

STREET TRADING (SHOP FRONT TRADING AND TABLES AND CHAIRS) REGULATIONS

Prescribing Standard Conditions Applicable to Shop Front Trading and tables and chairs licences.

REGULATIONS MADE BY THE LONDON BOROUGH OF HACKNEY PURSUANT TO SECTION 27(3) OF THE LONDON LOCAL AUTHORITIES ACT 1990 (AS AMENDED) PRESCRIBING STANDARD CONDITIONS APPLICABLE TO SHOP FRONT TRADING AND TABLES AND CHAIRS LICENCES.

DEFINITIONS

- 1.1. In the regulations, unless the context otherwise requires, the following expressions shall have the following meanings
- a. "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.
 - b. "Child" means a child who has not reached school leaving age
 - c. "Goods" means any goods, wares or merchandise for sale at a stall
 - d. "Licensed Area" means an 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 Council or a duly authorised officer of the Council. This will normally be an area adjoining the frontage of a commercial premises
 - e. "Licence Holder" means the person authorised to carry out shop front trading activity from a licensed area as permitted under the Act.
 - f. "Premises" means any commercial premises immediately behind the licensed area.
 - g. "Receptacle" includes a box, vessel, table or stand 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 such service.
 - h. "Refuse" - includes empty and discarded receptacles and any waste material.
 - I. "Shop Front Trading" shall have the meaning as "Street Trading" in Section 21 (1) of the London Local Authorities Act 1990.
 - J. Street Trading licence includes licences issued for shop front trading or the or the placing of tables and chairs outside premises whether issued under the London Local Authorities Act 1990 (as amended) or the Highways Act 1980
 - k. The Act" means the London Local Authorities Act 1990 as amended
 - l. "The Council" means the London Borough of Hackney. "
 - m. "Trader" – means a person in whose name a current licence is held authorising shop front trading.

2. GENERAL

- 2.1. The grant of a Shop front 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(s).
- 2.2. 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.
- 2.3. 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 specified;
- 2.4. If a trader wishes any of the terms of a licence to be varied or the Council's agreement under these rules, an application must be made in writing to the Council in accordance with the statutory requirements.
- 2.5. The, trade, business, activity shall comply and be conducted in a manner that conforms to other relevant legislation enforced by the Local Authority or other Agencies. These include but are not limited to General Health and Safety, Food Safety, Trading Standards and Fire Prevention and Highways Regulations.
- 2.6. The Council's Shop Front Trading Regulations set out the framework of the Street Scene in the London Borough of Hackney in so far as it relates to shop front trading areas as permitted under licence by the Council under the Act and other activities as may be permitted by Part VII of the Highways Act 1980. The regulations do not override the Act(s) or other statutory provisions.
- 2.7. Headings inserted in these regulations are for the purpose of convenience only and shall not in any way affect the meaning or construction thereof.
- 2.8. The licence does not authorise the Licence Holder to trade at anytime in contravention of any Order made under the Shops Act or any other statutory enactment

- 2.9. Traders shall ensure that they comply with all relevant legislation including:
- The Highways Act 1980, and,
 - London Local Authorities Act 1990,
- together with all associated legislation including orders and regulations. Failure to comply with such legislation may result in the revocation of the licence.

3. LICENCE

- 3.1. A copy of the Shop Front Trading licence must 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.
- 3.2. A full copy of the licence, including explanatory notes and the conditions attached to the licence, shall be kept on the premises together with a copy of the licensees' public liability insurance.
- 3.3. A Shop Front Trading licence is not transferable.
- 3.4. Only the licence holder can engage in Shop Front Trading.
- 3.5. Only those commodities sold in shop premises can be displayed outside premises provided they are not excluded items as defined in these regulations.
- 3.6. 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.

4. CLEARANCES

- 4.1. The size of any receptacle or display or the area taken up by any table(s) and Chair(s) shall not exceed the maximum dimensions stated in the licence.
- 4.2. A minimum of 1.2m clear of any obstruction shall be maintained for safe access to and egress from the premises to which the licence relates.
- 4.3. No receptacle, 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.
- 4.4. Where table(s) and Chair(s) are permitted under a licence issued by the council the number of tables and chairs on the street shall not exceed the numbers prescribed in the Licence.
- 4.5. The sizes of table(s) and chair(s) shall not exceed those prescribed in the Licence.
- 4.6. The maximum dimensions of the area permitted to be used for table(s) and chair(s) shall be demarcated by the use of temporary barrier(s) of an approved kind and be of the size, type and kind specified in the licence. (Licensing Act 2003).
- 4.7. Where necessary, temporary barriers of an approved type must, when required by a special condition added to the licence, be in situ during licensed hours and the same must be removed outside of the hours permitted by the licence.

5. INSURANCE

- 5.1. The licensee shall indemnify the council 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 stall receptacle, tables or chairs 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 licensees expense a policy of insurance approved by the council in the minimum sum of £5,000,000 (5 million pounds) (or such higher sum as may from time to time be notified to licence holders in writing) in respect of any one event and must produce to the council on request the current receipts for the premium payment and confirmation of the renewals of the policy. The council 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 council on request.
- 5.2. Satisfactory evidence of such insurance must be produced to the Council before a street trading licence will be granted or renewed. Failure to produce insurance certificates when requested by an authorised office of the Council will lead to temporary suspension from trading until the certificate is produced and the Council is satisfied with the level of cover.
- 5.3. Evidence of such insurance shall be produced by a licensed street trader on request by an authorised officer of the Council or a police officer. The Council 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 Council will be suspended from trading and will be asked to leave the market until suitable insurance is in place and the cover note or policy presented to the Council.
- 5.4. Traders must inform the Council in writing and provide an updated copy of the certificate of insurance where there are any changes to their insurance cover. The council may use the information provided to contact the licensees insurer to confirm the details of any policy held or purported to be held and the applicable level of cover and indemnity provided.
- 5.5. In all cases the policy must clearly state that it covers articles and activity on the street not just those taking place within the associated premises. The policy must be maintained throughout the full duration of the licence.
- 5.6. A certified copy of the certificate of insurance must be kept on the premises together with the licence at all times.
- 5.7. Evidence of such insurance shall be produced by a licence holder on demand to an authorised officer of the Council or a Police Officer.

6. DAYS AND TIMES

- 6.1. Trading shall only take place during the days and between the times specified in the Licence.
- 6.2. Any receptacle, display or table(s) and chair(s) shall only be placed on the street at or after the earliest time permitted by the licence and shall be removed from the street no later than the latest time permitted by the licence.

7. INSPECTION OF LICENCE

- 7.1. Licence holders shall produce their licence for inspection when requested to do so by an authorised officer of the Council or police officer.
- 7.2. Where the Council has issued a variation to a licence the varied licence must be displayed on the premises.
- 7.3. If alcoholic beverages are consumed in an area licensed for shop front trading, the licence holder or assistant shall produce on demand the appropriate premises licence given under the Licensing Act 2003 or its successor, to an authorised officer of the Council or police officer.

8. LICENSED AREA AND POSITION

- 8.1. The licence holder shall only use the licensed area prescribed in the granted licence (which may be marked or denoted on the ground by means determined by the Council) unless the circumstances under paragraph 8.4 arise.
- 8.2. The Licence Holder shall not cause or permit receptacles, goods, tables or chairs; to project, whether grounded or suspended beyond the licensed area or to be placed or to stand anywhere else in the street than within the said licensed area.
- 8.3. In respect of catering/licensed establishments, tables and chairs shall not be placed or used outside of the area defined in the licence. This area shall, when required by the council, be demarcated in the manner and by the means determined by the Council and specified in the licence. The licence holder or assistant shall inspect the licensed area periodically and if required by written notice from the council, at least once in every hour to ensure that tables and chairs are not positioned outside of the licensed area. A record shall be made of these inspections if written notice to do so has been given to the licensee by the council. The records made shall be produced to an authorised officer of the Council or police officer on request.
- 8.4. If the licensed area or an adjacent area is or is to be obstructed by road works or other hazards the licence holder shall cease shop front trading when requested to do so in writing by the council and shall not resume shop front trading without the written consent of the Council.

9. TABLES & CHAIRS

- 9.1. A licence issued by the council for shop front trading does not give permission to serve alcohol outside of the terms conditions restrictions of a premises licence issued under the licensing Act 2003 or successor legislation.
- 9.2. The furniture and barrier shall be suitably stored off the highway outside of the prescribed hours.
- 9.3. The council is to be expressly exempted for loss theft or damage of the tables and chairs.
- 9.4. The furniture shall be removed from the highway to allow the highway to be cleaned or maintained by the council (or its contractors), for urgent access for the emergency services or for statutory undertakers (e.g. gas, electricity, water, telecoms) to gain access to their equipment if so requested.
- 9.5. The tables are to be regularly cleared of glasses, plates, ashtrays, etc and the surrounding area to be swept clear of litter, food and smoking deposits etc. Receptacles must be provided at the tables to allow for the smoking debris to be extinguished. Waste deposited on the Highway must be removed at least once per hour at the Licensee's expense or at more frequent intervals as may be required by the Council under the Environmental Protection Act 1990. The licensee shall be liable pay the councils cost if it has to clean in default.
- 9.6. The licensee shall not affix or permit to be affixed any thing to the highway
- 9.7. Temporary barriers of the type and construction approved by the council be placed around the licensed area at the start of the licensed trading day and remain in place throughout the trading day until they are removed to a place of storage off the highway at the end of he licensed trading day.
- 9.8. The furniture permitted under the licence shall not be used in such a way as to cause unreasonable nuisance or disturbance to adjoining property or other users of the highway.
- 9.9. The furniture shall be kept within the designated area, marked-out by a physical feature, and a clear access way of no less than 1.2 metres is kept clear to allow safe entry into the area
- 9.10. No advertising boards may be placed on the highway (this includes A-boards, swing boards and rotating advertisements)
- 9.11. No awning, parasol or other cover shall be placed over the licensed area without consents or permissions being obtained from the council
- 9.12. Any table, chair or barrier used in connection with this licence shall be kept clean and in good repair and shall be repaired, repainted or replaced within 30 days of a written request from the council.

10. PERMITTED GOODS AND SERVICES

- 10.1. Only those goods or services specified on the licence may be displayed, used, provided or offered for sale. Only goods of like kind to those on sale within the premises shall be displayed outside of it and those goods for sale shall be the lawful property of the licensee. In exceptional circumstances where with the written consent of an adjoining premise owner a shop front trading licence extends to the frontage of an adjoining premise this condition may be dispensed with for the area in front of that premise only.
- 10.2. No part of any shop front display or licensed area shall be sub-let or loaned to any other person or body.
- 10.3. 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 or licensed area.
- 10.4. No advertisement shall be displayed within the licensed area which relates to any goods or services other than those offered for sale or provided within the licensed area

11. DEALING WITH THE PUBLIC

- 11.1 The Licence holder and their assistant(s) shall ensure that the public are treated fairly and with courtesy.
- 11.2 Any breach of these regulations by an assistant shall be deemed to be a breach of these regulations by the licence holder.
- 11.3 Admission to or service provided within a licensed area shall not be refused to any person on the grounds of race, homophobia, transphobia, religion or faith, sexuality, disability, asylum or refugee status.
- 11.4 The licence holder shall not use or permit any activity, omissions or practice in the conduct of the business which will cause harassment to any person.
- 11.5 The serving of customers shall be confined to the licensed area only.
- 11.6 No customer shall be charged for admission to the licensed area
- 11.7 A Licence Holder or assistant offering a service shall make clear the nature and cost of that service by way of a notice within the licensed area.
- 11.8 All categories of 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.
- 11.9 The customer should be able to conveniently view the goods being weighed, measured etc within the premises before they confirm their intention to purchase.
- 11.10 A Licence Holder or assistant shall not use a megaphone or amplification equipment or a loud voice to shout out the price of goods in order to attract customers.
- 11.11 Radios or other audio equipment shall not be used in or around the licensed site other than by agreement with the council and as specified in the licence.

12. RECEPTACLES

- 12.1 Only those receptacles and containers which are 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. Displays shall not be formed by the use of unsuitable items such as milk crates and the like and other receptacles the Council has notified the licence holder in writing the council deems inappropriate.
- 2 Goods must not be placed directly on the street unless allowed in the licence.
- 12.3 Where the Council has licensed the display of bulky furniture or the like outside shop premises on the street and has granted an exemption under paragraph 12.2, a suitable receptacle or device to remove those goods from the street shall be available and maintained within the shop.
- 12.4 Displays shall be constructed and maintained so as not to become unbalanced or otherwise unstable.
- 12.5 Displays shall be free from protruding nails or other hazards likely to cause injury or damage to a person or their property.
- 12.6 Displays shall be constructed so as to be immediately removable.
- 12.7 Nothing shall be placed or stored underneath a display.
- 12.8 No display receptacle, table or chair shall be used if it is likely to damage the street.
- 12.9 Nothing shall be secured or temporarily or permanently affixed to either the street or street furniture in the vicinity of the licensed area.
- 12.10 Licensed areas for the display 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 licensed area or elsewhere in the street other than on a private forecourt associated with the business.
- 12.11 No permanent structure and/ or unauthorized marking of any kind will be permitted on the public highway. Unauthorized structures or unauthorized marking(s) on the public highway may be removed by the council and the cost of so doing charged to the licensee
- 12.12 The display or stand must be of sufficient contrast to its surrounding area and so constructed to prevent hazard to visually impaired footway users. (The colours and type will be agreed before grant of a licence)
- 12.13 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.
- 12.14 The display/stand must be well maintained and kept free from litter. Any table, Chair or barrier, receptacle or display stand used in connection with this licence shall be kept clean and in good repair and shall be repaired, repainted or replaced within 30 days of a written request from the council.

12.14 The display/stand must be removed from the street when not in licensed use

13. ROOFING OF SHOP FRONTS

13.1 No parasol, awning or canopy or other cover shall be used to cover any Shop front trading display and/or tables and chairs without separate consent being sought under the Highways Act or Planning Acts having been obtained.

14. REMOVAL OF DISPLAYS AND STANDS

14.1 Goods, stands, displays, receptacles, tables and chairs etc shall be removed from the public highway to the place of storage, as notified to the council at the time of application for the licence, or such other alternative place subsequently agreed by the Council in writing by the time specified in the licence.

14.2 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.

14.3 A Licence holder in respect of shop premises shall remove the display, stand and goods on the cessation of trading and before closing the shop premises.

14.4 Licence holders and their assistants shall temporarily remove displays, goods, tables and chairs and anything else under their control as directed by the Council or a Police for so long as may be necessary in the event of:

14.5 an emergency (including any public demonstration, congregation or disorder in the area);

14.6 In the exercise of the Council's powers and duties which include the maintenance of the licensed area, to enable its re-marking and to check whether the stall is capable of being removed in accordance with these Regulations; and,

14.7 To enable statutory undertakings to maintain their services.

15. REFUSE

15.1 Licence Holders and their Assistants, in respect of shop front trading and catering establishments shall ensure that any refuse arising from the external activities is properly stored and disposed of.

15.2 No refuse or litter shall be allowed to accumulate or be placed in the street or street litter bins.

15.3 No vehicle shall be used for the storage of such refuse.

15.4 The Licence Holder shall produce on demand to an authorised officer, proof of a contract for the disposal of trade refuse.

15.5 The licensed area shall not be used for the storage of waste or storage of receptacles for waste other than as may be permitted in writing and specified on the licence.

15.6 Where food and/or drink is served or consumed, the licence holder when meeting the requirement in Regulation 15.1 shall also remove from tables any used and discarded articles or vessels used by or for the service of customers.

15.7 The Licence Holder must ensure that litter and waste generated by the business is removed only to an authorised place of disposal.

15.8 The shop front area is to be kept clean and maintained in a clean condition throughout the day.

16. NAMES OF ASSISTANTS AND RESTRICTION OF EMPLOYMENT

16.1 Only the licence holder can engage in shop front trading.

16.2 The Licence Holder shall give any other information regarding employees acting assistants as may reasonably be required by the Council.

16.3 A Licence Holder shall not have as an assistant any child in the business of shop front trading including the putting out or stocking of receptacles, clearance of refuse, attending to a licenced area or any related activity.

16.4 The failure of an employee or any other person acting as an assistant to the licensee to comply with these regulations or any condition of the licence held by the employer shall be deemed to be a failure by the licence holder.

17. ADMINISTRATION

17.1 Licence holders and assistants shall give reasonable assistance to Council Officers and their contractors in carrying out their duties.

17.2 A permanent street trading (or shop front trading 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 offices or on suspension by the council on reasonable grounds which the council shall have given in writing or as may be permitted by the Act.

17.3 On submitting an application for a Licence, the applicant must provide the following:

17.3.1 Three passport sized photographs of the Licence Holder with the Licence Holder's signature on the back.

17.3.2 Two proofs of Licence Holder's home address and business premises address which is no older than 3 months

17.3.3 Documentary proof of the Licence Holder's National Insurance Number

17.3.4 Documentary proof of a commercial trade waste agreement.

17.3.5 The requisite application fee

17.3.6 Proof of Planning consent where necessary

17.3.7 Proof of ownership or other right to occupy the premises to which the shop front trading application relates

17.3.8 Such proof of having carried out consultation as may be required by the council

17.3.9 The application fee notified to the applicant in writing

- 17.4 A Licence Holder making an application for the renewal of a licence shall bring or send the completed application form and prescribed renewal fee to the Council offices by appointment.
- 17.5 Licence Holders shall notify the Council in writing of any change of their title, name of the business, trading name or home address as soon as it occurs and in any event within seven days the change occurring.
- 17.6 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.
- 17.7 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.
- 17.8 Any allegations made by a shop front trader against traders or officers of the Council will be fully investigated, however should the allegations be found to be untrue, malicious or vexatious then this will be grounds for the shop front trading to be suspended or revoked.

- 17.9 Any offer of bribes or inducement will also be deemed a failure under the terms of the Act and grounds for the licence to be suspended or withdrawn absolutely.
- 17.10 Licences are not transferable.

18. PAYMENT OF CHARGES

- 18.1 A Licence Holder shall pay all fees and charges, in addition to application fees due to the Council upon dates and intervals agreed by the Council upon the issue or renewal of the Licence.

19. ENFORCEMENT

- 19.1 The Council has the responsibility to investigate and enforce against traders in breach of any of the standard terms and conditions or special conditions annexed to any licence. A license holder shall co-operate at all times with any authorised officer of the Council or Police officer in the exercise of this duty.
- 19.2 Failure to pay Licence fees and charges for 4 weeks shall be grounds for the suspension or revocation of the licence.

AS WITNESS THE HANDS OF THE PARTIES HERETO:

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SIGNED by or on behalf of the Council

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In the presence of:

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SIGNED by or on behalf of the Licensee

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In the presence of:

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