

ROYAL BOROUGH OF KINGSTON UPON THAMES
DIRECTORATE OF ENVIRONMENTAL SERVICES

STREET TRADING - REGULATIONS AND CONDITIONS

REGULATIONS MADE BY THE KINGSTON UPON THAMES COUNCIL 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 following meanings:
- (i) ("street trading" shall have the meaning ascribed in Section 21(1) of the London Local Authorities Act 1990.
 - (ii) "The Council" means the Council of the Royal Borough of Kingston upon Thames.
 - (iii) "Licensed Street Trader" means any person who is licensed for street trading under Part III of the London Local Authorities Act 1990.
 - (iv) "Advertisement" means any word, letter, model, sign, placard, board, notice, whether illuminated or not, in the nature, and employed wholly or partly for the purposes of, advertisement, announcement or direction and includes any hoarding or similar structure or any balloon used, or adapted for use for the display of advertisements, and references to the display of advertisement shall be constructed accordingly.
 - (v) "Assistant" means a person employed by and acting under the directions of a trader to assist him/her about the business of the stall and whose name and address has been notified to the Council.
 - (vi) "Awning" means a sheet of canvas or other material, used as a protection against the weather, which projects as an extension of the roof beyond the structure of the stall.
 - (vii) "Goods" means any goods, wares or merchandise for sale at a stall.
 - (viii) "Licensed street trading pitch" means a pitch in any street authorised as a place at which street trading may be engaged in by a street trader, and includes any temporary alternative place approved by the Council or a duly authorised officer of the Council.

- (ix) "Pitch Limits" means the authorised ground markings defining the area within which a street trading stall is to be contained or as otherwise set out in the licence.
- (x) "Refuse" includes any waste material.
- (xi) "Stall" means any structure used by a trader for the display of goods, or in connection with his or her business, and which occupies a licensed street trading pitch; and includes all goods offered or to be offered for sale and any additional structure or equipment used as part of the stall or business. On "isolated pitches" this also includes all rubbish created as a result of the business.
- (xii) "Premises" means any shop, house or block of flats immediately behind the licensed pitch.
- (xiii) "Trader" means a person in whose name a current licence is held authorising street trading from a licensed street trading pitch.

General

- 2. The grant of a street trading licence shall not be deemed to give any approval or consent which may be needed under any By-law, enactment or regulation other than Part III of the London Local Authorities Act 1990.
- 3. The marginal notes inserted in these Regulations are inserted for the purpose of convenience only and shall not in any way affect the meaning or construction thereof.
- 4.
 - (a) 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.
 - (b) 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.
 - (c) 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.

Position

- 5. The trader shall trade only from the position which is indicated on the licence.

Size

- 6. The trading area shall not exceed the dimensions specified on the

licence and any pitch limits marked on the ground during trading hours and except during immediate re-stocking.

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| Conditions | 7. | Only those goods specified on the licence may be sold on the licensed street trading pitch. |
| Charges | 8. | The trader shall pay the notified charges in such manner as may be specified on the licence and which may be varied subject to formal notice being given in accordance with the Act. |
| Days and Times | 9. | Trading may only take place on the days and during the times specified on the licence. |
| Nature and type of receptacle | 10. | Only those receptacles approved by the Council shall be used by the trader. |
| Conduct | 11. | Traders and any assistants employed by them shall: <ul style="list-style-type: none"> (a) ensure the public are treated fairly and with courtesy. (b) refrain from using abusive language. (c) not shout or call out their goods for sale nor sell any goods by auction or by a mock auction nor create in anyway a nuisance, annoyance or hindrance to other businesses. |
| | 12. | Traders shall be held responsible for the conduct of their assistants. |
| | 13. | Traders shall ensure that their staff are competent, courteous and helpful. |
| Display of licence. plate etc | 14. | Traders shall at all times display a plate supplied by the Council indicating the licensed pitch number of the stall. This plate shall be kept prominently and permanently exhibited on the stall together with the name, or business name of the trader. |
| | 15. | No advertisement shall be displayed on the licensed pitch which relates to any goods, commodities or services other than offered for sale or provided on that pitch. |
| Refuse | 16. | The trader shall ensure that all refuse arising as a result of the activities of the trader shall be placed in suitable covered containers provided by the trader, unless otherwise provided by the Council, and shall be kept exclusively for that purpose. Such refuse containers shall be kept as clean as is reasonably possible. |

17. Refuse containers shall be emptied when ever necessary and in any event at the end of each days trading refuse shall be removed from site to the place of disposal as stated in the licence.

18. At the end of each days trading, the trader shall leave the area beneath and around his stall clear of any articles or refuse arising from trading.

Safety of equipment

19. Heat producing equipment (e.g. Braziers) shall be so placed within the trading area as to offer maximum safety to the public. The position of such equipment in relation to other goods or materials shall be agreed with the Council's officers.

Services and amenities

20. The only connection between stalls on the footway and other stalls or premises shall be for the purpose of electric lighting or other agreed services; and any such electrical or other connections shall be readily detachable and the detailed arrangements agreed with the Council.

21. All electric power supplies shall have the appropriate consent from the Council before seeking installation from the appropriate electricity company.

22. All electrical cables that are suspended over the public footway shall have a minimum clearance of 2.6m (8'6") from the footway surface, and 5.1m (16'6") from the surface of the carriageway.

23. Where mobile electrical generators are employed they shall be so positioned that:

(a) they do not present a danger to the passing public.

(b) they do not present a fire or similar hazard risk to the stall or goods displayed thereon.

(c) they do not cause any noise or fume nuisance.

(d) any inflammable fuel is stored away from the stall in a London Fire Brigade approved container.

24. All electrical wiring and components shall comply with the basic Electricity Board specification and be earthed and insulated accordingly. Electrical power shall only be used for the purposes of lighting and the operation of electrical scales and tills and the testing of electrical goods.

Head Room

25. The distance above ground level of any part of any roof, awning, or supports of the stall or goods suspended from any of these, shall (unless a dispensation has been granted by the Borough Council) be

at least 2.6m (8'6"). The roof awning or any other projection shall be contained within the pitch area unless agreed by the Council.

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| Limits of display etc. | 26. | All goods, containers (except refuse containers used solely for the purpose) advertising boards or other articles shall be contained within the Licensed pitch area and height and shall not project beyond. |
| Removal | 27. | Stalls shall be easily and immediately removable. |
| | 28. | Traders or their assistants shall remove the stall and goods for so long as may be necessary in the event of an emergency or in exercise of the Council's powers and duties, if reasonably required to do so by a police officer or a duly authorised officer of the Council. |
| | 29. | Stalls and goods 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 one and half hours of the time prescribed on the licence for the end of trading on that day. |
| Traders' Vehicle | 30. | A licensed trader shall not leave his vehicle in the street in which he trades apart from in approved parking spaces such as meter bays in compliance with the regulations applicable thereto, except for the purpose of loading and unloading goods. Such loading and unloading shall be carried out as quickly as possible and the vehicle removed immediately on completion. This condition shall not apply when waiting restrictions are not in force. However, the vehicle must not create obstruction or danger or interrupt the free flow of traffic. |
| Damage | 31. | Traders must not intentionally permit stalls or accessories to cause damage to the carriageway or footway nor deface any adjacent property. |
| | 32. | Traders will be liable for any damage they cause in the course of their street trading activities. |
| Assistance to Council Officers | 33. | Traders shall give every assistance to Council Officers in carrying out their duties |
| | 34. | Traders shall obey the lawful and reasonable instructions of authorised Council Officers or of Police Officers. |
| Storage | 35. | Traders shall notify the Council in writing of any change of address or addresses at which the stall and perishable goods are stored. Such notice shall be given within 7 days of the change. |
| Change of | 36. | Traders shall, if required, notify the Council in writing of the name of |

- Assistant** any assistant which they employ on the stall; details of any change of assistant or any other relevant information regarding assistants.
- Commence- 37. ment times** Traders shall commence trading their stalls being in position and all goods contained within the pitch area by the times set out in the licence.
- If the pitch is not utilised by the licensed trader within one hour of the commencement time set out in the licence without the prior approval of the Council or its representative, the Council may at its discretion re-let the pitch for that day.
- Radios, etc.38.** Traders shall not use or permit to be used on the licensed area or within the immediate vicinity any radio, cassette player or other equipment or apparatus to produce music or other sound except within a closed vehicle and at a reasonable volume.
- Insurance 39.** Traders shall take out third party insurance cover with a maximum liability of at least £2,000,000.