed within the licenced site as to offer maximum safety to the public. The position of any equipment in relation to other goods and materials shall be agreed with the Council in writing.

### 13. LOADING AND UNLOADING

- (a) Any cart, barrow, trolley or similar conveyance owned or hired by the Licence Holder or assistant shall not be used except for the purpose of loading, unloading and transporting goods.
- (b) Loading and unloading shall be restricted to twenty minutes and resumption shall not occur until a further hour has elapsed.
- (c) Loading and unloading must not be continually interrupted by the serving of a customer.
- (d) The cart, barrow or trolley or similar conveyance used for replenishing or moving goods shall be stored on the Licence Holder's vehicle or at the storage facilities or in respect of displays outside shop premises within the shop premises and not on the street.
- (e) Loading or unloading shall be abandoned for any duration ordered by an Authorised Officer of the Council or Police Officer if in their opinion the activity obstructs pedestrian flow or causes any other form of obstruction or nuisance.
- (f) The Licenced Street Trader or his assistant shall not use a vehicle for loading or unloading at or near the licenced site unless it can lawfully be there.
- (g) Licence Holders or assistants shall replenish displays outside shop premises from stocks held within the shop premises and not directly from any vehicle.

### 14. REMOVAL OF STALLS ETC.

- (a) Licence Holders and their assistants shall remove stalls, goods, tables and chairs and anything else under their control as directed for so long as may be necessary.
  - (i) In the event of an emergency and this shall include any public demonstration, congregation or disorder in the area, whether or not instructed by an Authorised Officer of the Council or Police Officer;
  - (ii) In the exercise of the Council's powers and duties which include the maintenance of the licenced site, to enable its re-marking and to check whether the stall is capable of being removed in accordance with these Regulations and
  - (iii) To enable statutory undertakings to maintain their services;
  - (iv) In order to accommodate customers confined to wheelchairs outside catering establishments the Licence Holder or assistants shall remove any surplus chairs, for the time being, to the place of storage. (See regulation 6(h)).
- (b) Stalls, goods, tables and chairs etc. shall be removed from the public highway to the place of storage, as stated on the application form, or such other alternative place subsequently agreed by the Council in writing, within 30 minutes of the time prescribed on the Licence for the end of trading on that day.
- (c) A Licence Holder electing to cease trading before the time denoted in the Licence shall remove the stall, goods, tables and chairs at that time to the place of storage.
- (d) A Licence Holder in respect of shop premises shall remove the stall(s) and goods on the cessation of trading and before closing the shop premises.
- (e) Where at an approved Street Festival the stall is hired or provided by the organiser or the agent, the Licence Holder shall be responsible for its erection, suitability, stability, dismantling and safe and prompt removal.
- (f) A Licence Holder upon production of Proof of Ownership may claim from the Council within 14 days of it coming into the Council's possession and without penalty (providing that it is not otherwise this subject of Legal Proceedings or a Seizure Order) anything that:-
  - (i) not being within a licenced site, was removed by an Officer of the Council because in their opinion it was a hazard or the like to the public;
  - (ii) otherwise came into the Council possession and was identified as possibly being associated with the activity of Street Trading.

### 15. PROVISION OF STALL BY THE COUNCIL

- (a) The Licence Holder shall use any stall provided by the Council.
- (b) Where the Council provides, (lends, hires or lets) the stall, the Licence Holder shall be responsible for its care and safe custody and must not wilfully or otherwise cause to it any damage.

- (c) The stall must either be on the licenced site, in the storage unit or in the course of being transported to and fro. It shall not be used for street trading or any other purpose elsewhere.
- (d) The stall when not in use shall be placed within the storage unit provided by the Council.
- (e) The Licence Holder shall secure the unit by the use of padlocks or other locking devices approved by the Council.
- (f) The Licence Holder shall keep the storage unit free from accumulations of refuse.
- (g) The Licence Holder shall make the storage unit available for inspection by an Authorised Officer of the Council and to enable its general maintenance.

## 16. REFUSE

- (a) In respect of traditional sites the Licence Holder and assistants shall ensure that all refuse arising as a result of the activities shall be placed in suitable covered containers provided by the Licence Holder exclusively for that purpose.
- (b) Such refuse containers shall be kept as clean as is reasonably practicable.
- (c) Refuse containers shall be sited in a location agreed with the Council. They shall be emptied whenever necessary into any vehicle, container, compactor, or place provided by the Council for that purpose.
- (d) Licence Holders and their assistants, in respect of footway displays outside shop premises and catering establishments shall ensure that any refuse arising from the external activities is properly stored and disposed of as part of the shop business.
- (e) No refuse shall be allowed to accumulate or be placed in the street.
- (f) No vehicle shall be used for the storage of such refuse.
- (g) The Licence Holder shall produce on demand to an Authorised Officer of the Council, proof of a contract for the disposal of trade refuse.
- (h) Matchday Licence Holders engaged in selling food shall deposit all refuse arising from the activity in easily identifiable refuse sacks provided by the Council.
- (i) The sacks shall be secured and left awaiting collection by the Council or its contractors within the designated site at the end of the trading period.
- (j) In respect of catering establishments, the licence holder when meeting the requirement in Regulation 5(e) shall also remove from tables any used and discarded receptacles.

## 17. ATTENDANCE BY LICENCE HOLDER

- (a) Traditional Licence Holders must be in attendance throughout the whole or part of the day that the stall is set up for trading unless engaged on the following:-
  - (i) A meal break or visit to the toilet.
  - (ii) Sickness of short duration.
  - (iii) Hospital, dental or doctor's appointment.
  - (iv) Occasional attendance at the office of an accountant, tax inspector, bank or Council cash office.
  - (v) On holiday.
  - (vi) Or for any other sufficient reason that may be approved by the Council from time to time.
- (b) (i) Spurs Matchday Licence Holders availing themselves of the right to trade must be in attendance to set up the stall and for the whole two hour period before the scheduled Kick-off time.
  - (ii) The Licence Holder must also be present all of the time that the stall is open for business and dismantled after the game.
- (c) In respect of displays outside shops and catering establishments the Licence Holders usual place of work shall be within the premises.
- (d) At approved Street Festivals the Licence Holder shall be in attendance at the stall throughout the event save that prescribed in 17(a)(i).
- (e) No Licence Holder shall sub-let the stall or any part of the stall or the licenced site, or install a manager to operate the Licence.
- (f) A Licence Holder if required by an Authorised Officer and/or Solicitor to the Council shall furnish the Council with a Medical Certificate obtained at the Licence Holders own expense or other documentary evidence to support the reasons for any continual or repetitive absences.

**18. NAMES OF ASSISTANTS AND RESTRICTION OF EMPLOYMENT ETC.**

- (a) The Licence Holder shall notify the Council of the names of any assistants within seven days of their commencement. This shall be by letter or on a form prescribed by the Council.
- (b) The Licence Holder shall give any other information regarding assistants as required by the Council.
- (c) A Licence Holder shall not have as an assistant any child in the business of street trading including the putting out or stocking of receptacles, clearance of refuse, attending a stall or any related activity.
- (d) A Licence Holder and assistant shall not bring or have care and control of a child whilst the business is being set up, operated or dismantled.
- (e) The failure of an Assistant to comply with the conditions of the Street Trading Licence held by the employer shall be deemed to be a failure by the Licence Holder.

**19. ADMINISTRATION**

- (a) Licence Holders and assistants must give every reasonable assistance to Council Officers and their contractors in carrying out their duties.
- (b) A Licence shall cease to have effect (*other than being revoked or having expired or on the death of the trader*) only upon it being surrendered by the Licence Holder in exchange for a written receipt at the Council's Street Trading Office.
- (c) A Licence Holder making application for the renewal of a Licence shall bring the completed application form and prescribed fee to the Council Officer by appointment. The two photographs prescribed in the Act if not already forwarded by the Licence Holder shall be handed to the Officer at this time.
- (d) A Licence Holder having appeared before the Council's Licencing Committee where, although there were sufficient grounds to revoke the Licence it was decided to deal with the matter by way of a Warning Letter shall - acknowledge receipt of the Warning Letter by signing and dating and returning one copy of the letter to the Council in the envelope provided within 21 days of its receipt.
- (e) Licence Holders shall notify the Council in writing of any change of their title, name or home address as soon as it occurs.
- (f) The sending of letters and Notices from the Council by the General Postal Service to the last notified address by the Licence Holder shall be taken by the Council as proper and good service of documents.
- (g) All notifications (*excluding payments of weekly/monthly charges*) given by the Licence Holder to the Council shall be to the Council's address as it appears on the Licence or that subsequently amended and notified in writing to the Licence Holder.