

CORPORATE COMMITTEE

Monday, 1st June, 2020

at 6.30 pm

Until further notice, all Council meetings will be held remotely to view follow this link
<https://youtu.be/j8nohdwTDyQ>

Committee Membership

Cllr Clare Potter
Cllr Jessica Webb (Chair)
Cllr Susan Fajana-Thomas (Vice-Chair)
Cllr Katie Hanson
Cllr Vincent Stops
Cllr Mete Coban
Cllr M Can Ozsen
Cllr Brian Bell
Cllr Ajay Chauhan
Cllr Clare Joseph
Cllr Anthony McMahon
Cllr Peter Snell
Cllr Carole Williams
Cllr Steve Race
Cllr Michael Levy

Tim Shields
Chief Executive

Contact:
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The press and public are welcome to attend this meeting



Future Meetings

16 September 2020

16 December 2020

9 March 2021

AGENDA

Monday, 1st June, 2020

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Access and Information

Location

Hackney Town Hall is on Mare Street, bordered by Wilton Way and Reading Lane, almost directly opposite Hackney Picturehouse.

Trains – Hackney Central Station (London Overground) – Turn right on leaving the station, turn right again at the traffic lights into Mare Street, walk 200 metres and look for the Hackney Town Hall, almost next to The Empire immediately after Wilton Way.

Buses 30, 48, 55, 106, 236, 254, 277, 394, D6 and W15.

Facilities

There are public toilets available, with wheelchair access, on the ground floor of the Town Hall.

Induction loop facilities are available in the Committee Rooms and Council Chamber

Access for people with mobility difficulties can be obtained through the ramp on the side to the main Town Hall entrance.

Copies of the Agenda

The Hackney website contains a full database of meeting agendas, reports and minutes. Log on at: www.hackney.gov.uk

Paper copies are also available from Governance Services whose contact details are shown on page 1 of the agenda.

Council & Democracy- www.hackney.gov.uk

The Council & Democracy section of the Hackney Council website contains details about the democratic process at Hackney, including:

- Mayor of Hackney
- Your Councillors
- Cabinet
- Speaker
- MPs, MEPs and GLA
- Committee Reports
- Council Meetings
- Executive Meetings and Key Decisions Notice
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- Introduction to the Council
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RIGHTS OF PRESS AND PUBLIC TO REPORT ON MEETINGS

Where a meeting of the Council and its committees are open to the public, the press and public are welcome to report on meetings of the Council and its committees, through any audio, visual or written methods and may use digital and social media providing they do not disturb the conduct of the meeting and providing that the person reporting or providing the commentary is present at the meeting.

Those wishing to film, photograph or audio record a meeting are asked to notify the Council's Monitoring Officer by noon on the day of the meeting, if possible, or any time prior to the start of the meeting or notify the Chair at the start of the meeting.

The Monitoring Officer, or the Chair of the meeting, may designate a set area from which all recording must take place at a meeting.

The Council will endeavour to provide reasonable space and seating to view, hear and record the meeting. If those intending to record a meeting require any other reasonable facilities, notice should be given to the Monitoring Officer in advance of the meeting and will only be provided if practicable to do so.

The Chair shall have discretion to regulate the behaviour of all those present recording a meeting in the interests of the efficient conduct of the meeting. Anyone acting in a disruptive manner may be required by the Chair to cease recording or may be excluded from the meeting. Disruptive behaviour may include: moving from any designated recording area; causing excessive noise; intrusive lighting; interrupting the meeting; or filming members of the public who have asked not to be filmed.

All those visually recording a meeting are requested to only focus on recording councillors, officers and the public who are directly involved in the conduct of the meeting. The Chair of the meeting will ask any members of the public present if they have objections to being visually recorded. Those visually recording a meeting are asked to respect the wishes of those who do not wish to be filmed or photographed. Failure by someone recording a meeting to respect the wishes of those who do not wish to be filmed and photographed may result in the Chair instructing them to cease recording or in their exclusion from the meeting.

If a meeting passes a motion to exclude the press and public then in order to consider confidential or exempt information, all recording must cease and all recording equipment must be removed from the meeting room. The press and public are not permitted to use any means which might enable them to see or hear the proceedings whilst they are excluded from a meeting and confidential or exempt information is under consideration.

Providing oral commentary during a meeting is not permitted.

ADVICE TO MEMBERS ON DECLARING INTERESTS

Hackney Council's Code of Conduct applies to **all** Members of the Council, the Mayor and co-opted Members.

This note is intended to provide general guidance for Members on declaring interests. However, you may need to obtain specific advice on whether you have an interest in a particular matter. If you need advice, you can contact:

- The Director of Legal and Governance Services
- The Legal Adviser to the committee; or
- Governance Services.

If at all possible, you should try to identify any potential interest you may have before the meeting so that you and the person you ask for advice can fully consider all the circumstances before reaching a conclusion on what action you should take.

1. Do you have a disclosable pecuniary interest in any matter on the agenda or which is being considered at the meeting?

You will have a disclosable pecuniary interest in a matter if it:

- relates to an interest that you have already registered in Parts A and C of the Register of Pecuniary Interests of you or your spouse/civil partner, or anyone living with you as if they were your spouse/civil partner;
- relates to an interest that should be registered in Parts A and C of the Register of Pecuniary Interests of your spouse/civil partner, or anyone living with you as if they were your spouse/civil partner, but you have not yet done so; or
- affects your well-being or financial position or that of your spouse/civil partner, or anyone living with you as if they were your spouse/civil partner.

2. If you have a disclosable pecuniary interest in an item on the agenda you must:

- Declare the existence and nature of the interest (in relation to the relevant agenda item) as soon as it becomes apparent to you (subject to the rules regarding sensitive interests).
- You must leave the room when the item in which you have an interest is being discussed. You cannot stay in the meeting room or public gallery whilst discussion of the item takes place and you cannot vote on the matter. In addition, you must not seek to improperly influence the decision.
- If you have, however, obtained dispensation from the Monitoring Officer or Standards Committee you may remain in the room and participate in the meeting. If dispensation has been granted it will stipulate the extent of your involvement, such as whether you can only be present to make representations, provide evidence or whether you are able to fully participate and vote on the matter in which you have a pecuniary interest.

3. Do you have any other non-pecuniary interest on any matter on the agenda which is being considered at the meeting?

You will have 'other non-pecuniary interest' in a matter if:

- i. It relates to an external body that you have been appointed to as a Member or in another capacity; or
- ii. It relates to an organisation or individual which you have actively engaged in supporting.

4. If you have other non-pecuniary interest in an item on the agenda you must:

- i. Declare the existence and nature of the interest (in relation to the relevant agenda item) as soon as it becomes apparent to you.
- ii. You may remain in the room, participate in any discussion or vote provided that contractual, financial, consent, permission or licence matters are not under consideration relating to the item in which you have an interest.
- iii. If you have an interest in a contractual, financial, consent, permission or licence matter under consideration, you must leave the room unless you have obtained a dispensation from the Monitoring Officer or Standards Committee. You cannot stay in the room or public gallery whilst discussion of the item takes place and you cannot vote on the matter. In addition, you must not seek to improperly influence the decision. Where members of the public are allowed to make representations, or to give evidence or answer questions about the matter you may, with the permission of the meeting, speak on a matter then leave the room. Once you have finished making your representation, you must leave the room whilst the matter is being discussed.
- iv. If you have been granted dispensation, in accordance with the Council's dispensation procedure you may remain in the room. If dispensation has been granted it will stipulate the extent of your involvement, such as whether you can only be present to make representations, provide evidence or whether you are able to fully participate and vote on the matter in which you have a non pecuniary interest.

Further Information

Advice can be obtained from Dawn Carter-McDonald, Interim Director of Legal and Governance Services on 020 8356 6234 or email dawn.carter-mcdonald@hackney.gov.uk

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MINUTES OF A MEETING OF THE CORPORATE COMMITTEE

MONDAY, 16TH MARCH, 2020

- Councillors Present:** Councillor Jessica Webb in the Chair
- Cllr Clare Potter, Cllr Susan Fajana-Thomas (Vice-Chair), Cllr Katie Hanson, Cllr Vincent Stops, Cllr M Can Ozsen, Cllr Ajay Chauhan and Cllr Peter Snell
- Apologies:** Councillor Mete Coban MBE, Councillor Brian Bell, Councillor Clare Joseph, Councillor Carole Williams, Councillor Steve Race and Councillor Michael Levy
- Officers in Attendance:** Gerry McCarthy, Head of Community Safety, Enforcement and Business Regulations Tyler Linton, Group Manager - Sustainable Transport and Engagemen
- Also in Attendance:** Tess Merrett, Governance Services

1 Apologies for Absence

Apologies for absence were received from Cllrs Coben, Bell, Joseph, Williams Race and Levy.

2 Declarations of Interest - Members to Declare As Appropriate

There were no declarations of interest.

3 Consideration of Minutes Of The Previous Meeting

The minutes of the meeting held on 11 September 2019 were agreed as a true record.

The minutes of the meeting held on 11 February 2020 were agreed as a true record.

4 Introduction to work of Corporate Committee to keep Hackney Pavements Clear

Councillor Stops gave some background to the work of the Corporate Committee in endeavouring to keep the pavements of Hackney free from obstruction. He had hoped that all the key heads of service, Enforcement, Parking, Street Scene and Markets would have been able to attend so that responsibility for the various aspects of this could be clarified. Unfortunately, this had not been possible and only officers from Enforcement and Street Scene were in attendance.

Councillor Stops stressed that the Committee considered this matter of high importance given the number of visually impaired residents in the borough.

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Councillor Hanson concurred and said the Committee had been asking for some time about, for example, licences being displayed but seemed to be given more reasons why this was not happening rather than seeing any action taken.

Councillor Snell did not feel that the agenda was appropriate. The Chair said that the meeting was for a general discussion about what was being done and the key officers should attend the next meeting. She expressed her annoyance that they were not present. Councillor Hanson said a joint memo from the relevant directors which set out where responsibility fell for enforcement in the different areas would be helpful. Cllr Ozsen said that the relevant officers should meet before the Committee meeting.

The Committee agreed that discussion on the agenda items on Traders Issues and Responsibilities and the Officer Licensing Panel would be deferred to the next Corporate Committee meeting.

5 Traders Issues and Responsibilities

Deferred to next meeting.

6 Pavement Parking

Pavement Parking - deferred to next meeting.

7 Bicycles

In respect of dockless bikes, Tyler Linton from Street Scene, took the Committee through the current procedures and powers and what the next steps were. The Committee had agreed at a special meeting on 2 October 2019 to recommend a bye law to Full Council for adoption which Full Council did at its meeting on 30 October 2019. This bye law would be going to London Councils for adoption and should come on stream in the autumn which would give the Council greater powers to remove the bikes.

Until this bye law came into force, the Council did not have many powers to remove bikes but under the 1980 Highways Act, the Council did have the power to move obstructions and Street Scene were working with Enforcement to remove bikes that were causing obstructions. Bikes were being removed but not to a huge extent. The Council did want to be able to issue a Fixed Penalty Notice (FPN) and a policy, based on the A Boards policy was being drafted to enable this. The policy was scheduled to be taken to Cabinet for approval in May.

Hackney Council was the first local authority in the country to have bays for dockless bikes. However, people were still leaving them on the pavement.

Councillor Stops gave the service 8 out of 10 on bikes. He suggested that the users should photograph where they left them and if they constantly left them inappropriately, the user should be removed from the app.

Councillor Hanson said that users would see the £2 fine for leaving them inappropriately as a cost rather than a penalty so it would not be a deterrent. She suggested that a higher fine would deter users from leaving them on the pavements.

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Councillor Snell asked where the telephone number was for reporting bikes left on pavements. Tyler Linton said that the contact details for Beryl and Jump, the two companies the Council had contracts with for these bikes, had gone out in a press release. He would check the details were available on the Council's website.

Tyler Linton said that there were 8,000 Jump users and increasing the fine was a fair point. The Council also needed to ensure that the dockless bike bays were kept clear of vehicles and the car shaped bike parks would be introduced in them shortly. In respect of users photographing where they had left the bikes, the Council had no powers to force the other 4 bike companies to remove the bikes. The Council could ask Jump and Beryl to put more staff on the ground to patrol where the bikes were left. 27,000 journeys had been made in January alone which would mean a huge number of photos would need to be stored. Tyler Linton said the Council could ask Jump and Beryl about the repeat offenders

Councillor Stops asked what was being done about abandoned bikes as there were lots of rusty dumped bikes in the borough. Gerry McCarthy said that if the bikes were dangerous then the Council could remove them without putting signage up to say that bikes would be removed. If they were not dangerous then the Council had to put signage up and give a 7 days' Notice of removal.

Councillor Fajana-Thomas said that she had raised a bike removal as one of her casework matters and it had taken 2 months to remove the bike. Gerry McCarthy said that whether the bike was deemed dangerous or not was at the discretion of the Enforcement Officer. If it was not deemed dangerous then as said previously, it required signage and Notice of removal to be given.

8 Overhanging Vegetation

Tyler Linton said that overhanging vegetation was also dealt with by the 1980 Highways Act. Every street was categorised which meant they were inspected either monthly or quarterly. From April 1 2019 to 10 March 2020, 193 hedge notices were issued. This meant that the owners had 14 days to cut the vegetation back. If the owners did not comply, they would receive a further letter giving them a further 14 days. If the owners still did not comply, the Council would cut back the vegetation and recharge the owner. The Council had cut 16 hedges back in this time period.

Councillor Stops said that he endlessly complained about hedges and his experience did not match the assertion that the streets were inspected regularly. He felt the service deserved a 5 out of 10 marking and the Council needed to be more industrious in tackling this. He asked if Enforcement could issue FPNs. Gerry McCarthy said that Street Scene were leading on this and it was not possible to issue FPNs on the spot. Enforcement had a procedure to follow which involved warning letters before an FPN could be issued. Tyler Linton said that if Street Scene received a complaint then the vegetation would be inspected to see if it met the threshold so if there was under 2 metres of footway, a 14 day Notice would be issued to cut the vegetation back.

Councillor Potter asked if the streets on the limits of the borough were inspected for example Blackstock Road. Tyler Linton confirmed they were and Gerry McCarthy said that an Enforcement Officer attended Blackstock Road weekly as there were other issues to attend to here.

Councillor Stops asked if he could attend the inspections with officers.

The Chair asked if the Council encouraged other Council staff such as waste operatives who were out and about in the borough daily to report any overhanging vegetation. Tyler Linton said this was something that could be looked into.

9 Officer Licensing Panel - Revised Procedures and Terms of Reference

Deferred to next meeting.

10 Draft Work Programme 2019/20

The Committee noted that the current work programme came to an end at the end of this Municipal Year. Parking on pavements, licensing conditions and market trading would be discussed at the June meeting and the heads of service from these areas needed to attend.

Councillor Snell asked that it be minuted that the introduction of new procedures be staged for all markets so that the Council respected its own enforcement policy. Key to this was the implementation of the procedures, right of representation from the traders and record keeping.

11 Any Other Business Which in The Opinion Of The Chair is Urgent

There was no other business which in the opinion of the Chair was urgent.

Duration of the meeting: Times Not Specified

Rabiya Khatun
Governance Services
020 8356 6279



REPORT OF THE DIRECTOR OF PUBLIC REALM TO THE GROUP DIRECTOR, NEIGHBOURHOODS AND HOUSING

<p>DELEGATED AUTHORITY REPORT</p> <p>OFFICER LICENCING PANEL - REVISED PROCEDURES FOR DECIDING STREET TRADING LICENCES, ALTERATIONS TO THOSE LICENCES, REVOCATION OF SUCH LICENCES AND GRANTING OF PERMANENT STREET/SHOP FRONT LICENCES FROM APRIL 2020.</p> <p><i>10th Of February 2020</i></p>	<p>Classification</p> <p>Open</p>	<p>Enclosures</p> <p>Appendices x 4</p> <p>Appendix 1: Officer Licencing Panel procedure and current terms of reference.</p> <p>Appendix 2: Revised procedure for considering street trader applications for permanent licenses, renewals of permanent licences, varying licences and revoking licenses, and the Officer Licencing Panel (including revised terms of reference).</p> <p>Appendix 3: Equality Impact Assessment.</p> <p>Appendix 4 Schedule for Implementation.</p> <p>Note: The London Local Authorities Act is available to view at:http://www.legislation.gov.uk/ukla/1990/7/pdfs/ukla_19900007_en.pdf</p>
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1. SUMMARY

1.1 This report recommends that the Group Director; Neighbourhoods and Housing approves the revised procedure for determining applications for street trading licences (“permanent licence”), alterations to those licences, revocation of such licences.

1.2 Hackney Market traders can apply for permanent licenses (first applications or renewals). It is proposed that the Officer Licencing Panel continue to meet on a monthly basis to consider applications for the above licences.

1.3 Additionally all traders licences can apply to change the commodities they trade in, seek to move location, or request other changes to their licence.

1.4 The Markets Team may also recommend to the Officer Licencing Panel that a trader’s permanent or temporary licence should be revoked.

1.5 A review of the procedure was recently undertaken by the Markets and Street Trading Service Area Manager resulting in recommending a number of changes to the current procedure to align it correctly to the legislation and update the panel to reflect the roles and responsibilities within the service.

2. RECOMMENDATION(S)

2.1 The Group Director; Neighbourhoods and Housing is recommended to:

2.1.1 Approve the revised Officer Licencing Panel (OLP) procedure for determining applications for and variations to street trading licences in Hackney, including the revocation of such licences, set out in Appendix 2; and,

2.1.2 Approve the revised terms of reference for the Officer Licencing Panel set out in Appendix 2 which includes providing delegated authority to the Head of Service of Markets and Street Trading and Service Area Manager for Markets & Street Trading to take decisions in respect of applications for, revocations and variations to street trading licences; and,

2.1.3 Approve Delegated Authority to Heads of Services Within the Public Realm Directorate to take decisions in respect of any appeals/ internal review upon written request from the applicant or trader relating to decisions made by the OLP Panel.

2.1.4 Authorise the Head of Service of Markets and Street Trading and to make the final decision on whether to make any necessary amendments to the proposed revised OLP procedure for determining applications for and variations to street trading licences in Hackney, including the revocation of such licences.

3. BACKGROUND

3.1 Anyone wishing to become a street trader in the London Borough of Hackney must first apply for a temporary licence through the Markets Team. This entitles the trader to attend the market on market day and seek a vacant pitch. If they are offered a vacant pitch they pay for the day and then set up and trade from that pitch.

3.2 After six months of satisfactory trading under a temporary licence, traders may apply for a permanent licence. Applications for permanent licences are considered by the Officer Licencing Panel (OLP).

3.3 If a trader is successful they are issued with a permanent licence which states their commodities they are permitted to sell at the market.

3.4 If a trader wishes to change the commodity they sell, they may need to apply to the Council to make that change provided their application complies with the Commodity Regulations. These regulations specify the number and type of commodities that can be sold by traders at the market and are underpinned by the legislation.

3.5 Traders cannot apply to the Council for a permanent licence if they have not held a temporary licence for six months, have had disciplinary issues, or failed to trade on a regular basis. Traders also cannot apply to vary a permanent license if they have been in arrears with fees owed to the Council during the previous 6 months.

3.6 Additionally, if there have been problems with traders; either through non-compliance with the Council's Traders Standard Street Trading Licence Conditions or arrears of fees, and all processes to resolve matters have been exhausted then market officers can recommend to the OLP that a trader's permanent or temporary licence should be revoked.

3.7 There have been a number of recent concerns and objections raised by traders challenging the Council's decisions in respect of applications for permanent or variations to licences due to the ability of a Traders Associations to have a say and make recommendations that can influence the decision

making process which was passed in the previous OLP revisions in 2016. The process approved in 2016 is in direct contravention of the legislation that underpins the licencing process and was not reviewed at the time. Accordingly after taking legal advice in August 2017, which highlighted that;

“ Part III of the LLA 1990 Act does not expressly grant any power to local authorities to delegate the street trading licensing function to any party outside the council. There is no legal basis that permits the Council to delegate to a third party”

3.8 As a result the Markets Service Area Manager has subsequently reviewed the operation of the OLP and recommended that the revised procedure be approved as shown in Appendix 2.

4. LONDON LOCAL AUTHORITIES ACT 1990

4.1 Street trading in Hackney is regulated under the London Local Authorities Act 1990 (as amended).

4.1.1 Section 25 covers applications for street trading licences

4.1.2 Section 26 covers the rules for succession (where a trader wishes a person nominated by them to be able to apply for a licence for their pitch following their death, retirement or that they are unable to continue to trade due to ill-health)

4.1.3 Section 27 covers conditions on street trading licences

4.1.4 Section 28 covers the revocation of of a street trading licence

4.1.5 Section 29 sets out provisions relating to the grant, renewal or revocation of street trading licences.

4.2 In relation to the refusal to grant or renew or revoke or vary a street trading licence, Section 29 states:

'(1) A borough council shall not-

A. Refuse to grant or renew a licence on any of the grounds mentioned in subsection (6) of section 25 (Application of street trading licences) of this Act;

Or

B. Revoke or vary a licence under section 28 (Revocation or variation of licences under Part III) of this act;

Or

C. Vary a licence under subsection (1) of section 27 (Conditions of street trading licences) of this Act; unless they shall have been given to the applicant or licence holder not less than 21 days' previous notice in writing that objection has been or will be taken to such grant or renewal or that such revocation or variation is proposed, specifying the ground or grounds on which their decision would be based and giving him an opportunity to appear before the committee, sub-committee or officer determining the matter.

(2) A borough council shall not proceed to determine any of the matters referred to in subsection (1) above until after the expiry of the period specified in the notice given under that subsection; and in determining any of the matters referred to, they shall consider any representations made by an applicant or licence holder in respect of that matter.'

4.3 Additionally, the licencing of traders under the London Local Authorities Act 1990 is an authorisation scheme within the scope of the EU Services Directive (2006/123/EC). This was transposed into UK law by the Provision of Services Regulations 2009 as amended by the 2018 Regulations. These Regulations provide that:

4.3.1 Applications must be processed as quickly as possible and in any event, within a reasonable time period running from the time when all documentation has been submitted.

4.3.2 The period for dealing with applications must be fixed and made public in advance.

4.3.3 When justified by the complexity of the issue, the period may be extended once, by a local for a limited time.

4.3.4 Any extension and its duration must be notified to the applicant, with reasons, before the original period has expired.

5. CURRENT OFFICER LICENCING PANEL PROCEDURE

5.1 OLP meetings are held monthly, as the legislation states that once applications are made the Council has a duty to decide within a reasonable timescale whether to grant the application or not. 28 days is viewed legally as a reasonable timeframe.

5.2 At present on the application form traders are asked for reasons for seeking a variation to their licence. This is then added to the google application form.

The application form itself captures information such as when the trader is requesting a permanent licence for the first time or for a renewal of their licence, and when they are seeking a variation to an existing licence (for a change of commodity or change of pitch).

5.3 The form also captures information such as length of licence held, whether trader is clear of arrears in last 6 months, any disciplinary issues, if any assistants have been employed for over seven (7) years for any licence succession decisions and when the trader previously made an OLP request as they are only allowed to make two (2) requests in a calendar 12 months. This ensures informed decisions can be made in line with the rules and regulations and minimises opportunities for decisions made in error.

5.4 The Markets and Street Trading Operations Manager advertises the monthly closing date for applications and available pitches. Once the closing date is reached currently they have to send a copy of each application in a particular market to the respective Trader Association for their comments and decision irrespective of whether said trader has given consent or is a member of said Traders Association. They then provide comments and their decision in writing as previously authorised in 2016, which is a breach of the legislation and GDPR data protection guidelines. In addition to contacting the respective association regarding applications, Environmental Health and Trading Standards sections of the Council are contacted regarding any application where their advice/approval is required.

5.5 At present traders are not invited to the OLP to make representations if their application is likely to be authorised. If a decision on a traders request is likely to be refused they are invited to the OLP to make personal representations, to ensure we are making decisions in accordance with the legislation. If the Manager or the Association recommend refusal of an application then the trader is formally written to with the reasons for the recommendation to refuse and invited to attend the OLP if they so wish and make their own case to the OLP. They are given three weeks' notice of the date of the OLP.

5.6 Additionally, if the Markets and Street Trading Operations Manager is recommending the revocation of a licence, the trader is formally written to with the reasons for the recommendation to revoke their licence and invited to attend the OLP if they so wish and make their own case to the OLP. They are then given three weeks' notice of the date of the OLP.

5.7 The Markets and Street Trading Operations Manager prepares a full report of all the applications for the OLP along with their recommendations and any form the respective Association or other consulted departments (e.g. Trading Standards).

5.8 Where two or more permanent traders apply to change to the same vacant pitch all those applications are considered at the OLP. Where the trader's length of service and the commodity mix will also be taken into account to ensure a fair and consistent decision is made.

5.9 The current decision-making process in the Officer Licencing Panel is delegated to the Head of Service for Parking and Markets Services assisted by up to two other Heads of Service inclusive of the Service Area Manager who also presents the proposals from the Markets & Street Trading Operations Manager to the panel.

6. RECOMMENDATIONS FROM REVIEW

6.1 The outcomes of the review are:

6.1.1 OLP meetings should continue to be held monthly, as the legislation states that once applications are made the Council has a duty to decide within a reasonable timescale whether to grant the application or not. 28 days is viewed legally as a reasonable timeframe.

6.1.2 All Trader applications process and revised forms should continue to operate as they do now with no recommended changes to this aspect of the process.

6.1.3 It is recommended that the Markets and Street Trading Operations Manager should use more than one platform to advertise the monthly closing date for applications and available pitches as used. It is recommended that the vacant pitches are advertised in multiple points in the market not just at the markets office and an email is sent to all traders advertising the monthly OLP and closing date with a link to the application process. This will ensure all traders are communicated to effectively and given a fair opportunity to apply if they so wish. This approach will also create a more open and transparent process than previously perceived by traders.

6.1.4 The current procedure of copies of the traders' applications being shared to give an opportunity for respective traders associations to provide comments and decisions on other traders' applications shall

cease. This will ensure the council has acted on legal advice provided and realigned this process in accordance with the LLA 1990. It will also remove the risk of the council breaching GDPR data protection guidelines by sharing personal information and facts to traders to unauthorised third parties. The Markets Team should continue to contact and seek comments from respective services such as Environmental Health and Trading Standards regarding any application where their advice/approval is required.

6.1.5 The continuation of the current process for trader representation at the OLP is recommended as this is robust and legally compliant with the legislation aspect of the current OLP process and should remain in place. Additionally the three week (3) notice period of the date of OLP when representation is required shall also remain in place.

6.1.6 Where the current decision making process , that was previously adopted, where two or more permanent traders apply to change to the same vacant pitch is recommended to retain this OLP process.

6.1.7 It is proposed that the Delegated Authority for decision-making for the Officer Licencing Panel be transferred from the Head of Service for Parking and Markets Services and in their absence to the Service Area Manager for Markets & Street Trading. The Head of Service for Parking and Markets Services who is to be assisted by the Service Area Manager for Markets and Street Trading ,Markets and Street Trading Operations Manager and Shop Fronts Team Leader who will form a panel of senior officers to make decisions on traders applications to issue,renew or vary a street trading licence and any traders licensing issues that may arise.

6.1.8 It is proposed that rather than inform traders of any right of appeal to the council's decision to refuse to issue, renew or revoke a current permanent/temporary licence through the OLP is to be made to the Magistrates Court. It is recommended that we adopt an appeal/review process to be heard in person by an Independant Head of Service within 28 days of receipt of the review request of the OLP decision. The written request from the trader must be made within 21 days of the date of OLP decision to refuse the application. This will not affect the traders statutory right to lodge an appeal with the Magistrates court after an internal appeal/review is heard but will provide the council an additional layer to reduce risk or reputational damage if we have to defend a decision in court.

7. DETAILS OF ALTERNATIVE OPTIONS CONSIDERED AND REJECTED

7.1 Alternative options were discussed in the process of the review of the current OLP procedure. As a result of those deliberations one set of recommendations have been drawn up to ensure the Council undertakes licencing of street trading to the highest professional standards within the letter and spirit of current legislation. The alternative option of doing nothing was rejected as the current OLP procedure does not comply with all legislative requirements.

8. POLICY CONTEXT

8.1 None.

9. EQUALITY IMPACT ASSESSMENT

9.1 The council has a legal obligation under section 149 of the Equality Act 2010 to have due regard to the need to eliminate unlawful discrimination and to promote equality of opportunity and good relations between persons of different groups.

9.2 This will ensure a Consistent approach is adopted. Under terms of the policy, every market traders application and/or issue that comes to the OLP panel will be considered on its own merits.

9.3 The council has carried out an Equality Impact Assessment to identify if any of the recommendations made have an adverse effect on the market traders needs. Please see Appendix 3 for details of the equality impact assessment carried out.

10. SUSTAINABILITY

10.1 The on-going sustainability of markets and street trading within Hackney is dependent on the ability to gain and retain good quality traders who become well established, offer a high quality product, are well presented and able to operate a profitable business model.

10.2 The London Borough of Hackney's markets operate in a very competitive environment. Whilst there is continuing demand from people to become traders (many for the first time), and markets in London are retaining their popularity and role for customers, there is much competition from other markets to attract traders. Operating a timely and transparent procedure for permanent licencing supports the provision of a good quality service to Market Traders, so retaining them on Hackney's markets.

10.3 Despite a declining highstreet, Hackney's Markets Service has continued to grow both its trader base and pitch occupancy over the last two years. The changes to this process will support the service to continue to develop and grow these important drivers to a financially sustainable service that supports the local economy and local employment opportunities.

11. RISK ASSESSMENT

11.1 The main risks pertaining to licencing permanent traders is the loss of traders through not operating a timely and professional process with permanent street trading licencing. Secondly there is a risk of legal challenge if the procedures do not operate in accordance with the London Local Authorities Act 1990.

11.2 By revising the procedures both of the risks identified are mitigated.

12. COMMENTS OF THE CORPORATE DIRECTOR OF FINANCE AND RESOURCES

12.1 This report seeks approval to adopt the revised procedure for determining street licences and a revised terms of reference for officer licencing panel highlighted in paragraph 2 and detailed in Appendix 2.

12.2 This change has arisen due to a legal compliance requirement and there are no direct financial implications emanating from this report, albeit that it could lead to improved cash flows due to the more efficient issue of licences.

13. COMMENTS OF THE CORPORATE DIRECTOR OF LEGAL, HR AND REGULATORY SERVICES

13.1 Street trading in the Borough is controlled under the provisions of the London Local Authorities Act 1990 ("the 1990 Act").

13.2 Section 25(3B) of the 1990 Act provides that a Council may make regulations prescribing the procedure for determining applications.

13.3 Before such procedures can be made, a Council must (1) consult with anyone representing licence holders and (2) consider any representations received relating to the proposed procedure.

13.4 The Council is under no obligation to notify licence holders or body/bodies representing them that regulations prescribing the procedure for determining applications have been made though this is advisable.

Authority to make procedures for determining applications

13.5 The licencing of market and street trading under the 1990 Act is a Council function which has been delegated under the Council's Constitution to the Group Director of Neighbourhoods and Housing Services to exercise and so the Group Director can make the regulations attached to this report Appendix 2.

APPENDICES.

Appendix 1. Revised Officer Licencing Panel procedure and current terms of reference.

Appendix 2. Revised procedure for considering street trader applications for permanent licenses, renewals of permanent licences, varying licences and revoking licenses, and the Officer Licencing Panel (including revised terms of reference).

Appendix 3. Equality Impact Assessment.

Appendix 4. Schedule for Implementation.

Note: The London Local Authorities Act is available to view at:

http://www.legislation.gov.uk/ukla/1990/7/pdfs/ukla_19900007_en.pdf

BACKGROUND PAPERS

In accordance with The Local Authorities (Executive Arrangements) (Meetings and Access to Information) England Regulations 2012 publication of Background Papers used in the preparation of reports is required

There are no background papers. Background papers that are not publicly available have been relied on when preparing this report.

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AUTHORISATION

Authorisation of the Group Director, Neighbourhoods and Housing

Name: Ajman Ali

Signature:



Date: 13.02.20

Authorisation of Director, Public Realm

Name: Aled Richards

Signature: *Aled Richards*

Date: 17/02/2020

APPENDIX 1: Officer Licencing Panel - Current terms of reference

This copy is from an old PDF of the terms of reference

Terms of Reference for the Markets and Street Trading Officer Licencing Panel

Introduction

The Chair of the Officer Licencing Panel will have the responsibility for those functions under the London Local Authorities Act 1990 (as amended) as set out below.

Functions

1. To determine first time grants of permanent street trading licences, including for both street trading and shop front trading.
2. To determine whether to grant or renew an application for a street trading licence or revoke a licence.
3. To determine whether to vary a licence including but without limitation:
 - 3.1 To consider applications for a change of commodities for licenced street traders.
 - 3.2 To change pitch allocation.
 - 3.3 Transfers for permanent licence street traders.
4. Any other street trading licence matter which the Service Area Manager for Markets and Street Trading or Markets and Street Trading Team Manager consider should be determined by the Officer Licencing Panel.

Panel Members

The Officer Licencing Panel shall be made up of three Senior Managers of the Council, at Head of Service level. The Head of Service for Parking and Markets shall chair the meetings of the Officer Licencing Panel and exercise the functions listed above, in consultation with the other members of the panel.

In the event that the Head of Service for Parking and Markets is unavailable to chair a meeting of the Officer Licencing Panel, they can delegate their authority to another Head of Service.

Quorum

The quorum of the Officer Licencing Panel shall be a minimum of two Heads of Service.

STREET TRADING AND SHOP FRONTS PROCEDURE FOR CONSIDERING APPLICATIONS FOR PERMANENT STREET TRADING LICENCES, RENEWALS, LICENCE VARIATIONS, AND APPLICATIONS FOR PERMANENT SHOP FRONT LICENCES OR RENEWALS.

Introduction

This procedure describes how traders and shop front owners can apply for permanent license, the renewal of those licences or any variations to those licences, and the Markets Team can recommend that a trader's licence can be revoked.

Applications covered

- First time grants for Permanent Street trading licences, this includes licences for both market stalls and shop front trading. Traders can apply for a permanent licence after holding a temporary licence for a minimum of six months.
- To grant or renew a licence.
- To vary a licence:
 - For a change of commodities for licenced street traders.
 - To change pitch allocation.
 - Transfer for permanent licenced street traders.
- Recommendations by the Markets and Street Trading Team Manager to revoke a trader's Licence.
- Any other street trading licence matter which the Service Area Manager for Markets and Street Trading or Markets and Street Trading Team Manager consider should be determined by the Officer Licencing Panel.

Application Process

The Officer Licencing Panel (OLP) is held every month. The Markets and Street Trading Team Manager will advertise the closing date of applications at least 3 weeks prior to the closing date.

Applications for a licence can be made 5-8 weeks prior to the meeting of the OLP. Monthly closing dates 5 weeks prior to the monthly OLPs are issued by the Markets Team and available from the Markets Office.

Applications are made by traders are made using the Council application form, which includes details of the application and if it is a variation the reasons for applying for the variation.

Officer Licencing Panel

Once the closing date for applications for a meeting of the OLP is reached the Markets and Street Trading Team Manager collates all the applications and sends information to the respective Traders Association (for the market the trader is applying about), trading standards and environmental health, requesting any written comments within seven days.

The Markets and Street Trading Team Manager prepares a report for the OLP with their recommendations about whether to support or reject an application. If an application is not being supported by the Team Manager the trader is written to, stating the reasons their application is not supported, and asking if they wish to make representations to the panel in person and giving them a minimum of 21 days' notice of the panel date.

If the Markets and Street Trading Team Manager is recommending revoking a licence then the trader should also be written to, stating the reasons that revocation is being recommended and asked if they wish to make representations to the panel in person and giving them a minimum of 21 days' notice of the panel date.

The Markets and Street Trading Team manager prepares a full report of all the applications for the OLP, along with their recommendations and any from the respective Association or other consulted departments (e.g. Trading Standards).

Where two or more permanent traders apply to change to the same vacant pitch, all those applications should be considered at the OLP.

The Officers Licencing Panel considers each application and any representations made by traders. Decisions of the panel are recorded and traders informed in writing. If a licence application is refused or revoked the trader is informed of their right to appeal against the decision to the Magistrates Court.

APPENDIX 2:

PROPOSED STREET TRADING AND SHOP FRONTS PROCEDURE FOR CONSIDERING APPLICATIONS FOR PERMANENT STREET TRADING LICENCES, RENEWALS, LICENCE VARIATIONS, REVOCATIONS AND APPLICATIONS FOR PERMANENT SHOP FRONT LICENCES OR RENEWALS FROM APRIL 2020

Introduction

This procedure describes how traders and shop front licence holders can apply for a permanent trading licence, the renewal of those licences or any variations to both temporary and permanent licences, and where the Markets Service can recommend that a licence holder's licence be revoked.

Applications covered

- First time grants for permanent street trading licences, this includes licences for both market & street trading and shop front trading. Traders can apply for a permanent licence after holding a temporary licence for a minimum of six months.
- To grant or renew a licence.
- To vary a licence:
 - For a change of commodities for licenced market/street and shop front traders.
 - To request a change to permanent pitch allocation.
 - Transfer from a temporary to a permanent market/street or shop front licence.
 - To request for Succession of permanent licence to a specified individual as set out in the rights of succession.
- To recommend a refusal to grant a licence/request or revocation of a licence:
 - For a member of the panel to present a recommendation of revocation of a licence to the OLP.
 - Trader to make representations to the panel within 21 days notice of intention to revoke licence.
 - For the panel to make an independent and impartial decision on a case by case basis
- Any other street trading licence matter which the Service Area Manager for Markets and Street Trading or Markets and Street Trading Operations Manager consider should be determined by the Officer Licencing Panel.

Application Process

The Officer Licencing Panel (OLP) is held every month. The Markets and Street Trading Team Manager will advertise the date of the OLP meeting and issue a reminder of the closing date of applications at least 2 weeks prior to the closing date.

Applications for a licence can be made upto 4 weeks prior to the meeting of the OLP. Applications for a variation or permanent licence must be made in writing and the relevant forms completed and associated fees paid for in advance of the OLP hearing.

Applications by licence holders are made using the Council's application form which is available online and from the Markets Service office, which includes details of the application process and allows for the licence holder to express the reasons for requested change and/or variation.

All forms are issued by the Markets Team and available from the Markets Office.

Officer Licencing Panel

Once the closing date for applications for a meeting of the OLP is reached the Licensing & Development manager collates all the applications and sends information to the respective chair and panel members (Head of Markets and Street Trading Service, Service Area Manager , Markets & Street Trading Operations Manager, Shop Fronts Team Leader) and request in advance of the panel meeting to submit recommendations about whether to support or reject an application via the OLP form. They will also notify trading standards and environmental health, requesting any written comments within seven days where applicable to do so.

The Licensing & Development Manager prepares the report form for the OLP with their recommendations about whether to support or reject an application. If an application is not being supported by the panel members, the trader is written to, stating the reasons their application is not supported, and asking if they wish to make representations to the panel in person and giving them a minimum of 21 days' notice of the panel date.

If the panel members are recommending revoking a licence then the trader should also be written to, stating the reasons that revocation is being recommended and asked if they wish to make representations to the panel in person and giving them a minimum of 21 days' notice of the panel date.

The Licensing & Development manager prepares a full report of all the applications for the OLP, along with their recommendations and any from the respective panel members or other consulted departments (e.g. Trading Standards).

Where two or more permanent traders apply to change to the same vacant pitch, all those applications should be considered at the OLP on a case by case basis taking into consideration the length of time a trader has held licence, the needs of the market , commodity mix and customer offering when making a decision.

The Officers Licencing Panel considers each application and any representations made by traders. Decisions of the panel are recorded and traders informed in writing. If a licence

application is refused or revoked the trader is informed of their right to a review of the decision internally which will be heard by an independent Head of Service.

Requests for a decision to be reviewed are to be received in writing within 21 days of decision. The decision from the Head of Service is final. The trader does then have the right to make an appeal to the Magistrates Court for a case to be heard if they believe they do not agree with the decision of the panel setting out their reasons for appeal.

PROPOSED NEW TERMS OF REFERENCE OF THE MARKETS AND STREET TRADING OFFICER LICENCING PANEL

Introduction

The Chair of the Officer Licencing Panel will have the responsibility for those functions under the London Local Authorities Act 1990 (as amended) as set out below.

Functions

1. To determine first time grants of permanent street trading licences, including for both market/street trading and shop front trading.
2. To determine whether to grant or renew an application for a market/street trading licence or revoke a licence.
3. To determine whether to vary a licence including but without limitation:
 - 3.1 To consider applications for a change of commodities for licenced street traders.
 - 3.2 To change pitch allocation.
 - 3.3 Transfer to a permanent licence.
4. Attach additional conditions prior to the grant or renewal of an application for a market/street or shop front trading licence.
5. Any other street trading licence matter which the Markets, Shop Fronts & Street Trading Management consider should be determined by the Officer Licencing Panel.

Panel Members

The Officer Licencing Panel shall be made up of a Chair and a panel of up to three managers of the Markets, Shop Fronts and Street Trading Service. This consists of :

- The Head of Markets and Street Trading Service (Chair)
- The Service Area Manager
- The Markets & Street Trading Operations Manager
- The Shop Fronts Team Leader

The Head of Service for Markets and Street Trading shall chair the meetings of the Officer Licencing Panel and exercise the functions listed above in consultation with the other members of the panel.

In the event that the Head of Service for Markets and Street Trading is unavailable to chair a meeting of the Officer Licencing Panel, they can delegate their authority to the Service Area Manager for Markets, Shop Fronts & Street Trading.

Appeals

Where the Officer Licensing Panel takes a decision to vary, revoke or not to grant a permanent licence, the permanent licence holder may appeal against this decision. Any appeal must be put in writing within 21 days of the date in which they were notified of the original decision by the panel.

Temporary traders do not enjoy a statutory right to appeal a decision to vary, revoke or not to grant a temporary licence. A temporary trader may instead apply for the judicial review of such a decision.

The appeal review shall be heard by an independent Head of Service. This Head of Service will hear the applicant's representation which should clarify exactly why the appeal is being made and what was considered to be wrong about the original decision. They will also hear representations from the officer licensing panel specifying the grounds on which the original decision to vary, revoke or not to grant a permanent or temporary street trading licence application was based.

The independent Head of Service may come to the same decision or a different one but whatever decision made during the appeal review is final. This decision does not affect the applicant's statutory right to make a further appeal to the magistrate's court.

If the applicant is aggrieved by the appeal review decision they can exercise this statutory right to lodge a further appeal to the magistrates Court and thereafter to the crown court for a hearing. The licence holder is entitled to continue trading until such time as any such appeal has been determined.

APPENDIX 3:

London Borough of Hackney

Equality Impact Assessment Form

The Equality Impact Assessment Form is a public document which the Council uses to demonstrate that it has complied with Equalities Duty when making and implementing decisions which affect the way the Council works.

The form collates and summarises information which has been used to inform the planning and decision making process.

All the information needed in this form should have already been considered and should be included in the documentation supporting the decision or initiative, e.g. the delegate powers report, saving template, business case etc.

Equality Impact Assessments are public documents: remember to use at least 12 point Arial font and plain English.

The form must be reviewed and agreed upon by the relevant Assistant Director, who is responsible for ensuring it is made publically available and is in line with guidance. Guidance on completing this form is available on the intranet.

<http://staffroom.hackney.gov.uk/equalities-based-planning-and-decision-making>

Title and purpose of this Equality Impact Assessment:

Officer Licencing Panel - Revised procedure for deciding on permanent & temporary street trading licences, alterations to those licences, revocation of such licences and permanent shop front licences.

Purpose of this Equality Impact Assessment:

To determine the impact of proposed changes in the Officer Licencing Panel process.

Officer Responsible: *(to be completed by the report author)*

Name: Dan O'Sullivan	Ext: 5981
Directorate: Neighbourhoods and Housing	Department/Division: Parking, Markets & Street Trading

- 1. Please summarise the service, function, policy, initiative or saving.** Describe the key objectives and outcomes you expect. Make sure you highlight any proposed changes.

To update the Officer Licencing Panel process to ensure it meets both the letter and spirit of the current legislation regarding street trading, and to delegate the decision making in

line with the revised management structure.

- 2. Who are the main people that will be affected?** Consider staff, residents, and other external stakeholders.

Street traders and Council staff who are accountable and responsible for the running of the service and delivering this process and procedure.

- 3. What research or consultation(s) have been carried out?** Please provide details, together with a summary of what you learned.

A full review of the existing procedure was undertaken in conjunction with the council's legal department, arising from legal advice received at the services request in regards to the current OLP procedure. Following the recommendations received to revise the procedure after recent court cases and concerns raised on the integrity of the process following the inclusion of Traders associations such as the RRMTA provided with the opportunity to provide comments and decisions of traders licence applications which is in direct contravention of the legislation and puts the council at risk of legal challenge.

4. Equalities Impacts

This section requires you to set out the positive and negative impacts that this decision or initiative will have on equalities.

Detailed information on how to consider the impacts on equalities is included in 'Guidance on equalities based planning and decision making' which can be downloaded from the intranet here.

- 4(a) What positive impact could there be overall, on different equality groups and on cohesion and good relations?**

Overall:

A fairer, more transparent and more responsive system for traders. No differential impact was found on other specific groups.

Markets/Street Traders:

All market/street traders are governed by the London Local Authorities Act 1990 (as amended), which specifies how and on what basis their street trading licences may be changed. The revisions recommended speeding up the process for traders to apply and receive a decision as the Panel will change to sit monthly instead of quarterly, and thus traders' opportunities to change are improved. The recommendations additionally aim to be more transparent and open with traders about changes.

However it is important to note that traders will continue to be charged to cover the costs of running the process and to defer frivolous applications for change.

There are no perceived specific equality impacts on different equality groups.

4(b) What negative impact could there be overall, on different equality groups, and on cohesion and good relations?

Where you identify potential negative impacts, you must explain how these are justified and/or what actions will be taken to eliminate or mitigate them. These actions should be included in the action plan.

Market/Street Traders:

Fees to make an application for changes in the licence could deter some traders, however the main fees are not being changed in this review, so there is no difference to the fees traders already pay. They are planned to change in a minor way in 2020 if the recent consultation on new fees and charges lead to the proposed fees being implemented.

Hackney markets continue to thrive with new traders seeking to be approved to trade all the time and traders are enthusiastic about developing their businesses so there are numerous applications regarding licences at each panel.

If the process were to be made more complicated or cumbersome this could deter traders from applying and this would damage the offering of good quality affordable food and products to local people. This revised process will actually be quicker and more responsive to traders' needs.

5. Equality and Cohesion Action Planning

Please list specific actions which set out how you will address equality and cohesion issues identified by this assessment. For example,

- Steps/actions you will take to enhance positive impacts identified in section 4 (a)
- Steps/actions you will take to mitigate the negative impacts identified in section 4 (b)
- Steps/actions you will take to improve information and evidence about a specific client group, e.g. at a service level and/or at a Council level by informing the policy team (equality.diversity@hackney.gov.uk)

All actions should have been identified already and should be included in any action plan connected to the supporting documentation, such as the delegated powers report, saving template or business case. You need to identify how they will be monitored. The Assistant Director is responsible for their implementation.

No	Objective	Actions	Outcomes highlighting how these will be monitored	Timescales / Milestones	Lead Officers
4	Gather more equalities information of traders and their applications to the Officer Licencing Panel	Monitor equalities information for permanent and temporary traders in applications to the Officer Licencing Panel	Better understanding of potential impacts to specific groups that might be affected by changes to the Officer Licencing Panel process	2020/21	Matt Steele, Tahara Munshi and Derek Fergus

Implementation of Officer Licencing Panel - Revised procedure for deciding on permanent street trading licences, alteration to those licences, revocation of such licences and permanent shop front licences.

Summarised Project Milestones / Stages	Estimated number of weeks to complete	Completion Date
Delegated Report drafted and approved by Legal and finance; requires Assistant Directors and Corporate Director	2 weeks	28th February 2020
Earliest date for revised OLP process	Process begins with traders informed by 30th March 2020, process changes from 1st April 2020 and first Officer Licencing Panel under revised process in April 2020.	

**STREET TRADING AND SHOP FRONTS PROCEDURE FOR CONSIDERING
APPLICATIONS FOR PERMANENT STREET TRADING LICENCES,
RENEWALS, LICENCE VARIATIONS, REVOCATIONS AND APPLICATIONS
FOR PERMANENT SHOP FRONT LICENCES OR RENEWALS
APRIL 2020**

Introduction

This procedure describes how traders and shop front licence holders can apply for a permanent trading licence, the renewal of those licences or any variations to both temporary and permanent licences, and where the Markets Service can recommend that a licence holders licence be revoked.

Applications covered

- First time grants for permanent street trading licences, this includes licences for both market & street trading and shop front trading. Traders can apply for a permanent licence after holding a temporary licence for a minimum of six months.
- To grant or renew a licence.
- To vary a licence:
 - For a change of commodities for licenced market/street and shop front traders.
 - To request a change to permanent pitch allocation.
 - Transfer from a temporary to a permanent market/street or shop front licence.
 - To request for Succession of permanent licence to a specified individual as set out in the rights of succession.
- To recommend a refusal to grant a licence/request or revocation of a licence:
 - For a member of the panel to present a recommendation of revocation of a licence to the OLP.
 - Trader to make representations to the panel within 21 days notice of intention to revoke licence.
 - For the panel to make an independent and impartial decision on a case by case basis
- Any other street trading licence matter which the Service Area Manager for Markets and Street Trading or Markets and Street Trading Operations Manager consider should be determined by the Officer Licencing Panel.

Application Process

The Officer Licencing Panel (OLP) is held every month. The Markets and Street Trading Team Manager will advertise the date of the OLP meeting and issue a reminder of the closing date of applications at least 2 weeks prior to the closing date.

Applications for a licence can be made upto 4 weeks prior to the meeting of the OLP. Applications for a variation or permanent licence must be made in writing and the relevant forms completed and associated fees paid for in advance of the OLP hearing.

Applications by licence holders are made using the Council's application form which is available online and from the Markets Service office, which includes details of the application process and allows for the licence holder to express the reasons for requested change and/or variation.

All forms are issued by the Markets Team and available from the Markets Office.

Officer Licencing Panel

Once the closing date for applications for a meeting of the OLP is reached the Licensing & Development manager collates all the applications and sends information to the respective chair and panel members (Head of Markets and Street Trading Service, Service Area Manager , Markets & Street Trading Operations Manager, Shop Fronts Team Leader) and request in advance of the panel meeting to submit recommendations about whether to support or reject an application via the OLP form. They will also notify trading standards and environmental health, requesting any written comments within seven days where applicable to do so.

The Licensing & Development Manager prepares the report form for the OLP with their recommendations about whether to support or reject an application. If an application is not being supported by the panel members, the trader is written to, stating the reasons their application is not supported, and asking if they wish to make representations to the panel in person and giving them a minimum of 21 days' notice of the panel date.

If the panel members are recommending revoking a licence then the trader should also be written to, stating the reasons that revocation is being recommended and asked if they wish to make representations to the panel in person and giving them a minimum of 21 days' notice of the panel date.

The Licensing & Development manager prepares a full report of all the applications for the OLP, along with their recommendations and any from the respective panel members or other consulted departments (e.g. Trading Standards).

Where two or more permanent traders apply to change to the same vacant pitch, all those applications should be considered at the OLP on a case by case basis taking into

consideration the length of time a trader has held licence, the needs of the market , commodity mix and customer offering when making a decision.

The Officers Licencing Panel considers each application and any representations made by traders. Decisions of the panel are recorded and traders informed in writing. If a licence application is refused or revoked the trader is informed of their right to a review of the decision internally which will be heard by an independant Head of Service.

Requests for a decision to be reviewed are to be received in writing within 21 days of decision received. The decision from the Head of Service is final. The trader does then have the right to make an appeal to the Magistrates Court for a case to be heard if they believe they do not agree with the decision of the panel setting out their reasons for appeal and thereafter to the crown court for a hearing. The licence holder is entitled to continue trading until such time as any such appeal has been determined.

TERMS OF REFERENCE OF THE MARKETS AND STREET TRADING OFFICER LICENCING PANEL (OLP) 2020/21

Introduction

The Chair of the Officer Licencing Panel will have the responsibility for those functions under the London Local Authorities Act 1990 (as amended) as set out below.

Functions

1. To determine first time grants of permanent street trading licences, including for both market/street trading and shop front trading.
2. To determine whether to grant or renew an application for a market/street trading licence or revoke a licence.
3. To determine whether to vary a licence including but without limitation:
 - 3.1 To consider applications for a change of commodities for licenced street traders.
 - 3.2 To change pitch allocation.
 - 3.3 Transfer to a permanent licence.
4. Attach additional conditions prior to the grant or renewal of an application for a market/street or shop front trading licence.
5. Any other street trading licence matter which the Markets, Shop Fronts & Street Trading Management consider should be determined by the Officer Licencing Panel.

Panel Members

The Officer Licencing Panel shall be made up of a Chair and a panel of up to three managers of the Markets, Shop Fronts and Street Trading Service. This consists of :

- The Head of Markets and Street Trading Service (Chair)
- The Service Area Manager
- The Markets & Street Trading Operations Manager
- The Shop Fronts Team Leader

The Head of Service for Markets and Street Trading shall chair the meetings of the Officer Licencing Panel and exercise the functions listed above in consultation with the other members of the panel.

In the event that the Head of Service for Markets and Street Trading is unavailable to chair a meeting of the Officer Licencing Panel, they can delegate their authority to the Service Area Manager for Markets, Shop Fronts & Street Trading.

Appeals

Where the Officer Licensing Panel takes a decision to vary, revoke or not to grant a permanent licence, the permanent licence holder may appeal against this decision. Any appeal must be put in writing within 21 days of the date in which they were notified of the original decision by the panel.

Temporary traders do not enjoy a statutory right to appeal a decision to vary, revoke or not to grant a temporary licence. A temporary trader may instead apply for the judicial review of such a decision.

The appeal review shall be heard by an independent Head of Service. This Head of Service will hear the applicants representation which should clarify exactly why the appeal is being made and what was considered to be wrong about the original decision. They will also hear representations from the officer licensing panel specifying the grounds on which the original decision to vary, revoke or not to grant a permanent or temporary street trading licence application was based.

The independent Head of Service may come to the same decision or a different one but whatever decision made during the appeal review is final. This decision does not affect the applicants statutory right to make a further appeal to the magistrate's court.

If the applicant is aggrieved by the appeal review decision they can exercise this statutory right to lodge a further appeal to the magistrates Court and thereafter to the crown court for a hearing. The licence holder is entitled to continue trading until such time as any such appeal has been determined.

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REPORT OF DIRECTOR OF THE PUBLIC REALM

DELEGATED AUTHORITY REPORT

THE REVISED STANDARD STREET TRADING LICENCE CONDITIONS & STANDARD SHOP FRONT TRADING LICENCE CONDITIONS FOR 2020/21 FOLLOWING THE CONSULTATION BEING CARRIED OUT

8th Of February 2020

Classification

Open

Ward(s) affected

All Wards

Enclosures

Appendices x 5

Appendix 1: Proposed Standard Street Trading Licence Conditions 2020/21

Appendix 2: Proposed Standard Shop Fronts Licence Conditions 2020/21

Appendix 3: Consultation Report

Appendix 4: Equality Impact Assessment.

Appendix 5: Schedule for Implementation

1. SUMMARY

- 1.1 This report details findings from the consultation on proposed revisions to the Standard Street Trading Licence Terms and Conditions 2020/21 and the Standard Shop Front Trading inclusive of Tables & Chairs Terms and Conditions 2020/21 for permanent and temporary traders, as set out in Appendix 1 & 2.
- 1.2 The proposals are to update the standard conditions to reflect requirements for professional management of markets, shop fronts & street trading and current legislation.
- 1.3 Appendix 1 provides the full Standard Street Trading Licence Terms and Conditions 2020/21.
- 1.4 Appendix 2 provides the full Standard Shop Front Trading inclusive of Tables & Chairs Terms and Conditions 2020/21.
- 1.5 Appendix 3 provides the full consultation report and responses following the consultations held with licence holders that was carried out from 11th November 2019 to 15th January 2020 for a total period of over 9 weeks.
- 1.6 Appendix 4 provides the schedule for consultation and implementation of the proposed new terms and conditions for both Markets/Street Trading and Shop Front Trading.
- 1.7 The proposed conditions have been subject to consultation with all the respective market associations, traders and shop front licence holders. They have been revised to take account of the different trading conditions and arrangements for each market and additional trading options for street and shop front trading, whilst continuing to reflect the requirements of the London Local Authorities Act 1990 (as amended) (LLAA 1990) and the Highways Act 1980 (as amended).
- 1.8 The primary reason for the changes proposed included in the conditions are :
 - 1.8.1 Improving the physical appearance across all markets and shop front trading sites
 - 1.8.2 Conditions reflecting current consumer legislation.
 - 1.8.3 Conditions to reflect current food standards legislation.
 - 1.8.4 To improve the vetting of potential traders & shop front applicants.
 - 1.8.5 To clarify the hours of trading on each street trading site.
 - 1.8.6 To recognise that some traders now trade directly from specially made vehicles and street furniture such as Park Lets, Planters and mobile phone kiosks.
 - 1.8.7 To provide more specific conditions to ensure full compliance with relevant health and safety legislation.
 - 1.8.8 To provide more specific conditions to eliminate subletting across our portfolio.

1.8.9 To provide more specific conditions on the use of receptacles and equipment for trading purposes.

1.8.10 To modernise the conditions regarding management and enforcement and align with the council's enforcement policy.

1.9 The proposed standard conditions for street trading were consulted on for a total period of over Seven(7) weeks from 11 November to 31 December 2019, and further extended to 15th January 2020 to allow for written submissions from the Ridley Rd Market Traders Association. This is in-line with the Council's Code of Good Practice and above the statutory minimum requirement of twenty-eight (28) days outlined in the London Local Authorities Act 1990.

1.10 Following consideration of any representations made during the consultation period, any amendments deemed necessary have been incorporated as part of the proposed revisions. The earliest date the revised terms and conditions could take effect from, is the 1st April 2020.

2. RECOMMENDATION(S)

2.1 The Director of Public Realm, is recommended to:

2.1.1 Approve the introduction of the proposed amendments to the Standard Street Trading (Markets) Licence Conditions relating to Permanent and Temporary Traders as set out in Appendix 2.

2.1.2 Approve introduction of the proposed amendments to the Standard Trading (Shop Fronts) Licence Conditions relating to Permanent and Temporary Traders set out in Appendix 3.

2.1.3 Authorise the Head of Parking, Markets & Street Trading's with delegated authority to make final decision to implement the amendments to the proposed standard conditions for both Markets and Shop Fronts.

2.1.4 Approve and authorise the decision to make an order adopting the new Standard Street Trading (Markets) Licence Conditions to be introduced and upheld as of April 1st 2020.

2.1.5 Approve and authorise the decision to make an order adopting the new Standard Trading (Shop Fronts) Licence Conditions to be introduced and implemented to take effect from April 1st 2020.

3. REASONS FOR DECISION

3.1 The present conditions do not reflect professional market management requirements that support both markets and shop fronts management, officers and associations in providing

high quality well-presented markets and shop fronts, that are dynamic and attractive to consumers and traders.

- 3.2 The present conditions do not adequately cover current legislation, particularly health and safety, food hygiene and enforcement legislation in relation to markets, shop fronts and street trading. The proposed conditions are updated to more fully reflect current legislation and align with council policy.
- 3.3 The present conditions are also written and primarily focused on the needs of Ridley Road Market and as such are not fully relevant to other markets which makes it difficult for those traders to comply with them. They do not reflect or cover the needs of all the different Council run markets in Hackney and it is essential to have a standard set of conditions that are fair, transparent, consistent and practical for all traders to comply with on all markets, shop fronts and miscellaneous street trading sites in Hackney.
- 3.4 The proposed conditions also allow the Council to put forward more flexible management arrangements for temporary traders as is being informally allowed on some Hackney Markets at present and has been for some time.
- 3.5 The primary reasons for the changes proposed in the conditions are:
 - 3.5.1 Improving the appearance of stalls across all markets and street trading sites.
 - 3.5.2 Improvements to the appearance and presentation of shop front trading sites.
 - 3.5.3 Conditions reflecting current consumer legislation.
 - 3.5.4 To improve the vetting of potential traders and shop front licence applicants, particularly street food traders/vendors which are an expanding area of the markets and shop fronts service.
 - 3.5.5 To clarify the hours of trading on each market and street trading site.
 - 3.5.6 To provide more specific conditions to ensure full compliance with aspects to waste management from licence holders.
 - 3.5.7 To recognise that some traders now trade directly from specially made vehicles or receptacles such as pods, many of which are street food traders.
 - 3.5.8 Improvements to the management and food standards across street food traders.
 - 3.5.9 To provide more specific conditions to ensure full compliance with aspects of health and safety legislation.
 - 3.5.10 Modernise the position which presently allows a permanent licence to be passed on to a relative or assistant after a defined period of years.
 - 3.5.11 To revise the conditions regarding management and enforcement and clarify the severity of contraventions and the enforcement process in line with the council's enforcement policy.

- 3.6 Individual market stalls currently operate differently regarding who is allowed to run the stall for the trader. In Ridley Road it is the licenced trader only. In some other markets there are managers or assistants operating stalls on behalf of the licenced trader. The LLA is quite clear about the position for permanent traders that it is the licenced trader only. However the LLA is silent on the position of temporary traders.
- 3.7 It is therefore proposed that permanent traders may be permitted to employ managers or assistants to run their stalls, but this should not be considered part of their obligation to the 51% rule (which requires the licensee to attend their stall 51% of the trading day) and comply with the legislation. We propose that all licensee's sign in at the market daily to monitor attendance and remove the growing subletting culture and practice which is damaging our markets. The Trader Associations have differing views but accept that the Council should consult on this and gain traders feedback.

4. DETAILS OF ALTERNATIVE OPTIONS CONSIDERED AND REJECTED

- 4.1 By taking no action the council would not be able to update the relevant health and safety requirements or be able to lead on more professional management of the service. It is not practical to continue with standard terms and conditions that do not fully comply with current legislation or facilitate the correct enforcement action for officers to ensure compliance at trading sites across the borough.
- 4.2 The removal of the 51% rule was requested by a number of traders. This threshold requires licence holders to be in attendance on their pitch 51% of the trading day to ensure compliance and traders are present at the busiest times to ensure customers needs are met. The Council have one of most flexible thresholds in London vs other boroughs who are set between 60-100%
- 4.3 One traders association challenged the removal of 18.1.3 which permits attendance for 51% of each week rather than every day. This has been omitted as it is in direct contravention of the 51% of the trading day and is not clear to licence holders how often they need to attend and by not omitting it would limit the council's ability to enforce this important licence condition and potentially foster a culture of non compliance.

5. BACKGROUND

- 5.1 Markets and Street Trading Standard conditions were last amended on 26th February 2017.
- 5.2 The conditions describe the requirements on traders to trade in the London Borough of Hackney Markets and Shop Fronts, and seek to cover all the normal and reasonable trading matters that arise for the council and for traders.

6. Policy Context

- 6.1 The Markets Strategy 2017-2020 approved by Cabinet in July 2016 contained the following recommendations:

Set Market Standards guidelines for:-

- Support enterprise & business growth
- Secure the financial sustainability of our markets
- Improve the shopping experience for customers
- Ensure our markets are managed fairly and transparently

6.2 For these range of targets and objectives to be delivered such as all markets becoming financially self financing, reducing waste and costs, improving the recycling rates, reduction in waste costs and the reduction and long term removal of single use plastics, Some of these need to be incorporated into the traders' conditions and have been included in the revised draft of the conditions.

7. Equality Impact Assessment

7.1 The Council has a legal obligation under section 149 of the Equality Act 2010 to have due regard to the need to eliminate unlawful discrimination and to promote equality of opportunity and good relations between persons of different groups. This will ensure a consistent approach is adopted.

7.2 The Council has carried out an Equality Impact Assessment to identify if any of the recommendations made have an adverse effect on the traders needs of specific groups that includes market traders, street traders, shop front owners for tables and chairs licences. Please see Appendix 4 for further information.

8. Sustainability

8.1 The on-going sustainability of markets, street trading and shop front trading within Hackney is dependent on the ability to manage the markets proactively, supported by current and comprehensive standard conditions which cover all aspects of markets, shop fronts and street trading. The proposed conditions in this report are a key element in achieving this.

9 Consultations

9.1 Please see Appendix 3 for the consultation report produced by the Principal Licensing & Development Manager. The report details the following:

- Aim of consultation
- Methodology
- Analysis of response data
- Summary of key findings

9.2 Following consultation and due consideration given to all responses received, the proposed revised conditions have now been finalised as set out in Appendices 1 and 2. Following consideration of any representations made during the consultation period, We have made amendments deemed necessary have been incorporated as part of the proposed revisions

- 9.3 Once approved, all traders will be informed in writing and notification of the revised conditions will be advertised in line of the LLAA 1990 (as amended) with a minimum of 28 days before 1st April 2020 in local newspapers.
- 9.4 Further, in accordance with the London Local Authorities Act 1990 (as amended) (LLAA 1990), the Council shall give all traders at least 21 days' notice prior to varying their licence and give them the opportunity to appear before the relevant officer determining the matter to make their representations.
- 9.5 After considering the results of the nine-week (9) consultation period any changes to the traders' standard terms and conditions can only be implemented at two points in the year, according to the London Local Authorities Act 1990 (as amended):
- 9.5.1 On the 1st of January, or at the point of renewal of licences in Hackney.
- 9.5.2 On the 1st April each year for all permanent licence holders in Hackney
- 9.5.3 Having considered the options available, the Council plan to introduce the revised conditions on 1st April 2020

10 Risk Assessment

- 10.1 The risks associated with the revised standard conditions are:
- 10.1.1 Time taken for traders to accept higher expectations of presentation and safety
- 10.1.2 Any costs for traders associated with achieving compliance to the revised conditions. However this is viewed to be minimal as although not all health and safety matters are included in the standard conditions they are already legal requirements, so traders are already obliged to comply with them.

11. COMMENTS OF THE CORPORATE DIRECTOR OF FINANCE AND RESOURCES

- 11.1 The last review of licence conditions was carried out in 2017. This DPR is seeking approve the revised al to carry out consultation on the proposed standardising of street trading License conditions. Section 9 outlines the activities that will be carried out as part of the consultation which will be for a period of six weeks.
- 11.2 There is no material financial impact emanating from this report to the Council, any costs relating to consultation will be managed within existing budgets.
- 11.3 Licensing condition changes have been proposed to take account of the different trading conditions for each market, whilst continuing to reflect the requirements of the London Local Authorities Act 1990 (as amended).

12. COMMENTS OF THE CORPORATE DIRECTOR OF LEGAL AND GOVERNANCE SERVICES

12.1 The Council must have regard to Part III (Street Trading) of the London Local Authorities Act 1990 as amended (“the LLAA 1990”), which permits and governs the licensing of street trading. Under the LLAA 1990, it is unlawful for any person to engage in street trading in a designated licensed street in the borough without a street trading licence or a temporary licence granted by the Council. The Council may also grant temporary licences on non-designated licence streets but cannot grant a permanent licence in such circumstances.

12.2 The Council is permitted to make regulations prescribing the standard conditions which they may attach to street trading licence when granting a licence or renewing a licence. The Council has the power to vary conditions on a street trading licence on any occasion of the renewal of a licence 1st April or on 1st January of any year.

12.3 Before making any new regulations, the Council must undertake consultation as follows in accordance with the London Local Authorities Act (LLAA) 1990 (as amended) –

- i) Publish a notice in a newspaper circulating in the borough of its intention to vary conditions, which contains a draft resolution and states that people can make representations within a specified period not less than 28 days after the publication of the notice; and
- ii) Consult the licence holders or a body or bodies representative of them.

12.4 In addition, case law provides that:

- a) consultation must be at a time when proposals are still at a formative stage;
- b) sufficient reasons must be given for any proposal to enable intelligent consideration and response;
- c) adequate time must be given for such consideration and response; and
- d) The product of the consultation must be conscientiously taken into account in finalising any proposals.

12.5 The consultation carried out, as set out in section 9 and appendix 3 of this report is sufficient to discharge the Council’s statutory obligations under the LLAA 1990 to consult prior to varied conditions being adopted by regulations and to discharge paragraph (a) in 12.4 above. Officers have also ensured that the consultation and determination of the regulations also complies with paragraph (b) to (d) as set in paragraph 12.4 above.

12.6 The Council, if varying the conditions of the existing licence holders and new applicants, must give not less than 21 days’ notice that a variation is proposed, specifying the grounds of the decision and affording them the opportunity to appear before the committee, sub-committee or officer determining the matter.

12.7 The LLAA 1990, whilst providing the Council with a wide discretion on the conditions that it may apply to a street trading licence, prescribes that the standard conditions shall include condition as may be reasonable dealing with licence holders selling, offering to sell, exposing to sell articles as follows –

- a) Identifying the location for sales;
- b) Identifying the class of items to be sold;
- c) Identifying the day(s) when the licence holder may sell goods;
- d) Identifying the nature and type of receptacles used;
- e) Requiring that any receptacle so used shall carry the name and licence number of the licensed holder;
- f) Regulating the storage of receptacles or perishable goods;
- g) Regulating the deposit and removal of refuse, including waste containers and their location; and
- h) Requiring that a licence holder shall commence trading by a certain time on any day or forfeit his right to trade on that day from the fixed position to which his licence refers.

12.8 Further to 12.7 above, the Council may adopt other standard conditions that it deems necessary and appropriate. In doing so, however, the Council should ensure that all standard conditions adopted accord with general public law principles, such as ensuring conditions are proportionate and reasonable. The Council will be able to discharge this general duty through giving thorough consideration to the appropriateness of the conditions proposed and ensuring that responses to the consultation from persons affected are properly taken into consideration before new conditions are adopted.

12.9 The Council is also permitted under the Act to attach further reasonable conditions to individual licences on a case by case basis. Once conditions have been adopted the presumption will be that the standard conditions will be applied to all licences. However, the Council must consider each case on its own merit and, where a decision is made to grant a licence with additional conditions to the standard conditions, the Council must ensure that there are justifiable grounds for doing so and that such reasons are recorded.

12.10 Consulting on new standard terms and conditions for markets and shop fronts under the LLAA 1990 is a decision to be taken by the Director of Public Realm in accordance with the council's scheme of delegation specifically section NH249 - Highways Act 1980 Sections 153, 154, 160A, 176 to 180, 184 and 185 and NH375 - London Local Authorities Act 1990 Section 27(3).

APPENDICES

Appendix 1. Proposed Standard Street Trading Licence Conditions 2020/21.

Appendix 2. Proposed Standard Shop Fronts Licence Conditions 2020/21.

Appendix 3. Consultation Report.

Appendix 4. Equality Impact Assessment.

Appendix 5. Schedule for Implementation.

BACKGROUND PAPERS

There are no background papers that are not publicly available that have been relied on when preparing this report.

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Appendix 1:

LONDON BOROUGH OF HACKNEY COUNCIL

STANDARD STREET TRADING (MARKETS) LICENCE CONDITIONS

REGULATIONS MADE BY THE COUNCIL PURSUANT TO SECTION 27(3) OF THE LONDON

LOCAL AUTHORITIES ACT 1990 (AS AMENDED) PRESCRIBING STANDARD CONDITIONS

APPLICABLE TO PERMANENT AND TEMPORARY/CASUAL STREET TRADING LICENCES

1. DEFINITIONS

1.1 In these Standard Conditions, unless the context otherwise requires, the following expressions shall have the following meanings:

1.1.1 "51%" means 51% of the period of time in each and every Licensed Street Trading Day, as specified by market in the below Terms and Conditions.

1.1.2 "Act" means Part III of the London Local Authorities Act 1990 (as amended).

1.1.3 "Address and Contact Details" means the permanent address of residence, email address, telephone and mobile telephone numbers.

1.1.4 "Advertisement" means any word, letter, model, sign, placard, board, notice, whether illuminated or not, in nature, and employed wholly or partly for the purpose 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.

1.1.5 "Animal By-Products" means meat, fish, milk and eggs which are not intended for human consumption including blood, hides, feathers, wool, bones, horns, hooves and waste water or water contaminated with material of animal origin or blood or other fluids.

1.1.6 "Assistant" means a person employed and acting under the direction of, with the implied authority of or to the benefit of a licence holder to assist him/her about his/her business as a licence holder. This includes any person directed solely or otherwise in the transportation and erection of the stall and/or the loading and unloading of stock and whose details have been provided to the Council as a registered assistant by the Licensed Street Trader.

1.1.7 "Authorised Officer" means an authorised officer of the Council.

1.1.8 "Avail" means the Street Trading Licence holder must use and take advantage of the ability to trade for the duration of the Licence. The Licence holder must be present 51% of each and every trading day as specified on the Licence and be accessible to an authorised officer upon request within 48 hours of request as and when required.

1.1.9 "Awning" means a sheet of canvas or other material, which projects beyond the structure of the Stall and which shall contain no Advertisements other than that of the market branding, as directed or authorised by the Council, whether or not it is in respect of the goods or commodities sold at the stall.

- 1.1.10 “Council” means the London Borough of Hackney.
- 1.1.11 “Employed” means to engage in service or offer assistance, whether or not for gain and references to “Employ” shall be constructed accordingly.
- 1.1.12 “Enforcement Sanction” includes, but is not restricted to, prosecution, Licence suspension, revocation, variation of Licence conditions, imposition of further conditions, civil recovery action, injunction or a combination of these as considered appropriate.
- 1.1.13 “Food Stuff” means all food including pre-packed, hot, cold and raw food.
- 1.1.14 “Further Conditions” means additional conditions as defined under the “Act” which are added to an individual trader for compliance instead of revocation of a Licence.
- 1.1.15 “Goods” or “Commodities” means any goods, wares or merchandise for sale or possession for supply at a Stall.
- 1.1.16 “High Risk Food” is defined as foods that are ready to eat and do not require further cooking. Foods which will rapidly deteriorate in quality and/or pose a health hazard permitting bacteria to live, grow and thrive when incorrectly stored or displayed.
- 1.1.17 “Licence” means a Permanent Street Trading Licence or a Temporary Street Trading Licence.
- 1.1.18 “Licensed Street Trader” means any person who is licensed to undertake Street Trading under the Act.
- 1.1.19 “Licensed Street Trading Day” means the period of time for which a Licensed Street Trader can legally trade as specified for any given market.
- 1.1.20 “Licensed Street Trading Pitch” means the Pitch Limits in any street at which Street Trading may be conducted by a Licensed Street Trader, and includes any temporary alternative placed, including private land approved by the Council or a duly Authorised Officer of the Council.
- 1.1.21 “Low Risk Food” includes all fresh fruit, vegetables and salads (excluding prepared salads containing High Risk ingredients), canned, dried foods and food with an extended shelf life.
- 1.1.22 “Manager” means a manager employed by the Licensed Street Trader to manage their street trading and whose name and address has been notified to the Council in writing by the Licensed Street Trader.
- 1.1.23 “Markets Service” means the service provided by the Markets and Street Trading team for the London Borough of Hackney.
- 1.1.24 “Name Plate” means the plate issued by the Council upon approval of a person’s application for a Licence or renewing a Licence, displaying a Licensed Street Trader’s name, the names of their Assistants, the Commodities authorised, Licence number and Licensed Street Trading Pitch number.
- 1.1.25 “Permanent Street Trading Licence” means a Street Trading Licence valid for one year and not more than three years with the period defined on the Licence.

- 1.1.26 “Permanent Licensed Street Trader” means any person holding a current Permanent Street Trading Licence with the London Borough of Hackney.
- 1.1.27 “Persistent” or “Persistently” means a continuing act or omission or three or more instances whether for a consecutive period or otherwise which is in contravention of any of the Licence conditions within any twelve month period.
- 1.1.28 “Pitch Limits” means the trading area identified by ground markings on a street or the area stated on the Licence within which a Stall is to be situated.
- 1.1.29 “Premises” means any land, building or part of a building.
- 1.1.30 “Receptacle” means a vehicle, refrigerated mobile unit, basket, bag, box, vessel, stand, stall, trestle, easel, board, tray or thing which is used (whether or not constructed or adapted for such use) as a container for or 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.
- 1.1.31 “Refuse” means waste which has been generated in the course of Street Trading including fruit and vegetable waste, cardboard that is or is not recyclable, paper, small plastic items and other non-perishable waste.
- 1.1.32 “Relative” means as currently defined in the Act: an individual shall be treated as related to another if the latter is the wife, husband, father, mother, grandfather, grandmother, stepfather, stepmother, son, daughter, grandson, granddaughter, stepson, stepdaughter, brother, sister, half-brother or half-sister of the former and shall be deemed to be so related notwithstanding that they are related only through illegitimacy or in consequence of an adoption. The Council will, subject to appropriate documentary evidence, also include a trader’s civil partner or common-law spouse or partner as a relative.
- 1.1.33 “Special Conditions” are such conditions as it is deemed reasonable by the Council to apply to any Licence in addition to the Standard Conditions.
- 1.1.34 “Stall” means a stall structure with canopy, awnings and weights, plus any additional equipment such as a table or stand used by a Licensed Street Trader for the display of Goods, including trailers and barrows, that is approved by the Council
- 1.1.35 “Stall Vehicle” means a vehicle used by a Licensed Street Trader as a Stall for displaying Goods and producing food that is approved by the Council for use as a stall vehicle.
- 1.1.36 “Standard Conditions” means these standard conditions.
- 1.1.37 “Street Trading” means the selling or exposing or offering for sale of any article (including a living thing) or the supply or offering to supply any service in a street for gain or reward and references to “Street Trades” shall be constructed accordingly.
- 1.1.38 “Street Trading Licence” means a licence granted under the Act and valid for the period specified on the Licence being not less than six months and not more than three years.
- 1.1.39 “Suspension” means the exercise of the power to enforce the temporary cessation of trading activities from a Stall holder, his/her Assistant (from using the pitch area) as may be attached by the Markets Service as a further Licence condition or a variation of a current Licence in any individual case where it appears reasonable in all the circumstances.

- 1.1.40 “Temporary Street Trading Licence” means a Licence granted under the Act is valid for a single day or for a period of time as specified on the Licence not exceeding six months.
- 1.1.41 “Temporary Licensed Street Trader” means any person holding a current Temporary Street Trading Licence with the London Borough of Hackney.
- 1.1.42 “Trading Days” means the days and times specified on the Licence and references to “Trading Day” as specified in section 7.2 as Market open for trade to closing for trade shall be constructed accordingly.
- 1.1.43 “Young Person” means a person who has attained the age of 14 but who has not yet reached school leaving age.
- 1.2 In these Standard Conditions, words importing the singular shall include the plural and vice versa and words importing the masculine gender shall include the feminine gender and vice versa.

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 By-Law, enactment or regulation other than the Act.
- 2.2 A Licensed Street Trader shall at all times comply with these conditions. A person who contravenes any of the conditions of a Street Trading Licence may be guilty of an offence and/or subject to appropriate enforcement sanctions in accordance with our enforcement policy. Any contravention of these conditions by an Assistant shall be regarded as having been committed by the Licence holder.
- 2.3 The Council may add Special Conditions at the grant of a Street Trading Licence. The Council may add Further Conditions where a Licenced Street Trader has breached a Standard Condition or Special Condition as directed under the Act. Any Special Conditions or Further Conditions on a Street Trading Licence will be transferred at renewal to the new Street Trading Licence.
- 2.4 We may vary the conditions of a Licence or attach Special Conditions in accordance with statutory provisions. We may at any time attach such further conditions to a Licence as appear to us be reasonable in any individual case. The Licence holder may make an application via the Officer Licencing Panel (OLP) for the variation of the Licence. In the event of conflict between these Standard Conditions and any special conditions attached to the Licence, the latter will prevail.
- 2.5 If a Licensed Street Trader wishes any of the conditions of his/her Licence to be varied, representation must be made in writing to the Markets Service as in accordance with the statutory requirements. Any subsequent grant, consent, approval, authorisation or agreement from us must be obtained in writing before it will be deemed to be valid.
- 2.6 Where in these regulations there is reference to our consent or agreement, this consent or agreement may be given on such terms or conditions and subject to such restrictions as we might reasonably specify, any variation shall not take effect until the consent of the Council has been received in writing by the Licence holder.
- 2.7 Licensed Street Traders and their Manager/Assistants must comply with all trading standards legislation; e.g.:

- 2.7.1 Goods must be sold in metric units.
 - 2.7.2 Goods that contravene the Trade Marks Acts, for example counterfeit goods, must not be sold.
 - 2.7.3 All goods must have a price inclusive of VAT displayed on them.
 - 2.7.4 All food Receptacles must be registered with the local authority in whose area the Receptacle is kept and stored.
 - 2.7.5 All food traders are to register with the Nationwide Caterers Association and upload all relevant information to their membership page.
 - 2.7.6 A Licenced Street Trader and his Assistant shall comply with all health and safety legislation and where food is sold they shall also comply with all food hygiene legislation.
- 2.8 The business activities of a Licensed Street Trader shall comply with and be conducted in a manner that conforms with all relevant legislation enforced by the Council or other agencies. Particular attention is drawn to general Health & Safety, food safety, Trading Standards, fire prevention and highways regulation. Licensed Street Traders must also comply with appropriate local requirements and by-laws. Failure to comply with this condition will result in enforcement action being taken and does not preclude separate sanctions being applied to the Licensed Street Trader or their Assistants for any breach committed.
- 2.9 A Licenced Street Trader must trade in accordance with the consumer's protection legislation, e.g. notices stating 'no refunds' or 'no exchanges' cannot be displayed. The Council will take action to stop any practice that it considers misleading, is contrary to the interests of customers or is likely to give the market a bad reputation.
- 2.10 Where compliance notices are issued with regard to health and safety and food hygiene legislation the requirements of the notices must be complied with within the period stated in the notice. Failure to do so may result in the removal of your Licence.
- 2.11 All Licenced Street Traders who sell Food Stuffs from their stall/stall vehicle must ensure that they are registered as a food premises with the Council or have provided evidence that they are already registered with another local authority prior to a Street Trading Licence being issued. This condition includes moveable vehicles.
- 2.12 Licensed Street Traders and/or their Manager/Assistant shall offer all assistance to the Council by;
- 2.12.1 Providing copies of all consents required to Street Trade. The following documents may be requested by an Authorised Officer: Licence card, Public Liability Certificate, Authorisation Letter (if applicable), Gas Certificate (if applicable), proof of portable appliance testing (as relevant), Manager/Assistant ID card.
 - 2.12.2 Providing all documentation as and when requested by an Authorised Officer. Checks will be carried out on an ad hoc basis to ensure compliance and failure to comply will constitute a breach of 20.2 of the Standard Conditions.
- 2.13 If any information given by a trader in an application for a Street Trading Licence is found to be false or misleading, the Council may consider revoking the Licence in question.

- 2.14 Any damage done to property owned by the Council, by a Licensed Street Trader or their Manager/Assistants, is to be paid for in full by the Licensed Street Trader and could face enforcement sanctions up to and including revocation of their Street Trading Licence.
- 2.15 If there are any changes in the following details registered with us namely:- the address at which they live or store their Stall and/or Goods, email, mobile and landline telephone numbers where applicable, the registration number of any or additional vehicle they use in connection for street trading purposes within the borough of Hackney, the Licence holder must notify the Market Service in writing of such change within seven days of such change occurring. Any failure to provide said information may result in the Licence being temporarily suspended until the notice and/or documentation is received.
- 2.16 Licence holders are required to provide us with satisfactory evidence that they are eligible to work in the UK, this must be a valid National Insurance (NI) number, a valid UK passport (or overseas passport with work permit) or a letter from the Home Office. Any Licence holder who cannot prove that they have the right to work legally in the UK when challenged by an Authorised Officer will be prevented from trading until such point as this information can be provided. Such action does not preclude further measures from being taken by other agencies.
- 2.17 An annual audit of market traders/registered Managers & Assistant's documentation in relation to 2.15 and 2.16, if the Licence holder fails to notify the Council of any changes to personal details this will be deemed a breach of the Standard Licence Conditions.
- 2.18 All Licenced Street Traders using a vehicle for market purposes must provide the Markets Service with the vehicle registration document (V5) application form and payment for permit before using vehicle in the market. Failure to do so may result in the issuance of a Penalty notice issued. The Licence holder is responsible for and advising the Market Service within seven days with proof of any change of vehicle. The Council is not liable for any costs incurred to Licence holders who do not follow the process.
- 2.19 All Licenced Traders are required to use sustainable packaging for their products to be traded in and the use or sale of single use plastic bags,bottles and cutlery is prohibited on our markets & Street Trading sites.
- 2.20 All Licenced Street Traders are required to provide sustainable or bio degradable bags as an alternative to providing customers with single use plastic bags to be used when making a purchase in our markets and street trading sites.

3. LICENCES

- 3.1 The Street Trading Licence is merely consent to trade under the Act. It does not constitute any other approval or consent that Licence holders might need under bye-laws, regulations or other enactments, such as planning, highways or water supplier consents. Responsibility for ensuring that appropriate approval or consents are obtained or adhered to rests with the Licence holder/applicant.
- 3.2 A Licensed Street Trader shall carry their Licence at all times whilst Street Trading and produce it upon the request of an Authorised Officer or police officer.
- 3.3 A Street Trading Licence shall cease to have effect on being surrendered to the Council by the Licensed Street Trader to whom it was granted. This must be done by way of written cancellation.

Cancellations can only take effect from the date received by the markets office. The effective date of surrender will not be earlier than the receipt of the written request to surrender the Licence. All outstanding fees and charges shall be payable up to and including the date of surrender of the Licence.

- 3.4 A Licence is only effective for the period stated on the Licence.
- 3.5 The Council reserves the right to issue Street Trading Licences to traders who offer Commodities that will enhance the viability of the market before any other trader or applicant.
- 3.6 Permanent Licences are only available at certain markets. Any applications/requests for a permanent Licence on miscellaneous sites will be considered at the subsequent OLP, however, the Council reserves the right to refuse an application/request, with any decision made by the Council is final.
- 3.7 To apply for a Permanent Street Trading Licence a trader must be a current Temporary Licence holder and will not be considered for a Permanent Street Trading Licence until they have held their Temporary Licence for a minimum period of six months. The period of six months gives both the Council and the trader the opportunity to ensure a good fit.
- 3.8 A Permanent Street Trading Licence will not be renewed if a Licenced Street Trader is in arrears or has appeared on the monthly arrears report 3 or more times in a calendar twelve months.. All Fees and Charges must be fully paid within the financial year and any Permanent Street Trader in arrears during the renewal process will not have their Street Trading Licence renewed and will be prohibited from Street Trading from 1st April on a Permanent Street Trading Licence.
- 3.9 Any Permanent Street Trader falling into 3.8 above may apply for a Temporary Street Trading Licence, paying the appropriate temporary fees and charges whilst agreeing to a payment plan until the arrears are cleared within the agreed timeframe. The council however reserve the right to not re-issue a permanent Licence in the event of Persistent arrears.
- 3.10 Succession of a Permanent Street Trading Licence may only be granted if the requirements of the Act are met and the successor meets the application requirements. On the death or retirement due to age and/or ill health of a Street Trading Licence holder, we may issue a Licence to a nominated relative to trade from the pitch shown in that Licence in accordance with the succession rights granted in the Act. As currently defined, an individual shall be treated as related to another if the latter is the wife, husband, father, mother, grandfather, grandmother, stepfather, stepmother, son, daughter, grandson, granddaughter, stepson, stepdaughter, brother, sister, half-brother or half-sister of the former and shall be deemed to be so related notwithstanding that they are related only through illegitimacy or in consequence of an adoption.
- 3.11 We may also, at our discretion and subject to appropriate documentary evidence, include other individuals connected to the Licence holder, limited to a nominated Assistant of a Permanent Street Trader who has been working for that trader for a continuous period of at least seven years. In this instance the application will be assessed at the earliest OLP hearing, to ensure an appropriate decision is made in accordance with the requirements and the legislation.
- 3.12 In the event that a permanent Licence is granted to a successor in accordance with the paragraph above the Markets Service may attach such further conditions as appear to be reasonable in any individual case.

- 3.13 Succession will only be permitted if there are no arrears of charges payable. Only one successor can be nominated at any one time.
- 3.14 The Street Trading Licence is for the sole use and benefit of the Licence holder and whilst it provides permission to trade and bestows trading rights, it does not confer ownership of the allocated pitch, this is retained exclusively by the Council. Licence holders must therefore not assign their Licence to anyone else, employ a manager in their place and not attend or avail themselves during market operating hours or otherwise sublet any part of their stall. If we have evidence that this condition has been breached, then the Licence holder and other persons trading or assisting on the stall may be subject to enforcement sanctions, including revocation of the Licence.
- 3.15 To exercise their ability to trade under the Street Trading Licence, Licence holders must be present in person for at least 51% of the Trading Day as specified in section 8.2. If a Licence holder operates more than one licence or business in the borough than the 51% will be equally split between the number of sites on a pro rata basis. Failure to do so could result in enforcement sanctions and/or revocation of the Street Trading Licence.
- 3.16 Traders requesting a variation of their Street Trading Licence, such as change of Commodity or transfer of pitch etc., must complete an application form and pay the variation fee before requests will be considered at the subsequent OLP, however the Council reserves the right to refuse an application, with any decision made by the Council is final.
- 3.17 Where a charitable organisation is applying for a Street Trading Licence, proof of charitable registration number must be provided upon application
- 3.18 For Ridley Road Market, all permanent Street Trading Licence holders will need to Avail themselves to an Authorised Officer and sign in to confirm their attendance on each Trading Day. The Trading Day is as specified in section 8.2 from market open for trade to trade end.

4. TEMPORARY STREET TRADING LICENCES

- 4.1 The holders of a Temporary Street Trading Licence are subject to these Standard Conditions in the same way as holders of a Permanent Street Trading Licence.
- 4.2 The holders of a Temporary Street Trading Licence shall report to the Authorised Officer at the market each Trading Day before commencing Street Trading to be allocated a pitch for that Trading Day. The decision by an Authorised Officer to allocate a pitch to the holder of a Temporary Licence is final.
- 4.3 The Council reserves the right to withdraw the Licence of any temporary Street Trading Licence holder without notice and will provide reason(s) both verbally and in writing. A temporary trader shall cease trading when requested to do so by an Authorised Officer of the Council or police officer. Following the withdrawal of the Licence, the Council will supply the trader the reasons for the withdrawal of the Licence in writing, where the trader will be able to appeal the decision at the next available OLP panel.
- 4.4 The refusal by the holder of a Temporary Licence to Street Trade from a pitch allocated by an Authorised Officer may result in them not being able to Street Trade on a Trading Day or future Trading Days.

- 4.5 The issue of a Temporary Licence is without prejudice to the Council's application process for Permanent Street Trading Licences and does not infer a legal right to the grant of a Permanent Street Trading Licence.

5. ATTENDANCE & TRADING

- 5.1 Permanent Street Trading Licence holders must trade in person at their pitch for a significant proportion of the trading day, as set out in section 8.2. This is currently defined as 51% of the Trading Day specified on the Licence (see condition 3.10). At all other times, the stall may only be operated by an Assistant who is registered with the Markets Service.
- 5.2 The calculation of 51% attendance will be made using the method that we consider most appropriate for each market and will be based upon specific attendance monitoring over a trading period of at least 2 months. We reserve the right to vary the monitoring method used subject to our giving reasonable notice. The level of monitoring carried out shall be at the Council's discretion.
- 5.3 If the Stall is to be left unmanned for any reason other than comfort or toilet breaks, it is to be closed up and left in a safe and secure position.
- 5.4 The holder of a Temporary Street Trading Licence must [subject to reasonable time for meals and toilet breaks] trade in person on the pitch at all times throughout the trading day.
- 5.5 Temporary pitches, additional pitches, and pitch moves (via the Licence variation request and OLP process) will be allocated by Officers from the Markets Service only. Traders who set up on pitches without prior permission or move without prior permission from the Markets Manager/Officers will be in breach of this condition and will potentially face enforcement sanctions.
- 5.6 All Temporary Street Trading Licence holders to whom a specific pitch is not been pre-allocated shall report to the Markets Office before commencement of trading for the purpose of pitch allocation by an Authorised Officer. Pitches are allocated on a first come, first served basis and at the discretion of the Market Officer/Authorised Officer whose decision is final and non-negotiable.
- 5.7 No trading may take place on the stall of a Permanent Licence Holder unless the Licence holder themselves or one of his/her registered Assistants is present. (In the event that this requirement is not complied with we may impose any enforcement sanction that we deem appropriate).
- 5.8 Any Awning used by a Licence holder must be approved prior to use, the Council may specify colour, type and condition of any Awning used. Any Awning must be replaced or repaired within one month of a written request from the Council.
- 5.9 The use of bread crates/boxes for the purpose of trading must be covered with an approved covering for suitable display purposes, and all bread crates/boxes must be removed at the end of the trading day
- 5.10 The Licensed Street Trader shall only trade from the Licensed Street Trading Pitch, unless otherwise directed by an Authorised Officer. The Council reserves the right to change a Permanent Licensed Street Trading Pitch and allocate an alternative pitch on a permanent basis. The Licenced Street Trader will be consulted prior to this decision being made and receive written notification and provided 28 days notice of the proposed changes.
- 5.11 The Council reserves the right to change a Permanent Licensed Street Trading Pitch and allocate an alternative pitch on a temporary basis where one is available until his/her Permanent

Licensed Pitch becomes available at a date to be agreed by the Authorised Officer. The Council will provide written notice of this change to the Licensed Street Trader as soon as reasonably practicable.

- 5.12 Where no alternative pitch is available the Licenced Street Trader will cease Street Trading and remove their Stall and Goods immediately where directed to do so by an Authorised Officer. The Council will refund any Licence fee to the Licensed Street Trader for the period that the Licensed Street Trading Pitch is not available.
- 5.13 For Street Trading Licence holders trading in markets or street trading sites without a designated pitch location but trade from the same location every week, if you fail to attend for more than four weeks the Council reserves the right to replace you with another trader who wishes to trade from that location.
- 5.14 If it is considered to be in the interests of the ongoing sustainability of markets and street trading within the Borough of Hackney, for example due to redevelopment of a particular area, pitch location, pitch dimensions and orientation may be varied following consultation and reasonable notice.
- 5.15 Hackney Council will not accept responsibility for any loss or damage suffered by Licence holders due to any trading pitch relocation decision or any other actions taken by us.
- 5.16 Council Officers will from time to time inspect market stall set-ups to ensure an acceptable standard of appearance is maintained and request appropriate changes to enhance market locations.

6. PITCH SIZE

- 6.1 A Licensed Street Trader shall not exceed the Pitch Limits (including where no stalls are placed on an adjacent pitch). An Awning may be permitted to extend 30cm (12") at the front of the Pitch Limits but no articles are to be suspended from the Awning beyond the Pitch Limits.
- 6.2 The trading area shall not exceed the dimensions specified on the Licence and any Pitch Limits marked on the ground or otherwise identified on the Licence during trading hours, except during immediate re-stocking. NO goods, boxes, containers, displays, waste or any other articles shall be placed outside the perimeter or within the immediate vicinity of the Pitch Limits except during immediate re-stocking.
- 6.3 A Licensed Street Trader shall not at any time cover or obstruct any fire hydrant or public utilities access point or pedestrian access to bus stops or crossings, or the free flow of open traffic lanes.
- 6.4 A Licensed Street Trader shall not cause or permit any Receptacle, part of a Receptacle, vehicles, Goods or other articles whatsoever to project or be played beyond the Pitch Limits or above the height of three metres (10') from the ground.
- 6.5 The distance above ground level of any part of any roof, Awning, or support of a Stall or Goods suspended from any of these, shall (unless a dispensation has been granted by the Council in writing) be at least 2.3 metres (7'6") and a maximum of 3 metres (10'). The roof, Awning or any other projection shall be contained within the Pitch Limits unless approved by an Authorised Officer in writing.
- 6.6 Licensed Street Traders shall not use feeder barrows, feeder vehicles or feeder Receptacles for the display of Goods.

- 6.7 On miscellaneous sites where there is no specified pitch size, the normal single pitch size will be deemed to be 3m x 3m.
- 6.8 Licensed Street Traders who display Goods which encroach a pitch which is not designated to them will be required to pay for additional pitches and will potentially receive enforcement sanctions for contravention of this Licence condition.

7. GOODS & COMMODITIES

- 7.1 Only those Commodities or Goods specified on the Licence may be sold from the Licence Street Trading Pitch and traders shall be limited to the group of Commodities listed on the Licence. The Council reserves the right to allow more than one trader to sell the same Commodity as another trader or shop in the market in that area. The Council's decision as to Commodities sold and the numbers and positions of traders in the various Commodity groups is final.
- 7.2 Street Trading Licence holders and their Managers/Assistants must at all times adhere to our Commodity framework, the aim of which is to regulate the types of Goods sold at the markets in order to promote a safe, healthy and inclusive environment for both Licenced traders and their customers. Goods are to comply with the requirements of current consumer safety and/or copyright/trade/Olympic brand protection legislation; they are to be fit for purpose and of satisfactory quality (as described), and an advisory notice in writing provided where the Goods are second hand, soiled, damaged or Catalogue Returns.
- 7.3 All Goods are to be clearly priced and displayed clearly. Licence holders offering a service shall make clear the nature and cost of that service.
- 7.4 All weighing scales and indications of price are to be in clear and unobstructed view of the customer.
- 7.5 The sale of Goods deemed by the Council to be offensive, dangerous or pornographic, or that is believed to be counterfeit, or that can release a projectile or can be modified to that end, is prohibited.
- 7.6 At their Stall, permanent and temporary Licence holders must not sell, offer for sale, advertise, display or expose any Goods other than those specified in their Licence. If they wish to change the Commodities specified in their Licence, then they must make written representation to the Market Service and apply for a variation via the OLP.
- 7.7 If a Street Trading Licence permits the sale of more than one Commodity and it appears to the Markets Service that the License holder has not consistently displayed for sale a particular named Commodity, that Commodity may be removed from the Licence. In this context. 'consistently displayed' means that the Commodity concerned has been displayed for sale on every Trading Day at which the License holder has presented themselves for Street Trading purposes within three consecutive months and that it appears to us to comprise at least 25% of their displayed stock.
- 7.8 We may, subject to human rights considerations, prohibit the sale of certain lawful Goods as not being appropriate for Street Trading or because they are not consistent with Council policy or national policy. Licence holders will be given reasonable notice if this is proposed. Any such prohibition may either be general in nature or be subject to restrictions (e.g. apply only to new Licence holders).

7.9 Licence holders shall not mislead the public about their legal rights, either orally or by displaying signs e.g. 'no goods exchanged' or 'no refunds given'. Any signage intended for this purpose must be approved by the Markets Service before it is permitted to be used.

7.10 Ignorance of the law is not a defence. All Street Trading Licence holders and their Managers/Assistants must familiarise themselves with and adhere to such legislation relating to their Goods, Commodities or service. Licence holders are encouraged to seek further advice from the Markets Service if they are unclear about their obligations.

7.11 We will take action to stop any practice that we consider misleading, inappropriate, contrary to the interests or statutory rights of customers, or which is likely to give the market a bad reputation and may also refer the matter to the appropriate agency for investigation and action.

7.12 Real Deal - a Licensed Street Trader is prohibited from supplying illegal Goods, which includes stolen Goods, suspected stolen Goods, counterfeit/pirated Goods, unsafe Goods, tobacco or other nicotine Goods and alcoholic Goods.

8. TRADING DAYS AND TIMES

8.1 Street Trading may only take place on the days and times permitted on the Street Trading Licence. Pitch charges must be paid whether or not the permanent Licence holder has traded.

8.2 Market Street Trading operational hours are set out as follows;

Market	Set-up Time Traders & vehicles	Vehicles out of Market	Market open for trading (Trading Day)	Trading Ends (Trading Day)	Stalls cleared and vehicles out of market*
Ridley Road Market	From 06:00 Hours	09:30 Hours Monday to Thursday 09:00 Hours Friday & Saturday	09:30 Hours Monday to Thursday 09:00 Hours Friday & Saturday	17:00 Hours Monday to Thursday 18:00 Hours Friday & Saturday	18:00 Hours Monday to Thursday 19:00 Hours Friday & Saturday
Christmas Week, from 17th to 24th December	From 06:00 hours	09:00 hours Monday to Saturday	09:00 Hours Monday to Saturday	Vehicles must not enter the market until 16:00 18:00 Hours Monday to Saturday	19:00 Hours Monday to Saturday
Hoxton Street Market	From 06:00 Hours	10:30 Hours Monday to Friday 09:00 Hours Saturday	10:30 Hours Monday to Friday 09:00 Hours Saturday	16:00 Hours	17:00 Hours
Broadway	From 06:00	09:00 Hours	09:00 Hours	17:00 Hours	18:00 Hours

Market (Saturday only)	Hours				
Chatsworth Road Market (Sunday only)	From 08:00 Hours	10:00 Hours	10:00 Hours	16:00 Hours	17:00 Hours
Kingsland Waste Market	From 07:00 Hours	09:00 Hours	09:00 Hours	16:00 Hours	17:00 Hours

** Time limit applies to trader owned Stalls, those setup in bulk for the market and hired out to stall holders have agreed contractor times for setting up and breaking down Stalls.*

- 8.2.1 On Trading Days between 17 December and 24 December all markets will be permitted to extend their operational hours upon agreement with the Market Manager (excluding Ridley Road Market which already has extended opening hours).
- 8.3 Licensed Street Traders and/or their Assistants shall remove their Receptacles, Goods and Stalls (where Stalls have not been provided by the Council) at the end of each Trading Day specified on the Licence at the times set out in condition 8.2 above for each of the Council's markets or the time stated on the Licensed Street Traders Licence if earlier.
- 8.4 The "Stalls cleared and vehicles out of market" times set out in condition 8.2 are the latest times that Receptacles and Trader owned Stalls must be removed from the Licensed Street Trading Pitch, and either taken by the trader/assistant or taken to an agreed place of storage off of the market. Any barrow, trailer, vehicle or Stall left at a market or any adjacent street shall be removed by the Council and taken to a place of storage. Any barrow, Stall, Receptacle, trailer or vehicle removed by the Council from a market or a street adjacent to a market shall not be returned to the Licensed Street Trader until all costs and charges associated with the removal and storage of the same have been paid in full by the owner or the Licensed Street Trader
- 8.5 All Licensed Street Traders remain responsible for their vehicle at all times. The Street Trading Licence does not confer any permission or right to park a vehicle within the trading area. Vehicles must abide by parking regulations including, but not limited to, loading and unloading, parking correctly in appropriate bays and properly displaying any required permit and clear identification of market trader and pitch designation.
- 8.6 A Licensed Street Trader shall not leave a vehicle in the street in which he Street Trades when that street is in operation as a market except for the purpose of loading and unloading Goods within the hours permitted in any traffic management order made in respect of the street. Such loading and unloading shall be carried out as soon as reasonably practicable and the vehicle removed immediately once loading/unloading has been completed to an authorised parking place outside the market. Nothing in this condition permits or purports to permit a Licensed Street Trader to contravene the terms of any parking restrictions or traffic management order that apply to the street.
- 8.7 All vehicle movement associated with the market operation shall, regardless of the time of day, be at a maximum of 5 miles per hour and hazard warning lights must be on. When loading/unloading their vehicles, all Licensed Street Traders shall cause as little obstruction and inconvenience to the general public, other traders or Council staff and contractors as possible.
- 8.7.1 Any market which operates an exemption list for traders shall comply with the times stated on the signage within the market. A Licensed Street Trader may hold two vehicles on the exemption

list at any time. The vehicle must belong to the Licensed Street Trader or Manager/Assistant and a copy of the V5C document must be provided before registering vehicles.

8.7.2 Licensed Street Traders must unload their vehicle of any Goods and remove vehicle within one hour of arrival. All vehicles must have left the market by the times listed in 8.2. Failure to adhere may result in retrospective enforcement action.

8.8 Traders must comply with requirements to ensure emergency access to markets at all times.

8.9 Licensed Street Traders must be set up, vehicle removed and ready for trade by the start of the market Trading Day as listed in 8.2.

8.10 Any Licenced Street Trader trading or operating outside of a market or Street Trading sites agreed operating hours will be considered as illegally trading and will receive enforcement sanctions up to and including revocation of Licence and a £1000 fine.

8.11 If a Ridley Road Market Permanent Licensed Street Trader is not present on the market by 08:30, Monday to Thursday, their right to trade on that day is lost, unless permission to set up late has been granted by Council Market Inspectors. Permanent Licensed Street Traders must be present by 8am Friday and Saturday or they lose their right to trade on that day.

9. REFUSE & WASTE

9.1 Licence holders and their Manager/Assistants must contain all Refuse in an appropriate manner, using containers or bags provided or approved by the Council and which shall be kept exclusively for that purpose. They must cooperate to enable such containers and bags to be removed or emptied as often as may be necessary into any vehicle or other Receptacle provided for the purpose. Such containers should be kept as clean as reasonably practical. The Licensee shall keep the pitch area clean and swept of any debris throughout the Trading Day, in particular it shall be the duty of every licensee to pick up all litter, debris packaging and detritus both within and outside their pitch area that has been produced in the course of his/her business or could reasonably be assumed to have been so produced.

9.2 The Council reserves the right to specify the level of waste collection that is included in the Licence fee and reserve the right to make additional charges for any excess waste generated. For the purposes of assessing the level of waste generated, any Refuse left on a Licence holder's pitch or which can otherwise be reasonably attributed to them will be included.

9.3 Licensed Street Traders shall ensure that they familiarise themselves with and comply with all specific requirements for waste management on the market they attend.

9.4 Licensed Street Traders shall keep their pitch and the immediate area around the pitch clean at all times during the course of trading and must ensure that the pitch is left in a clean and tidy state at the end of trading. The Council reserves the right to charge a Licensed Street Trader the additional cost of cleaning the pitch where the Licensed Street Trader has left the pitch in a dirty and poor state at the end of trading. Any Licenced Street Trader cooking on site must ensure that there are no fat, oil or other deposits made on their pitch or anywhere within the market area.

9.5 Street Trading Licence holders shall ensure that all wastewater is collected in a secure container or otherwise discharged in such a manner so as not to cause a nuisance. It is the responsibility of the Licence holder to ensure that any legal requirements concerning wastewater are complied with,

for example, formal consent to dispose of trade effluent into a public sewer. Failure to provide sufficient evidence of such compliance will be deemed a breach of this trading condition.

- 9.6 Licensed Street Traders shall ensure that crates, trolleys or similar used to deliver or transport Goods into the market are removed immediately from the market after delivery. It shall be the responsibility of traders to dispose of such items or materials.
- 9.7 Licensed Street Traders and/or their Manager/Assistant shall not cause a container used for the purpose of storing Animal By-Product to be exposed in the market or cause such waste to leak or escape from the container.
- 9.8 All Food waste must be contained in a suitable manner to avoid leakage and damage to the Council footways/carriageways. The cost of rectifying any damage will be re-charged to the Licensee and Persistent on-going concerns may result in review of the Licence. Approved ground cover must be placed on the footway/carriageway to avoid oil and food spillages to prevent damage.
- 9.9 Licensed Street Traders are required to have in place a commercial waste agreement with a registered carrier of waste if fish waste or any other waste covered under the Animal By-Product legislation is a part of the Licensed Street Traders' Street Trading operations.
- 9.10 All Animal By-Product waste shall be stored in a sealable container approved by the Council's Environmental Enforcement/Health Officers and disposed of in accordance with all requirements under the food hygiene legislation. No Animal By-Product shall be allowed to drain onto the street or into the public drainage system.
- 9.11 Licensed Street Traders who produce fish waste or any other waste covered under the Animal By-Product legislation as part of their Street Trading operations must provide valid waste transfer notes, confirming their waste carrier, upon request from an Authorised Officer.
- 9.12 Licensed Street Traders and their Managers/Assistants are expected to recycle cardboard boxes and support the collection of refuse by removing any unwanted products from boxes, flat packing all the cardboard and stacking neatly adjacent to their Stall, ready for collection.
- 9.13 Licenced traders trading in fruit and vegetables are to place all waste in the organic sack/bin provided and tie sacks when full. Contamination of waste is not acceptable and if identified will result in an enforcement sanction issued and potential prosecution and or revocation of your Licence.
- 9.14 Licensed Street Traders shall ensure all cooking waste such as oil/fat is contained and disposed of appropriately and on no account should be poured into drainage systems.
- 9.15 Street Trading Licence holders and their Managers/Assistants will be held accountable for the costs to unblock drains/gullies if evidence supports that Animal By-Product, fishwater/waste, grease/oil have been deposited into drains and gullies. In addition to recovery of costs, those responsible may be subject to further enforcement sanctions, which could lead to a revocation/refusal to renew a Licence.
- 9.16 Licensed Street Traders who have a shop premises in addition to a Street Trading Licence must arrange a separate trade waste agreement and not dispose of shop waste onto the market.
- 9.17 Where hot or cold food is prepared for immediate consumption and provided to customers in containers, such containers must be made of recyclable/biodegradable materials.

- 9.18 All pallets and trolleys/carts and cages (used to carry and store stock or for the purposes of transporting stock around the market area must be removed from the market after setting up. Traders must remove/arrange collection of all pallets and trolleys/carts and cages from the market at the end of each Trading Day. It is the traders responsibility to remove all pallets and trolleys/carts and cages and not to discard or dump them on the market area or side streets. Any discarded or dumped pallets/trolleys/carts and cages will be treated as fly-tipping and appropriate enforcement sanctions taken against perpetrators may be taken to include issuance of Fixed Penalty Notice/s or prosecution proceedings and or revocation of the Street Trading Licence.

10. DISPLAY OF LICENCE NAME PLATE

- 10.1 Licensed Street Traders shall at all times display their Licence & Name Plate in a prominent visible position on the Stall at all times, so that it can be easily read by any officer or person.
- 10.2 All Street Trading Licence holders (whether permanent or temporary) and their Managers/Assistants are required to possess a Licence and Assistant ID card supplied by us, which they must display or be able to produce immediately upon request by an Authorised Officer of the Council during the Trading Day. Failure to do so will be considered a breach of these conditions.
- 10.3 No Advertisement shall be displayed at the Licensed Street Trading Pitch which relates to any Goods, Commodities or services other than the Goods offered for sale at the pitch.

11. HEALTH AND SAFETY

- 11.1 All Licensed Street Traders must adhere to safe working practices and promote this by:
- 11.1.1 Knowing their individual responsibilities, and responsibilities as employers in relation to the Health and Safety at Work Act 1974.
 - 11.1.2 Adhere to all safety measures whether given verbally or in writing.
 - 11.1.3 Ensure working practices in their area of responsibility are kept up to date.
- 11.2 All Licensed Street Traders will complete an annual risk assessment, a copy of which will be given to the Markets Service, and follow all measures identified in the same to mitigate any risks identified.
- 11.3 The use of electricity is restricted to lighting only unless otherwise agreed in writing with the Markets Service.
- 11.4 All other electrical equipment must be approved by the Council in writing before being used at a Stall. All electrical equipment must be tested by a suitably qualified electrician at the Licensed Street Trader's expense and copies of electrical safety test certificates must be deposited with the Council before written approval will be given by the Council.
- 11.5 Licensed Street Traders shall provide to the Council (Markets and Environmental Health) annually a Gas Safety Certificate pursuant to the Gas Safety (Installation and Use) Regulations 1998 all gas equipment at the Licensed Street Trading Pitch. All gas equipment/canisters must be installed by a commercial Gas Safe Register engineer and used in accordance with legislative requirements and health and safety guidance for such equipment. Camping equipment is strictly prohibited.

- 11.6 All electrical equipment used at a Stall shall display a safety tag to demonstrate that the equipment has passed the necessary safety test and the date on which it was last tested.
- 11.7 All electrical connections/cabling must be weather resistant and manufactured for external/outdoor use (for example arctic cables with caravan style plugs). They should be placed and maintained to prevent any electrical short circuit or danger from electric shock, and not create a hazard.
- 11.8 All arrangements to connect Stalls to adjacent Premises for electricity must notify the Council in writing in advance unless in the case of an emergency or circumstances sufficiently unforeseeable, in which case the Council must be notified within 24 hours of such arrangements being introduced. All connections shall be readily detachable and shall not obstruct a street, and meet all health and safety regulations.
- 11.9 All Licensed Street Traders intending to use an electrical supply must obtain the Council's written consent before seeking installation of the supply by an electricity supplier. Where the supplier of electricity is not the Council, the Licensed Street Trader and the electricity supplier shall indemnify the Council in writing in respect of the safety of the supply before written consent is given by the Council.
- 11.10 Licensed Street Traders shall disconnect from an electrical supply when directed to do so by an Authorised Officer and given the reasons for this request.
- 11.11 All electrical cables that are suspended over a street shall have a minimum clearance of 2.3m (7'6") from the footway surface and 5.3m (17'6") from the surface of the road, and as far as possible away from pedestrian areas. Licensed Street Traders shall ensure that electrical supplies are used in a manner that ensures full compliance with all health and safety legislation. Cables are not to be placed on the ground on footpaths/public areas.
- 11.12 The use of mobile electrical generators and their location must be approved in writing by the Council prior to their use. Mobile electrical generators will need to be positioned so as to ensure that:
- 11.12.1 They do not present a danger to the public;
 - 11.12.2 They do not present a fire or similar hazard risk to the Stall or Goods displayed;
 - 11.12.3 They do not produce fumes or any airborne solids, beyond that reasonably expected in normal use, having regard to the proper functioning of any equipment;
 - 11.12.4 They operate and do not produce any noise or vibration that disturbs other traders;
 - 11.12.5 Any inflammable fuel not being used shall be stored away from the Stall in a location and container approved by the London Fire Authority.
- 11.13 Any generator shall be turned off at the request of an Authorised Officer and the reasons for this request will be given.
- 11.14 A Licensed Street Trader shall not use an electrical supply without the Council's written consent or may be subject to the enforcement actions listed in section 20.

- 11.15 A Licensed Street Trader will be held liable for damage to any installation or facility provided by us for the purpose of supplying electricity, water or other amenity, if it is shown that such damage was caused by their actions or neglect or that of their registered Managers/Assistants or other person acting on their behalf. The matter may also be referred to other agencies (e.g. the police) for action and may result in potential revocation of your Street Trading Licence.
- 11.16 All Licensed traders shall ensure that electricity bollard covers are secured at the close of each Trading Day. Faults should be reported to the market officer immediately.
- 11.17 A Street Trading Licence holder will be subject to automatic suspension of a trading Licence and trading privileges if it is proven they or anyone registered to their Licence tamper with, or use an electricity supply of the Council without payment. Any trader proven to have caused damage to any Council installation or equipment will be required to pay the full cost of any repair or replacement. Any trader/Manager or Assistant responsible for such acts may be subject to a separate prosecution or civil proceedings.
- 11.18 All Licenced traders should not bring or allow any animal onto your pitch or within the market area at any time.
- 11.19 No machinery shall be operated at a Licensed Street Trading Pitch without the written consent of the Council.
- 11.20 All parts of any machinery that could cause injury shall be covered or fenced in when in motion.
- 11.21 All Stalls or vehicles or parts thereof used for cooking shall be equipped with a dry powder type fire extinguisher, fire blankets and a carbon dioxide fire extinguisher which shall be placed near any electrical installation to the satisfaction of the Fire Service Authority/Council officers.
- 11.22 The Council reserves the right to check all or any equipment used by Licensed Street Traders, at any time. The trader will immediately give access upon request from an Authorised Officer.
- 11.23 All Licensed Street Traders selling high risk food must provide hand washing facilities at their Stall. This must include a supply of hot water, towels, a bowl and soap (preferably a liquid soap dispenser). Separate washing facilities must be used for knives and other serving implements used. A sufficient supply of hot water is required; Hot water cannot be supplied from a thermos flask. The hand washing facilities must be of a type approved by the Council.
- 11.24 Prepared cooked food may only be offered and sold from Council approved fit for purpose catering equipment and in accordance with food safety legislation.
- 11.25 The cost of additional cleansing required in any market relating to the cooking, display or sale of food will be re-charged to all food sellers in that market.
- 11.26 When Applying for a Street Trading Licence, only traders that have achieved a minimum standard of a 3* food hygiene rating will be considered for a Street Trading Licence.
- 11.27 During the lifetime of the Street Trading Licence, any premises which receives a food hygiene rating of a 1* or 2* shall have their Licence temporarily suspended until such time they complete the reasonable adjustment and receive a 3* or higher on the follow up visit. Any trader that fails to achieve this will have their Street Trading Licence revoked.

- 11.26 All Licensed Street Traders shall comply with the electrical safety agreement in advance of using electricity on any market.

12. STALLS

- 12.1 The Council exercise the right to designate the type of Stall/gazebo that can be used for trading purposes in each designated market and Street Trading location, If it is considered to be in the interests of the ongoing sustainability of markets and Street Trading within the Borough of Hackney, for example due to redevelopment of a particular area, the type of Stall/gazebo authorised to use for trading may be varied following consultation and reasonable notice.
- 12.2 Hackney Council will not accept responsibility for any loss or damage suffered by Street Trading Licence holders due to any Stall/gazebo purchase decision made without written permission or authorisation by the Council or any other actions taken by us.
- 12.3 Any Stalls/gazebos provided by the Council must be kept in good repair, and any damages to the Receptacles may be chargeable to the Street Trading Licence holder.
- 12.4 All Licensed Street Traders must trade from a Stall/gazebo approved by the Council, consisting of a full frame, canopy/Awnings, and weights when required, that fits their pitch; unless the Council has specifically undertaken to provide a Stall/gazebo. Alternatively, traders may apply to trade from a Stall Vehicle designed for that purpose, which must be approved by the Council.
- 12.5 Where the Council provides a Stall/gazebo this is to be used carefully and all reasonable care taken. The Council reserves the right to charge the Street Trading Licence holder for any damage to the Stall/gazebo, either for repairs or buying replacement parts.
- 12.6 Where Awnings/covers/canopies/trims are provided by the Council, they must be used by the Licensed Street Trader.
- 12.7 Any Stall/gazebo deemed to present a risk or hazard shall, at the request of an Authorised Officer, be removed from the market immediately. A Licensed Street Trader shall ensure that any Stall, gazebo, barrow, Receptacle, etc. is safe in its construction, sitting, erection and use and shall not cause injury to any person.
- 12.8 Licensed Street Traders or their Manager/Assistants shall remove the Stall and Goods for so long as may be necessary in the event of extreme circumstances and when reasonably required to do so by an Authorised Officer.
- 12.9 All Stalls/gazebos/receptacle/trading vehicles shall be identified with the name of the owner or Licensed Street Trader if they are the owner. If a Licenced Street Trader is found leaving a stall/gazebo, receptacle, trailer or other type of trading vehicle overnight in a trading pitch, parking space and/or loading bay they will be charged the daily rate until it has been removed. Failure to remove it will result in revocation of their street trading licence.
- 12.10 All Stalls shall be on an approved type, suitable for the purpose to which it is to be used, and shall be kept in a clean condition and in good repair. A Stall shall be repaired and/or repainted within one month of a written request from the Council and shall be repainted in an approved colour at least once every two years.

- 12.11 A Stall that is or becomes unfit for purpose of Street Trading or beyond repair in the opinion of the Council must be replaced with one fit for purpose within one month of a written request by the Council.
- 12.12 Fabrics or other sheet materials used in the construction of that Stalls, roof coverings, drapes or Awnings shall be rendered flame retardant and maintained in that condition to the satisfaction of the London Fire Authority.
- 12.13 Canopies, clips, display goods and other similar items must be positioned in a way so as to cause no risk or danger to pedestrians or vehicles.
- 12.14 Licensed Street Traders must not place any Goods or equipment in the Licensed pitch such that they encroach or extend beyond the confines of their pitch, unless they have permission from Authorised Officers.
- 12.15 All structures, scaffolds and poles are to be within the perimeter of the pitch. Overhangs are only permitted with the agreement of an Authorised Officer, and if allowed must not cause a hindrance to others, an obstruction or a danger to pedestrians/vehicles.
- 12.16 Licensed Street Traders shall ensure that they familiarise themselves with and comply with any specific requirements for stalls on the market they attend.
- 12.17 All tables or other furniture for presentation and sale of Goods, shall be properly designed and professionally made for such a purpose and able to withstand the rigours of Street Trading. Makeshift structures are not acceptable.
- 12.18 All avenues, gangways, passages and other areas between pitches and adjacent highways must be kept free of obstructions.
- 12.19 Council Officers will from time to time inspect market stall set-ups to ensure an acceptable standard of appearance is maintained and request appropriate changes to enhance market locations.
- 12.20 Any Stall/Gazebo rented from the Council must be paid for in advance of your attendance to trade. If you fail to attend the Market/Street Trading site after requesting use of one of the Council Stalls/Gazebos, the fee will be added to your next invoice or pitch payment. The Council is not liable for any charges you incur through non-attendance.

13. INSURANCE

- 13.1 A Licensed Street Trader shall have public liability insurance in the sum of £5,000,000 (five million pounds) in respect of any one event approved by the Council in writing and must produce to the Council on request the current receipt for payment of the insurance premium. A copy of the certificate of insurance shall be provided to the Council within seven days of a request being made.
- 13.2 All Street Trading Licence holders must provide the Market Service with sight of originals of applicable insurance certificate at the time their Licence is granted and whenever they make any changes to the policy. They must also provide originals of all renewals no later than seven days before the previous certificate expires. We reserve the right to make further copies or contact the insurance company at any point if we deem it necessary to do so.

- 13.3 All Street Trading Licence holders are prohibited from trading at any time unless they have valid insurance cover and contravention of this condition will result in appropriate enforcement sanction being applied. In the event of a query regarding insurance, or as part of routine checking, a market officer may request sight of any relevant documentation and/or the Licence holder may be required to produce such documentation at the offices of the Markets Service. Failure to produce insurance certificates within seven days when requested by an Authorised Officer 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.

14. STORAGE

- 14.1 Licensed Street Traders who Street Trade in Food Stuffs shall notify the Council in writing of any change of address or addresses at which the Stall and any Goods are stored. Such notice shall be given within seven days of such change and the Council reserves the right to conduct an inspection to confirm storage at the address and to ensure that the storage space complies with all relevant legislation.
- 14.2 Licensed Street Traders who lease a container from the Council must not fall into more than two months arrears. The containers must only be used to store items that are legal and within the Commodity Regulations, and relate to their trading on the market.
- 14.3 The Council reserves the right to request the revocation of a leased container if the Licenced Street Trader has Persistent arrears. The Council will provide 28 days notice of revocation of container to facilitate the Licensed Street Trader to make alternative storage arrangements.
- 14.4 The container must be made available for inspection by an Authorised Officer's request, failure to comply with these rules will result in the Council repossessing the container and any outstanding fees will still be owed.
- 14.5 Any damages to the container(s) leased from the Council that incurs repair charges are not the liability of the Council and will be chargeable to the Street Trading Licence holder.
- 14.6 Subletting of any leased container by a Street Trading Licence holder will result in the issuance of 28 days notice to remove Goods and the Council will revoke the leased container. Any costs accrued in the process will be chargeable to the Street Trading Licence holder.
- 14.7 The Council reserves the right to request the return of a leased container if the Licenced Street Trader has not attended the market for 51% of the trading day on the Licence over a period of three months. The council will provide 28 days notice of revocation of container to facilitate the Licensed Street Trader to make alternative storage arrangements.

15. EMPLOYED MANAGER AND/OR ASSISTANTS

- 15.1 All Street Trading Licence holders must register each of their Managers/Assistants when they first apply for a Street Trading Licence and also inform the Market Service of any change of Assistant or recruitment of an additional Assistant within seven days. A maximum of one Manager & three Assistants can be registered on the Licence.
- 15.2 A Temporary Licensed Street Trader may employ up to four Assistants.

- 15.3 A full registration providing the details as set out below must be submitted to the Market Service by the Street Trading Licence holder in respect of each and every Manager/Assistant to be employed by the Licence holder:
- Written details of the Assistant's full name, address, date of birth, email address, mobile and landline phone number, where applicable.
 - One identical and up-to-date full face passport photograph of the Manager/Assistant.
 - The Assistant's valid NI number, copy of a valid UK passport (or overseas passport with work permit) and/or other satisfactory evidence that they are eligible to work in the UK, such as a letter from the Home Office.
 - Proof that they are covered by both Public liability and where applicable, Employer liability, insurances.
 - Proof of payment of the appropriate fee.
 - Any other information that we may reasonably require or consider relevant.
- 15.4 Licenced Street Traders may only make four changes to their registered Managers/Assistants on their Licence in one calendar year unless prior approval has been sought by the Market Service. If the number of registered Manager/Assistant changes are likely to exceed four in any one calendar year, prior approval must be sought from the Market Service before any more Assistants can be registered.
- 15.5 A registered Assistant can only be registered to a maximum of two permanent traders during a twelve month period.
- 15.6 Only a Manager/Assistant registered with the Council may work on a Stall. Any Manager or Assistant must apply for a Markets ID card and their completed application must be presented to the Council within seven days of starting work on the market for a Licensed Trader.
- 15.7 Any Manager/Assistant whose registration has expired and who is not in the process of completing full registration will be regarded as unregistered. The use of unregistered Managers/Assistants by a Licence holder is a breach of Licence conditions.
- 15.8 A Licensed Street Trader shall not employ a Young Person in any capacity in the course of Street Trading unless that Person is registered with a Local Authority and a work permit has been issued. A written record shall be kept of the hours of work of any Young Person Employed together with the duties performed. This record shall be produced to an Authorised Officer upon request.
- 15.9 A Manager/Assistant shall carry their Markets ID card at all times when working for the Licensed Street Trader, and present it to Markets Officers/Council officers when requested (as per Section 2.9.2) (of proposed terms).
- 15.10 Street Trading Licence holders must supervise any Assistant that they employ. If their Manager/Assistant breaches **any** of the conditions of the Street Trading Licence, then the Licence holder **will be liable** for the breach and enforcement sanction may follow as a result. This may be in addition to any action taken against the Assistant.
- 15.11 When a person ceases to be their Manager/Assistant, the License holder must notify the Council of that fact within seven calendar days and the Manager/Assistant will be required to surrender their ID card, if any has been issued.
- 15.12 No new Assistant will be registered to a permanent trader if he/she has arrears of charges.

- 15.13 A Street Trading Licence holder **cannot** be a registered Manager/Assistant on another Street Trading Licence holder's Street Trading Licence within the London Borough of Hackney.
- 15.14 Registered Managers/Assistants cannot hold their own personal Street Trading Licence whilst still registered as a Manager/Assistant for another Street Trading Licence holder in the London Borough of Hackney.
- 15.15 Any Managers/Assistants found to be in violation of any conditions within this document will have their Assistant's Licence revoked on any Street Trading Licence for which they appear on.

16. ASSISTANCE TO AUTHORISED OFFICERS

- 16.1 A Licensed Street Trader or Manager/Assistant shall give immediate assistance to Authorised Officers when requested to do so. This includes requests to meet with a Licence holder to discuss any concerns or contraventions.
- 16.2 A Licensed Street Trader and/or Manager/Assistant shall not use rude or offensive language or behave in an aggressive manner when dealing with an Authorised Officer or member of the Council.
- 16.3 A Licensed Street Trader and/or Manager/Assistant must not commit any acts of harassment (whether racial, sexual or otherwise) against an Authorised Officer.
- 17.3 If any Licenced Street Trader and/or Manager/Assistant provides information to an Authorised Officer when requested, that is later found to be false or misleading, the Council may consider revoking the Licence in question.
- 16.4 A Licensed Street Trader and/or Manager/Assistant shall not make offers to bribe, induce or act fraudulently when or in connection with Enforcement, Planning, Regeneration, Street or Shop Front Trading in and around the vicinity of a Council market or Street Trading site.

17. ABSENCES AND SICKNESS

This section applies to Permanent Licensed Street Traders only

- 17.1 In any cases of sickness/pregnancy where a Licence holder (and their Manager if they employ one) is unable to occupy their pitch, they should notify the Council on the first day of absence, specifying the reasons and the likely length of absence if possible. During the period of absence, a registered Assistant is permitted to trade on behalf of the License holder or, if they do not employ a Manager or an Assistant, the Council may temporarily allocate the pitch to a Temporary Licence holder.
- 17.2 Licensed Street Traders shall pay all Markets and Street Trading fees and charges in connection with their Licence for the first four weeks of sickness. Where due to sickness a Licensed Street Trader is unable to trade for a period of four continuous weeks, the Licensed Street Trader must complete a Markets Sickness Form and return the Form to the Markets Service Admin officer with the medical sickness certificate duly signed from his/her GP covering the four weeks continuous sickness period. The Licence holder must meet the cost of obtaining any certificate[s].

- 17.3 Where any sickness continues for a period of more than four weeks, the holder of a Street Trading Licence shall submit and continue to submit monthly to the Council medical certificates for each four week period of sickness. If a medical certificate is not submitted at the beginning of each four week period of sickness to the Council, the Markets and Street Trading fees and charges in connection with the Street Trading Licence for the whole four week period shall be payable to the Council even where a medical certificate is submitted retrospectively. The Licence holder must meet the cost of obtaining any certificate[s].
- 17.4 After 12 weeks of continuous absence due to medically certified sickness and subject to there being no significant arrears in charges payable, we may exercise our discretion if requested to do so by a Street Trading Licence holder and allow a registered Manager/Assistant to act on behalf of a Licence holder. This does not confer on the named registered Assistant any claim over the pitch or associated rights following the return of the permanent Licence holder and must be surrendered at this point if they wish to continue acting as a registered Assistant. Such arrangements will be kept under review. In the event that no medical certificates are forthcoming we may take steps to revoke the Street Trading Licence.
- 17.5 The Council will review the suitability of the absent Street Trading Licence holder to continue to hold a Permanent Street Trading Licence after six months of continuous absence and every six months thereafter. If it becomes the case that they are unable to return in person and attend their pitch to the full extent required by their Licence, then they shall be given the opportunity to surrender it and apply for a temporary Licence or retire on ill-health grounds, in the absence of a successor being nominated in accordance with 3.8 above. This condition will also apply where sickness exceeds six months aggregate within any 12 month period. This is without prejudice to our taking steps to revoke the Licence on the grounds that the Licence holder is an individual who has without reasonable excuse personally failed fully to Avail himself of his/her Licence.
- 17.6 A Street Trading Licence holder is required to give written notice forty-eight hours in advance for holidays of a duration which is less than two weeks. For extended leave exceeding two weeks, the Licence holder must obtain written permission from the Market Service and ensure that all outstanding fees and charges have been paid. During their absence, a registered Assistant will be allowed to trade on their behalf or, if they do not employ an Assistant, we may allocate the pitch to a temporary Licence holder.
- 17.7 Licence holders that take unauthorised leave may be subject to enforcement sanctions including revocation of Street Trading Licence. The Licence holder is required to pay all Street Trading charges regardless of sickness or holiday absence.
- 17.8 A Licence holder who is an expectant mother shall be permitted to deposit her Licence with the Market Service for up to nine months or such alternative period as may be specified by law. If she employs a registered Assistant, then on application by the Licence holder we will allow a named registered Assistant to act on her behalf. This does not confer on the Assistant any claim over the pitch or associated rights following the return of the permanent Licence Holder. It remains the responsibility of the Licence Holder to pay all trading charges. If the Licence Holder has no registered Assistant then whilst consideration may be given to wholly or partially waiving charges for the period of absence, we may propose that on their return, the Licence Holder will be allocated a pitch different to that which they previously occupied.
- 17.9 Any application in relation to sickness or holiday will relate solely to the financial year (1st of April to 31st of March the following year) in which the sickness or holiday occurred.

- 17.10 All other requests for extended leave, on the grounds of paternity leave, religious purposes, carers leave or similar, will be considered on an individual basis to ensure that a fair and reasonable decision is made in every case. The Council's decision shall be final. Such leave where agreed and credited must be for a minimum of one week.
- 17.11 The holder of a Street Trading Licence should notify the Council in writing in advance of their intention and the dates on which they will be absent for a period not exceeding two weeks in aggregate during one financial year commencing on 1 April and ending on 31 March the following year, for the purpose of going on holiday. The Street Trading Licence Trader's trading account will be credited in lieu of such holiday period. Such holiday period booked and credited must be for a minimum of one week.

18. FEES & CHARGES

- 18.1 A Licensed Street Trader shall pay all Markets and Street Trading fees and charges in connection with his Licence on the dates and intervals specified by the Council upon the issue and/or renewal of the Licence and in the manner agreed as appropriate for payment by the Council.
- 18.2 A Permanent Licensed Street Trader shall use one of the payment methods notified to them at the time of his application for a Licence or renewal of his Licence or as otherwise given in writing by the Council to pay their Markets and Street Trading fees and charges. We reserve the right to vary this general requirement with reasonable notice of not less than three months.
- 18.3 Any Permanent Street Trader who falls into arrears of 4 weeks or more within the period of their Licence must either clear the debt in full or enter into an agreed repayment plan. If arrears continue without an agreed repayment plan, The traders Permanent Licence will be suspended and they will be offered the opportunity to trade as a temporary trader with a final repayment plan agreed to clear all monies owing. Persistent accrual or failure to clear arrears in full puts the Licence at risk of revocation or the Council refusing to renew the Permanent Licence upon expiry. See also 3.7 and 3.8 regarding permanent Licence renewal. All Fees and Charges must be fully paid within the financial year and any Permanent Street Trader in arrears during the renewal process will not have their Street Trading Licence renewed and will be prohibited from Street Trading from 1st April on a Permanent Street Trading Licence.
- 18.4 All Fees and Charges must be fully paid within the financial year and any Permanent Street Trader in arrears during the renewal process will not have their Street Trading Licence renewed and will be prohibited from Street Trading from 1st April on a Permanent Street Trading Licence. Any Street Trading Licence holder who fails to clear their outstanding debt and/or persistently falls into significant arrears (with or without proposals to revoke being made) is considered to have breached their Licence conditions. We therefore reserve the right to undertake further enforcement sanction regardless of whether the debt is discharged in the meantime. This may include attaching further conditions to or varying the Licence conditions through the OLP as we consider appropriate.
- 18.5 The Council reserves the right to commence proceedings in the County Court to recover all arrears. This is without prejudice to any other enforcement sanction that has been or may be taken by us.
- 18.6 Street Trading Licence holders are also required to pay additional charges reasonably demanded by us for actions like damage to Council-owned street furniture, the production of excessive Refuse, damage/staining to pavements/blocked drains through discharge of Animal By-Product or liquids within fourteen days of us demanding payment from them. This is without prejudice to any enforcement sanction that has been or may be taken by us or any other agency.

- 18.7 If they fail to pay these other charges, then we reserve the right to apply a further charge added to the next monthly trading charge. A charge may also be made for all reasonable administrative costs incurred by the Council in the recovery of arrears, taking enforcement sanction or for additional late payments.
- 18.8 Permanent and temporary traders are required to use an electronic payment method acceptable to the Market Service and use a self-service online traders' portal to make transactions with the Council, this includes applications for Licences, variations making online advance payments for invoices and temporary trading and booking pitches. Debit or credit card payments can be made at the Markets office. In the event that payment is by credit card an additional fee as notified may be levied. Cheques submitted to the Market Service will not be accepted.
- 18.9 Any Licenced Street Trader requesting a Street Trading Licence variation must be debt-free, with no enforcement sanctions on file at the time of the request and for at least six months consecutively preceding the request.
- 18.10 A variation of a Street Trading Licence agreed at the Officer Licensing Panel (OLP), shall only be permitted once every 12 months for a Commodity change (in line with the Commodity Regulations) and once every six months for a pitch transfer.
- 18.11 A Licensed Street Trader shall be required to pay a non-refundable fee for an application to vary a Street Trading Licence at any OLP sitting (see current Council fees and charges).
- 18.12 Temporary Licensed Street Traders can pay as follows:
- 18.12.1 On markets where temporary traders can turn up and seek to trade on the day, they will be charged on the day and their pitch is allocated by the Market Officer for that day and is only confirmed on receipt of payment.
- 18.12.2 Traders on miscellaneous sites can pay for up to four weeks in advance via the Markets Office or a Markets Officer on the market.
- 18.12.3 Traders with confirmed pitches on weekly markets can pay for a maximum period of four weeks in advance via the Markets Office or a Markets Officer on the market.

19. CONDUCT & BEHAVIOUR

- 19.1 Hackney Council will not tolerate abuse or intimidation of any sort. Street Trading Licence holders are required to ensure that they and their Managers/Assistants are at all times competent, courteous and helpful, treating members of the public, other Licence holders, Authorised Officers from the Market Service or any other Council officers or officers from other agencies fairly, reasonably and with respect.
- 19.2 Street Trading Licence holders or their Managers/Assistants must not commit any acts of harassment (whether based on race, gender, sexual orientation, age, disability, religious belief or other) against any person, including Council officers and their own employees. Harassment is considered to include, but is not limited to:
- Violence or threats of violence towards any person.
 - Abusive, racial or insulting words and/or behaviour towards any person.
 - Damage or threats of damage to property belonging to another person.

- Writing threatening, abusive or insulting graffiti/emails or other correspondence.
 - Refusal, without reasonable cause, to serve or permit access to a Stall, Licensed site, Premises or services.
 - Sexual acts or comments towards any person.
 - Persistent comments of a derogatory or malicious nature towards a Council officer or member of the public.
 - Any act or omission calculated to interfere with the peace or comfort of any person, to inconvenience such person or otherwise considered to bring the markets into disrepute.
- 19.3 Street Trading Licence holders and their Managers/Assistants must co-operate in allowing Markets Service Officers, other staff and contractors employed by the Council or representatives from other agencies to carry out their duties, which includes complying with any reasonable request or instruction. Such requests may include the production of documents such as those related to food registration where applicable.
- 19.4 Any complaints deemed by the Market Service to be of a serious nature against a Street Trading Licence holder and/or their Manager/Assistant by members of the public, other Licence holders, Council officers or relevant third parties may be regarded as grounds for preventing/suspending them from trading until the matter is resolved, or could lead to a revocation/refusal to renew a Licence.
- 19.5 Any allegations made by Street Trading Licence holders or their Manager/Assistants against members of the public, other Licence holders or Council officers will always be fully investigated. However, if such allegations are found to be without factual basis and were made in a frivolous or malicious and/or disingenuous manner, then the suitability of the individual responsible for the allegation to hold a Street Trading Licence (whether permanent or temporary) or be a registered Assistant may be called into question and will also be deemed to be a breach of conditions and those responsible may be subject to further enforcement sanction, which could lead to a revocation/refusal to renew a Licence.
- 19.6 In order to protect our community, any existing Street Trading Licence holder or who is convicted, cautioned, arrested, warned or admits to the commission of any offence relating to assault, criminal damage, drugs, dishonesty, public order, weapons or bladed articles, sexual offences, non-fatal offences against the person, consumer related offences (including safety, counterfeit, copyright, pricing and food hygiene) or the unlicensed sale and supply of alcohol will have their Licence reviewed to consider their continued suitability to trade or remain as a registered Assistant. In addition, Licence holders and their Assistants are strictly prohibited from trading whilst under the influence of alcohol or illegal substances.
- 19.7 Where a Manager or an Assistant is convicted of one of the offences described above (or similar), the Manager/Assistant will have their Manager/Assistant card revoked and the Street Trading Licence holder may face further enforcement sanctions.
- 19.8 Licensed Street Traders and/or their Manager/Assistant must not make an offer to bribe or induce a Council officer or act fraudulent in connection with Street Trading. If found to be doing so it will be deemed to be a breach of conditions and those responsible may be subject to further enforcement sanctions, including revocation/refusal to renew a Licence.
- 19.9 Licensed Street Traders and/or their Manager/Assistant shall not consume or cause to be consumed alcohol or any illicit substance pending revocation. If found to be doing so it will be deemed to be a breach of conditions and those responsible may be subject to further enforcement sanctions, including revocation/refusal to renew a Licence.

- 19.10 Licensed Street Traders and/or their Manager/Assistants shall not be permitted use of a radio or music playing device by the Licensed Street Trading Pitch unless agreed by an Authorised Officer in writing. If agreed it is to be only on the pitch or within the immediate vicinity, and the sound level produced by such a device is at a level judged by an Authorised Officer to be reasonable and which allows a face to face conversation between two people and does not disturb other traders or members of the public.
- 19.11 A Licensed Street Trader must reduce the level of sound from any device when required to do so by an Authorised Officer. To play music in public a trader should have a Phonographic Performance Ltd Licence (PPL) and a PRS for music licence.

20. ENFORCEMENT

- 20.1 Any Street Trading Licence holder, Manager or Assistant who contravenes any of the conditions of their Licence could be guilty of an offence and liable on summary conviction to a fine not exceeding level 3 (£1,000 as at 7th February 2012) of the standard scale as provided by section 34(1) of the London Local Authorities Act 1990 (as amended). The Council reserves the right for its Authorised Officers to prosecute any person who contravenes the conditions of their Licence.
- 20.2 Where the Council does not prosecute in the courts any person who contravenes any of the conditions in their Licence may be subject to one of the following penalties in their Licence.
- The issue of **Verbal** warning, where the trader will be advised they are breaching their Terms and Conditions, and where appropriate be given a time period to fix the issue (time to fix issue will be dependent on Authorised Officer's discretion. If the offence is deemed to be causing a major issue the time given may be much shorter than other offences)
 - **Written & Final** Written Warning, the Trader will be issued a formal warning in writing stating the offence, and if appropriate time to fix the issue (the time set will be at the discretion of the Authorised Officer depending on the offence committed) If persistent contraventions occur a final written warning will be issued.
 - The issue of **Fixed Penalty Notices (FPN)**, the trader will be issued with a FPN for the offence committed. If an FPN is issued the Authorised Officer will document evidence in the form of notes and photographs (where applicable)
 - **Seizure** of Goods or other materials, where applicable the Authorised Officer may seize Goods and issue a FPN for the offence committed and the Goods/materials may be used in evidence if the Council chooses to prosecute.
 - **Revocation** of trading rights (in accepting a Licence to trade with these Standard Conditions) the trader hereby confirms acceptance of the right of Council to suspend them from trading in the circumstances set out in these regulations and further confirms they will cease trading and leave the market when requested to do so by an Authorised Officer of the Council or police officer. The Council reserves the right to skip stages where the offence or contravention is considered serious and appropriate to do so.
- 20.3 Persistent breaches of these conditions may lead to proceedings for Licence revocation, Licence application refusal, variation of Licence conditions or the imposition of further conditions. Breach of certain conditions may also lead to prosecution.

- 20.4 Persistent breach of conditions will be considered as an indication that a person is not fit to hold or be granted a Licence to trade within the London Borough of Hackney and may lead to Licence revocation, Licence application refusal, Licence variation or imposition of further conditions. Revocation will result in the trader being unable to apply or hold a Street Trading Licence in the London Borough of Hackney for the next 12 months but may reapply after this period for a Temporary Licence.
- 20.6 Where it is necessary to carry out a full investigation, the case will be progressed without undue delay (maximum period four weeks). During this time Licence holders will be still be able to Street Trade at any location across the Borough until the investigation is complete:
- 20.6.1 Once the investigation is completed unless the Licence is revoked, the trader will continue to trade as normal. Investigations will only be carried out by a manager within the Service and conducted in a confidential and timely manner.
- 20.6.2 If an enforcement sanction is issued, the trader has the right to appeal the enforcement action taken against them. All appeals should be made to the Market Manager in the first instance in writing within seven days of any action being taken. If the action is sanctioned by the Markets Manager the appeal will be heard by the Service Area Manager.
- 20.6.3 If the Licence has been revoked, the trader has the right to appeal the revocation and can do so in writing to the magistrates' court within 21 days of the decision. Any revocation of a Permanent or Temporary Street Trading Licence will result in the trader being unable to apply or hold a Street Trading Licence in the London Borough of Hackney for the next 12 months but may reapply after this period for a Temporary Licence.

21. SHARING INFORMATION WITH THIRD PARTIES

- 21.1 The Markets Service may disclose the personal details of Licence holders to third parties who have a legal right to such information. This includes other regulatory and law enforcement agencies and those who may require the information in connection with a civil action in the Courts.
- 21.2 To comply with money laundering legislation, the Markets Service will report any transactions for Street Trading Licences or charges which we consider to be suspicious to the relevant agencies.
- 21.3 To comply with the proceeds of crime act (POCA), we the Markets Service may share information with third parties who have a legal right to such information such as HMRC and the National Crime Agency when investigating issues such as subletting.

Appendix 2:

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

Prescribing Standard Conditions Applicable to Shop Front Trading which is inclusive of commodities, goods 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

1. DEFINITIONS

1.1 In the regulations, unless the context otherwise requires, the following expression 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 shall be constructed accordingly.
- b. "Authorised Officer" means an authorised officer of the Council.
- c. "Child" means a child who has not reached school leaving age.
- d. "Enforcement Sanctions" includes, but is not restricted to, prosecution, licence suspension, revocation, variation of licence conditions, imposition of further conditions, civil recovery action, injunction or a combination of these as considered appropriate.
- e. "Food Hygiene Rating" means a scheme run by the Food Standards Agency, which is dedicated to assessing the hygiene levels of restaurants, takeaways, food shops, and cafes, to ensure it is safe to consume.
- f. "Footfall" means the number of people who go into a shop or business or pass through a defined/specified area in a particular period of time.
- g. "Goods" means any goods, commodities, wares or merchandise for sale at a stall or business.

- h. "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; including private land 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.
- i. "Licence Holder" means the person authorised to carry out shop front trading activity from a licensed area as permitted under the Act.
- j. "Parklets" mean public seating platforms that convert curbside parking spaces into vibrant community spaces. Typically extending the pavement to provide more space and amenities for people using the street. Parklets as described below may be constructed on the carriageway
- k. "Permanent Structures" means a fixed structure on the public highway that is not removed at the end of the trading day. The council's highways department does not support the introduction of permanent structures on the public highway in front of shops and cafes. Only shop front trading stalls; tables and chairs will be licensed. No other paraphernalia is to be licensed. The granting of planning permission does not come with it any granting of Highways permissions. All other items on the public highway will be deemed highway obstructions.
- l. "Planters" is a general term used for pots and containers for the growing of indoor or outdoor plants. Receptacles can come in many shapes, materials and sizes.
- m. "Premises" means any commercial premises immediately behind the Licensed Area.
- n. "Public Highway" Essentially Public Highway can be both the maintained highway, but also the land to which the public has historically accessed. The public highway can be both public and private land. Ownership of the subsoil does not, of itself, mean the land is not public highway.
- o. "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.
- p. "Refuse" - includes empty and discarded receptacles and any waste material.
- q. "Saturation Zones/Cumulative Impact" are areas in which a series of repeated actions/Goods, commodities, or the granting of additional licences, have an effect greater than the sum of their individual effects.
- r. "Shop Front Trading" shall have the meaning as "Street Trading" in Section 21 (1) of the London Local Authorities Act 1990.
- s. "Special Conditions" are such conditions as it is deemed reasonable by the Council to apply to any licence in addition to the Standard Conditions.
- t. "Street Trading Licence" includes licences issued for Shop Front Trading or the placing of tables and chairs, Parklets, Goods or commodities outside premises whether issued under the London Local Authorities Act 1990 (as amended) or the Highways Act 1980.
- u. "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; 1985 c. 68.
- v. "Street Furniture" means objects placed or fixed in the street for public use, such as post-boxes, road signs, benches, lamp posts, cycle racks, phone booths, etc.
- w. "Suspension" means the exercise of the power to enforce the temporary cessation of trading activities from a stall holder, his/her assistant (from using the pitch area) as may be attached by the Markets Service as a further licence condition or a variation of a current licence in any individual case where it appears reasonable in all the circumstances.
- x. "The Act" means that London Local Authorities Act 1990 as amended.
- y. "The Council" means the London Borough of Hackney.
- z. "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 A Licensed Shop Front Trader shall at all times comply with these conditions. A person who contravenes any of the conditions of a street trading licence may be guilty of an offence and/or subject to appropriate enforcement sanctions in accordance with our enforcement policy. Any contravention of conditions by an assistant shall be regarded as having been committed by the Licence Holder.
- 2.3 Where in these regulations there is reference to our consent or agreement, this consent or agreement may be given on such terms or conditions and subject to such restrictions as we might reasonably specify, any variation shall not take effect until the consent of The Council has been received in writing by the licence holder.
- 2.4 We may vary the conditions of a licence or attach special conditions in accordance with statutory provisions. We may at any time attach such further conditions to a licence as appear to us be reasonable in any individual case. The shop front licence holder may also make an application via the Officer Licencing Panel (OLP) for a variation of the licence. In the event of conflict between these standard conditions and any Special Conditions attached to the licence, the latter will prevail.
- 2.5 The trade, business, or 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 Standings 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 any time in contravention of any Order made under the Shops Act or any other statutory enactment.
- 2.9 Where compliance notices are issued with regard to health and safety and food hygiene legislation the requirements of the notices must be complied with within the period stated in the notice. Failure to do so may result in the removal of your licence.
- 2.10 Where compliance notices are issued with regard to health and safety and food hygiene legislation the requirements of the notices must be complied with within the period stated in the notice. Failure to do so may result in the removal of your licence.
- 2.11 Any damage done to property owned by the Council, by a Licensed Shop Front Trader or their Assistants, is to be paid for in full by the Licensed Shop Front Trader and could face enforcement sanctions up to and including revocation of their Shop Front Licence.
- 2.12 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 revocation of the licence.

- 2.13 If any information given by a trader in an application for a Street Trading Licence is found to be false or misleading, the Council may consider revoking the Licence in question.

3. LICENCES

- 3.1 The Shop Front Trading Licence is merely consent to trade under the Act. It does not constitute any other approval or consent that licence holders might need under bye-laws, regulations or other enactments, such as planning, highways or water supplier consents. Responsibility for ensuring that appropriate approval or consents are obtained or adhered to rests with the licence holder/applicant.
- 3.2 All Shop Front Trading Licences are assessed on an existing criteria and council policy in place at the time of application, therefore the granting of any licence, does not constitute a precedent for the purposes of granting future licences.
- 3.3 The application and renewal process for Shop Front Licence requires a site visit from an Authorised Officer of the Council to assess the application/renewal. This involves reviewing all proposed measurements and requirements listed in the application to ensure they meet the set criteria and the appropriate fee is charged to the proposed licence holder according to the meterage used.
- 3.4 The council reserves the right to make amendments to the existing criteria and council policies, if it is deemed in the interest of the council to do so. Shop Front Licence Holders will be notified in reasonable time of any changes. If changes are made all existing banded licences will be null and void and an authorised officer would attend site and conduct re-measurements to provide accurate meterage for the new licence to be issued.
- 3.5 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. Failure to display your Shop Front Licence will result in the issuance of enforcement sanctions against the licence holder.
- 3.6 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 licensee's public liability insurance.
- 3.7 A Shop Front Trading licence is not transferable.
- 3.8 Only the Shop Front Licence holder and/or their registered Assistants can engage in Shop Front Trading.
- 3.9 When Applying for a Shop Front Licence, only premises that have achieved a minimum standard of a 3* food hygiene rating will be considered for a Shop Front licence.
- 3.10 During the lifetime of the Shop Front Licence any premises which receives a food Standards rating of a 1* or 2* shall have their Licence temporarily suspended until such time they complete the reasonable adjustment and receive a 3* or higher on the follow up visit. Any premises that fails to achieve this will have their Shop Front Licence revoked.
- 3.11 Only those goods or commodities sold in shop Premises can be displayed outside Premises provided they are not excluded items as defined in these regulations.

- 3.12 Only those services provided within the Premises can be provided within the licensed shop front trading area and where a licence permits goods, commodities or tables and chairs to be placed on the street.
- 3.13 All new commodities, goods or services must have been sold inside the Premises for a period of at least 3 months before it can be traded via the Shop Front Licence. The Licence holder will then need to apply for a licence variation request via the OLP in writing to the markets Service for consideration to grant request by the Council.
- 3.14 The 3 months of trading newly introduced commodities, goods or services will commence once written notification has been received by the council.
- 3.15 If wishing to trade from your shop frontage whilst using a Temporary Event Notices (TENS), you will still require a valid Shop Front Trading Licence. Failure to do so will result in an enforcement sanction and potential closure or seizure of goods for illegal trading.
- 3.16 The Council reserves the right to issue Shop Front Trading Licenses to traders who offer commodities that will enhance the viability of the market before any other trader or applicant.
- 3.17 The Council reserves the right to refuse to grant a Shop Front Trading Licence where the cumulative impact on the public highway of granting multiple premises with Shop Front Licence displaying the same or similar Commodities, Goods, Kiosks, Planters, Parklets, Tables & Chairs and in turn having a negative impact on the Street Scene or economic viability of local highstreets due to over saturation,
- 3.18 During the application for a Shop Front Licence the close proximity of premises in a small defined area and impact on the wider community will be a consideration for council when deciding whether to grant a new Shop Front Trading Licence.
- 3.19 The Council's decision regarding cumulative impact or over saturation is final.
- 3.20 Permanent Shop Front Licenses are only available if you meet the required criteria. Any applications/ requests for a permanent licence on miscellaneous sites will be considered at the subsequent OLP, however the Council reserves the right to refuse an application/request, with any decision made by the Council is final.
- 3.21 To apply for a Permanent Shop Front Trading Licence a trader must be a current Temporary Licence holder and will not be considered for a Permanent Street Trading Licence until they have held their Temporary Licence for a minimum period of six months and not incurred any enforcement sanctions within this time. The period of six months gives both the Council and the trader the opportunity to ensure a good fit.
- 3.22 A permanent Shop Front Trading Licence will not be renewed if a Licenced Shop Front Trader is in arrears or has appeared on the arrears report 3 or more times in a calendar twelve months. All Fees and Charges must be fully paid within the financial year and any Permanent Shop Front Trader in arrears during the renewal process will not have their Shop Front Trading Licence renewed and will be prohibited from Shop Front Trading from 1st April on a Permanent Licence.
- 3.23 Any Permanent Shop Front Trader falling into 12.6 above may apply for a Temporary Shop Front Trading Licence and pay the appropriate temporary fees and charges and agree a payment plan

until the arrears are cleared within the agreed timeframe. The council reserves the right to not reissue a permanent licence in the event of persistent arrears.

3.24 A Shop Front Trading Licence shall cease to have effect on being surrendered to the Council by the Licensed Shop Front Trader to whom it was granted. This must be done by way of written cancellation. Cancellations can only take effect from the date received by the markets office. The effective date of surrender will not be earlier than the receipt of the written request to surrender the licence. All outstanding fees and charges shall be payable up to and including the date of surrender of the Licence.

3.25 The Shop Front Trading Licence is for the sole use and benefit of the licence holder and whilst it provides permission to trade and bestows trading rights, it does not confer ownership of the allocated trading area, this is retained exclusively by the council. Licence holders must therefore not assign their licence to anyone else, erect or deploy fixed structures without seeking planning permission, operate outside of licensed hours or sublet any part of their designated trading meterage to another trader. If we have evidence that this condition has been breached, then the licence holder and other persons trading in the designated meterage may be subject to enforcement sanctions, including revocation of the licence.

3.26 Shop Front Traders requesting a variation of their Shop Front Trading licence such as change of commodity or adjustment to meterage etc. must complete an application form and pay the variation fee before requests will be considered at the subsequent OLP, however the Council reserves the right to refuse an application, with any decision made by the Council is final.

4. TEMPORARY STREET TRADING LICENCES

4.1 The holders of a Temporary Shop Front Trading Licence are subject to these Standard Conditions in the same way as holders of a Permanent Shop Front Trading Licence are.

4.2 The holders of a Temporary Shop Front Trading Licence shall receive a visit from an Authorised Officer of the Shop Fronts Service before the granting of a licence to measure and agree the meterage in which Shop Front Trading can commence on site. The decision by an Authorised Officer to allocate meterage available for a Temporary Licence is final.

4.3 The Council reserves the right to withdraw the Licence of any temporary Street Trading Licence holder without notice and will provide reason(s) both verbally and in writing. A temporary trader shall cease trading when requested to do so by an Authorised Officer of the Council or police officer. Following the withdrawal of the Licence, the Council will supply the trader the reasons for the withdrawal of the Licence in writing, where the trader will be able to appeal the decision at the next available OLP panel.

4.4 The refusal by the holder of a Temporary Shop Front Licence to stop trading from the previously agreed shop front trading are allocated by an Authorised Officer may result in enforcement sanctions and potential suspension or revocation of licence.

4.5 The issue of a Temporary Licence is without prejudice to the Council's application process for Permanent Shop Front Trading Licences and does not infer a legal right to the grant of a Permanent Shop Front Trading Licence.

5. SHORT TERM LICENCES

Shop Front Licence of a shorter duration than 6 months will be deemed 'short term' licences

Short Term Shop Front Licences will have the same effect as a Temporary Shop Front Licence and must comply with all of the licence conditions as laid out in these licence terms and conditions.

Short Term Shop Front Licences will have a separate Fee Structure as set out in the council's fees and charges to that of the Temporary or Permanent Shop Front Trading Licences.

The Council reserves the right to Suspend, Revoke or withdraw the ability to grant Short Term Shop Front Licence at any time and will provide traders with reasonable written notice to enact any suspension, revocation or withdrawal of licence.

6. CLEARANCES

- 6.1 The size of any receptacle or display or the area taken up by any Parklets, Planters, Kiosks, Table(s) and Chair(s) shall not exceed the maximum dimensions stated in the licence.
- 6.2 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. Any persistent obstructions evidenced will result in enforcement sanctions being issued.
- 6.3 When processing an application or renewal of a Shop Front Trading Licence, Footfall and Foot Traffic within the vicinity of the proposed/existing meterage both inside and outside of the permitted trading area will be taken into consideration before issuance of a Shop Front licence. This could result in special licence conditions added such as more than 1.2m clear of any obstruction.
- 6.4 No receptacle, display or table(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. Any persistent obstructions evidenced will result in enforcement sanctions being issued.
- 6.5 Where Parklets, Planters, Kiosks, 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 number prescribed in the licence. If found to be exceeding the prescribed numbers then enforcement sanctions will be issued to the Shop Front Licence Holder.
- 6.6 The sizes of Parklets, Planters Kiosks, Table(s) and Chair(s) shall not exceed those prescribed in the licence. If found to be oversizing enforcement sanctions will be issued to the Shop Front Licence Holder.
- 6.7 The maximum dimensions of the area permitted to be used for Parklets, Planters, Kiosks, 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). These barriers must form part of the meterage allowed for Shop Front Trading.
- 6.8 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. These barriers must form part of the meterage allowed for Shop Front Trading.
- 6.9 When processing an application or renewal of a Shop Front Trading Licence, any Street furniture within the vicinity of the proposed/existing meterage both inside and outside of the permitted trading area will be taken into consideration before issuance of a Shop Front licence.

7. INSURANCE

- 7.1 The Shop Front Licence Holder 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 the 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 shop front licence holders of any increase required by letter. A copy of the certificate of insurance shall be handed to the Council on request.
- 7.2 Satisfactory evidence of such insurance must be produced to the Council before a Street Trading Licence and/or Shop Front Trading Licence will be granted or renewed. Failure to produce insurance certificates when requested by an authorised officer 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.
- 7.3 Evidence of such insurance shall be produced by the licence holder 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 licence holder 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 cease their shop front trading activities immediately until suitable insurance is in place and the cover note or policy presented to the Council.
- 7.4 Shop Front Licence Holders 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 licence holders insurer to confirm the details of any policy held or purported to be held and the applicable level of cover and indemnity provided.
- 7.5 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.
- 7.6 A certified copy of the certificate of insurance must be kept on the Premises together with the licence at all times.
- 7.7 Evidence of such insurance shall be produced by a licence holder on demand to an authorised officer of the Council or a police officer.

8. DAYS AND TIMES

- 8.1 A copy of the Shop Front Trading Licence which will display the premises licenced trading days and times must be displayed in the window of the premises where shop front trading is permitted at all times. The copy shall be displayed so that it is clearly visible and legible from the street to authorised officers, officers from other services and agencies and the members of the public.

8.2 Shop Front Trading shall only take place during the days and between the times specified on the Shop Front Licence only. All Fees & Charges must be paid whether or not the shop front licence holder has traded.

8.3 Any receptacle, Display Planter, Kiosk 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. Failure to remove these items will result in a highway obstruction and the Licence holder will receive enforcement sanctions up to and including revocation of their Shop Front Trading Licence.

9. INSPECTION OF LICENCE

9.1 Licence holders shall produce their licence for inspection when requested to do so by an authorised officer or the Council or police officer.

9.2 Where the Council has issued a variation to a licence the varied licence must be displayed on the Premises.

9.3 If alcoholic beverages are consumed in an area licenced 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.

9.4 A Licensed Shop Front Trader or Assistant shall give immediate assistance to Authorised Officers when requested to do so.

9.5 A Licensed Shop Front Trader and/or Assistant shall not use rude or offensive language or behave in an aggressive manner when dealing with an Authorised Officer or member of the Council.

9.6 A Licensed Shop Front Trader and/or Assistant must not commit any acts of harassment (whether racial, sexual or otherwise) against an Authorised Officer.

9.7 A Licensed Shop Front Trader and/or Assistant shall not make offers to bribe, induce or act fraudulently when or in connection with Enforcement, Planning, Street or Shop Front Trading.

9.8 If any Licenced Street Trader and/or Manager/Assistant provides information to an Authorised Officer when requested, that is later found to be false or misleading, the Council may consider revoking the Licence in question.

10. LICENSED AREA AND POSITION

10.1 The Shop Front Licence Holder shall only use the licenced area prescribed in the granted licence (which may be marked or denoted on the ground by means determined by the Council)

10.2 The Shop Front Licence Holder shall not cause or permit Receptacles, Goods, Commodities, Parklets, Planters, Kiosks, 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.

10.3 In respect of catering/licenced establishments, Barriers, Benches, Kiosks, Planters, Receptacles, Tables and Chairs shall not be placed or used outside of the area defined in the licence. The 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.

- 10.4 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.
- 10.5 Any Benches, Commodities, Goods, Kiosks, Parklets, Planters, Receptacles, Tables or Chairs, whether affixed to or projecting from the premises over the public highway will require a Shop Front Licence and are bound by these terms and conditions.
- 10.6 Any permanent fixtures that are affixed to or projecting from the premises over the public highway will require planning permission from the council as well as a shop front licence. If no Planning approval received or presented upon request all affixed or projected fixtures will need to be removed from the designated shop front area at the end of each trading day as specified on the shop front licence.

11. TABLES & CHAIRS

- 11.1 A Shop Front Licence issued by the Council for Shop Front Trading does not give permission to serve alcohol outside, irrespective of a Premises having a licence issued under the Licensing Act 2003 or successor legislation. To serve alcohol a variation of their premises licence must be sought from the council.
- 11.2 All the furniture and barriers used in the confines of the designated shop front trading area shall be suitably stored off the highway outside of the prescribed hours.
- 11.3 The Council is to be expressly exempted for loss, theft or damage of any Barriers, Benches, Commodities, Goods, Kiosks, Planter, Receptacles, Tables and Chairs.
- 11.4 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.
- 11.5 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 Shop Front Licence Holder shall be liable to pay the Council's cost if it has to clean in default.
- 11.6 The Shop Front Licence holder shall not affix or permit to be affixed to the public highway without prior planning approval from the council. The approval or grant of a Shop Front Licence is not an indication of approval for a planning application.
- 11.7 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 the licensed trading day.

- 11.8 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.
- 11.9 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.
- 11.10 No advertising boards may be placed on the public highway or street (this includes A-boards, swing boards and rotating advertisements).
- 11.11 No awning, parasol or other cover shall be placed over the licensed area without consents or permissions being obtained from the Council.
- 11.12 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.

12. PARKLETS

- 12.1 Parklets require both Planning permission and a Shop Front Licence from the Council before they can get authorised to install one adjacent to the Shop Front Licence Holders premises. However if one is granted it does not mean the other will automatically be granted.
- 12.2 Parklets without prior planning approval from the council are prohibited from being placed within the licenced trading area and are not included nor do they form part of any Shop Front Licence.
- 12.3 The Shop Front Licence Holder is solely responsible for the maintenance and cleanliness of the Parklet.
- 12.4 The Shop Front Licence Holder who has received planning and Street Scene approval for the installation of a Parklet must ensure:
- 12.4.1 All Designs are signed off by the council prior to authorising the development, build and installation of the Parklet.
- 12.4.2 All Design and Installation costs are paid for by the Shop Front Licence Holder
- 12.4.3 Parklets should have vertical elements that make them visible to moving traffic and vehicles about to park or pull out of a parking bay in the vicinity of the Parklet, such as flexible posts and/or bollards.
- 12.4.4 There should be a buffer zone at a desired distance as agreed by The Council, to ensure the safety of parklet users. The Shop Front Licence Holder is solely responsible for the Health & Safety of the Parklet users.
- 12.4.5 Parklets should have a desired minimum length of Six (6) feet and shall not exceed the depth of Four (4) feet (or the width of a parking bay).
- 12.4.6 Parklets generally entail the conversion of one or more parallel parking spaces, but may vary according to the site, context and desired character of the installation.

- 12.4.7 Parklets should finish flush with the pavement and curb to permit easy access and avoid tripping hazards.
 - 12.4.8 Parklets will not be permissible on corners and should ideally be sited at least one parking space away from any corner.
 - 12.4.9 Issues for consideration of a Parklet will include; volumes of traffic, sightlines, visibility and lighting.
 - 12.4.10 Parklets should be heavy enough to make theft impossible or unlikely. Site selection will take into account the level of surveillance both during the day and at night.
 - 12.4.11 Seating may be integrated into the design itself or made possible with moving tables and chairs.
 - 12.4.12 Parklets should use a slip-resistant surface to minimize hazards and should be accessible to wheelchair users.
 - 12.4.13 Parklets should include an open guardrail to define the space.
 - 12.4.14 Positioning of the Parklet should avoid obstructing underground utility access and may need to be moved for highways or remedial works.
- 12.5 Parklets where planning approval from the council has been granted and where a Shop Front Trading Licence has been authorised the Shop Front Licence Holder must ensure that:
- 12.5.1 They do not present a danger to the public
 - 12.5.2 They do not present a fire risk or a similar hazard to the site or to the goods displayed
 - 12.5.3 They do not cause a noise or a nuisance because of their smell.
 - 12.5.4 If Flowers, Plants, Shrubbery and Trees are used to merchandise or decorate the Parklet they should be maintained to an acceptable standard at all times.
 - 12.5.5 If any containing Lighting, All electrical wiring and components comply with current Health and Safety and Institute of Electrical Engineers regulations and are tested annually for compliance. The London Borough of Hackney may require annual test certificates for all apparatus in use on a Shop Front Licenced site.
 - 12.5.6 They do not present an Anti-Social Behaviour issue (ASB)
 - 12.5.7 They are not used for the concealment or consumption of illegal substances
 - 12.5.8 They are free of human and animal excrement and waste
 - 12.5.9 They are free of Graffiti
 - 12.5.10 They are free of any domestic or flammable waste

13. PLANTERS

- 13.1 Planters without prior planning approval from the council are prohibited from being placed within the licenced trading area and are not included nor do they form part of any Shop Front Licence.
- 13.2 Planters that are dual use as seating and as a receptacle for Flowers, Plants, Shrubbery and Trees but do not have planning permission to leave permanently on the public highway must be easily removable and removed to a separate place of storage at the end of the trading day to enable cleaning and maintenance of the highway. They must be removed no later than 30 minutes after the time shown on the licence for the end of trading.
- 13.3 Planters where planning approval from the council has been granted and where a Shop Front Trading Licence has been authorised the Shop Front Licence Holder must ensure that:
- 13.3.1 They do not present a danger to the public
 - 13.3.2 They do not present a fire risk or a similar hazard to the site or to the goods displayed
 - 13.3.3 They do not cause a noise or a nuisance because of their smell.
 - 13.3.4 The presentation of Flowers, Plants, Shrubbery and Trees are maintained to an acceptable standard at all times.
 - 13.3.5 If any containing lighting, all electrical wiring and components comply with current Health and Safety and Institute of Electrical Engineers regulations and are tested annually for compliance. The London Borough of Hackney may require annual test certificates for all apparatus in use on a Shop Front Licenced site.
 - 13.3.6 They do not present an Anti-Social Behaviour issue (ASB)
 - 13.3.7 They are not used for the concealment or consumption of illegal substances
 - 13.3.8 They are free of human and animal excrement and waste
 - 13.3.9 They are free of Graffiti
 - 13.3.10 They are free of any domestic or flammable waste
 - 13.3.11 Planters interior and exterior must be in good, presentable, robust and structurally sound condition (not cracked, frayed or damaged exposing sharp edges) at all times.
- 13.4 Any Planters used as part of the Shop Front Licence must be within the confines of the trading meterage as specified on the Shop Front Licence itself.
- 13.5 The Shop Front Licence Holder will be accountable for the responsible disposal of all refuse from the site and at the end of trading ensure that the site is cleansed and left entirely free of obstruction.
- 13.6 The Shop Front Licence Holder is liable to pay for any damages to the public highway caused by the use or removing of said planters or if the council are unable to access the area or cleanse the area due to the planters being left illegally on the public highway, Enforcement sanctions will be issued and the cost will be charged to the Shop Front Licence Holder.

- 13.7 There must be a minimum distance of at least 1.2 metres between the front of the trading area and the kerbside but this is subject to assessment of pedestrian access at the site by an authorised officer who may increase the distance as a special condition added to the licence to improve public access and safety. This includes an allowance for pedestrians to stand and view the goods and for other pedestrians to pass safely.

14. RECEPTACLES & MOBILE PHONE KIOSKS

- 14.1 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. Persistent use of such items will be deemed a breach of the licence conditions.
- 14.2 Goods must not be placed directly on the street unless allowed to do so as specified within the licence.
- 14.3 Where the Council has licensed the display of bulky furniture or similar 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.
- 14.4 Displays shall be constructed and maintained so as not to become unbalanced or otherwise unstable. They shall be free from protruding nails or other hazards likely to cause injury or damage to a person or their property
- 14.5 Displays should be well merchandised and presented with prices clearly labelled
- 14.6 Displays shall be constructed so as to be immediately removable.
- 14.7 Nothing shall be placed or stored underneath a display.
- 14.8 No display Receptacle, table or chair shall be used if it is likely to damage the street.
- 14.9 Nothing shall be secured or temporarily or permanently affixed to either the street or street furniture in the vicinity of the licensed area.
- 14.10 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.
- 14.11 Premises that require a Shop Front Licence to display Commodities and Goods will require a separate and additional Shop Front Licence for the use of Benches, Kiosks, Parklets, Planters, Tables and Chairs
- 14.12 Premises that require a Shop Front Licence for Benches, Kiosks, Parklets, Planters, Tables and Chairs will require a separate and additional Shop Front Licence to display Commodities or Goods.

- 14.13 No permanent structure and/or unauthorised marking of any kind will be permitted on the public highway. Unauthorised structures or unauthorised markings on the public highway may be removed by the Council and the cost of doing so is charged to the licensee.
- 14.14 The display or stand must be of sufficient contrast to its surrounding area and so constructed to prevent a hazard to visually impaired footway users. (The colours and type will be agreed before the grant of a licence).
- 14.15 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.
- 14.16 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.
- 14.17 The display/stand must be removed from the street when not in licensed use.
- 14.18 Real Deal - a Licensed Shop Front Trader is prohibited from supplying illegal goods, which includes illegal drugs, drug paraphernalia, stolen goods, suspected stolen goods, counterfeit/pirated goods, unsafe goods, tobacco or other nicotine goods and alcoholic goods.
- 15.19 Real Deal - a Licensed Shop Front Trading is prohibited from supplying illegal services, which includes hacking or jailbreaking of mobile phones, laptops or other electronic devices, solicitation, money laundering, loan sharking or installation of tracking, spy or malware onto devices of unverified ownership,

15. A BOARDS

The Shop Front Licence is for the display of Barriers, Benches, Commodities, Goods, Kiosks, Parklets, Receptacles, Tables and Chairs on the public highway. "A" Boards, Swing Boards and Rotating Advertising Boards are strictly prohibited from being placed within the licenced trading area and are not included nor do they form part of any shop front licence.

Persistent use of or persistent refusal to remove an "A" Board, Swing Boards and Rotating Advertising Boards will be treated as a serious contravention of the terms and conditions of the Shop Front Licence and appropriate enforcement sanctions will be taken against premises owners or Licence holders to include issuance of Fixed Penalty Notice/s or prosecution proceedings and or revocation of the Street Trading Licence.

For further information of A Boards, Swing Boards and Rotating Advertising boards in the London Borough of Hackney please visit:

- <https://www.hackney.gov.uk/media/2675/A-board-guidance/pdf/A-board-guidance-singles>

16. TRADING ON PRIVATE LAND

Any private land that is not fenced off and permanently enclosed to prevent public access, without the payment of a Fee and is within Seven (7) Metres of any public road or footway, will require a Shop Front or Street Trading Licence from the Council.

The Seven (7) Metres will be measured from the boundary where the private land abuts the public highway, to where the transactions are taking place.

There is a two tier fee system for private land (This does not apply to public land):

16.1 Payments made in advance will receive a discounted fee.

16.2 Payments made on the day will be liable for the full fee for trading.

17. PERMITTED GOODS AND SERVICES

17.1 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 Shop Front Licence Holder. In exceptional circumstances where with the written consent of an adjoining Premises owner a Shop Front Trading licence extends to the frontage of an adjoining Premises this condition may be dispensed with for the area in front of that Premises only.

17.2 Any Shop Front Licence Holder who would like to trade from an adjoining premises must first obtain written consent from the proprietor of the adjoining premises and submit it to the council for approval before applying for a variation to their licence.

17.3 No part of any shop front display or licensed area shall be sub-let or loaned to any other person or business. Any evidence obtained or gathered of any such action will be considered a serious breach of the terms and conditions of the shop front licence and enforcement sanctions will be issued up to and inclusive of Suspension of licence, Issuance of Fixed penalty notices and potential revocation of the licence and the ability to shop front trade for a minimum of 12 months.

17.4 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.

17.5 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,

18. CONDUCT & BEHAVIOUR

18.1 Hackney Council will not tolerate abuse or intimidation of any sort. Shop Front Trading Licence holders are required to ensure that they and their assistants are at all times competent, courteous and helpful, treating members of the public, other licence holders, Authorised Officers from the Market Service or any other council officers or officers from other agencies fairly, reasonably and with respect.

18.2 Shop Front Trading Licence holders or their assistants must not commit any acts of harassment (whether based on race, gender, sexual orientation, age, disability, religious belief or other) against any person, including council officers and their own employees. Harassment is considered to include, but is not limited to:

- Violence or threats of violence towards any person.
- Abusive, racial or insulting words and/or behaviour towards any person.
- Damage or threats of damage to property belonging to another person.
- Writing threatening, abusive or insulting graffiti/emails or other correspondence.

- Refusal, without reasonable cause, to serve or permit access to a stall, licensed site, premises or services.
 - Sexual acts or comments towards any person.
 - Persistent comments of a derogatory or malicious nature towards a council officer or member of the public.
 - Any act or omission calculated to interfere with the peace or comfort of any person, to inconvenience such person or otherwise considered to bring the markets into disrepute.
- 18.3 Shop Front Trading Licence holders and their assistants must cooperate in allowing Shop Fronts service officers, other staff and contractors employed by the council or representatives from other agencies to carry out their duties, which includes complying with any reasonable request or instruction. Such requests may include the production of documents such as those related to food registration where applicable.
- 18.4 Any complaints deemed by the Market Service to be of a serious nature against a Shop Front Trading licence holder and/or their assistant by members of the public, other premises, council officers or relevant third parties may be regarded as grounds for preventing/suspending them from trading until the matter is resolved, or could lead to a revocation/refusal to renew a licence.
- 18.5 Any allegations made by Shop Front Trading Licence holders or assistants against members of the public, other licence holders or council officers will always be fully investigated. However, if such allegations are found to be without factual basis and were made in a frivolous or malicious and/or disingenuous manner, then the suitability of the individual responsible for the allegation to hold a street trading licence (whether permanent or temporary) or be a registered assistant may be called into question and will also be deemed to be a breach of conditions and those responsible may be subject to further enforcement sanction, which could lead to a revocation/refusal to renew a licence.
- 18.6 In order to protect our community, any existing Shop Front Trading Licence holder or who is convicted, cautioned, arrested, warned or admits to the commission of any offence relating to Assault ,criminal damage, drugs, dishonesty, public order, weapons or bladed articles, sexual offences, non-fatal offences against the person, consumer related offences (including safety, counterfeit, copyright, pricing and food hygiene) or the unlicensed sale and supply of alcohol will have their licence reviewed to consider their continued suitability to trade or remain as a registered assistant. In addition, licence holders and their assistants are strictly prohibited from trading whilst under the influence of alcohol or illegal substances.
- 18.7 Licensed Shop Front Traders and/or their assistants must not make an offer to bribe or induce a Council officer or act fraudulent in connection with Shop Front Trading. If found to be doing so it will be deemed to be a breach of conditions and those responsible may be subject to further enforcement sanctions, including revocation/refusal to renew a licence.
- 18.8 Licensed Shop Front Traders and/or their assistant shall not consume or cause to be consumed alcohol or any illicit substance pending revocation. If found to be doing so it will be deemed to be a breach of conditions and those responsible may be subject to further enforcement sanctions, including revocation/refusal to renew a licence.
- 18.9 The serving of customers shall be confined to the licensed area only.
- 18.10 No customer shall be charged for admission to the licensed area.
- 18.11 A Shop Front 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.

- 18.12 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.
- 18.13 The customer should be able to conveniently view the Goods being weighed, measured, etc. within the Premises before they confirm their intention to purchase.
- 18.14 A Shop Front 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.
- 18.15 The council expects and seeks high standards of management of shop front trading areas and will seek to revoke the licence if this is not maintained and the terms and conditions of licence are not adhered to.

19. ROOFING OF SHOP FRONTS

- 19.1 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 and formal written consent and approval having been obtained from the council.

20. REMOVAL OF DISPLAYS AND STANDS

- 20.1 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.
- 20.2 A Shop Front Licence Holder electing to cease trading before the time denoted in the licence shall remove the Benches, Commodities, Goods, Kiosk, Planters, Stall, Tables and Chairs at that time to the place of storage.
- 20.3 A Shop Front 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.
- 20.4 Shop Front Licence Holders and their assistants shall temporarily remove Commodities, Displays, Goods, Kiosks, Planters, Tables and Chairs and anything else under their control as directed by the Council or a police officer for so long as may be necessary in the event of:
- 20.5 An emergency (including any public demonstration, congregation or disorder in the area);
- 20.6 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,
- 20.7 To enable statutory undertakings to maintain their services.

21. REFUSE

- 21.1 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.

- 21.2 No refuse or litter shall be allowed to accumulate or be placed in the street or street litter bins.
- 21.3 No vehicle shall be used for the storage of such Refuse.
- 21.4 The Licence Holder shall produce on demand to an authorised officer of the Council, proof of a contract for the disposal of trade Refuse.
- 21.5 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.
- 21.6 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.
- 21.7 The Licence Holder must ensure that litter and waste generated by the business is removed only to an authorised place of disposal.
- 21.8 The shop front area is to be kept clean and maintained in a clean condition throughout the day.

22. NAMES OF ASSISTANTS AND RESTRICTION OF EMPLOYMENT

- 22.1 Only the Licence Holder can engage in Shop Front Trading.
- 22.2 The Shop Front Licence Holder shall give any other information regarding employees acting assistants as may reasonably be required by the Council.
- 22.3 A Shop Front 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 licensed area or any related activity.
- 22.4 The Shop Front Trading Licence holder must supervise any Assistant that they employ. If their Assistant breaches **any** of the conditions of the Street Trading Licence, then the Licence holder **will be liable** for the breach and enforcement sanction may follow as a result. This may be in addition to any action taken against the Assistant.

23. ADMINISTRATION

- 23.1 Shop Front Licence Holders and assistants shall give reasonable assistance to Council officers and their contractors in carrying out their duties.
- 23.2 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.
- 23.3 On submitting an application for a licence, the applicant must provide the following:

- 23.3.1 One passport sized photographs of the Licence Holder with the Licence Holder's signature on the back.
- 23.3.2 Two proofs of Licence Holder's home address and business Premise's address which is no older than 3 months.
- 23.3.3 Documentary proof of the Licence Holder's National Insurance Number.
- 23.3.4 Documentary proof of a commercial trade waste agreement.
- 23.3.5 The requisite application fee.
- 23.3.6 Proof of Planning consent where necessary.
- 23.3.7 Proof of ownership or other right to occupy the Premises to which the Shop Front Trading application relates.
- 23.3.8 Such proof of having carried out consultation as may be required by the Council.
- 23.3.9 The application fee was notified to the applicant in writing.
- 23.4 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.
- 23.5 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.
- 23.6 The sending of emails, 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.
- 23.7 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.
- 23.8 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 Licence to be suspended or revoked.
- 23.9 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 revoked or application withdrawn.
- 23.10 Licenses are not transferable and at all times remain the sole property of the London Borough of Hackney and may be suspended, withdrawn or revoked at any time.
- 23.11 If the Shop Front Licence Holder wishes to surrender their Licence this must be sent to or handed into the markets office in person. The Shop Front Licence Holder is liable for all fees & charges accrued during the period up to the receipt of licence by the council.

24. PAYMENT OF CHARGES

24.1 All Fees and Charges must be fully paid within the financial year and any Permanent Shop Fronts Licence Holder in arrears during the renewal process will not have their Shop Fronts Trading Licence renewed and will be prohibited from Trading from 1st April on a Permanent Shop Front Trading Licence. Any Shop Front Trading Licence holder who fails to clear their outstanding debt and/or persistently falls into significant arrears (with or without proposals to revoke being made) is considered to have breached their Licence conditions. We therefore reserve the right to undertake further enforcement sanction regardless of whether the debt is discharged in the meantime. This may include attaching further conditions to or varying the Licence conditions as we consider appropriate.

24.2 The Council reserves the right to commence proceedings in the County Court to recover all arrears. This is without prejudice to any other enforcement sanction that has been or may be taken by us.

24.3 Shop Front Trading Licence holders are also required to pay additional charges reasonably demanded by us for actions like damage to Council-owned street furniture, the production of excessive refuse, damage/staining to pavements/blocked drains through discharge of Animal By-Product or liquids within fourteen days of us demanding payment from them. This is without prejudice to any enforcement sanction that has been or may be taken by us or any other agency.

24.4 If they fail to pay these other charges, then we reserve the right to apply a further charge added to the next monthly trading charge. A charge may also be made for all reasonable administrative costs incurred by the Council in the recovery of arrears, taking enforcement sanction or for additional late payments.

24.5 Permanent and Temporary Shop Front Licence Holders are required to use an electronic payment method acceptable to the Market Service and use a self-service online traders' portal to make transactions with the Council, this includes applications for licences, variations making online advance payments for invoices and temporary trading and booking pitches. Debit or credit card payments can be made at the Markets office. In the event that payment is by credit card an additional fee as notified may be levied. Cheques submitted to the Market Service will not be accepted.

25. ENFORCEMENT

25.1 Any Shop Front Licence holder, who contravenes any of the conditions of their licence shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 3 (£1,000 as at 7th February 2012) of the standard scale as provided by section 34(1) of the London Local Authorities Act 1990 (as amended). The Council reserves the right for its authorised officers to prosecute any person who contravenes the conditions of their licence.

25.2 Where the Council does not prosecute in the courts any person who contravenes any of the conditions in their licence may be subject to one of the following penalties in their licence.

- The issue of **Verbal** warning, where the trader will be advised they are breaching their Terms and Conditions, and if appropriate be given a time period to fix the issue (time to fix issue will be dependent on Authorised Officer's discretion. If the offence is deemed to be causing a major issue the time given may be much shorter than other offences)

- **Written & Final** Written Warning, the Trader will be issued a formal warning in writing stating the offence, and if appropriate time to fix the issue (the time set will be at the discretion of the Authorised

Officer depending on the offence committed) If persistent contraventions occur a final written warning will be issued.

-The issue of **Fixed Penalty Notices (FPN)**, the trader will be issued with a FPN for the offence committed. If an FPN is issued the Authorised Officer will document evidence in the form of notes and photographs (where applicable)

- **Seizure** of goods or other materials, where applicable the authorised officer may seize goods and issue a FPN for the offence committed and the goods/materials may be used in evidence if the council chooses to prosecute.

- **Suspension** and/or **Revocation** of trading rights (in accepting a licence to trade with these standard conditions the trader hereby confirms acceptance of the right of Council to suspend them from trading in the circumstances set out in these regulations and further confirms they will cease trading and leave the market when requested to do so by an authorised officer of the Council or Police Officer. The council reserves the right to skip stages where the offence or contravention is considered serious and appropriate to do so.

25.3 Any breach of these conditions may lead to proceedings for licence revocation, licence application refusal, variation of licence conditions or the imposition of further conditions. Breach of conditions may also lead to prosecution.

25.4 Persistent breach of conditions will be considered as an indication that a person is not fit to hold or be granted a licence to trade within the London Borough of Hackney and may lead to licence revocation, licence application refusal, licence variation or imposition of further conditions.

25.5 If a serious breach of the terms and conditions is alleged to have been committed. The Shop Front licence holder may be placed on immediate suspension pending investigation.

25.6 Where it is necessary to carry out a full investigation, the case will be progressed without undue delay (maximum period four weeks). During this time Licence holders will be unable to trade from their shop front until the investigation is complete:

25.6.1 Once the investigation is completed unless the Licence is revoked, the trader can resume trading. Investigations will only be carried out by a manager within the Service and conducted in a confidential and timely manner.

25.7 Failure to pay licence fees and charges for 4 weeks shall be grounds for the suspension and/ or revocation of the licence.

25.8 If an enforcement sanction is issued, the licence holder has the right to appeal the enforcement action taken against them. All appeals should be made to the shop fronts team leader in the first instance in writing within 7 days of any action being taken. If the action is taken by the shop fronts team leader the appeal will be heard by the service area manager.

25.9 If the licence has been revoked, the trader has the right to appeal the revocation and can do so in writing to the magistrates' court within 21 days of the decision.

25.10 Any revocation of a Permanent or Temporary Shop Front Licence will result in the trader being unable to apply or hold a Shop Front Licence in the London Borough of Hackney for the next 12 months but may reapply after this period for a Temporary shop front trading Licence.

26. SHARING INFORMATION WITH THIRD PARTIES

- 26.1 The Markets Service may disclose the personal details of licence holders to third parties who have a legal right to such information. This includes other regulatory and law enforcement agencies and those who may require the information in connection with a civil action in the Courts.
- 26.2 To comply with money laundering legislation, the Markets Service will report any transactions for street trading licences or charges which we consider to be suspicious to the relevant agencies.
- 26.3 To comply with the proceeds of crime act (POCA) we the markets service may share information with third parties who have a legal right to such information such as HMRC and the National crime agency when investigating issues such as subletting.

Appendix 3:

Proposed Markets/Street and Shop Front Trading Conditions – Consultation Report

Standard Markets & Street Trading Licence Proposals Consultation Report

Aim of Consultation

The on-going sustainability of Hackney's vibrant markets and street trading scene is dependent on the Council's ability to proactively manage and develop this, supported by a current and comprehensive set of MSTC. Having last been amended in March 2018, we are now proposing to update these as:

- They do not reflect current professional market management requirements.

- They do not cover current legislation adequately, particularly Health & Safety and Food Hygiene.
- Due to the different natures of the various markets, it is more difficult for some traders to comply with the existing terms than others, it is essential to have a standard set of conditions that it is fair, transparent, consistent and practical for all traders to comply with on all markets.

As part of the statutory consultation process, the Council would like to hear your views on the proposed changes to the conditions so that these can be considered before any revised terms are implemented.

Methodology

When did the consultation take place?

The consultation ran from 11th November to 31st December 2019, and was further extended to 15th January 2020 to allow written submissions from the Ridley Rd Traders Association which was sufficient to satisfy the minimum statutory period of 4 weeks.

How could participants take part?

Individual traders could take part in four ways:

- Paper Survey – A paper survey was posted to all licenced street traders together with all relevant supporting information including the consultation document, summary of proposed changes & freepost return envelope. Information was also provided on how to obtain further information and on how to complete the survey online.
- Further copies were also available at the drop-in events or on request from Market Services.
- Online Survey – An exact replica of the paper survey was created on the Council's 'Citizen Space' consultation hub, including links to all relevant consultation material.
- Attendance at a drop-in sessions (please see below for details)
- During on-site engagement with traders by market staff (please see below for details)

Drop-in sessions

In advance of the consultation, a total of eight drop-in events were organised for traders at different times and days of the week to enable as many as possible to attend should they wish, with Market Officers present to discuss the proposed changes with traders and answer any questions that they may have. Please see the following link for the feedback and questions received from those that attended the sessions:

<https://docs.google.com/spreadsheets/d/1FiljWCVgKcK-u0eL9d1GLWoRBx8FDIRkeJudWyU2mE4/edit?usp=sharing>

The sessions took place at both the Parking and Markets and Street Trading offices, on the following dates:

Location: 2b(ii), Kingsland Shopping Centre, Kingsland High Street, Dalston E8 2LX

11th November: 11am - 12pm

15th November: 3pm - 4pm

19th November: 12pm - 1pm

26th November: 4pm - 5pm

Location: 136-142 Lower Clapton Road, London E5 0QD

13th November: 5pm - 6pm

18th November: 5pm - 6pm

19th November: 5pm - 6pm

21st November: 2pm - 3pm

Meeting with Ridley Road Traders - 21st November 2019

Some of the Ridley Road traders suggested holding a separate meeting for Ridley Road traders only. This was accommodated based on the traders' requests to have a meeting on a Wednesday or Thursday around lunch time. This was provided in the form of two (2) additional drop in sessions in the Townhall and a further one (1) additional drop in session on the evening of the 5th of December 2019 at the Markets & Street Trading Office in Ridley Road bringing the total drop in sessions to 11 throughout the consultation process.

Please see the following link for notes of the meeting:
<https://docs.google.com/spreadsheets/d/1FiljWCVgKcK-u0eL9d1GLWoRBx8FDIRkeJudWyU2mE4/edit?usp=sharing>

Feedback response from the RRMTA - 15th January 2020

The Ridley Road Markets Traders Association (RRMTA) requested additional time to provide their feedback on the revised terms and conditions which was granted to them by the Head of Service and given an additional 15 days to provide their submission by the 15th of January.

See the following link for the feedback received from the RRMTA and the response the Council provided: <https://docs.google.com/spreadsheets/d/1FiljWCVgKcK-u0eL9d1GLWoRBx8FDIRkeJudWyU2mE4/edit?usp=sharing>

Communications

All licence holders received a copy of the consultation pack directly to their home addresses. These were posted to them before the 11th November 2019, including information on engagement activities such as drop-in sessions.

Posters were placed prominently across the market sites to both inform traders of the consultation and of the dates, times and locations of the drop-in sessions.

A further email was sent to all active licence holders who have provided an email address to the service as part of their licence application on the 8th of November and on the 11th of November 2019 to remind them of the dates for the closure of the consultation, provided links to the online hub and consultation documentation and details of the drop in sessions.

Data Inputting and analysis

Paper copies of the survey were returned to Market Services to be inputted manually onto the Council's online system - Citizen Space for analysis. The statistical data and representations made have been analysed on Citizen Space by Council Officers.

Who took part?

Traders

A total of 25 individual responses were received, with the table below showing a breakdown by market and licence type (permanent or temporary).

Market	Number of Licences			Responses		
	Perm	Temp	Total	Perm	Temp	Total
Ridley Rd	123	60	183	7	3	10

Hoxton	21	22	43	2	1	3
Kingsland Waste	2	7	9	0	0	0
Broadway	33	88	121	4	6	10
Chatsworth Rd	0	71	71	0	2	2
Well St	0	2	2	0	0	0
Other	0	40	40	0	0	0
Total:	179	290	469	13 (7%)	12 (4%)	25 (5%)

Data Set

Despite a concerted effort to engage with traders as described by the activities above over the extended consultation period, it is important to highlight that the data set for the consultation remained relatively small (25 or 5% as a response total out of a possible 715 responses) making any meaningful in-depth analysis difficult to achieve and unreliable.

Summary of Key Findings

Quantitative Data

Overall there was broad support from across the markets and Street Trading Licence holders, with a total **68%** of traders who responded stating that they either agree or strongly agree with the proposals, with **12%** neither agreeing nor disagreeing and **20%** expressing that they disagreed and strongly disagreed.

Support for the proposals was broadly similar between permanent traders with **32%** stating that they either agree or strongly agree with the proposals **36%** of temporary traders stating that they either agree or strongly agree with the proposals.

Based on the responses received, all markets showed overall support for the proposals. Full statistical data is provided below.

Qualitative Data

Only 25 representations were made during the course of the consultation, covering the following relevant topics:

- Comments re Traders Associations
- Positive comments re proposed T&C's
- 51% Trading rule
- Concerns around proposed terms and conditions

11 representations provided no comments on the consultation feedback. 3 representations included comments that were not relevant to this consultation.

Full details of representations made can be found in the Qualitative Data (Representations) section of this document.

Qualitative Data

By Trader Licence Type

The findings from the consultation, although from a small data set, suggest that traders are generally more in agreement with the proposals than against, as the table below demonstrates:

	Strongly Agree	Agree	Neither /Nor	Disagree	Strongly Disagree	Total	Response rate (%)
Perm	5	3	1	1	3	13	52%
Temp	5	4	2	0	1	12	48%
Total	10	7	3	1	4	25	

- **68% of respondents either agree or strongly agree with the proposed changes**
- 12% are neutral
- 20% disagree or strongly disagree with the proposals

The response rates from permanent and temporary traders, 52% and 48% respectively, suggest that both groups have a similar level of interest in the proposed changes.

By Market

Ridley Rd

	Strongly Agree	Agree	Neither /Nor	Disagree	Strongly Disagree	Total	Overall Response rate (% of 25 responses)
Perm	3 (43%)	1 (14%)	1 (14%)	0 (0%)	2 (29%)	7	28%
Temp	2	1	0	0	0	3	12%

	(67%)	(33%)	(0%)	(0%)	(0%)		
Total	5 (50%)	2 (20%)	1 (10%)	0 (0%)	2 (20%)	10	40%

- **57% of permanent traders & 100% of temp, which make up the majority of respondents, either 'agree' or 'strongly agree' with the changes proposed.**
- 29% of permanent traders stated that they 'strongly disagree' with the proposals and none stating that they disagree. No temp traders 'strongly disagree' or 'disagree' with the proposals.
- 14% of permanent traders neither agree nor disagree with the proposals.

Broadway Market

	Strongly Agree	Agree	Neither/ Nor	Disagree	Strongly Disagree	Total	Overall Response rate (% of 25 responses)
Perm	2 (50%)	1 (25%)	0 (0%)	1 (25%)	0 (0%)	4	16%
Temp	2 (33%)	1 (17%)	2 (33%)	0 (0%)	1 (17%)	6	24%
Total	4 (40%)	2 (20%)	2 (20%)	1 (10%)	1 (10%)	10	40%

- **75% of permanent traders & 50% of temp, which make up the majority of respondents, either 'agree' or 'strongly agree' with the changes proposed.**
- 17% of temp traders 'strongly disagree' with the proposals, with 25% of permanent traders stating that they 'disagree' with the proposals.
- 20% of respondents neither agree nor disagree with the proposals.

Hoxton Market

	Strongly Agree	Agree	Neither/ Nor	Disagree	Strongly Disagree	Total	Overall Response rate (% of 25 responses)
Perm	0 (0%)	1 (50%)	0 (0%)	0 (0%)	1 (50%)	2	8%
Temp	0 (0%)	1 (100%)	0 (0%)	0 (0%)	0 (0%)	1	4%
Total	0 (0%)	2 (67%)	0 (0%)	0 (0%)	1 (33%)	3	12%

- **50% of permanent traders and 100% of temporary traders agreed with the proposals, although there are only 3 responses.**
- 50% of permanent traders strongly disagreed.

Chatsworth Rd

	Strongly Agree	Agree	Neither/ Nor	Strongly Disagree	Disagree	Total	Overall Response rate (% of 25 responses)
Perm	n/a	n/a	n/a	n/a	n/a	n/a	n/a
Temp	1 (50%)	1 (50%)	0 (0%)	0 (0%)	0 (0%)	2	8%
Total	1 (50%)	1 (50%)	0 (0%)	0 (0%)	0 (0%)	2	8%

- **100% of traders either agreed or mostly agreed with the proposals.**
- No responses indicated that they mostly/disagreed with the proposals.

Kingsland Waste

	Strongly Agree	Agree	Neither/ Nor	Strongly Disagree	Disagree	Total	Overall Response rate (% of 25 responses)
Perm	0	0	0	0	0	0	0%
Temp	0	0	0	0	0	0	0%
Total	0	0	0	0	0	0	0%

There were no responses for Kingsland Waste, however there are only a total of 7 licence holders for this market.

Well St. Market

	Strongly Agree	Agree	Neither/ Nor	Strongly Disagree	Disagree	Total	Overall Response rate (% of 25 responses)
Perm	0	0	0	0	0	0	0%
Temp	0	0	0	0	0	0	0%
Total	0	0	0	0	0	0	0%

There were no responses for Well St Market, however there are only two licence holders for this market.

Other sites

	Strongly Agree	Agree	Neither/ Nor	Strongly Disagree	Disagree	Total	Overall Response rate (% of 25 responses)
Perm	n/a	n/a	n/a	n/a	n/a	n/a	n/a
Temp	0	0	0	0	0	0	0%
Total	0	0	0	0	0	0	0%

There were no responses for other sites. There are a total of 40 traders that are licensed to trade in other sites.

The lack of responses from these traders may indicate that there are little to no concerns around the new proposals.

Representations (Qualitative Data)

There were a total of 25 written representations received, broken down by market and trader type below:

	Temp	Perm	Total	% Response
Ridley Rd	3	7	10	40%
Hoxton	1	2	3	12%
Broadway	6	4	10	40%
Chatsworth Rd	2	0	2	8%
Well St	0	0	0	0%
Total:	12	13	25	100%

Due to the low number of representations it is difficult to identify trends around these, however relevant feedback, grouped into sections, includes:

Comments made about Traders Associations

"Finally something positive for us traders - Fed up with underhand dealing of the BMTRA - Thank you Hackney"
Broadway trader

"An end to bribery and a corrupt market service and association - No more RRMTA."
Ridley Road trader

"Glad the council are finally dealing with the subletters and giving fair choices to traders.

The 51% rule is fair and I am here all the time, why should they not be here it's not fair.

The RRMTA is a racket and (Redacted) is a crook who takes money to do things for people.”
Ridley Road trader

“About time the council dealt with the subletting and stopped the RRMTA ruining the market. Fees are fair, terms are fair now traders can all trade the same.”
Ridley Road trader

Positive comments about proposed T&C's

“After years of allowing subletting and backhanders dictating Rilley Rd, a council and officers who has the balls to stop it all. Well done.”
Ridley Road trader

“Happy - the terms and conditions are fine with me , only people who are doing things wrong will have issues.”
Ridley Road trader

“Dont have anything to say really Broadway Market is a lovely Market Love the peoples & the persons that works there. Never had any issues except for the closing gate that shut at 6am. But nothing major great work, carry on like that.”
Broadway trader

“The terms and conditions are breath of fresh air.

Traders have had an input and the council works with us and not against us.”
Broadway Trader

51% trading time

“5.1 Its nearly 2020, not many businesses survive with one outlet one day a week, many owners have other outlets to run. Unless you employ more Staff to monitor this, how can you possibly implement it? How many Licensees would you expect to lose if you did implement it? I have been advised, the way around this is for a current Licence to hand the License over to an employee - this is not a rational thought out answer, no business owner would hand over control of their License to Staff. Perhaps you could look at having Proxy Licensee's? Or think of a modern business model for this . This needs further investigation and Consultation with Licensee's.”
Broadway trader

“The suggestion that the named trader who holds the license must attend the market each day 51% of the time makes no sense what-so-ever and should not be implemented. The purpose of this rule is not clear. If this is supposed to help to detect and prevent sub-licensing, it is not effective. There are far better and more effective ways to prevent this type of fraud. This rule is a restriction to trade which will: ill effect partnerships, employment opportunities, business development and expansion, and it discourages ‘makers’ from getting involved with markets.”
Broadway Trader

Comments re proposed terms and conditions

“The argument has been put forward that Broadway Traders should pay more because of the larger footfall than at other markets. This has not been proved, but regardless this is not a

proper reason. Markets can be required to break even but they should not be taxed to support other services or developments. Broadway Market developed as a local market that gained, through the management of the BMTRA, as an international destination. The BMTRA wants to retain its identity as a local market and not developed simply as a tourist destination, like Borough Market, which the Market Department compares it to.

The consultations disproportionately concentrates on the traders responsibilities without focusing on the responsibilities of the Council to provide proper sustainable services to the traders and the public. There is too much, "you will do this", and not enough talk of partnership and contractual relationships. Central to this criticism is the Markets Departments expectation put on Permanent Traders, without the provision of the central benefit of a permanent license, that is, a pitch. The council has refused to provide proper permanent pitches to traders, yet expect them to fulfil all the responsibilities.

If the Council wants permanent traders on Broadway Market, they must provide permanent pitches. Traders cannot be asked to comply with these rules unless the Council provides the principle right of a permanent trader to a permanent pitch."

Broadway trader

"we are self employed business people - Not employees of Hackney Council. Some of the changes proposed are draconian and gives the Council/ Inspectors excessive powers that could and will destroy many businesses.

successive regimes have shown little to no respect or understanding of how difficult it is to run a business in these internet dominated days...the last thing that beleaguered traders need is more oppressive terms (proposed)".

Hoxton trader

"Attendance & Trading.

5.3 If I am going to the toilet for three minutes or five minutes I have to close up the stall, I don't agree to that.

2.7.3 Regarding the price inclusive of VAT display on them, It will not work. Remember this is an open market not a shop. It is difficult to control."

Ridley Road trader

"You have more or less doubled the Terms and Conditions of the Licence. Why? Many of these Terms and Conditions are not needed and its obvious they cannot be implemented.

3.8 Is very draconian, Market Services should be working with Traders in arrears, as you know cash flow is business can be very intermittent. A Trader could easily be in arrears 3 times in any 12 months. At present the Administration of payments is very poor, its easy to overpay and Market Services do not produce Statements of Account. Nor do you provide a Traders Handbook for reference. Officers are not consistent when asked a query.

3.18 - Why just Ridley Road, surely this is discrimination? If you are having a problem managing Ridley Road Market, Market Services needs better/more Management. Management should be implementing temporary Policies and Procedures not changes to Licence Terms and Conditions. It also sets precedent for such an old fashioned system to be rolled out to all Sites.

5.6 Is not enforceable at Broadway Market

5.7 Why are Temporary Traders not included in this?

5.15 Is this legal?".

Broadway Trader

All questions and feedback from the drop in sessions have been recorded by officers separately, which can be found at the following link:

<https://docs.google.com/spreadsheets/d/1FiljWCVgKcK-u0eL9d1GLWoRBx8FDIRkeJudWyU2mE4/edit?usp=sharing>

Shop Fronts Terms & Conditions

Data Inputting and analysis

Paper copies of the survey were returned to Market Services to be input manually onto the Council's online system - Citizen Space for analysis. The statistical data and representations made have been analysed on Citizen Space by the Markets team.

Who took part?

Shop front license holders:

A total of 12 individual responses were received, with the table below showing a breakdown by licence type (permanent or temporary).

	Number of Licences	Responses		
	Licence Type	Strongly Agree/ Agree	Strongly Disagree/ Disagree	Neither
Perm	10	4	3	3
Temporary	2	0	1	1

Data Set

Despite a concerted effort to engage with licence holders, it is important to highlight that the data set for the consultation remained relatively small. In total, we have 246 shop front licence holders, however only 12 or 5% responses were received making any meaningful in-depth analysis difficult to achieve and unreliable.

Qualitative Data

By Trader Licence Type

The findings from the consultation has proved to be inconclusive as the percentage for the responses are even as detailed below. The results of the consultation suggests that there are mixed thoughts around the proposals. Having said this, the lack of responses from these traders could suggest that there are little to no concerns around the new proposals.

	Number of Licences	Responses			
	Licence Type	Strongly Agree / Agree	Strongly Disagree/ Disagree	Neither	Response rate
Perm	10	4 (33%)	3 (25%)	3 (25%)	(83%)
Temporary	2	0 (0%)	1 (8%)	1 (8%)	(17%)
Total	12	4 (33.3%)	4 (33.3%)	4 (33.3%)	

	Agree	Strongly Agree	Neither/ Nor	Strongly Disagree	Disagree	Total	Response rate (%)
Perm	3 (25%)	1 (8%)	3 (25%)	0 (0%)	3 (25%)	10	83%
Temp	0 (0%)	0 (0%)	1 (8%)	1 (8%)	0	2	17%
Total	3	1	4	1	3	12	

	(25%)	(8%)	(33%)	(8%)	(25%)		
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- 33% of respondents agree or strongly agree with the proposed changes
- 33% are neutral
- 33% of respondents stated that they either disagree or strongly disagree with the proposals

Representations (Qualitative Data)

Only 12 representations were made during the course of the consultation which were broken down by licence type. We received comments on the following topics relevant to the consultation:

- Concerns around the renewal process (1 representation)
- Concerns around security/ increase of vandalism (1 representation)
- Recommendations to the proposed T&C's (2 representations)

5 representations provided no comments on the consultation feedback.

Due to the low number of representations it is difficult to identify trends around the feedback received especially where some of the feedback was around the increase in fees and charges which is irrelevant to this consultation. This being the case, the relevant feedback, grouped into sections, includes:

Renewal Process

"I hope you will not cause any further issues to renew my future shop front licences.

This is a significant part of my business and it's a must for me to have the shopfront licence going forward."

Shop Front Trader

Concerns around security/vandalism in Hackney:

"Mostly agree with what is already enforced and what has been proposed. However I am a little bit concerned about the prevailing security issues in Dalston. So many shops are being vandalised and looted in the past few days that all of us feel a little uncomfortable. I hope the Council with the help of the concerned authorities will look into it."

Shop Front Trader

Recommendations to the terms and Conditions:

"Broadly I would want us to license an area of 1.5m in front of shops for shopkeepers to trade during their trading hours and for a minimum of 2 metres be left as pavement space. I am keen for us to just allow tables and chairs, not planters that get filled with dead plants, litter and cigarette butts. In the case of shop front trading, like you, I am

keen to see it be just an extension of the shop trading and not a separate sublet business. I see no benefit from wheeled boxes on the street.”

Elected Member

“Section - 13.3.5. it would be difficult for me - Your insurers require electrical testing to be done every 5 years. Why has this been changed to 1 year? May require me to spend a lot of money or would the certificate for the 5 year term suffice?”

‘13.3.9 Graffiti should be changed to “Ugly tagging” or something’.

Shop Front Trader

The team also recorded all questions and feedback from the drop in sessions separately, which can be found at the following link:

<https://docs.google.com/spreadsheets/d/1FiljWCVgKcK-u0eL9d1GLWoRBx8FDIRkeJudWyU2mE4/edit?usp=sharing>

Appendix 4:

London Borough of Hackney Equality Impact Assessment Form

The Equality Impact Assessment Form is a public document which the Council uses to demonstrate that it has complied with Equalities Duty when making and implementing decisions which affect the way the Council works.

Title and purpose of this Equality Impact Assessment:

Shop Fronts, Markets and Street Trading – Standard Street Trading Licence Conditions for 2020/21
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Purpose of this Equality Impact Assessment:

To determine the impact of proposed changes to the standard markets/street trading and shop fronts licence conditions for traders operating in Hackney’s markets, street trading and shop front trading sites and locations.
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Officer Responsible:

Name: Dan O’Sullivan	Ext: 5981
Directorate: Neighbourhoods and Housing	Department/Division: Parking, Markets & Street Trading

1. Please summarise the service, function, policy, initiative or saving.

In summary, the primary drivers to amend the standard street trading licence conditions and standard shop front trading conditions are:

- Improving markets , street trading & shop front presentation
- Compliance with health and safety legislation
- To modernise conditions regarding management and enforcement
- To ensure conditions better reflect street food trading
- Encouraging markets to thrive and supporting new traders
- To encourage improved compliance across markets , shop fronts and street trading

2. Who are the main people that will be affected?

Those people that will be directly impacted by the proposals (Street Market Traders and Shop Front Licence holders) include all licensed temporary and permanent street traders/shop front traders operating in Hackney markets and highstreets and issued by the Council. This includes both holders of both temporary and permanent licenses (Market Traders Database as of September 2019), a total of approx. 695 licence holders in the London Borough of Hackney. This is Broken down into 148 Permanent Street traders, 321 Temporary Street Traders, 128 Permanent Shop front traders and 98 Temporary shop front traders.

Information retrieved from traders database indicates that:

- The majority of market traders are aged 26-55 (74% out of 695 records) and there are low representation of younger 16-25 (10% out of 695 records) or older people (+65) working in markets (7% out of 695 records).
- The majority of market traders are male (72% of 695 records). Only 28% are female.
- The majority of market traders classify themselves as "British" (39% of 695 records) and other ethnic groups found in markets include African and African Caribbean, Jewish, Turkish/Cypriot and Asian albeit in much smaller numbers.

The legislation (London Local Authorities Act 1990) does not draw a distinction between those licence holders trading at a market or in front of a shop so one interpretation of the requirement to give notice to licence holders is that all should be consulted. For the purposes of clarification given this consultation does affect both Street traders and shop front traders we have seperated the consultation packs to ensure they are evaluated as separate entities in the same way they are managed by the service. In short all licenced traders affected by any proposals outlined and currently operating in Hackney and issued by the Council will also be contacted about this planned consultation.

3. What research or consultation(s) have been carried out? Please provide more details, together with a summary of what you learned.

Pre-consultation discussions took place with different market associations, other individual traders, shop front licence holders, benchmarked vs other London boroughs. The proposed conditions were consulted on from the 11th November 2019 to the 31st of December 2019 for a period of eight weeks. The consultation was then extended for a further two weeks to the 15th of January 2020 to facilitate a submission from the RRMTA. On completion of the consultation a review of all submissions, comments and feedback received was undertaken and considered and amendments were made in accordance with the responses received; a formal decision to implement revised conditions will be required. It is anticipated that the conditions will take effect on 1st April 2020

Individual traders could take part in four ways:

- Paper Survey – A paper survey was posted to all licenced street traders together with all relevant supporting information including the consultation document, summary of proposed changes & freepost return envelope. Information was also provided on how to obtain further information and on how to complete the survey online.
- Further copies were also available at the drop-in events or on request from Market Services.
- Online Survey – An exact replica of the paper survey was created on the Council's 'Citizen Space' consultation hub, including links to all relevant consultation material.
- Attendance at a drop-in sessions (please see below for details)
- During on-site engagement with traders by market staff (please see below for details)

All licence holders received a copy of the consultation pack directly to their home addresses. These were posted to them before the 11th November 2019, including information on engagement activities such as drop-in sessions.

Posters were placed prominently across the market sites to both inform traders of the consultation and of the dates, times and locations of the drop-in sessions.

A further email was sent to all active licence holders who have provided an email address to the service as part of their licence application on the 8th of November and on the 10th of November 2019 to remind them of the dates for the closure of the consultation, provided links to the online hub and consultation documentation and details of the drop in sessions.

Drop-in sessions

There were a total of eight drop-in events organised for traders at different times and days of the week to enable as many as possible to attend should they wish, with Market Officers present to discuss the proposed changes with traders and answer any questions that they may have. The team recorded all questions and feedback from the drop in sessions separately. Please see link below:

<https://docs.google.com/spreadsheets/d/1FiljWCVgKcK-u0eL9d1GLWoRBx8FDIRkeJudWyU2mE4/edit?usp=sharing>

The sessions took place at both the Parking and Markets and Street Trading offices, on the following dates:

Location: 2b(ii), Kingsland Shopping Centre, Kingsland High Street, Dalston E8 2LX

11th November: 11am - 12pm

15th November: 3pm - 4pm

19th November: 12pm - 1pm

26th November: 4pm - 5pm

Location: 136-142 Lower Clapton Road, London E5 0QD

13th November: 5pm - 6pm

18th November: 5pm - 6pm

19th November: 5pm - 6pm

21th November: 2pm - 3pm

Meeting with Ridley Road Traders - 21st November 2019

Some of the Ridley Road traders expressed interest in having a separate meeting for Ridley Road traders only. This was accommodated based on the traders requests to have a meeting on a Wednesday or Thursday around lunch time. This was provided in the form of two (2) additional drop in sessions in the townhall and a further one (1) additional drop in session on the evening of the 5th of december 2019 bringing the total drop in sessions to 11 throughout the consultation process. Please see the following link for notes of the meeting:

<https://docs.google.com/spreadsheets/d/1FiljWCVgKcK-u0eL9d1GLWoRBx8FDIRkeJudWyU2mE4/edit?usp=sharing>

Feedback response from the RRMTA - 15th January 2020

The Ridley Road Markets Traders Association (RRMTA) requested additional time to provide their feedback on the revised terms and conditions which was granted to them by the Head of Service.

See the feedback received from the RRMTA and the response the Council provided by going to the following link: <https://docs.google.com/spreadsheets/d/1FiljWCVgKcK-u0eL9d1GLWoRBx8FDIRkeJudWyU2mE4/edit?usp=sharing>.

The proposals were advertised both in the Hackney Gazette and on the Hackney Council website, which will also hold a copy of the booklet.

All representations received have been considered and placed in an appendix within this subsequent delegated report recommending changes.

The proposed terms and conditions have been finalised and traders will be notified and a notice placed in local newspapers. There will be at least 28 days' notice from the date of publication of the newspaper notice before any amendments to fees and charges take effect.

4. Equality Impacts

4 (a) What positive impact could there be overall, on different equality groups, and on cohesion and good relations?

Overall:

The revised conditions will allow the markets service to tighten up on management, compliance and enforcement of the markets, ensuring an improved look and feel to the market for customers and a more professional market for traders. No differential impact has been identified for other specific groups.

The revised conditions for shop front trading will allow the shop fronts service to tighten up the management, compliance and enforcement of shop front trading, ensuring an improved look and feel to the boroughs highstreets, residents and customers and providing a more professional

presentation to commercial trading opportunities for businesses. No differential impact has been identified for other specific groups.

Market/Street /Traders:

The revised conditions will support better health and safety monitoring, improved presentation by traders at some markets (some are already high quality), a simpler more transparent and consistent management and enforcement process, and a more comprehensive approach to street food. This will produce a better market offering for consumers, supporting footfall, and consumer spend for traders. , therefore positively impacting the local economy and employment.

Shop Front Traders:

The revised conditions will support better health and safety monitoring, improved presentation by traders across the borough (some are already high quality), a simpler more transparent and consistent management and enforcement process, and a more comprehensive approach to managing street furniture within the confines of a shop fronts licence. This will produce a better high street trading offering for consumers, supporting improved footfall, and consumer spending for businesses , therefore positively impacting the local economy and employment.

There are no perceived specific equality impacts on different equality groups.

4 (b) What negative impact could there be overall, on different equality groups, and on cohesion and good relations?

Market/Street/Shop Front Traders:

The revisions have been through pre-consultation with the respective trader associations, traders and shop front licence holders and they are comfortable for us to consult on the revised set of conditions.

There may be some limited cost implications for traders where they may be required to buy better, safer equipment for use on their stalls or receptacles used for trading. However this is seen as a necessity for the safety of the market; traders and customers. Other costs traders may be incurring already are to ensure they are fully compliant with current legislation and best practice.

There are no other negative impacts from the decisions taken in the report.

Appendix 5:

Schedule for Implementation of 2020/21 Standard Street Trading Licence Conditions

Summarised Project Milestones / Stages	Estimated number of weeks to complete	Completion Date
Delegated Report (permission to consult) drafted and approval by Legal, Finance and the Director of Public Realm	-	30th September 2019
Prepare communications and gain approval for consultation materials	1 week	05 October 2019
Design of Consultation Docs (reuse 2016 designs)	1 week	07 October 2019
Print / distribute consultation docs	8 Days	16 th October – 25 th
Statutory notice made in Hackney Gazette	-	26 th -27 th of October
<p>Consultation Live (4 weeks)</p> <p>Engagement</p> <ul style="list-style-type: none"> • Minimum two 'drop-in' sessions in the middle of the consultation period. • Direct engagement by market officers with traders • Speak to traders on the market and allow walk ins to the markets office to speak to Officers. 	8 weeks	Consultation period: 11 November –31 December 2019
Consultation Findings analysed and Delegated Powers Reports are	6 weeks	5th February 2020

prepared and approved by the Director of Public Realm		
Report to Director for final clearance	-	06 January 2020
Publication of new terms and conditions in Hackney Today and on Council website. Dissemination to all traders and stakeholders.	2 or 4 weeks	26 February 2020 (Hackney Today publication date)
Changes notified in local press (Gazette publication)	2 Weeks	27 February 2020
Earliest date for revised standard street trading licence conditions 2020/21 to be implemented	1st April 2020	



STANDARD STREET TRADING (MARKETS) LICENCE CONDITIONS

**RREGULATIONS MADE BY THE COUNCIL
PURSUANT TO SECTION 27(3) OF THE LONDON**

**LOCALAUTHORITIES ACT 1990 (AS AMENDED) PRESCRIBING
STANDARD CONDITIONS**

**APPLICABLE TO PERMANENT AND TEMPORARY/CASUAL STREET
TRADING LICENCES**

1. DEFINITIONS

- 1.1.** In these Standard Conditions, unless the context otherwise requires, the following expressions shall have the following meanings:
- 1.1.1.** “51 %” means 51 % of the period of time in each and every Licensed Street Trading Day, as specified by market in the below Terms and Conditions.
 - 1.1.2.** “Act” means Part III of the London Local Authorities Act 1990 (as amended).
 - 1.1.3.** “Address and Contact Details” means the permanent address of residence, email address, telephone and mobile telephone numbers.
 - 1.1.4.** “Advertisement” means any word, letter, model, sign, placard, board, notice, whether illuminated or not, in nature, and employed wholly or partly for the purpose 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.
 - 1.1.5.** “Animal By-Products” means meat, fish, milk and eggs which are not intended for human consumption including blood, hides, feathers, wool, bones, horns, hooves and waste water or water contaminated with material of animal origin or blood or other fluids.
 - 1.1.6.** “Assistant” means a person employed and acting under the direction of, with the implied authority of or to the benefit of a Licence holder to assist him/her about his/her business as a Licence holder. This includes any person directed solely or otherwise in the transportation and erection of the stall and/or the loading and unloading of stock and whose details have been provided to the Council as a registered assistant by the Licensed Street Trader.
 - 1.1.7.** “Authorised Officer” means an authorised officer of the Council.
 - 1.1.8.** “Avail” means the Street Trading Licence holder must use and take advantage of the ability to trade for the duration of the Licence. The Licence holder must be present 51 % of each and every trading day as specified on the Licence and be accessible to an Authorised Officer upon request within 48 hours of request as and when required.
 - 1.1.9.** “Awning” means a sheet of canvas or other material, which projects beyond the structure of the Stall and which shall contain no Advertisements other than that of the market branding, as directed or authorised by the Council, whether or not it is in respect of the goods or commodities sold at the stall.
 - 1.1.10.** “Council” means the London Borough of Hackney.
 - 1.1.11.** “Employed” means to engage in service or offer assistance, whether or not for gain and references to “Employ” shall be constructed accordingly.

- 1.1.12.** “Enforcement Sanction” includes, but is not restricted to, prosecution, Licence suspension, revocation, variation of Licence conditions, imposition of further conditions, civil recovery action, injunction or a combination of these as considered appropriate.
- 1.1.13.** “Food Stuff” means all food including pre-packed, hot, cold and raw food.
- 1.1.14.** “Further Conditions” means additional conditions as defined under the “Act” which are added to an individual trader for compliance instead of revocation of a Licence.
- 1.1.15.** “Goods” or “Commodities” means any goods, wares or merchandise for sale or possession for supply at a Stall.
- 1.1.16.** “High Risk Food” is defined as foods that are ready to eat and do not require further cooking. Foods which will rapidly deteriorate in quality and/or pose a health hazard permitting bacteria to live, grow and thrive when incorrectly stored or displayed.
- 1.1.17.** “Licence” means a Permanent Street Trading Licence or a Temporary Street Trading Licence.
- 1.1.18.** “Licensed Street Trader” means any person who is licensed to undertake Street Trading under the Act.
- 1.1.19.** “Licensed Street Trading Day” means the period of time for which a Licensed Street Trader can legally trade as specified for any given market.
- 1.1.20.** “Licensed Street Trading Pitch” means the Pitch Limits in any street at which Street Trading may be conducted by a Licensed Street Trader, and includes any temporary alternative place, including private land approved by the Council or a duly Authorised Officer of the Council.
- 1.1.21.** “Low Risk Food” includes all fresh fruit, vegetables and salads (excluding prepared salads containing High Risk ingredients), canned, dried foods and food with an extended shelf life.
- 1.1.22.** “Manager” means a manager employed by the Licensed Street Trader to manage their street trading and whose name and address has been notified to the Council in writing by the Licensed Street Trader.
- 1.1.23.** “Markets Service” means the service provided by the Markets and Street Trading team for the London Borough of Hackney.
- 1.1.24.** “Name Plate” means the plate issued by the Council upon approval of a person’s application for a Licence or renewing a Licence, displaying a Licensed Street Trader’s name, the names of their Assistants, the Commodities authorised, Licence number and Licensed Street Trading Pitch number.
- 1.1.25.** “Permanent Street Trading Licence” means a Street Trading Licence valid for one year and not more than three years with the period defined on the Licence.

- 1.1.26.** “Permanent Licensed Street Trader” means any person holding a current Permanent Street Trading Licence with the London Borough of Hackney.
- 1.1.27.** “Persistent” or “Persistently” means a continuing act or omission or three or more instances whether for a consecutive period or otherwise which is in contravention of any of the Licence conditions within any twelve month period.
- 1.1.28.** “Pitch Limits” means the trading area identified by ground markings on a street or the area stated on the Licence within which a Stall is to be situated.
- 1.1.29.** “Premises” means any land, building or part of a building.
- 1.1.30.** “Receptacle” means a vehicle, refrigerated mobile unit, basket, bag, box, vessel, stand, stall, trestle, easel, board, tray or thing which is used (whether or not constructed or adapted for such use) as a container for or 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.
- 1.1.31.** “Refuse” means waste which has been generated in the course of Street Trading including fruit and vegetable waste, cardboard that is or is not recyclable, paper, small plastic items and other non-perishable waste.
- 1.1.32.** “Relative” means as currently defined in the Act: an individual shall be treated as related to another if the latter is the wife, husband, father, mother, grandfather, grandmother, stepfather, stepmother, son, daughter, grandson, granddaughter, stepson, stepdaughter, brother, sister, half-brother or half-sister of the former and shall be deemed to be so related notwithstanding that they are related only through illegitimacy or in consequence of an adoption. The Council will, subject to appropriate documentary evidence, also include a trader’s civil partner or common-law spouse or partner as a relative.
- 1.1.33.** “Special Conditions” are such conditions as it is deemed reasonable by the Council to apply to any Licence in addition to the Standard Conditions.
- 1.1.34.** “Stall” means a stall structure with canopy, awnings and weights, plus any additional equipment such as a table or stand used by a Licensed Street Trader for the display of Goods, including trailers and barrows, that is approved by the Council
- 1.1.35.** “Stall Vehicle” means a vehicle used by a Licensed Street Trader as a Stall for displaying Goods and producing food that is approved by the Council for use as a stall vehicle.
- 1.1.36.** “Standard Conditions” means these standard conditions.
- 1.1.37.** “Street Trading” means the selling or exposing or offering for sale of any article (including a living thing) or the supply or offering to supply any service in a street for gain or reward and references to “Street Trades” shall be constructed accordingly.

- 1.1.38.** “Street Trading Licence” means a licence granted under the Act and valid for the period specified on the Licence being not less than six months and not more than three years.
- 1.1.39.** “Suspension” means the exercise of the power to enforce the temporary cessation of trading activities from a Stall holder, his/her Assistant (from using the pitch area) as may be attached by the Markets Service as a further Licence condition or a variation of a current Licence in any individual case where it appears reasonable in all the circumstances.
- 1.1.40.** “Temporary Street Trading Licence” means a Licence granted under the Act that is valid for a single day or for a period of time as specified on the Licence not exceeding six months.
- 1.1.41.** “Temporary Licensed Street Trader” means any person holding a current Temporary Street Trading Licence with the London Borough of Hackney.
- 1.1.42.** “Trading Days” means the days and times specified on the Licence and references to “Trading Day” as specified in section 7.2 as Market open for trade to closing for trade shall be constructed accordingly.
- 1.1.43.** “Young Person” means a person who has attained the age of 14 but who has not yet reached school leaving age.
- 1.2.** In these Standard Conditions, words importing the singular shall include the plural and vice versa and words importing the masculine gender shall include the feminine gender and vice versa.

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 by-law, enactment or regulation other than the Act.
- 2.2.** A Licensed Street Trader shall at all times comply with these conditions. A person who contravenes any of the conditions of a Street Trading Licence may be guilty of an offence and/or subject to appropriate enforcement sanctions in accordance with our enforcement policy. Any contravention of these conditions by an Assistant shall be regarded as having been committed by the Licence holder.
- 2.3.** The Council may add Special Conditions at the grant of a Street Trading Licence. The Council may add Further Conditions where a Licenced Street Trader has breached a Standard Condition or Special Condition as directed under the Act. Any Special Conditions or Further Conditions on a Street Trading Licence will be transferred at renewal to the new Street Trading Licence.
- 2.4.** We may vary the conditions of a Licence or attach Special Conditions in accordance with

statutory provisions. We may at any time attach such further conditions to a Licence as appear to us be reasonable in any individual case. The Licence holder may make an application via the Officer Licencing Panel (OLP) for the variation of the Licence. In the event of conflict between these Standard Conditions and any special conditions attached to the Licence, the latter will prevail.

- 2.5.** If a Licensed Street Trader wishes any of the conditions of his/her Licence to be varied, representation must be made in writing to the Markets Service as in accordance with the statutory requirements. Any subsequent grant, consent, approval, authorisation or agreement from us must be obtained in writing before it will be deemed to be valid.
- 2.6.** Where in these regulations there is reference to our consent or agreement, this consent or agreement may be given on such terms or conditions and subject to such restrictions as we might reasonably specify, any variation shall not take effect until the consent of the Council has been received in writing by the Licence holder.
- 2.7.** Licensed Street Traders and their Manager/Assistants must comply with all trading standards legislation; e.g.:
 - 2.7.1.** Goods must be sold in metric units.
 - 2.7.2.** Goods that contravene the Trade Marks Acts, for example counterfeit goods, must not be sold.
 - 2.7.3.** All goods must have a price inclusive of VAT displayed on them.
 - 2.7.4.** All food Receptacles must be registered with the local authority in whose area the Receptacle is kept and stored.
 - 2.7.5.** All food traders are to register with the Nationwide Caterers Association and upload all relevant information to their membership page.
 - 2.7.6.** A Licenced Street Trader and his Assistant shall comply with all health and safety legislation and where food is sold they shall also comply with all food hygiene legislation.
- 2.8.** The business activities of a Licensed Street Trader shall comply with and be conducted in a manner that conforms with all relevant legislation enforced by the Council or other agencies. Particular attention is drawn to general Health & Safety, food safety, Trading Standards, fire prevention and highways regulation. Licensed Street Traders must also comply with appropriate local requirements and by-laws. Failure to comply with this condition will result in enforcement action being taken and does not preclude separate sanctions being applied to the Licensed Street Trader or their Assistants for any breach committed.
- 2.9.** A Licenced Street Trader must trade in accordance with the consumer's protection legislation, e.g. notices stating 'no refunds' or 'no exchanges' cannot be displayed. The Council will take action to stop any practice that it considers misleading, is contrary to the interests of customers or is likely to give the market a bad reputation.
- 2.10.** Where compliance notices are issued with regard to health and safety and food hygiene

legislation the requirements of the notices must be complied with within the period stated in the notice. Failure to do so may result in the removal of your Licence.

- 2.11.** All Licenced Street Traders who sell Food Stuffs from their stall/stall vehicle must ensure that they are registered as a food premises with the Council or have provided evidence that they are already registered with another local authority prior to a Street Trading Licence being issued. This condition includes moveable vehicles.
- 2.12.** Licensed Street Traders and/or their Manager/Assistant shall offer all assistance to the Council by;
- 2.12.1.** Providing copies of all consents required to Street Trade. The following documents may be requested by an Authorised Officer: Licence card, Public Liability Certificate, Authorisation Letter (if applicable), Gas Certificate (if applicable), proof of portable appliance testing (as relevant), Manager/Assistant ID card.
- 2.12.2.** Providing all documentation as and when requested by an Authorised Officer. Checks will be carried out on an ad hoc basis to ensure compliance and failure to comply will constitute a breach of 20.2 of the Standard Conditions.
- 2.13.** If any information given by a trader in an application for a Street Trading Licence is found to be false or misleading, the Council may consider revoking the Licence in question.
- 2.14.** Any damage done to property owned by the Council, by a Licensed Street Trader or their Manager/Assistants, is to be paid for in full by the Licensed Street Trader and could face enforcement sanctions up to and including revocation of their Street Trading Licence.
- 2.15.** If there are any changes in the following details registered with us namely:- the address at which they live or store their Stall and/or Goods, email, mobile and landline telephone numbers where applicable, the registration number of any or additional vehicle they use in connection for street trading purposes within the borough of Hackney, the Licence holder must notify the Market Service in writing of such change within seven days of such change occurring. Any failure to provide said information may result in the Licence being temporarily suspended until the notice and/or documentation is received.
- 2.16.** Licence holders are required to provide us with satisfactory evidence that they are eligible to work in the UK, this must be a valid National Insurance (NI) number, a valid UK passport (or overseas passport with work permit) or a letter from the Home Office. Any Licence holder who cannot prove that they have the right to work legally in the UK when challenged by an Authorised Officer will be prevented from trading until such point as this information can be provided. Such action does not preclude further measures from being taken by other agencies.
- 2.17.** An annual audit of market traders/registered Managers & Assistant's documentation in relation to 2.15 and 2.16, if the Licence holder fails to notify the Council of any changes to personal details this will be deemed a breach of the Standard Licence Conditions.
- 2.18.** All Licenced Street Traders using a vehicle for market purposes must provide the Markets Service with the vehicle registration document (V5) application form and payment for permit before using vehicle in the market. Failure to do so may result in the issuance of a Penalty notice issued. The Licence holder is responsible for and advising the Market Service

within seven days with proof of any change of vehicle. The Council is not liable for any costs incurred to Licence holders who do not follow the process.

- 2.19.** All Licenced Traders are required to use sustainable packaging for their products to be traded in and the use or sale of single use plastic bags, bottles and cutlery is prohibited on our markets & Street Trading sites.
- 2.20.** All Licenced Street Traders are required to provide sustainable or bio degradable bags as an alternative to providing customers with single use plastic bags to be used when making a purchase in our markets and street trading sites.

3. LICENCES

- 3.1.** The Street Trading Licence is merely consent to trade under the Act. It does not constitute any other approval or consent that Licence holders might need under by-laws, regulations or other enactments, such as planning, highways or water supplier consents. Responsibility for ensuring that appropriate approval or consents are obtained or adhered to rests with the Licence holder/applicant.
- 3.2.** A Licensed Street Trader shall carry their Licence at all times whilst Street Trading and produce it upon the request of an Authorised Officer or police officer.
- 3.3.** A Street Trading Licence shall cease to have effect on being surrendered to the Council by the Licensed Street Trader to whom it was granted. This must be done by way of written cancellation. Cancellations can only take effect from the date received by the markets office. The effective date of surrender will not be earlier than the receipt of the written request to surrender the Licence. All outstanding fees and charges shall be payable up to and including the date of surrender of the Licence.
- 3.4.** A Licence is only effective for the period stated on the Licence.
- 3.5.** The Council reserves the right to issue Street Trading Licenses to traders who offer Commodities that will enhance the viability of the market before any other trader or applicant.
- 3.6.** Permanent Licenses are only available at certain markets. Any applications/requests for a permanent Licence on miscellaneous sites will be considered at the subsequent OLP, however, the Council reserves the right to refuse an application/request, with any decision made by the Council is final.
- 3.7.** To apply for a Permanent Street Trading Licence a trader must be a current Temporary Licence holder and will not be considered for a Permanent Street Trading Licence until they have held their Temporary Licence for a minimum period of six months. The period of six months gives both the Council and the trader the opportunity to ensure a good fit.
- 3.8.** A Permanent Street Trading Licence will not be renewed if a Licenced Street Trader is in

arrears or has appeared on the monthly arrears report 3 or more times in a calendar twelve months. All Fees and Charges must be fully paid within the financial year and any Permanent Street Trader in arrears during the renewal process will not have their Street Trading Licence renewed and will be prohibited from Street Trading from 1st April on a Permanent Street Trading Licence.

- 3.9.** Any Permanent Street Trader falling into 3.8 above may apply for a Temporary Street Trading Licence, paying the appropriate temporary fees and charges whilst agreeing to a payment plan until the arrears are cleared within the agreed timeframe. The Council, however, reserves the right to not re-issue a permanent Licence in the event of Persistent arrears.
- 3.10.** Succession of a Permanent Street Trading Licence may only be granted if the requirements of the Act are met and the successor meets the application requirements. On the death or retirement due to age and/or ill health of a Street Trading Licence holder, we may issue a Licence to a nominated relative to trade from the pitch shown in that Licence in accordance with the succession rights granted in the Act. As currently defined, an individual shall be treated as related to another if the latter is the wife, husband, father, mother, grandfather, grandmother, stepfather, stepmother, son, daughter, grandson, granddaughter, stepson, stepdaughter, brother, sister, half-brother or half-sister of the former and shall be deemed to be so related notwithstanding that they are related only through illegitimacy or in consequence of an adoption.
- 3.11.** We may also, at our discretion and subject to appropriate documentary evidence, include other individuals connected to the Licence holder, limited to a nominated Assistant of a Permanent Street Trader who has been working for that trader for a continuous period of at least seven years. In this instance the application will be assessed at the earliest OLP hearing, to ensure an appropriate decision is made in accordance with the requirements and the legislation.
- 3.12.** In the event that a permanent Licence is granted to a successor in accordance with the paragraph above the Markets Service may attach such further conditions as appear to be reasonable in any individual case.
- 3.13.** Succession will only be permitted if there are no arrears of charges payable. Only one successor can be nominated at any one time.
- 3.14.** The Street Trading Licence is for the sole use and benefit of the Licence holder and whilst it provides permission to trade and bestows trading rights, it does not confer ownership of the allocated pitch, this is retained exclusively by the Council. Licence holders must therefore not assign their Licence to anyone else, employ a manager in their place and not attend or avail themselves during market operating hours or otherwise sublet any part of their stall. If we have evidence that this condition has been breached, then the Licence holder and other persons trading or assisting on the stall may be subject to enforcement sanctions, including revocation of the Licence.
- 3.15.** To exercise their ability to trade under the Street Trading Licence, Licence holders must be present in person for at least 51 % of the Trading Day as specified in section 8.2. If a Licence holder operates more than one licence or business in the borough than the 51 % will be equally split between the number of sites on a pro rata basis. Failure to do so could

result in enforcement sanctions and/or revocation of the Street Trading Licence.

- 3.16.** Traders requesting a variation of their Street Trading Licence, such as change of Commodity or transfer of pitch etc., must complete an application form and pay the variation fee before requests will be considered at the subsequent OLP, however the Council reserves the right to refuse an application, with any decision made by the Council is final.
- 3.17.** Where a charitable organisation is applying for a Street Trading Licence, proof of charitable registration number must be provided upon application
- 3.18.** For Ridley Road Market, all permanent Street Trading Licence holders will need to Avail themselves to an Authorised Officer and sign in to confirm their attendance on each Trading Day. The Trading Day is as specified in section 8.2 from market open for trade to trade end.

4. TEMPORARY STREET TRADING LICENCES

- 4.1.** The holders of a Temporary Street Trading Licence are subject to these Standard Conditions in the same way as holders of a Permanent Street Trading Licence.
- 4.2.** The holders of a Temporary Street Trading Licence shall report to the Authorised Officer at the market each Trading Day before commencing Street Trading to be allocated a pitch for that Trading Day. The decision by an Authorised Officer to allocate a pitch to the holder of a Temporary Licence is final.
- 4.3.** The Council reserves the right to withdraw the Licence of any Temporary Street Trading Licence holder without notice and will provide reason(s) both verbally and in writing. A temporary trader shall cease trading when requested to do so by an Authorised Officer of the Council or police officer. Following the withdrawal of the Licence, the Council will supply the trader the reasons for the withdrawal of the Licence in writing, where the trader will be able to appeal the decision at the next available OLP panel.
- 4.4.** The refusal by the holder of a Temporary Licence to Street Trade from a pitch allocated by an Authorised Officer may result in them not being able to Street Trade on a Trading Day or future Trading Days.
- 4.5.** The issue of a Temporary Licence is without prejudice to the Council's application process for Permanent Street Trading Licences and does not infer a legal right to the grant of a Permanent Street Trading Licence.

5. ATTENDANCE & TRADING

- 5.1. Permanent Street Trading Licence holders must trade in person at their pitch for a significant proportion of the trading day, as set out in section 8.2. This is currently defined as 51 % of the Trading Day specified on the Licence (see condition 3.10). At all other times, the stall may only be operated by an Assistant who is registered with the Markets Service.
- 5.2. The calculation of 51 % attendance will be made using the method that we consider most appropriate for each market and will be based upon specific attendance monitoring over a trading period of at least 2 months. We reserve the right to vary the monitoring method used subject to our giving reasonable notice. The level of monitoring carried out shall be at the Council's discretion.
- 5.3. If the Stall is to be left unmanned for any reason other than comfort or toilet breaks, it is to be closed up and left in a safe and secure position.
- 5.4. The holder of a Temporary Street Trading Licence must [subject to reasonable time for meals and toilet breaks] trade in person on the pitch at all times throughout the trading day.
- 5.5. Temporary pitches, additional pitches, and pitch moves (via the Licence variation request and OLP process) will be allocated by Officers from the Markets Service only. Traders who set up on pitches without prior permission or move without prior permission from the Markets Manager/Officers will be in breach of this condition and will potentially face enforcement sanctions.
- 5.6. All Temporary Street Trading Licence holders to whom a specific pitch is not been pre-allocated shall report to the Markets Office before commencement of trading for the purpose of pitch allocation by an Authorised Officer. Pitches are allocated on a first come, first served basis and at the discretion of the Market Officer/Authorised Officer whose decision is final and non-negotiable.
- 5.7. No trading may take place on the stall of a Permanent Licence holder unless the Licence holder themselves or one of his/her registered Assistants is present. (In the event that this requirement is not complied with we may impose any enforcement sanction that we deem appropriate).
- 5.8. Any Awning used by a Licence holder must be approved prior to use, the Council may specify colour, type and condition of any Awning used. Any Awning must be replaced or repaired within one month of a written request from the Council.
- 5.9. The use of bread crates/boxes for the purpose of trading must be covered with an approved covering for suitable display purposes, and all bread crates/boxes must be removed at the end of the trading day.

- 5.10.** The Licensed Street Trader shall only trade from the Licensed Street Trading Pitch, unless otherwise directed by an Authorised Officer. The Council reserves the right to change a Permanent Licensed Street Trading Pitch and allocate an alternative pitch on a permanent basis. The Licenced Street Trader will be consulted prior to this decision being made and receive written notification and provided 28 days notice of the proposed changes.
- 5.11.** The Council reserves the right to change a Permanent Licensed Street Trading Pitch and allocate an alternative pitch on a temporary basis where one is available until his/her Permanent Licensed Pitch becomes available at a date to be agreed by the Authorised Officer. The Council will provide written notice of this change to the Licensed Street Trader as soon as reasonably practicable.
- 5.12.** Where no alternative pitch is available the Licenced Street Trader will cease Street Trading and remove their Stall and Goods immediately where directed to do so by an Authorised Officer. The Council will refund any Licence fee to the Licensed Street Trader for the period that the Licensed Street Trading Pitch is not available.
- 5.13.** For Street Trading Licence holders trading in markets or street trading sites without a designated pitch location but trade from the same location every week, if you fail to attend for more than four weeks the Council reserves the right to replace you with another trader who wishes to trade from that location.
- 5.14.** If it is considered to be in the interests of the ongoing sustainability of markets and street trading within the Borough of Hackney, for example due to redevelopment of a particular area, pitch location, pitch dimensions and orientation may be varied following consultation and reasonable notice.
- 5.15.** Hackney Council will not accept responsibility for any loss or damage suffered by Licence holders due to any trading pitch relocation decision or any other actions taken by us.
- 5.16.** Council Officers will from time to time inspect market stall set-ups to ensure an acceptable standard of appearance is maintained and request appropriate changes to enhance market locations.

6. PITCH SIZE

- 6.1.** A Licensed Street Trader shall not exceed the Pitch Limits (including where no stalls are placed on an adjacent pitch). An Awning may be permitted to extend 30cm (12”) at the front of the Pitch Limits but no articles are to be suspended from the Awning beyond the Pitch Limits.
- 6.2.** The trading area shall not exceed the dimensions specified on the Licence and any Pitch Limits marked on the ground or otherwise identified on the Licence during trading hours, except during immediate re-stocking. No goods, boxes, containers, displays, waste or any other articles shall be placed outside the perimeter or within the immediate vicinity of the Pitch Limits except during immediate re-stocking.

- 6.3. A Licensed Street Trader shall not at any time cover or obstruct any fire hydrant or public utilities access point or pedestrian access to bus stops or crossings, or the free flow of open traffic lanes.
- 6.4. A Licensed Street Trader shall not cause or permit any Receptacle, part of a Receptacle, vehicles, Goods or other articles whatsoever to project or be played beyond the Pitch Limits or above the height of three metres (10') from the ground.
- 6.5. The distance above ground level of any part of any roof, Awning, or support of a Stall or Goods suspended from any of these, shall (unless a dispensation has been granted by the Council in writing) be at least 2.3 metres (7'6") and a maximum of 3 metres (10'). The roof, Awning or any other projection shall be contained within the Pitch Limits unless approved by an Authorised Officer in writing.
- 6.6. Licensed Street Traders shall not use feeder barrows, feeder vehicles or feeder Receptacles for the display of Goods.
- 6.7. On miscellaneous sites where there is no specified pitch size, the normal single pitch size will be deemed to be 3m x 3m.
- 6.8. Licensed Street Traders who display Goods which encroach a pitch which is not designated to them will be required to pay for additional pitches and will potentially receive enforcement sanctions for contravention of this Licence condition.

7. GOODS & COMMODITIES

- 7.1. Only those Commodities or Goods specified on the Licence may be sold from the Licence Street Trading Pitch and traders shall be limited to the group of Commodities listed on the Licence. The Council reserves the right to allow more than one trader to sell the same Commodity as another trader or shop in the market in that area. The Council's decision as to Commodities sold and the numbers and positions of traders in the various Commodity groups is final.
- 7.2. Street Trading Licence holders and their Managers/Assistants must at all times adhere to our Commodity framework, the aim of which is to regulate the types of Goods sold at the markets in order to promote a safe, healthy and inclusive environment for both Licenced traders and their customers. Goods are to comply with the requirements of current consumer safety and/or copyright/trade/Olympic brand protection legislation; they are to be fit for purpose and of satisfactory quality (as described), and an advisory notice in writing provided where the Goods are second hand, soiled, damaged or Catalogue Returns.
- 7.3. All Goods are to be clearly priced and displayed clearly. Licence holders offering a service shall make clear the nature and cost of that service.

- 7.4.** All weighing scales and indications of price are to be in clear and unobstructed view of the customer.
- 7.5.** The sale of Goods deemed by the Council to be offensive, dangerous or pornographic, or that is believed to be counterfeit, or that can release a projectile or can be modified to that end, is prohibited.
- 7.6.** At their Stall, permanent and temporary Licence holders must not sell, offer for sale, advertise, display or expose any Goods other than those specified in their Licence. If they wish to change the Commodities specified in their Licence, then they must make written representation to the Market Service and apply for a variation via the OLP.
- 7.7.** If a Street Trading Licence permits the sale of more than one Commodity and it appears to the Markets Service that the License holder has not consistently displayed for sale a particular named Commodity, that Commodity may be removed from the Licence. In this context, 'consistently displayed' means that the Commodity concerned has been displayed for sale on every Trading Day at which the License holder has presented themselves for Street Trading purposes within three consecutive months and that it appears to us to comprise at least 25 % of their displayed stock.
- 7.8.** We may, subject to human rights considerations, prohibit the sale of certain lawful Goods as not being appropriate for Street Trading or because they are not consistent with Council policy or national policy. Licence holders will be given reasonable notice if this is proposed. Any such prohibition may either be general in nature or be subject to restrictions (e.g. apply only to new Licence holders).
- 7.9.** Licence holders shall not mislead the public about their legal rights, either orally or by displaying signs e.g. 'no goods exchanged' or 'no refunds given'. Any signage intended for this purpose must be approved by the Markets Service before it is permitted to be used.
- 7.10.** Ignorance of the law is not a defence. All Street Trading Licence holders and their Managers/Assistants must familiarise themselves with and adhere to such legislation relating to their Goods, Commodities or service. Licence holders are encouraged to seek further advice from the Markets Service if they are unclear about their obligations.
- 7.11.** We will take action to stop any practice that we consider misleading, inappropriate, contrary to the interests or statutory rights of customers, or which is likely to give the market a bad reputation and may also refer the matter to the appropriate agency for investigation and action.
- 7.12.** Real Deal - a Licensed Street Trader is prohibited from supplying illegal Goods, which includes stolen Goods, suspected stolen Goods, counterfeit/pirated Goods, unsafe Goods, tobacco or other nicotine Goods and alcoholic Goods.

8. TRADING DAYS AND TIMES

8.1. Street Trading may only take place on the days and times permitted on the Street Trading Licence. Pitch charges must be paid whether or not the permanent Licence holder has traded.

8.2. Market Street Trading operational hours are set out as follows;

Market	Set-up Time Traders & vehicles	Vehicles out of Market	Market open for trading (Trading Day)	Trading Ends (Trading Day)	Stalls cleared and vehicles out of market*
Ridley Road Market	From 06:00 Hours	09:30 Hours Monday to Thursday 09:00 Hours Friday & Saturday	09:30 Hours Monday to Thursday 09:00 Hours Friday & Saturday	17:00 Hours Monday to Thursday 18:00 Hours Friday & Saturday	18:00 Hours Monday to Thursday 19:00 Hours Friday & Saturday
Christmas Week, from 17th to 24th December	From 06:00 hours	09:00 hours Monday to Saturday	09:00 Hours Monday to Saturday	Vehicles must not enter the market until 16:00 18:00 Hours Monday to Saturday	19:00 Hours Monday to Saturday
Hoxton Street Market	From 06:00 Hours	10:30 Hours Monday to Friday 09:00 Hours Saturday	10:30 Hours Monday to Friday 09:00 Hours Saturday	16:00 Hours	17:00 Hours
Broadway Market (Saturday only)	From 06:00 Hours	09:00 Hours	09:00 Hours	17:00 Hours	18:00 Hours
Chatsworth Road Market (Sunday only)	From 08:00 Hours	10:00 Hours	10:00 Hours	16:00 Hours	17:00 Hours
Kingsland Waste Market	From 07:00 Hours	09:00 Hours	09:00 Hours	16:00 Hours	17:00 Hours

* Time limit applies to trader owned Stalls, those setup in bulk for the market and hired out to stall holders have agreed contractor times for setting up and breaking down Stalls

- 8.2.1.** On Trading Days between 17 December and 24 December all markets will be permitted to extend their operational hours upon agreement with the Market Manager (excluding Ridley Road Market which already has extended opening hours).
- 8.3.** Licensed Street Traders and/or their Assistants shall remove their Receptacles, Goods and Stalls (where Stalls have not been provided by the Council) at the end of each Trading Day specified on the Licence at the times set out in condition 8.2 above for each of the Council's markets or the time stated on the Licensed Street Traders Licence if earlier.
- 8.4.** The "Stalls cleared and vehicles out of market" times set out in condition 8.2 are the latest times that Receptacles and Trader owned Stalls must be removed from the Licensed Street Trading Pitch, and either taken by the trader/assistant or taken to an agreed place of storage off of the market. Any barrow, trailer, vehicle or Stall left at a market or any adjacent street shall be removed by the Council and taken to a place of storage. Any barrow, Stall, Receptacle, trailer or vehicle removed by the Council from a market or a street adjacent to a market shall not be returned to the Licensed Street Trader until all costs and charges associated with the removal and storage of the same have been paid in full by the owner or the Licensed Street Trader
- 8.5.** All Licensed Street Traders remain responsible for their vehicle at all times. The Street Trading Licence does not confer any permission or right to park a vehicle within the trading area. Vehicles must abide by parking regulations including, but not limited to, loading and unloading, parking correctly in appropriate bays and properly displaying any required permit and clear identification of market trader and pitch designation.
- 8.6.** A Licensed Street Trader shall not leave a vehicle in the street in which he Street Trades when that street is in operation as a market except for the purpose of loading and unloading Goods within the hours permitted in any traffic management order made in respect of the street. Such loading and unloading shall be carried out as soon as reasonably practicable and the vehicle removed immediately once loading/unloading has been completed to an authorised parking place outside the market. Nothing in this condition permits or purports to permit a Licensed Street Trader to contravene the terms of any parking restrictions or traffic management order that apply to the street.
- 8.7.** All vehicle movement associated with the market operation shall, regardless of the time of day, be at a maximum of 5 miles per hour and hazard warning lights must be on. When loading/unloading their vehicles, all Licensed Street Traders shall cause as little obstruction and inconvenience to the general public, other traders or Council staff and contractors as possible.
- 8.7.1.** Any market which operates an exemption list for traders shall comply with the times stated on the signage within the market. A Licensed Street Trader may hold two vehicles on the exemption list at any time. The vehicle must belong to the Licensed Street Trader or Manager/Assistant and a copy of the V5C document must be provided before registering vehicles.
- 8.7.2.** Licensed Street Traders must unload their vehicle of any Goods and remove

vehicle within one hour of arrival. All vehicles must have left the market by the times listed in 8.2. Failure to adhere may result in retrospective enforcement action.

- 8.8.** Traders must comply with requirements to ensure emergency access to markets at all times.
- 8.9.** Licensed Street Traders must be set up, vehicle removed and ready for trade by the start of the market Trading Day as listed in 8.2.
- 8.10.** Any Licenced Street Trader trading or operating outside of a market or Street Trading sites agreed operating hours will be considered as illegally trading and will receive enforcement sanctions up to and including revocation of Licence and a £1000 fine.
- 8.11.** If a Ridley Road Market Permanent Licensed Street Trader is not present on the market by 08:30, Monday to Thursday, their right to trade on that day is lost, unless permission to set up late has been granted by Council Market Officers. Permanent Licensed Street Traders must be present by 8am Friday and Saturday or they lose their right to trade on that day.

9. REFUSE & WASTE

- 9.1.** Licence holders and their Manager/Assistants must contain all Refuse in an appropriate manner, using containers or bags provided or approved by the Council and which shall be kept exclusively for that purpose. They must cooperate to enable such containers and bags to be removed or emptied as often as may be necessary into any vehicle or other Receptacle provided for the purpose. Such containers should be kept as clean as reasonably practicable. The Licensee shall keep the pitch area clean and swept of any debris throughout the Trading Day, in particular it shall be the duty of every licensee to pick up all litter, debris packaging and detritus both within and outside their pitch area that has been produced in the course of his/her business or could reasonably be assumed to have been so produced.
- 9.2.** The Council reserves the right to specify the level of waste collection that is included in the Licence fee and reserve the right to make additional charges for any excess waste generated. For the purposes of assessing the level of waste generated, any Refuse left on a Licence holder's pitch or which can otherwise be reasonably attributed to them will be included.
- 9.3.** Licensed Street Traders shall ensure that they familiarise themselves with and comply with all specific requirements for waste management on the market they attend.
- 9.4.** Licensed Street Traders shall keep their pitch and the immediate area around the pitch clean at all times during the course of trading and must ensure that the pitch is left in a clean and tidy state at the end of trading. The Council reserves the right to charge a Licensed Street Trader the additional cost of cleaning the pitch where the Licensed Street Trader has left the pitch in a dirty and poor state at the end of trading. Any Licenced Street

Trader cooking on site must ensure that there are no fat, oil or other deposits made on their pitch or anywhere within the market area.

- 9.5.** Street Trading Licence holders shall ensure that all wastewater is collected in a secure container or otherwise discharged in such a manner so as not to cause a nuisance. It is the responsibility of the Licence holder to ensure that any legal requirements concerning wastewater are complied with, for example, formal consent to dispose of trade effluent into a public sewer. Failure to provide sufficient evidence of such compliance will be deemed a breach of this trading condition.
- 9.6.** Licensed Street Traders shall ensure that crates, trolleys or similar used to deliver or transport Goods into the market are removed immediately from the market after delivery. It shall be the responsibility of traders to dispose of such items or materials.
- 9.7.** Licensed Street Traders and/or their Manager/Assistant shall not cause a container used for the purpose of storing Animal By-Product to be exposed in the market or cause such waste to leak or escape from the container.
- 9.8.** All Food waste must be contained in a suitable manner to avoid leakage and damage to the Council footways/carriageways. The cost of rectifying any damage will be re-charged to the Licensee and Persistent on-going concerns may result in review of the Licence. Approved ground cover must be placed on the footway/carriageway to avoid oil and food spillages to prevent damage.
- 9.9.** Licensed Street Traders are required to have in place a commercial waste agreement with a registered carrier of waste if fish waste or any other waste covered under the Animal By-Product legislation is a part of the Licensed Street Traders' Street Trading operations.
- 9.10.** All Animal By-Product waste shall be stored in a sealable container approved by the Council's Environmental Enforcement/Health Officers and disposed of in accordance with all requirements under the food hygiene legislation. No Animal By-Product shall be allowed to drain onto the street or into the public drainage system.
- 9.11.** Licensed Street Traders who produce fish waste or any other waste covered under the Animal By-Product legislation as part of their Street Trading operations must provide valid waste transfer notes, confirming their waste carrier, upon request from an Authorised Officer.
- 9.12.** Licensed Street Traders and their Managers/Assistants are expected to recycle cardboard boxes and support the collection of refuse by removing any unwanted products from boxes, flat packing all the cardboard and stacking neatly adjacent to their Stall, ready for collection.
- 9.13.** Licenced traders trading in fruit and vegetables are to place all waste in the organic sack/bin provided and tie sacks when full. Contamination of waste is not acceptable and if identified will result in an enforcement sanction issued and potential prosecution and or revocation of your Licence.

- 9.14.** Licensed Street Traders shall ensure all cooking waste such as oil/fat is contained and disposed of appropriately and on no account should be poured into drainage systems.
- 9.15.** Street Trading Licence holders and their Managers/Assistants will be held accountable for the costs to unblock drains/gullies if evidence supports that Animal By-Product, fishwater/waste, grease/oil have been deposited into drains and gullies. In addition to recovery of costs, those responsible may be subject to further enforcement sanctions, which could lead to a revocation/refusal to renew a Licence.
- 9.16.** Licensed Street Traders who have a shop premises in addition to a Street Trading Licence must arrange a separate trade waste agreement and not dispose of shop waste onto the market.
- 9.17.** Where hot or cold food is prepared for immediate consumption and provided to customers in containers, such containers must be made of recyclable/biodegradable materials.
- 9.18.** All pallets and trolleys/carts and cages (used to carry and store stock or for the purposes of transporting stock around the market area must be removed from the market after setting up. Traders must remove/arrange collection of all pallets and trolleys/carts and cages from the market at the end of each Trading Day. It is the traders responsibility to remove all pallets and trolleys/carts and cages and not to discard or dump them on the market area or side streets. Any discarded or dumped pallets/trolleys/carts and cages will be treated as fly-tipping and appropriate enforcement sanctions taken against perpetrators may be taken to include issuance of Fixed Penalty Notice/s or prosecution proceedings and or revocation of the Street Trading Licence.

10. DISPLAY OF LICENSE NAME PLATE

- 10.1.** Licensed Street Traders shall at all times display their Licence & Name Plate in a prominent visible position on the Stall at all times, so that it can be easily read by any officer or person.
- 10.2.** All Street Trading Licence holders (whether permanent or temporary) and their Managers/ Assistants are required to possess a Licence and Assistant ID card supplied by us, which they must display or be able to produce immediately upon request by an Authorised Officer of the Council during the Trading Day. Failure to do so will be considered a breach of these conditions.
- 10.3.** No Advertisement shall be displayed at the Licensed Street Trading Pitch which relates to any Goods, Commodities or services other than the Goods offered for sale at the pitch.

11. HEALTH AND SAFETY

- 11.1.** All Licensed Street Traders must adhere to safe working practices and promote this by:
- 11.1.1.** Knowing their individual responsibilities, and responsibilities as employers in relation to the Health and Safety at Work Act 1974.
 - 11.1.2.** Adhere to all safety measures whether given verbally or in writing.
 - 11.1.3.** Ensure working practices in their area of responsibility are kept up to date.
- 11.2.** All Licensed Street Traders will complete an annual risk assessment, a copy of which will be given to the Markets Service, and follow all measures identified in the same to mitigate any risks identified.
- 11.3.** The use of electricity is restricted to lighting only unless otherwise agreed in writing with the Markets Service.
- 11.4.** All other electrical equipment must be approved by the Council in writing before being used at a Stall. All electrical equipment must be tested by a suitably qualified electrician at the Licensed Street Trader's expense and copies of electrical safety test certificates must be deposited with the Council before written approval will be given by the Council.
- 11.5.** Licensed Street Traders shall provide to the Council (Markets and Environmental Health) annually a Gas Safety Certificate pursuant to the Gas Safety (Installation and Use) Regulations 1998 all gas equipment at the Licensed Street Trading Pitch. All gas equipment/canisters must be installed by a commercial Gas Safe Register engineer and used in accordance with legislative requirements and health and safety guidance for such equipment. Camping equipment is strictly prohibited.
- 11.6.** All electrical equipment used at a Stall shall display a safety tag to demonstrate that the equipment has passed the necessary safety test and the date on which it was last tested.
- 11.7.** All electrical connections/cabling must be weather resistant and manufactured for external/outdoor use (for example arctic cables with caravan style plugs). They should be placed and maintained to prevent any electrical short circuit or danger from electric shock, and not create a hazard.
- 11.8.** All arrangements to connect Stalls to adjacent Premises for electricity must notify the Council in writing in advance unless in the case of an emergency or circumstances sufficiently unforeseeable, in which case the Council must be notified within 24 hours of such arrangements being introduced. All connections shall be readily detachable and shall not obstruct a street, and meet all health and safety regulations.
- 11.9.** All Licensed Street Traders intending to use an electrical supply must obtain the Council's written consent before seeking installation of the supply by an electricity supplier. Where the supplier of electricity is not the Council, the Licensed Street Trader and the electricity supplier shall indemnify the Council in writing in respect of the safety of the supply before written consent is given by the Council.

- 11.10.** Licensed Street Traders shall disconnect from an electrical supply when directed to do so by an Authorised Officer and given the reasons for this request.
- 11.11.** All electrical cables that are suspended over a street shall have a minimum clearance of 2.3m (7'6") from the footway surface and 5.3m (17'6") from the surface of the road, and as far as possible away from pedestrian areas. Licensed Street Traders shall ensure that electrical supplies are used in a manner that ensures full compliance with all health and safety legislation. Cables are not to be placed on the ground on footpaths/public areas.
- 11.12.** The use of mobile electrical generators and their location must be approved in writing by the Council prior to their use. Mobile electrical generators will need to be positioned so as to ensure that:
- 11.12.1.** They do not present a danger to the public;
 - 11.12.2.** They do not present a fire or similar hazard risk to the Stall or Goods displayed;
 - 11.12.3.** They do not produce fumes or any airborne solids, beyond that reasonably expected in normal use, having regard to the proper functioning of any equipment;
 - 11.12.4.** They operate and do not produce any noise or vibration that disturbs other traders;
 - 11.12.5.** Any inflammable fuel not being used shall be stored away from the Stall in a location and container approved by the London Fire Authority.
- 11.13.** Any generator shall be turned off at the request of an Authorised Officer and the reasons for this request will be given.
- 11.14.** A Licensed Street Trader shall not use an electrical supply without the Council's written consent or may be subject to the enforcement actions listed in section 20.
- 11.15.** A Licensed Street Trader will be held liable for damage to any installation or facility provided by us for the purpose of supplying electricity, water or other amenity, if it is shown that such damage was caused by their actions or neglect or that of their registered Managers/Assistants or other person acting on their behalf. The matter may also be referred to other agencies (e.g. the police) for action and may result in potential revocation of your Street Trading Licence.
- 11.16.** All Licensed traders shall ensure that electricity bollard covers are secured at the close of each Trading Day. Faults should be reported to the market officer immediately.
- 11.17.** A Street Trading Licence holder will be subject to automatic suspension of a trading Licence and trading privileges if it is proven they or anyone registered to their Licence tamper with, or use an electricity supply of the Council without payment. Any trader proven to have caused damage to any Council installation or equipment will be required to pay the full cost of any repair or replacement. Any trader/Manager or Assistant responsible for such acts may be subject to a separate prosecution or civil proceedings.

- 11.18.** All Licenced traders should not bring or allow any animal onto your pitch or within the market area at any time.
- 11.19.** No machinery shall be operated at a Licensed Street Trading Pitch without the written consent of the Council.
- 11.20.** All parts of any machinery that could cause injury shall be covered or fenced in when in motion.
- 11.21.** All Stalls or vehicles or parts thereof used for cooking shall be equipped with a dry powder type fire extinguisher, fire blankets and a carbon dioxide fire extinguisher which shall be placed near any electrical installation to the satisfaction of the Fire Service Authority/ Council officers.
- 11.22.** The Council reserves the right to check all or any equipment used by Licensed Street Traders, at any time. The trader will immediately give access upon request from an Authorised Officer.
- 11.23.** All Licensed Street Traders selling high risk food must provide hand washing facilities at their Stall. This must include a supply of hot water, towels, a bowl and soap (preferably a liquid soap dispenser). Separate washing facilities must be used for knives and other serving implements used. A sufficient supply of hot water is required; Hot water cannot be supplied from a thermos flask. The hand washing facilities must be of a type approved by the Council.
- 11.24.** Prepared cooked food may only be offered and sold from Council approved fit for purpose catering equipment and in accordance with food safety legislation.
- 11.25.** The cost of additional cleansing required in any market relating to the cooking, display or sale of food will be re-charged to all food sellers in that market.
- 11.26.** When Applying for a Street Trading Licence, only traders that have achieved a minimum standard of a 3* food hygiene rating will be considered for a Street Trading Licence.
- 11.27.** During the lifetime of the Street Trading Licence, any premises which receives a food hygiene rating of a 1* or 2* shall have their Licence temporarily suspended until such time they complete the reasonable adjustment and receive a 3* or higher on the follow up visit. Any trader that fails to achieve this will have their Street Trading Licence revoked.
- 11.28.** All Licensed Street Traders shall comply with the electrical safety agreement in advance of using electricity on any market.

12. STALLS

- 12.1. The Council exercise the right to designate the type of Stall/gazebo that can be used for trading purposes in each designated market and Street Trading location, If it is considered to be in the interests of the ongoing sustainability of markets and Street Trading within the Borough of Hackney, for example due to redevelopment of a particular area, the type of Stall/gazebo authorised to use for trading may be varied following consultation and reasonable notice.
- 12.2. Hackney Council will not accept responsibility for any loss or damage suffered by Street Trading Licence holders due to any Stall/gazebo purchase decision made without written permission or authorisation by the Council or any other actions taken by us.
- 12.3. Any Stalls/gazebos provided by the Council must be kept in good repair, and any damages to the Receptacles may be chargeable to the Street Trading Licence holder.
- 12.4. All Licensed Street Traders must trade from a Stall/gazebo approved by the Council, consisting of a full frame, canopy/Awnings, and weights when required, that fits their pitch; unless the Council has specifically undertaken to provide a Stall/gazebo. Alternatively, traders may apply to trade from a Stall Vehicle designed for that purpose, which must be approved by the Council.
- 12.5. Where the Council provides a Stall/gazebo this is to be used carefully and all reasonable care taken. The Council reserves the right to charge the Street Trading Licence holder for any damage to the Stall/gazebo, either for repairs or buying replacement parts.
- 12.6. Where Awnings/covers/canopies/trims are provided by the Council, they must be used by the Licensed Street Trader.
- 12.7. Any Stall/gazebo deemed to present a risk or hazard shall, at the request of an Authorised Officer, be removed from the market immediately. A Licensed Street Trader shall ensure that any Stall, gazebo, barrow, Receptacle, etc. is safe in its construction, sitting, erection and use and shall not cause injury to any person.
- 12.8. Licensed Street Traders or their Manager/Assistants shall remove the Stall and Goods for so long as may be necessary in the event of extreme circumstances and when reasonably required to do so by an Authorised Officer.
- 12.9. All Stalls/gazebos/receptacle/trading vehicles shall be identified with the name of the owner or Licensed Street Trader if they are the owner. If a Licenced Street Trader is found leaving a stall/gazebo,receptacle,trailer or other type of trading vehicle overnight in a trading pitch, parking space and/or loading bay they will be charged the daily rate until it has been removed. Failure to remove it will result in revocation of their street trading licence.
- 12.10. All Stalls shall be on an approved type, suitable for the purpose to which it is to be used, and shall be kept in a clean condition and in good repair. A Stall shall be repaired and/or repainted within one month of a written request from the Council and shall be repainted in an approved colour at least once every two years.

- 12.11.** A Stall that is or becomes unfit for purpose of Street Trading or beyond repair in the opinion of the Council must be replaced with one fit for purpose within one month of a written request by the Council.
- 12.12.** Fabrics or other sheet materials used in the construction of that Stalls, roof coverings, drapes or Awnings shall be rendered flame retardant and maintained in that condition to the satisfaction of the London Fire Authority.
- 12.13.** Canopies, clips, display goods and other similar items must be positioned in a way so as to cause no risk or danger to pedestrians or vehicles.
- 12.14.** Licensed Street Traders must not place any Goods or equipment in the Licensed pitch such that they encroach or extend beyond the confines of their pitch, unless they have permission from Authorised Officers.
- 12.15.** All structures, scaffolds and poles are to be within the perimeter of the pitch. Overhangs are only permitted with the agreement of an Authorised Officer, and if allowed must not cause a hindrance to others, an obstruction or a danger to pedestrians/vehicles.
- 12.16.** Licensed Street Traders shall ensure that they familiarise themselves with and comply with any specific requirements for stalls on the market they attend.
- 12.17.** All tables or other furniture for presentation and sale of Goods, shall be properly designed and professionally made for such a purpose and able to withstand the rigours of Street Trading. Makeshift structures are not acceptable.
- 12.18.** All avenues, gangways, passages and other areas between pitches and adjacent highways must be kept free of obstructions.
- 12.19.** Council Officers will from time to time inspect market stall set-ups to ensure an acceptable standard of appearance is maintained and request appropriate changes to enhance market locations.
- 12.20.** Any Stall/Gazebo rented from the Council must be paid for in advance of your attendance to trade. If you fail to attend the Market/Street Trading site after requesting use of one of the Council Stalls/Gazebos, the fee will be added to your next invoice or pitch payment. The Council is not liable for any charges you incur through non-attendance.

13. INSURANCE

- 13.1.** A Licensed Street Trader shall have public liability insurance in the sum of £5,000,000 (five million pounds) in respect of any one event approved by the Council in writing and must produce to the Council on request the current receipt for payment of the insurance premium. A copy of the certificate of insurance shall be provided to the Council within seven days of a request being made.

- 13.2.** All Street Trading Licence holders must provide the Market Service with sight of originals of applicable insurance certificate at the time their Licence is granted and whenever they make any changes to the policy. They must also provide originals of all renewals no later than seven days before the previous certificate expires. We reserve the right to make further copies or contact the insurance company at any point if we deem it necessary to do so.
- 13.3.** All Street Trading Licence holders are prohibited from trading at any time unless they have valid insurance cover and contravention of this condition will result in appropriate enforcement sanction being applied. In the event of a query regarding insurance, or as part of routine checking, a market officer may request sight of any relevant documentation and/or the Licence holder may be required to produce such documentation at the offices of the Markets Service. Failure to produce insurance certificates within seven days when requested by an Authorised Officer 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.

14. STORAGE

- 14.1.** Licensed Street Traders who Street Trade in Food Stuffs shall notify the Council in writing of any change of address or addresses at which the Stall and any Goods are stored. Such notice shall be given within seven days of such change and the Council reserves the right to conduct an inspection to confirm storage at the address and to ensure that the storage space complies with all relevant legislation.
- 14.2.** Licensed Street Traders who lease a container from the Council must not fall into more than two months arrears. The containers must only be used to store items that are legal and within the Commodity Regulations, and relate to their trading on the market.
- 14.3.** The Council reserves the right to request the revocation of a leased container if the Licenced Street Trader has Persistent arrears. The Council will provide 28 days notice of revocation of container to facilitate the Licensed Street Trader to make alternative storage arrangements.
- 14.4.** The container must be made available for inspection by an Authorised Officer's request, failure to comply with these rules will result in the Council repossessing the container and any outstanding fees will still be owed.
- 14.5.** Any damages to the container(s) leased from the Council that incurs repair charges are not the liability of the Council and will be chargeable to the Street Trading Licence holder.
- 14.6.** Subletting of any leased container by a Street Trading Licence holder will result in the issuance of 28 days notice to remove Goods and the Council will revoke the leased container. Any costs accrued in the process will be chargeable to the Street Trading Licence holder.

- 14.7.** The Council reserves the right to request the return of a leased container if the Licenced Street Trader has not attended the market for 51 % of the trading day on the Licence over a period of three months. The Council will provide 28 days notice of revocation of container to facilitate the Licensed Street Trader to make alternative storage arrangements.

15. EMPLOYED MANAGER AND/OR ASSISTANTS

- 15.1.** All Street Trading Licence holders must register each of their Managers/Assistants when they first apply for a Street Trading Licence and also inform the Market Service of any change of Assistant or recruitment of an additional Assistant within seven days. A maximum of one Manager & three Assistants can be registered on the Licence.
- 15.2.** A Temporary Licensed Street Trader may employ up to four Assistants.
- 15.3.** A full registration providing the details as set out below must be submitted to the Market Service by the Street Trading Licence holder in respect of each and every Manager/ Assistant to be employed by the Licence holder:
- Written details of the Assistant's full name, address, date of birth, email address, mobile and landline phone number, where applicable.
 - One identical and up-to-date full face passport photograph of the Manager/Assistant.
 - The Assistant's valid NI number, copy of a valid UK passport (or overseas passport with work permit) and/or other satisfactory evidence that they are eligible to work in the UK, such as a letter from the Home Office.
 - Proof that they are covered by both Public liability and where applicable, Employer liability, insurances.
 - Proof of payment of the appropriate fee.
 - Any other information that we may reasonably require or consider relevant.
- 15.4.** Licenced Street Traders may only make four changes to their registered Managers/ Assistants on their Licence in one calendar year unless prior approval has been sought by the Market Service. If the number of registered Manager/Assistant changes are likely to exceed four in any one calendar year, prior approval must be sought from the Market Service before any more Assistants can be registered.
- 15.5.** A registered Assistant can only be registered to a maximum of two permanent traders during a twelve month period.
- 15.6.** Only a Manager/Assistant registered with the Council may work on a Stall. Any Manager or Assistant must apply for a Markets ID card and their completed application must be

presented to the Council within seven days of starting work on the market for a Licensed Trader.

- 15.7.** Any Manager/Assistant whose registration has expired and who is not in the process of completing full registration will be regarded as unregistered. The use of unregistered Managers/Assistants by a Licence holder is a breach of Licence conditions.
- 15.8.** A Licensed Street Trader shall not employ a Young Person in any capacity in the course of Street Trading unless that Person is registered with a Local Authority and a work permit has been issued. A written record shall be kept of the hours of work of any Young Person employed together with the duties performed. This record shall be produced to an Authorised Officer upon request.
- 15.9.** A Manager/Assistant shall carry their Markets ID card at all times when working for the Licensed Street Trader, and present it to Markets Officers/Council officers when requested (as per Section 2.9.2) (of proposed terms).
- 15.10.** Street Trading Licence holders must supervise any Assistant that they employ. If their Manager/Assistant breaches any of the conditions of the Street Trading Licence, then the Licence holder will be liable for the breach and enforcement sanction may follow as a result. This may be in addition to any action taken against the Assistant.
- 15.11.** When a person ceases to be their Manager/Assistant, the License holder must notify the Council of that fact within seven calendar days and the Manager/Assistant will be required to surrender their ID card, if any has been issued.
- 15.12.** No new Assistant will be registered to a permanent trader if he/she has arrears of charges.
- 15.13.** A Street Trading Licence holder cannot be a registered Manager/Assistant on another Street Trading Licence holder's Street Trading Licence within the London Borough of Hackney.
- 15.14.** Registered Managers/Assistants cannot hold their own personal Street Trading Licence whilst still registered as a Manager/Assistant for another Street Trading Licence holder in the London Borough of Hackney.
- 15.15.** Any Managers/Assistants found to be in violation of any conditions within this document will have their Assistant's Licence revoked on any Street Trading Licence for which they appear on.

16. ASSISTANCE TO AUTHORISED OFFICERS

- 16.1.** A Licensed Street Trader or Manager/Assistant shall give immediate assistance to Authorised Officers when requested to do so. This includes requests to meet with a Licence holder to discuss any concerns or contraventions.
- 16.2.** A Licensed Street Trader and/or Manager/Assistant shall not use rude or offensive

language or behave in an aggressive manner when dealing with an Authorised Officer or member of the Council.

- 16.3.** A Licensed Street Trader and/or Manager/Assistant must not commit any acts of harassment (whether racial, sexual or otherwise) against an Authorised Officer.
- 16.4.** If any Licenced Street Trader and/or Manager/Assistant provides information to an Authorised Officer when requested, that is later found to be false or misleading, the Council may consider revoking the Licence in question.
- 16.5.** A Licensed Street Trader and/or Manager/Assistant shall not make offers to bribe, induce or act fraudulently when or in connection with Enforcement, Planning, Regeneration, Street or Shop Front Trading in and around the vicinity of a Council market or Street Trading site.

17. ABSENCES AND SICKNESS

This section applies to Permanent Licensed Street Traders only

- 17.1.** In any cases of sickness/pregnancy where a Licence holder (and their Manager if they employ one) is unable to occupy their pitch, they should notify the Council on the first day of absence, specifying the reasons and the likely length of absence if possible. During the period of absence, a registered Assistant is permitted to trade on behalf of the License holder or, if they do not employ a Manager or an Assistant, the Council may temporarily allocate the pitch to a Temporary Licence holder.
- 17.2.** Licensed Street Traders shall pay all Markets and Street Trading fees and charges in connection with their Licence for the first four weeks of sickness. Where due to sickness a Licensed Street Trader is unable to trade for a period of four continuous weeks, the Licensed Street Trader must complete a Markets Sickness Form and return the Form to the Markets Service Admin officer with the medical sickness certificate duly signed from his/her GP covering the four weeks continuous sickness period. The Licence holder must meet the cost of obtaining any certificate[s].
- 17.3.** Where any sickness continues for a period of more than four weeks, the holder of a Street Trading Licence shall submit and continue to submit monthly to the Council medical certificates for each four week period of sickness. If a medical certificate is not submitted at the beginning of each four week period of sickness to the Council, the Markets and Street Trading fees and charges in connection with the Street Trading Licence for the whole four week period shall be payable to the Council even where a medical certificate is submitted retrospectively. The Licence holder must meet the cost of obtaining any certificate[s].
- 17.4.** After 12 weeks of continuous absence due to medically certified sickness and subject to there being no significant arrears in charges payable, we may exercise our discretion if requested to do so by a Street Trading Licence holder and allow a registered Manager/ Assistant to act on behalf of a Licence holder. This does not confer on the named registered Assistant any claim over the pitch or associated rights following the return of

the permanent Licence holder and must be surrendered at this point if they wish to continue acting as a registered Assistant. Such arrangements will be kept under review. In the event that no medical certificates are forthcoming we may take steps to revoke the Street Trading Licence.

- 17.5.** The Council will review the suitability of the absent Street Trading Licence holder to continue to hold a Permanent Street Trading Licence after six months of continuous absence and every six months thereafter. If it becomes the case that they are unable to return in person and attend their pitch to the full extent required by their Licence, then they shall be given the opportunity to surrender it and apply for a temporary Licence or retire on ill-health grounds, in the absence of a successor being nominated in accordance with 3.8 above. This condition will also apply where sickness exceeds six months aggregate within any 12 month period. This is without prejudice to our taking steps to revoke the Licence on the grounds that the Licence holder is an individual who has without reasonable excuse personally failed fully to Avail himself of his/her Licence.
- 17.6.** A Street Trading Licence holder is required to give written notice forty-eight hours in advance for holidays of a duration which is less than two weeks. For extended leave exceeding two weeks, the Licence holder must obtain written permission from the Market Service and ensure that all outstanding fees and charges have been paid. During their absence, a registered Assistant will be allowed to trade on their behalf or, if they do not employ an Assistant, we may allocate the pitch to a temporary Licence holder.
- 17.7.** Licence holders that take unauthorised leave may be subject to enforcement sanctions including revocation of Street Trading Licence. The Licence holder is required to pay all Street Trading charges regardless of sickness or holiday absence.
- 17.8.** A Licence holder who is an expectant mother shall be permitted to deposit her Licence with the Market Service for up to nine months or such alternative period as may be specified by law. If she employs a registered Assistant, then on application by the Licence holder we will allow a named registered Assistant to act on her behalf. This does not confer on the Assistant any claim over the pitch or associated rights following the return of the permanent Licence holder. It remains the responsibility of the Licence holder to pay all trading charges. If the Licence holder has no registered Assistant then whilst consideration may be given to wholly or partially waiving charges for the period of absence, we may propose that on their return, the Licence holder will be allocated a pitch different to that which they previously occupied.
- 17.9.** Any application in relation to sickness or holiday will relate solely to the financial year (1st of April to 31st of March the following year) in which the sickness or holiday occurred.
- 17.10.** All other requests for extended leave, on the grounds of paternity leave, religious purposes, carers leave or similar, will be considered on an individual basis to ensure that a fair and reasonable decision is made in every case. The Council's decision shall be final. Such leave where agreed and credited must be for a minimum of one week.
- 17.11.** The holder of a Street Trading Licence should notify the Council in writing in advance of their intention and the dates on which they will be absent for a period not exceeding two weeks in aggregate during one financial year commencing on 1 April and ending on 31 March the following year, for the purpose of going on holiday. The Street Trading Licence

Trader's trading account will be credited in lieu of such holiday period. Such holiday period booked and credited must be for a minimum of one week.

18. FEES & CHARGES

- 18.1.** A Licensed Street Trader shall pay all Markets and Street Trading fees and charges in connection with his Licence on the dates and intervals specified by the Council upon the issue and/or renewal of the Licence and in the manner agreed as appropriate for payment by the Council.
- 18.2.** A Permanent Licensed Street Trader shall use one of the payment methods notified to them at the time of his application for a Licence or renewal of his Licence or as otherwise given in writing by the Council to pay their Markets and Street Trading fees and charges. We reserve the right to vary this general requirement with reasonable notice of not less than three months.
- 18.3.** Any Permanent Street Trader who falls into arrears of 4 weeks or more within the period of their Licence must either clear the debt in full or enter into an agreed repayment plan. If arrears continue without an agreed repayment plan, The traders Permanent Licence will be suspended and they will be offered the opportunity to trade as a temporary trader with a final repayment plan agreed to clear all monies owing. Persistent accrual or failure to clear arrears in full puts the Licence at risk of revocation or the Council refusing to renew the Permanent Licence upon expiry. See also 3.7 and 3.8 regarding permanent Licence renewal. All Fees and Charges must be fully paid within the financial year and any Permanent Street Trader in arrears during the renewal process will not have their Street Trading Licence renewed and will be prohibited from Street Trading from 1st April on a Permanent Street Trading Licence.
- 18.4.** All Fees and Charges must be fully paid within the financial year and any Permanent Street Trader in arrears during the renewal process will not have their Street Trading Licence renewed and will be prohibited from Street Trading from 1st April on a Permanent Street Trading Licence. Any Street Trading Licence holder who fails to clear their outstanding debt and/or persistently falls into significant arrears (with or without proposals to revoke being made) is considered to have breached their Licence conditions. We therefore reserve the right to undertake further enforcement sanction regardless of whether the debt is discharged in the meantime. This may include attaching further conditions to or varying the Licence conditions through the OLP as we consider appropriate.
- 18.5.** The Council reserves the right to commence proceedings in the County Court to recover all arrears. This is without prejudice to any other enforcement sanction that has been or may be taken by us.
- 18.6.** Street Trading Licence holders are also required to pay additional charges reasonably demanded by us for actions like damage to Council-owned street furniture, the production of excessive Refuse, damage/staining to pavements/blocked drains through discharge of Animal By-Product or liquids within fourteen days of us demanding payment from them. This is without prejudice to any enforcement sanction that has been or may be taken by

us or any other agency.

- 18.7.** If they fail to pay these other charges, then we reserve the right to apply a further charge added to the next monthly trading charge. A charge may also be made for all reasonable administrative costs incurred by the Council in the recovery of arrears, taking enforcement sanction or for additional late payments.
- 18.8.** Permanent and temporary traders are required to use an electronic payment method acceptable to the Market Service and use a self-service online traders' portal to make transactions with the Council, this includes applications for Licences, variations making online advance payments for invoices and temporary trading and booking pitches. Debit or credit card payments can be made at the Markets office. In the event that payment is by credit card an additional fee as notified may be levied. Cheques submitted to the Market Service will not be accepted.
- 18.9.** Any Licenced Street Trader requesting a Street Trading Licence variation must be debt-free, with no enforcement sanctions on file at the time of the request and for at least six months consecutively preceding the request.
- 18.10.** A variation of a Street Trading Licence agreed at the Officer Licensing Panel (OLP), shall only be permitted once every 12 months for a Commodity change (in line with the Commodity Regulations) and once every six months for a pitch transfer.
- 18.11.** A Licensed Street Trader shall be required to pay a non-refundable fee for an application to vary a Street Trading Licence at any OLP sitting (see current Council fees and charges).
- 18.12.** Temporary Licensed Street Traders can pay as follows:
- 18.12.1.** On markets where temporary traders can turn up and seek to trade on the day, they will be charged on the day and their pitch is allocated by the Market Officer for that day and is only confirmed on receipt of payment.
 - 18.12.2.** Traders on miscellaneous sites can pay for up to four weeks in advance via the Markets Office or a Markets Officer on the market.
 - 18.12.3.** Traders with confirmed pitches on weekly markets can pay for a maximum period of four weeks in advance via the Markets Office or a Markets Officer on the market.

19. CONDUCT & BEHAVIOUR

- 19.1.** Hackney Council will not tolerate abuse or intimidation of any sort. Street Trading Licence holders are required to ensure that they and their Managers/Assistants are at all times competent, courteous and helpful, treating members of the public, other Licence holders, Authorised Officers from the Market Service or any other Council officers or officers from other agencies fairly, reasonably and with respect.

- 19.2.** Street Trading Licence holders or their Managers/Assistants must not commit any acts of harassment (whether based on race, gender, sexual orientation, age, disability, religious belief or other) against any person, including Council officers and their own employees. Harassment is considered to include, but is not limited to:
- Violence or threats of violence towards any person.
 - Abusive, racial or insulting words and/or behaviour towards any person.
 - Damage or threats of damage to property belonging to another person.
 - Writing threatening, abusive or insulting graffiti/emails or other correspondence.
 - Refusal, without reasonable cause, to serve or permit access to a Stall, Licensed site, Premises or services.
 - Sexual acts or comments towards any person.
 - Persistent comments of a derogatory or malicious nature towards a Council officer or member of the public.
 - Any act or omission calculated to interfere with the peace or comfort of any person, to inconvenience such person or otherwise considered to bring the markets into disrepute.
- 19.3.** Street Trading Licence holders and their Managers/Assistants must co-operate in allowing Markets Service Officers, other staff and contractors employed by the Council or representatives from other agencies to carry out their duties, which includes complying with any reasonable request or instruction. Such requests may include the production of documents such as those related to food registration where applicable.
- 19.4.** Any complaints deemed by the Market Service to be of a serious nature against a Street Trading Licence holder and/or their Manager/Assistant by members of the public, other Licence holders, Council officers or relevant third parties may be regarded as grounds for preventing/suspending them from trading until the matter is resolved, or could lead to a revocation/refusal to renew a Licence.
- 19.5.** Any allegations made by Street Trading Licence holders or their Manager/Assistants against members of the public, other Licence holders or Council officers will always be fully investigated. However, if such allegations are found to be without factual basis and were made in a frivolous or malicious and/or disingenuous manner, then the suitability of the individual responsible for the allegation to hold a Street Trading Licence (whether permanent or temporary) or be a registered Assistant may be called into question and will also be deemed to be a breach of conditions and those responsible may be subject to further enforcement sanction, which could lead to a revocation/refusal to renew a Licence.
- 19.6.** In order to protect our community, any existing Street Trading Licence holder or who is convicted, cautioned, arrested, warned or admits to the commission of any offence relating to assault, criminal damage, drugs, dishonesty, public order, weapons or bladed articles, sexual offences, non-fatal offences against the person, consumer related offences (including safety, counterfeit, copyright, pricing and food hygiene) or the unlicensed sale and supply of alcohol will have their Licence reviewed to consider their continued suitability to trade or remain as a registered Assistant. In addition, Licence holders and

their Assistants are strictly prohibited from trading whilst under the influence of alcohol or illegal substances.

- 19.7.** Where a Manager or an Assistant is convicted of one of the offences described above (or similar), the Manager/Assistant will have their Manager/Assistant card revoked and the Street Trading Licence holder may face further enforcement sanctions.
- 19.8.** Licensed Street Traders and/or their Manager/Assistant must not make an offer to bribe or induce a Council officer or act fraudulent in connection with Street Trading. If found to be doing so it will be deemed to be a breach of conditions and those responsible may be subject to further enforcement sanctions, including revocation/refusal to renew a Licence.
- 19.9.** Licensed Street Traders and/or their Manager/Assistant shall not consume or cause to be consumed alcohol or any illicit substance pending revocation. If found to be doing so it will be deemed to be a breach of conditions and those responsible may be subject to further enforcement sanctions, including revocation/refusal to renew a Licence.
- 19.10.** Licensed Street Traders and/or their Manager/Assistants shall not be permitted use of a radio or music playing device by the Licensed Street Trading Pitch unless agreed by an Authorised Officer in writing. If agreed it is to be only on the pitch or within the immediate vicinity, and the sound level produced by such a device is at a level judged by an Authorised Officer to be reasonable and which allows a face to face conversation between two people and does not disturb other traders or members of the public.
- 19.11.** A Licensed Street Trader must reduce the level of sound from any device when required to do so by an Authorised Officer. To play music in public a trader should have a Phonographic Performance Ltd Licence (PPL) and a PRS for music licence.

20. ENFORCEMENT

- 20.1.** Any Street Trading Licence holder, Manager or Assistant who contravenes any of the conditions of their Licence could be guilty of an offence and liable on summary conviction to a fine not exceeding level 3 (£1,000 as at 7th February 2012) of the standard scale as provided by section 34(1) of the London Local Authorities Act 1990 (as amended). The Council reserves the right for its Authorised Officers to prosecute any person who contravenes the conditions of their Licence.
- 20.2.** Where the Council does not prosecute in the courts any person who contravenes any of the conditions in their Licence may be subject to one of the following penalties in their Licence.
- The issue of Verbal warning, where the trader will be advised they are breaching their Terms and Conditions, and where appropriate be given a time period to fix the issue (time to fix issue will be dependent on Authorised Officer's discretion. If the offence is deemed to be causing a major issue the time given may be much shorter than other offences)
 - Written & Final Written Warning, the Trader will be issued a formal warning in writing

stating the offence, and if appropriate time to fix the issue (the time set will be at the discretion of the Authorised Officer depending on the offence committed) If persistent contraventions occur a final written warning will be issued.

-The issue of Fixed Penalty Notices (FPN), the trader will be issued with a FPN for the offence committed. If an FPN is issued the Authorised Officer will document evidence in the form of notes and photographs (where applicable)

- Seizure of Goods or other materials, where applicable the Authorised Officer may seize Goods and issue a FPN for the offence committed and the Goods/materials may be used in evidence if the Council chooses to prosecute.

- Revocation of trading rights (in accepting a Licence to trade with these Standard Conditions the trader hereby confirms acceptance of the right of Council to suspend them from trading in the circumstances set out in these regulations and further confirms they will cease trading and leave the market when requested to do so by an Authorised Officer of the Council or police officer. The Council reserves the right to skip stages where the offence or contravention is considered serious and appropriate to do so.

- 20.3.** Persistent breaches of these conditions may lead to proceedings for Licence revocation, Licence application refusal, variation of Licence conditions or the imposition of further conditions. Breach of certain conditions may also lead to prosecution.
- 20.4.** Persistent breach of conditions will be considered as an indication that a person is not fit to hold or be granted a Licence to trade within the London Borough of Hackney and may lead to Licence revocation, Licence application refusal, Licence variation or imposition of further conditions. Revocation will result in the trader being unable to apply or hold a Street Trading Licence in the London Borough of Hackney for the next 12 months but may reapply after this period for a Temporary Licence.
- 20.5.** Where it is necessary to carry out a full investigation, the case will be progressed without undue delay (maximum period four weeks). During this time Licence holders will be still be able to Street Trade at any location across the Borough until the investigation is complete:
- 20.5.1.** Once the investigation is completed unless the Licence is revoked, the trader will continue to trade as normal. Investigations will only be carried out by a manager within the Service and conducted in a confidential and timely manner.
- 20.5.2.** If an enforcement sanction is issued, the trader has the right to appeal the enforcement action taken against them. All appeals should be made to the Market Manager in the first instance in writing within seven days of any action being taken. If the action is sanctioned by the Markets Manager the appeal will be heard by the Service Area Manager.
- 20.5.3.** If the Licence has been revoked, the trader has the right to appeal the revocation and can do so in writing to the magistrates' court within 21 days of the decision. Any revocation of a Permanent or Temporary Street Trading Licence will result in the trader being unable to apply or hold a Street Trading Licence in the London Borough of Hackney for the next 12 months but may reapply after this period for a Temporary Licence.

21. SHARING INFORMATION WITH THIRD PARTIES

- 21.1. The Markets Service may disclose the personal details of Licence holders to third parties who have a legal right to such information. This includes other regulatory and law enforcement agencies and those who may require the information in connection with a civil action in the Courts.
- 21.2. To comply with money laundering legislation, the Markets Service will report any transactions for Street Trading Licences or charges which we consider to be suspicious to the relevant agencies.
- 21.3. To comply with the proceeds of crime act (POCA), we the Markets Service may share information with third parties who have a legal right to such information such as HMRC and the National Crime Agency when investigating issues such as subletting.

I have read and understand the Hackney Council Standard Licence Terms & Conditions and agree to follow them in full.

Print Name

Signature

Date

SIGNED by or on behalf of the Council:

Print Name

Signature

Date



SHOP FRONT TRADING (INCLUDING TABLES AND CHAIRS) REGULATIONS

Prescribing Standard Conditions Applicable to Shop Front Trading which is inclusive of commodities, goods 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

1. DEFINITIONS

- 1.1.** In the regulations, unless the context otherwise requires, the following expression 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 shall be constructed accordingly.
 - b.** “Authorised Officer” means an authorised officer of the Council.
 - c.** “Child” means a child who has not reached school leaving age.
 - d.** “Enforcement Sanctions” includes, but is not restricted to, prosecution, licence suspension, revocation, variation of licence conditions, imposition of further conditions, civil recovery action, injunction or a combination of these as considered appropriate.
 - e.** “Food Hygiene Rating” means a scheme run by the Food Standards Agency, which is dedicated to assessing the hygiene levels of restaurants, takeaways, food shops, and cafes, to ensure it is safe to consume.
 - f.** “Footfall” means the number of people who go into a shop or business or pass through a defined/specified area in a particular period of time.
 - g.** “Goods” means any goods, commodities, wares or merchandise for sale at a stall or business.
 - h.** “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; including private land 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.
 - i.** “Licence Holder” means the person authorised to carry out shop front trading activity from a licensed area as permitted under the Act.
 - j.** “Parklets” mean public seating platforms that convert curbside parking spaces into vibrant community spaces. Typically extending the pavement to provide more space and amenities for people using the street. Parklets as described below may be constructed on the carriageway
 - k.** “Permanent Structures” means a fixed structure on the public highway that is not removed at the end of the trading day. The Council’s highways department does not support the introduction of permanent structures on the public highway in front of shops and cafes. Only shop front trading stalls; tables and chairs will be licensed. No other paraphernalia is to be licensed. The granting of planning permission does not come with it any granting of Highways permissions. All other items on the public highway will be deemed highway obstructions.
 - l.** “Planters” is a general term used for pots and containers for the growing of indoor or outdoor plants. Receptacles can come in many shapes, materials and sizes.

- m.** “Premises” means any commercial premises immediately behind the Licensed Area.
- n.** “Public Highway” Essentially Public Highway can be both the maintained highway, but also the land to which the public has historically accessed. The public highway can be both public and private land. Ownership of the subsoil does not, of itself, mean the land is not public highway.
- o.** “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.
- p.** “Refuse” - includes empty and discarded receptacles and any waste material.
- q.** “Saturation Zones/Cumulative Impact” are areas in which a series of repeated actions/Goods, commodities, or the granting of additional licences, have an effect greater than the sum of their individual effects.
- r.** “Shop Front Trading” shall have the meaning as “Street Trading” in Section 21 (1) of the London Local Authorities Act 1990.
- s.** “Special Conditions” are such conditions as it is deemed reasonable by the Council to apply to any licence in addition to the Standard Conditions.
- t.** “Street Trading Licence” includes licences issued for Shop Front Trading or the placing of tables and chairs, Parklets, Goods or commodities outside premises whether issued under the London Local Authorities Act 1990 (as amended) or the Highways Act 1980.
- u.** “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; 1985 c. 68.
- v.** “Street Furniture” means objects placed or fixed in the street for public use, such as post-boxes, road signs, benches, lamp posts, cycle racks, phone booths, etc.
- w.** “Suspension” means the exercise of the power to enforce the temporary cessation of trading activities from a stall holder, his/her assistant (from using the pitch area) as may be attached by the Markets Service as a further licence condition or a variation of a current licence in any individual case where it appears reasonable in all the circumstances.
- x.** “The Act” means that London Local Authorities Act 1990 as amended.
- y.** “The Council” means the London Borough of Hackney.
- z.** “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 by-law, enactment, or regulation other than under The Act(s).
- 2.2. A Licensed Shop Front Trader shall at all times comply with these conditions. A person who contravenes any of the conditions of a Street Trading Licence may be guilty of an offence and/or subject to appropriate enforcement sanctions in accordance with our enforcement policy. Any contravention of conditions by an Assistant shall be regarded as having been committed by the Licence Holder.
- 2.3. Where in these regulations there is reference to our consent or agreement, this consent or agreement may be given on such terms or conditions and subject to such restrictions as we might reasonably specify, any variation shall not take effect until the consent of the Council has been received in writing by the Licence Holder.
- 2.4. We may vary the conditions of a Licence or attach special conditions in accordance with statutory provisions. We may at any time attach such further conditions to a Licence as appear to us be reasonable in any individual case. The Shop Front Licence Holder may also make an application via the Officer Licencing Panel (OLP) for a variation of the Licence. In the event of conflict between these standard conditions and any Special Conditions attached to the Licence, the latter will prevail.
- 2.5. The trade, business, or 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 Standings 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 any time in contravention of any Order made under the Shops Act or any other statutory enactment.
- 2.9. Where compliance notices are issued with regard to health and safety and food hygiene legislation the requirements of the notices must be complied with within the period stated in the notice. Failure to do so may result in the removal of your Licence.
- 2.10. Where compliance notices are issued with regard to health and safety and food hygiene legislation the requirements of the notices must be complied with within the period stated in the notice. Failure to do so may result in the removal of your Licence.

- 2.11.** Any damage done to property owned by the Council by a Licensed Shop Front Trader or their Assistants is to be paid for in full by the Licensed Shop Front Trader and could face enforcement sanctions up to and including revocation of their Shop Front Licence.
- 2.12.** Traders shall ensure that they comply with all relevant legislation including:
- The Highways Act 1980, and,
 - London Local Authorities Act 1990 (as amended),
- Together with all associated legislation including orders and regulations. Failure to comply with such legislation may result in revocation of the Licence.
- 2.13.** If any information given by a Trader in an application for a Shop Front Trading Licence is found to be false or misleading, the Council may consider revoking the Licence in question.

3. LICENCES

- 3.1.** The Shop Front Trading Licence is merely consent to trade under the Act. It does not constitute any other approval or consent that Licence Holders might need under by-laws, regulations or other enactments, such as planning, highways or water supplier consents. Responsibility for ensuring that appropriate approval or consents are obtained or adhered to rests with the Licence Holder/applicant.
- 3.2.** All Shop Front Trading Licences are assessed on an existing criteria and Council policy in place at the time of application, therefore the granting of any Licence, does not constitute a precedent for the purposes of granting future Licences.
- 3.3.** The application and renewal process for Shop Front Licence requires a site visit from an Authorised Officer of the Council to assess the application/renewal. This involves reviewing all proposed measurements and requirements listed in the application to ensure they meet the set criteria and the appropriate fee is charged to the proposed Licence Holder according to the meterage used.
- 3.4.** The Council reserves the right to make amendments to the existing criteria and Council policies, if it is deemed in the interest of the Council to do so. Shop Front Licence Holders will be notified in reasonable time of any changes. If changes are made all existing banded Licences will be null and void and an Authorised Officer would attend site and conduct re-measurements to provide accurate meterage for the new Licence to be issued.
- 3.5.** 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. Failure to display your Shop Front Licence will result in the issuance of enforcement sanctions against the Licence Holder.
- 3.6.** 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 licensee's public liability insurance.
- 3.7.** A Shop Front Trading Licence is not transferable.

- 3.8.** Only the Shop Front Licence Holder and/or their registered Assistants can engage in Shop Front Trading.
- 3.9.** When Applying for a Shop Front Licence, only premises that have achieved a minimum standard of a 3* food hygiene rating will be considered for a Shop Front Licence.
- 3.10.** During the lifetime of the Shop Front Licence any premises which receives a food Standards rating of a 1* or 2* shall have their Licence temporarily suspended until such time they complete the reasonable adjustment and receive a 3* or higher on the follow up visit. Any premises that fails to achieve this will have their Shop Front Licence revoked.
- 3.11.** Only those goods or commodities sold in shop Premises can be displayed outside Premises provided they are not excluded items as defined in these regulations.
- 3.12.** Only those services provided within the Premises can be provided within the licensed Shop Front Trading area and where a Licence permits Goods, commodities or tables and chairs to be placed on the street.
- 3.13.** All new commodities, Goods or services must have been sold inside the Premises for a period of at least 3 months before it can be traded via the Shop Front Licence. The Licence Holder will then need to apply for a Licence variation request via the OLP in writing to the Markets Service for consideration to grant request by the Council.
- 3.14.** The 3 months of trading newly introduced commodities, Goods or services will commence once written notification has been received by the Council.
- 3.15.** If wishing to trade from your shop frontage whilst using a Temporary Event Notices (TENS), you will still require a valid Shop Front Trading Licence. Failure to do so will result in an enforcement sanction and potential closure or seizure of goods for illegal trading.
- 3.16.** The Council reserves the right to issue Shop Front Trading Licenses to Traders who offer commodities that will enhance the viability of the market before any other Trader or applicant.
- 3.17.** The Council reserves the right to refuse to grant a Shop Front Trading Licence where the cumulative impact on the Public Highway of granting multiple premises with Shop Front Licenses displaying the same or similar commodities, Goods, kiosks, Planters, Parklets, tables and chairs and in turn having a negative impact on the Street Scene or economic viability of local high streets due to over saturation.
- 3.18.** During the application for a Shop Front Licence, the close proximity of Premises in a small defined area and impact on the wider community will be a consideration for the Council when deciding whether to grant a new Shop Front Trading Licence.
- 3.19.** The Council's decision regarding cumulative impact or over saturation is final.
- 3.20.** Permanent Shop Front Licenses are only available if you meet the required criteria. Any applications/requests for a permanent Licence on miscellaneous sites will be considered at the subsequent OLP, however the Council reserves the right to refuse an application/request, with any decision made by the Council is final.

- 3.21.** To apply for a Permanent Shop Front Trading Licence a Trader must be a current temporary Licence Holder and will not be considered for a permanent Street Trading Licence until they have held their temporary Licence for a minimum period of six months and not incurred any enforcement sanctions within this time. The period of six months gives both the Council and the Trader the opportunity to ensure a good fit.
- 3.22.** A permanent Shop Front Trading Licence will not be renewed if a licenced Shop Front Trader is in arrears or has appeared on the arrears report 3 or more times in a calendar twelve months. All fees and charges must be fully paid within the financial year and any permanent Shop Front Trader in arrears during the renewal process will not have their Shop Front Trading Licence renewed and will be prohibited from Shop Front Trading from 1st April on a permanent Licence.
- 3.23.** Any permanent Shop Front Trader falling into 12.6 above may apply for a temporary Shop Front Trading Licence and pay the appropriate temporary fees and charges and agree a payment plan until the arrears are cleared within the agreed time frame. The Council reserves the right to not reissue a permanent Licence in the event of persistent arrears.
- 3.24.** A Shop Front Trading Licence shall cease to have effect on being surrendered to the Council by the licensed Shop Front Trader to whom it was granted. This must be done by way of written cancellation. Cancellations can only take effect from the date received by the markets office. The effective date of surrender will not be earlier than the receipt of the written request to surrender the Licence. All outstanding fees and charges shall be payable up to and including the date of surrender of the Licence.
- 3.25.** The Shop Front Trading Licence is for the sole use and benefit of the Licence holder and whilst it provides permission to trade and bestows trading rights, it does not confer ownership of the allocated trading area, this is retained exclusively by the Council. Licence Holders must therefore not assign their Licence to anyone else, erect or deploy fixed structures without seeking planning permission, operate outside of licensed hours or sublet any part of their designated trading meterage to another Trader. If we have evidence that this condition has been breached, then the Licence Holder and other persons trading in the designated meterage may be subject to enforcement sanctions, including revocation of the Licence.
- 3.26.** Shop Front Traders requesting a variation of their Shop Front Trading Licence such as change of commodity or adjustment to meterage etc. must complete an application form and pay the variation fee before requests will be considered at the subsequent OLP, however the Council reserves the right to refuse an application, with any decision made by the Council is final.

4. TEMPORARY STREET TRADING LICENCES

- 4.1.** The holders of a temporary Shop Front Trading Licence are subject to these Standard Conditions in the same way as holders of a permanent Shop Front Trading Licence are.
- 4.2.** The holders of a temporary Shop Front Trading Licence shall receive a visit from an Authorised Officer of the Shop Fronts Service before the granting of a Licence to measure

and agree the meterage in which Shop Front Trading can commence on site. The decision by an Authorised Officer to allocate meterage available for a temporary Licence is final.

- 4.3. The Council reserves the right to withdraw the Licence of any temporary Street Trading Licence Holder without notice and will provide reason(s) both verbally and in writing. A temporary Trader shall cease trading when requested to do so by an Authorised Officer of the Council or police officer. Following the withdrawal of the Licence, the Council will supply the Trader the reasons for the withdrawal of the Licence in writing, where the Trader will be able to appeal the decision at the next available OLP panel.
- 4.4. The refusal by the holder of a temporary Shop Front Licence to stop trading from the previously agreed shop front trading are allocated by an Authorised Officer may result in enforcement sanctions and potential suspension or revocation of Licence.
- 4.5. The issue of a temporary Licence is without prejudice to the Council's application process for permanent Shop Front Trading Licences and does not infer a legal right to the grant of a permanent Shop Front Trading Licence.

5. SHORT TERM LICENCES

- 5.1. Shop Front Licence of a shorter duration than 6 months will be deemed 'short term' Licences.
- 5.2. Short Term Shop Front Licences will have the same effect as a temporary Shop Front Licence and must comply with all of the Licence conditions as laid out in these Licence terms and conditions.
- 5.3. Short Term Shop Front Licences will have a separate fee structure as set out in the Council's fees and charges to that of the temporary or permanent Shop Front Trading Licences.
- 5.4. The Council reserves the right to Suspend, Revoke or withdraw the ability to grant Short Term Shop Front Licence at any time and will provide Traders with reasonable written notice to enact any suspension, revocation or withdrawal of Licence.

6. CLEARANCES

- 6.1. The size of any receptacle or display or the area taken up by any Parklets, Planters, kiosks, table(s) and chair(s) shall not exceed the maximum dimensions stated in the Licence.
- 6.2. 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. Any persistent obstructions evidenced will result in enforcement sanctions being issued.
- 6.3. When processing an application or renewal of a Shop Front Trading Licence, footfall and foot traffic within the vicinity of the proposed/existing meterage both inside and outside of the permitted trading area will be taken into consideration before issuance of a Shop

Front Licence. This could result in Special Conditions added such as more than 1.2m clear of any obstruction.

- 6.4.** No Receptacle, display or table(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. Any persistent obstructions evidenced will result in enforcement sanctions being issued.
- 6.5.** Where Parklets, Planters, kiosks, 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 number prescribed in the Licence. If found to be exceeding the prescribed numbers then enforcement sanctions will be issued to the Shop Front Licence Holder.
- 6.6.** The sizes of Parklets, Planters kiosks, table(s) and chair(s) shall not exceed those prescribed in the Licence. If found to be oversizing enforcement sanctions will be issued to the Shop Front Licence Holder.
- 6.7.** The maximum dimensions of the area permitted to be used for Parklets, Planters, kiosks, 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). These barriers must form part of the meterage allowed for Shop Front Trading
- 6.8.** 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. These barriers must form part of the meterage allowed for Shop Front Trading.
- 6.9.** When processing an application or renewal of a Shop Front Trading Licence, any Street Furniture within the vicinity of the proposed/existing meterage both inside and outside of the permitted trading area will be taken into consideration before issuance of a Shop Front Licence.

7. INSURANCE

- 7.1.** The Shop Front Licence Holder 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 licensee's 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 the 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 Shop Front Licence Holders of any increase required by letter. A copy of the certificate of insurance shall be handed to the Council on request.

- 7.2.** Satisfactory evidence of such insurance must be produced to the Council before a Street Trading Licence and/or Shop Front Trading Licence will be granted or renewed. Failure to produce insurance certificates when requested by an Authorised Officer 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.
- 7.3.** Evidence of such insurance shall be produced by the Licence Holder 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 Licence Holder 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 cease their Shop Front Trading activities immediately until suitable insurance is in place and the cover note or policy presented to the Council.
- 7.4.** Shop Front Licence Holders 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 Licence Holder's insurer to confirm the details of any policy held or purported to be held and the applicable level of cover and indemnity provided.
- 7.5.** 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.
- 7.6.** A certified copy of the certificate of insurance must be kept on the Premises together with the Licence at all times.
- 7.7.** Evidence of such insurance shall be produced by a licence holder on demand to an Authorised Officer of the Council or a police officer.

8. DAYS AND TIMES

- 8.1.** A copy of the Shop Front Trading Licence which will display the premises licenced trading days and times must be displayed in the window of the premises where Shop Front Trading is permitted at all times. The copy shall be displayed so that it is clearly visible and legible from the Street to Authorised Officers, officers from other services and agencies and the members of the public.
- 8.2.** Shop Front Trading shall only take place during the days and between the times specified on the Shop Front Licence only. All fees and charges must be paid whether or not the Shop Front Licence Holder has traded.
- 8.3.** Any Receptacle, display Planter, kiosk 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. Failure to remove these items will result in a highway obstruction and the Licence Holder will receive enforcement sanctions up to and including revocation of their Shop Front Trading Licence.

9. INSPECTION OF LICENCE

- 9.1.** Licence holders shall produce their Licence for inspection when requested to do so by an Authorised Officer or the Council or police officer.
- 9.2.** Where the Council has issued a variation to a Licence the varied Licence must be displayed on the Premises.
- 9.3.** If alcoholic beverages are consumed in an area licenced 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.
- 9.4.** A Licensed Shop Front Trader or Assistant shall give immediate assistance to Authorised Officers when requested to do so.
- 9.5.** A Licensed Shop Front Trader and/or Assistant shall not use rude or offensive language or behave in an aggressive manner when dealing with an Authorised Officer or member of the Council.
- 9.6.** A Licensed Shop Front Trader and/or Assistant must not commit any acts of harassment (whether racial, sexual or otherwise) against an Authorised Officer.
- 9.7.** A Licensed Shop Front Trader and/or Assistant shall not make offers to bribe, induce or act fraudulently when or in connection with Enforcement, Planning, Street or Shop Front Trading.
- 9.8.** If any Licenced Street Trader and/or Manager/Assistant provides information to an Authorised Officer when requested, that is later found to be false or misleading, the Council may consider revoking the licence in question.

10. LICENSED AREA AND POSITION

- 10.1.** The Shop Front Licence Holder shall only use the Licenced Area prescribed in the granted Licence (which may be marked or denoted on the ground by means determined by the Council).
- 10.2.** The Shop Front Licence Holder shall not cause or permit Receptacles, Goods, commodities, Parklets, Planters, kiosks, 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.
- 10.3.** In respect of catering/licenced establishments, barriers, benches, kiosks, Planters, Receptacles, tables and chairs shall not be placed or used outside of the area defined in the Licence. The 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.

- 10.4.** 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.
- 10.5.** Any benches, commodities, Goods, kiosks, Parklets, Planters, Receptacles, tables or chairs, whether affixed to or projecting from the premises over the Public Highway will require a Shop Front Licence and are bound by these terms and conditions.
- 10.6.** Any permanent fixtures that are affixed to or projecting from the premises over the Public Highway will require planning permission from the Council as well as a Shop Front Licence. If no Planning approval received or presented upon request all affixed or projected fixtures will need to be removed from the designated shop front area at the end of each trading day as specified on the Shop Front Licence.

11. TABLES & CHAIRS

- 11.1.** A Shop Front Licence issued by the Council for Shop Front Trading does not give permission to serve alcohol outside, irrespective of a Premises having a licence issued under the Licensing Act 2003 or successor legislation. To serve alcohol, a variation of their premises Licence must be sought from the Council.
- 11.2.** All the furniture and barriers used in the confines of the designated Shop Front Trading area shall be suitably stored off the highway outside of the prescribed hours.
- 11.3.** The Council is to be expressly exempted for loss, theft or damage of any barriers, benches, commodities, Goods, kiosks, Planter, Receptacles, tables and chairs.
- 11.4.** 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.
- 11.5.** 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 Shop Front Licence Holder shall be liable to pay the Council's cost if it has to clean in default.
- 11.6.** The Shop Front Licence Holder shall not affix or permit to be affixed to the Public Highway without prior planning approval from the Council. The approval or grant of a Shop Front Licence is not an indication of approval for a planning application.

- 11.7.** 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 the licensed trading day.
- 11.8.** 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.
- 11.9.** 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.
- 11.10.** No advertising boards may be placed on the Public Highway or Street (this includes A-boards, Swing Boards and Rotating Advertisements).
- 11.11.** No awning, parasol or other cover shall be placed over the Licensed Area without consents or permissions being obtained from the Council.
- 11.12.** 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.

12. PARKLETS

- 12.1.** Parklets require both Planning permission and a Shop Front Licence from the Council before they can get authorised to install one adjacent to the Shop Front Licence Holders premises. However if one is granted it does not mean the other will automatically be granted.
- 12.2.** Parklets without prior planning approval from the Council are prohibited from being placed within the licenced trading area and are not included nor do they form part of any Shop Front Licence.
- 12.3.** The Shop Front Licence Holder is solely responsible for the maintenance and cleanliness of the Parklet.
- 12.4.** The Shop Front Licence Holder who has received planning and Street Scene approval for the installation of a Parklet must ensure:
 - 12.4.1.** All designs are signed off by the Council prior to authorising the development, build and installation of the Parklet.
 - 12.4.2.** All design and installation costs are paid for by the Shop Front Licence Holder.
 - 12.4.3.** Parklets should have vertical elements that make them visible to moving traffic and vehicles about to park or pull out of a parking bay in the vicinity of the Parklet, such as flexible posts and/or bollards.

- 12.4.4.** There should be a buffer zone at a desired distance as agreed by The Council, to ensure the safety of Parklet users. The Shop Front Licence Holder is solely responsible for the health and safety of the Parklet users.
 - 12.4.5.** Parklets should have a desired minimum length of six (6) feet and shall not exceed the depth of four (4) feet (or the width of a parking bay).
 - 12.4.6.** Parklets generally entail the conversion of one or more parallel parking spaces, but may vary according to the site, context and desired character of the installation.
 - 12.4.7.** Parklets should finish flush with the pavement and curb to permit easy access and avoid tripping hazards.
 - 12.4.8.** Parklets will not be permissible on corners and should ideally be sited at least one parking space away from any corner.
 - 12.4.9.** Issues for consideration of a Parklet will include; volumes of traffic, sightlines, visibility and lighting.
 - 12.4.10.** Parklets should be heavy enough to make theft impossible or unlikely. Site selection will take into account the level of surveillance both during the day and at night.
 - 12.4.11.** Seating may be integrated into the design itself or made possible with moving tables and chairs.
 - 12.4.12.** Parklets should use a slip-resistant surface to minimize hazards and should be accessible to wheelchair users.
 - 12.4.13.** Parklets should include an open guardrail to define the space.
 - 12.4.14.** Positioning of the Parklet should avoid obstructing underground utility access and may need to be moved for highways or remedial works.
- 12.5.** Parklets where planning approval from the Council has been granted and where a Shop Front Trading Licence has been authorised the Shop Front Licence Holder must ensure that:
- 12.5.1.** They do not present a danger to the public.
 - 12.5.2.** They do not present a fire risk or a similar hazard to the site or to the Goods displayed.
 - 12.5.3.** They do not cause a noise or a nuisance because of their smell.
 - 12.5.4.** If flowers, plants, shrubbery and trees are used to merchandise or decorate the Parklet they should be maintained to an acceptable standard at all times.
 - 12.5.5.** If any containing lighting, all electrical wiring and components comply with current Health and Safety and Institute of Electrical Engineers regulations and are tested annually for compliance. The London Borough of Hackney may require annual test certificates for all apparatus in use on a Shop Front Licenced site.

- 12.5.6.** They do not present an anti-social behaviour issue (ASB).
- 12.5.7.** They are not used for the concealment or consumption of illegal substances.
- 12.5.8.** They are free of human and animal excrement and waste.
- 12.5.9.** They are free of graffiti.
- 12.5.10.** They are free of any domestic or flammable.

13. PLANTERS

- 13.1.** Planters without prior planning approval from the Council are prohibited from being placed within the licenced trading area and are not included nor do they form part of any Shop Front Licence.
- 13.2.** Planters that are dual use as seating and as a receptacle for flowers, plants, shrubbery and trees but do not have planning permission to leave permanently on the Public Highway must be easily removable and removed to a separate place of storage at the end of the trading day to enable cleaning and maintenance of the highway. They must be removed no later than 30 minutes after the time shown on the Licence for the end of trading.
- 13.3.** Planters where planning approval from the Council has been granted and where a Shop Front Trading Licence has been authorised the Shop Front Licence Holder must ensure that:
 - 13.3.1.** They do not present a danger to the public.
 - 13.3.2.** They do not present a fire risk or a similar hazard to the site or to the Goods displayed.
 - 13.3.3.** They do not cause a noise or a nuisance because of their smell.
 - 13.3.4.** The presentation of flowers, plants, shrubbery and trees are maintained to an acceptable standard at all times.
 - 13.3.5.** If any containing lighting, all electrical wiring and components comply with current Health and Safety and Institute of Electrical Engineers regulations and are tested annually for compliance. The London Borough of Hackney may require annual test certificates for all apparatus in use on a Shop Front Licenced site.
 - 13.3.6.** They do not present an anti-social behaviour issue (ASB).
 - 13.3.7.** They are not used for the concealment or consumption of illegal substances.
 - 13.3.8.** They are free of human and animal excrement and waste.
 - 13.3.9.** They are free of graffiti.
 - 13.3.10.** They are free of any domestic or flammable waste.

- 13.3.11.** Planters interior and exterior must be in good, presentable, robust and structurally sound condition (not cracked, frayed or damaged exposing sharp edges) at all times.
- 13.4.** Any Planters used as part of the Shop Front Licence must be within the confines of the trading meterage as specified on the Shop Front Licence itself.
- 13.5.** The Shop Front Licence Holder will be accountable for the responsible disposal of all Refuse from the site and at the end of trading ensure that the site is cleansed and left entirely free of obstruction.
- 13.6.** The Shop Front Licence Holder is liable to pay for any damages to the Public Highway caused by the use or removing of said Planters or if the Council are unable to access the area or cleanse the area due to the planters being left illegally on the Public Highway, enforcement sanctions will be issued and the cost will be charged to the Shop Front Licence Holder.
- 13.7.** There must be a minimum distance of at least 1.2 metres between the front of the trading area and the kerbside but this is subject to assessment of pedestrian access at the site by an Authorised Officer who may increase the distance as a Special Condition added to the Licence to improve public access and safety. This includes an allowance for pedestrians to stand and view the goods and for other pedestrians to pass safely.

14. RECEPTACLES & MOBILE PHONE KIOSKS

- 14.1.** 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. Persistent use of such items will be deemed a breach of the Licence conditions.
- 14.2.** Goods must not be placed directly on the Street unless allowed to do so as specified within the Licence.
- 14.3.** Where the Council has licensed the display of bulky furniture or similar 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.
- 14.4.** Displays shall be constructed and maintained so as not to become unbalanced or otherwise unstable. They shall be free from protruding nails or other hazards likely to cause injury or damage to a person or their property.
- 14.5.** Displays should be well merchandised and presented with prices clearly labelled.
- 14.6.** Displays shall be constructed so as to be immediately removable.

- 14.7.** Nothing shall be placed or stored underneath a display.
- 14.8.** No display Receptacle, table or chair shall be used if it is likely to damage the Street.
- 14.9.** Nothing shall be secured or temporarily or permanently affixed to either the Street or Street Furniture in the vicinity of the Licensed Area.
- 14.10.** 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.
- 14.11.** Premises that require a Shop Front Licence to display commodities and Goods will require a separate and additional Shop Front Licence for the use of benches, kiosks, Parklets, Planters, tables and chairs.
- 14.12.** Premises that require a Shop Front Licence for benches, kiosks, Parklets, Planters, tables and chairs will require a separate and additional Shop Front Licence to display commodities or Goods.
- 14.13.** No permanent structure and/or unauthorised marking of any kind will be permitted on the Public Highway. Unauthorised structures or unauthorised markings on the Public Highway may be removed by the Council and the cost of doing so charged to the Licensee.
- 14.14.** The display or stand must be of sufficient contrast to its surrounding area and so constructed to prevent a hazard to visually impaired footway users. (The colours and type will be agreed before the grant of a Licence).
- 14.15.** 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.
- 14.16.** 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.
- 14.17.** The display/stand must be removed from the Street when not in licensed use.
- 14.18.** Real Deal - a Licensed Shop Front Trader is prohibited from supplying illegal goods, which includes illegal drugs, drug paraphernalia, stolen goods, suspected stolen goods, counterfeit/pirated goods, unsafe goods, tobacco or other nicotine goods and alcoholic goods.
- 14.19.** Real Deal - a Licensed Shop Front Trading is prohibited from supplying illegal services, which includes hacking or jailbreaking of mobile phones, laptops or other electronic devices, solicitation, money laundering, loan sharking or installation of tracking, spy or malware onto devices of unverified ownership.

15. A BOARDS

The Shop Front Licence is for the display of barriers, benches, commodities, Goods, kiosks, Parklets, Receptacles, tables and chairs on the Public Highway. "A" Boards, Swing Boards and Rotating Advertising Boards are strictly prohibited from being placed within the licenced trading area and are not included nor do they form part of any Shop Front Licence.

Persistent use of or persistent refusal to remove an "A" Board, Swing Boards and Rotating Advertising Boards will be treated as a serious contravention of the terms and conditions of the Shop Front Licence and appropriate enforcement sanctions will be taken against premises owners or Licence Holders to include issuance of Fixed Penalty Notice/s or prosecution proceedings and or revocation of the Street Trading Licence.

For further information of A Boards, Swing Boards and Rotating Advertising boards in the London Borough of Hackney please visit:

hackney.gov.uk/highway-obstructions

16. TRADING ON PRIVATE LAND

Any private land that is not fenced off and permanently enclosed to prevent public access, without the payment of a Fee and is within seven (7) metres of any public road or footway, will require a Shop Front or Street Trading Licence from the Council.

The seven (7) metres will be measured from the boundary where the private land abuts the Public Highway, to where the transactions are taking place.

There is a two tier fee system for private land (This does not apply to public land):

- 16.1. Payments made in advance will receive a discounted fee.
- 16.2. Payments made on the day will be liable for the full fee for trading.

17. PERMITTED GOODS AND SERVICES

- 17.1. 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 Shop Front Licence Holder. In exceptional circumstances where with the written consent of an adjoining Premises owner a Shop Front Trading Licence extends to the frontage of an adjoining Premises this condition may be dispensed with for the area in front of that Premises only.
- 17.2. Any Shop Front Licence Holder who would like to trade from an adjoining premises must first obtain written consent from the proprietor of the adjoining premises and submit it to the Council for approval before applying for a variation to their Licence.

- 17.3.** No part of any Shop Front display or Licensed Area shall be sub-let or loaned to any other person or business. Any evidence obtained or gathered of any such action will be considered a serious breach of the terms and conditions of the Shop Front Licence and enforcement sanctions will be issued up to and inclusive of Suspension of Licence, issuance of fixed penalty notices and potential revocation of the Licence and the ability to Shop Front trade for a minimum of 12 months.
- 17.4.** 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.
- 17.5.** 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.

18. CONDUCT & BEHAVIOUR

- 18.1.** Hackney Council will not tolerate abuse or intimidation of any sort. Shop Front Trading Licence Holders are required to ensure that they and their Assistants are at all times competent, courteous and helpful, treating members of the public, other Licence Holders, Authorised Officers from the Market Service or any other Council officers or officers from other agencies fairly, reasonably and with respect.
- 18.2.** Shop Front Trading Licence Holders or their Assistants must not commit any acts of harassment (whether based on race, gender, sexual orientation, age, disability, religious belief or other) against any person, including Council officers and their own employees. Harassment is considered to include, but is not limited to:
- Violence or threats of violence towards any person.
 - Abusive, racial or insulting words and/or behaviour towards any person.
 - Damage or threats of damage to property belonging to another person.
 - Writing threatening, abusive or insulting graffiti/emails or other correspondence.
 - Refusal, without reasonable cause, to serve or permit access to a stall, licensed site, premises or services.
 - Sexual acts or comments towards any person.
 - Persistent comments of a derogatory or malicious nature towards a Council officer or member of the public.
 - Any act or omission calculated to interfere with the peace or comfort of any person, to inconvenience such person or otherwise considered to bring the markets into disrepute.
- 18.3.** Shop Front Trading Licence Holders and their Assistants must co-operate in allowing Shop Fronts service officers, other staff and contractors employed by the Council or representatives from other agencies to carry out their duties, which includes complying

with any reasonable request or instruction. Such requests may include the production of documents such as those related to food registration where applicable.

- 18.4.** Any complaints deemed by the Market Service to be of a serious nature against a Shop Front Trading Licence Holder and/or their Assistant by members of the public, other premises, Council officers or relevant third parties may be regarded as grounds for preventing/suspending them from trading until the matter is resolved, or could lead to a revocation/refusal to renew a Licence.
- 18.5.** Any allegations made by Shop Front Trading Licence Holders or Assistants against members of the public, other Licence Holders or Council officers will always be fully investigated. However, if such allegations are found to be without factual basis and were made in a frivolous or malicious and/or disingenuous manner, then the suitability of the individual responsible for the allegation to hold a Street Trading Licence (whether permanent or temporary) or be a registered Assistant may be called into question and will also be deemed to be a breach of conditions and those responsible may be subject to further enforcement sanction, which could lead to a revocation/refusal to renew a Licence.
- 18.6.** In order to protect our community, any existing Shop Front Trading Licence Holder or who is convicted, cautioned, arrested, warned or admits to the commission of any offence relating to assault, criminal damage, drugs, dishonesty, public order, weapons or bladed articles, sexual offences, non-fatal offences against the person, consumer related offences (including safety, counterfeit, copyright, pricing and food hygiene) or the unlicensed sale and supply of alcohol will have their Licence reviewed to consider their continued suitability to trade or remain as a registered Assistant. In addition, Licence Holders and their Assistants are strictly prohibited from trading whilst under the influence of alcohol or illegal substances.
- 18.7.** Licensed Shop Front Traders and/or their Assistants must not make an offer to bribe or induce a Council officer or act fraudulent in connection with Shop Front Trading. If found to be doing so it will be deemed to be a breach of conditions and those responsible may be subject to further enforcement sanctions, including revocation/refusal to renew a Licence.
- 18.8.** Licensed Shop Front Traders and/or their assistant shall not consume or cause to be consumed alcohol or any illicit substance pending revocation. If found to be doing so it will be deemed to be a breach of conditions and those responsible may be subject to further enforcement sanctions, including revocation/refusal to renew a Licence.
- 18.9.** The serving of customers shall be confined to the Licensed Area only.
- 18.10.** No customer shall be charged for admission to the Licensed Area.
- 18.11.** A Shop Front 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.
- 18.12.** 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.
- 18.13.** The customer should be able to conveniently view the Goods being weighed, measured, etc. within the Premises before they confirm their intention to purchase.

- 18.14.** A Shop Front 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.
- 18.15.** The Council expects and seeks high standards of management of Shop Front Trading areas and will seek to revoke the Licence if this is not maintained and the terms and conditions of Licence are not adhered to.

19. ROOFING OF SHOP FRONTS

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 and formal written consent and approval having been obtained from the Council.

20. REMOVAL OF DISPLAYS AND STANDS

- 20.1.** 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.
- 20.2.** A Shop Front Licence Holder electing to cease trading before the time denoted in the Licence shall remove the benches, commodities, Goods, kiosks, Planters, stall, tables and chairs at that time to the place of storage.
- 20.3.** A Shop Front 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.
- 20.4.** Shop Front Licence Holders and their Assistants shall temporarily remove commodities, displays, Goods, kiosks, Planters, tables and chairs and anything else under their control as directed by the Council or a police officer for so long as may be necessary in the event of:
- 20.5.** An emergency (including any public demonstration, congregation or disorder in the area);
- 20.6.** 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,
- 20.7.** To enable statutory undertakings to maintain their services.

21. REFUSE

- 21.1.** 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.

- 21.2.** No Refuse or litter shall be allowed to accumulate or be placed in the Street or street litter bins.
- 21.3.** No vehicle shall be used for the storage of such Refuse.
- 21.4.** The Licence Holder shall produce on demand to an Authorised Officer of the Council, proof of a contract for the disposal of trade Refuse.
- 21.5.** 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.
- 21.6.** 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.
- 21.7.** The Licence Holder must ensure that litter and waste generated by the business is removed only to an authorised place of disposal.
- 21.8.** The Shop Front area is to be kept clean and maintained in a clean condition throughout the day.

22. NAMES OF ASSISTANTS AND RESTRICTION OF EMPLOYMENT

- 22.1.** Only the Licence Holder can engage in Shop Front Trading.
- 22.2.** The Shop Front Licence Holder shall give any other information regarding employees acting as Assistants as may reasonably be required by the Council.
- 22.3.** A Shop Front 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 Licensed Area or any related activity.
- 22.4.** The Shop Front Trading Licence holder must supervise any Assistant that they employ. If their Assistant breaches any of the conditions of the Street Trading Licence, then the Licence Holder will be liable for the breach and enforcement sanction may follow as a result. This may be in addition to any action taken against the Assistant.

23. ADMINISTRATION

- 23.1.** Shop Front Licence Holders and Assistants shall give reasonable assistance to Council officers and their contractors in carrying out their duties.
- 23.2.** 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.

- 23.3.** On submitting an application for a Licence, the applicant must provide the following:
- 23.3.1.** One passport sized photographs of the Licence Holder with the Licence Holder's signature on the back.
 - 23.3.2.** Two proofs of Licence Holder's home address and business Premise's address which is no older than 3 months.
 - 23.3.3.** Documentary proof of the Licence Holder's National Insurance Number.
 - 23.3.4.** Documentary proof of a commercial trade waste agreement.
 - 23.3.5.** The requisite application fee.
 - 23.3.6.** Proof of Planning consent where necessary.
 - 23.3.7.** Proof of ownership or other right to occupy the Premises to which the Shop Front Trading application relates.
 - 23.3.8.** Such proof of having carried out consultation as may be required by the Council.
 - 23.3.9.** The application fee was notified to the applicant in writing.
- 23.4.** 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.
- 23.5.** 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.
- 23.6.** The sending of emails, 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.
- 23.7.** 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.
- 23.8.** 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 Licence to be suspended or revoked.
- 23.9.** 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 revoked or application withdrawn.
- 23.10.** Licenses are not transferable and at all times remain the sole property of the London Borough of Hackney and may be suspended, withdrawn or revoked at any time.
- 23.11.** If the Shop Front Licence Holder wishes to surrender their Licence this must be sent to or handed into the markets office in person. The Shop Front Licence Holder is liable for all fees and charges accrued during the period up to the receipt of Licence by the Council.

24. PAYMENT OF CHARGES

- 24.1.** All Fees and Charges must be fully paid within the financial year and any Permanent Shop Fronts Licence Holder in arrears during the renewal process will not have their Shop Fronts Trading Licence renewed and will be prohibited from Trading from 1st April on a Permanent Shop Front Trading Licence. Any Shop Front Trading Licence Holder who fails to clear their outstanding debt and/or persistently falls into significant arrears (with or without proposals to revoke being made) is considered to have breached their Licence conditions. We therefore reserve the right to undertake further enforcement sanction regardless of whether the debt is discharged in the meantime. This may include attaching further conditions to or varying the Licence conditions as we consider appropriate.
- 24.2.** The Council reserves the right to commence proceedings in the County Court to recover all arrears. This is without prejudice to any other enforcement sanction that has been or may be taken by us.
- 24.3.** Shop Front Trading Licence Holders are also required to pay additional charges reasonably demanded by us for actions like damage to Council-owned Street Furniture, the production of excessive refuse, damage/staining to pavements/blocked drains through discharge of Animal By-Product or liquids within fourteen days of us demanding payment from them. This is without prejudice to any enforcement sanction that has been or may be taken by us or any other agency.
- 24.4.** If they fail to pay these other charges, then we reserve the right to apply a further charge added to the next monthly trading charge. A charge may also be made for all reasonable administrative costs incurred by the Council in the recovery of arrears, taking enforcement sanction or for additional late payments.
- 24.5.** Permanent and temporary Shop Front Licence Holders are required to use an electronic payment method acceptable to the Market Service and use a self-service online Traders' portal to make transactions with the Council, this includes applications for Licences, variations making online advance payments for invoices and temporary trading and booking pitches. Debit or credit card payments can be made at the Markets office. In the event that payment is by credit card an additional fee as notified may be levied. Cheques submitted to the Market Service will not be accepted.

25. ENFORCEMENT

- 25.1.** Any Shop Front Licence Holder, who contravenes any of the conditions of their Licence shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 3 (£1,000 as at 7th February 2012) of the standard scale as provided by section 34(1) of the London Local Authorities Act 1990 (as amended). The Council reserves the right for its Authorised Officers to prosecute any person who contravenes the conditions of their Licence.

- 25.2.** Where the Council does not prosecute in the courts any person who contravenes any of the conditions in their licence may be subject to one of the following penalties in their Licence.
- The issue of Verbal warning, where the Trader will be advised they are breaching their terms and conditions, and if appropriate be given a time period to fix the issue (time to fix issue will be dependent on Authorised Officer's discretion. If the offence is deemed to be causing a major issue the time given may be much shorter than other offences)
 - Written & Final Written Warning, the Trader will be issued a formal warning in writing stating the offence, and if appropriate time to fix the issue (the time set will be at the discretion of the Authorised Officer depending on the offence committed) If persistent contraventions occur a final written warning will be issued.
 - The issue of Fixed Penalty Notices (FPN), the Trader will be issued with a FPN for the offence committed. If an FPN is issued the Authorised Officer will document evidence in the form of notes and photographs (where applicable)
 - Seizure of Goods or other materials, where applicable the Authorised Officer may seize Goods and issue a FPN for the offence committed and the Goods/materials may be used in evidence if the Council choose to prosecute.
 - Suspension and/or revocation of trading rights (in accepting a Licence to trade with these standard conditions the Trader hereby confirms acceptance of the right of Council to suspend them from trading in the circumstances set out in these regulations and further confirms they will cease trading and leave the market when requested to do so by an Authorised Officer of the Council or police officer. The Council reserves the right to skip stages where the offence or contravention is considered serious and appropriate to do so.
- 25.3.** Any breach of these conditions may lead to proceedings for Licence revocation, Licence application refusal, variation of Licence conditions or the imposition of further conditions. Breach of conditions may also lead to prosecution.
- 25.4.** Persistent breach of conditions will be considered as an indication that a person is not fit to hold or be granted a Licence to trade within the London Borough of Hackney and may lead to Licence revocation, Licence application refusal, Licence variation or imposition of further conditions.
- 25.5.** If a serious breach of the terms and conditions is alleged to have been committed. The Shop Front Licence Holder may be placed on immediate suspension pending investigation.
- 25.6.** Where it is necessary to carry out a full investigation, the case will be progressed without undue delay (maximum period four weeks). During this time Licence Holders will be unable to trade from their shop front until the investigation is complete:
- 25.6.1.** Once the investigation is completed, unless the Licence is revoked, the Trader can resume trading. Investigations will only be carried out by a manager within the Service and conducted in a confidential and timely manner.
- 25.7.** Failure to pay Licence fees and charges for 4 weeks shall be grounds for the Suspension and/or revocation of the Licence.

- 25.8.** If an enforcement sanction is issued, the Licence Holder has the right to appeal the enforcement action taken against them. All appeals should be made to the Shop Fronts Team Leader in the first instance in writing within 7 days of any action being taken. If the action is taken by the Shop Fronts Team Leader the appeal will be heard by the Service Area Manager.
- 25.9.** If the Licence has been revoked, the Trader has the right to appeal the revocation and can do so in writing to the magistrates' court within 21 days of the decision.
- 25.10.** Any revocation of a permanent or temporary Shop Front Licence will result in the Trader being unable to apply or hold a Shop Front Licence in the London Borough of Hackney for the next 12 months but may reapply after this period for a temporary Shop Front Trading Licence.

26. SHARING INFORMATION WITH THIRD PARTIES

- 26.1.** The Markets Service may disclose the personal details of Licence Holders to third parties who have a legal right to such information. This includes other regulatory and law enforcement agencies and those who may require the information in connection with a civil action in the Courts.
- 26.2.** To comply with money laundering legislation, the Markets Service will report any transactions for Street Trading Licences or charges which we consider to be suspicious to the relevant agencies.
- 26.3.** To comply with the proceeds of crime act (POCA) we the Markets Service may share information with third parties who have a legal right to such information such as HMRC and the National Crime Agency when investigating issues such as subletting.

I have read and understand the Hackney Council Standard Licence Terms & Conditions and agree to follow them in full.

Print Name

Signature

Date

SIGNED by or on behalf of the Council:

Print Name

Signature

Date

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ANNUAL REPORT OF PUBLIC SPACE PROTECTION ORDER (PSPO) 2019 PREVIOUSLY DESIGNATED PUBLIC PLACES ORDER(DPPO)	
CORPORATE COMMITTEE MEETING DATE 2020/21 1 st June 2020	CLASSIFICATION: Open If exempt, the reason will be listed in the main body of this report.
WARD(S) AFFECTED All Wards	
GROUP DIRECTOR, NEIGHBOURHOODS AND HOUSING AJMAN ALI	

1. INTRODUCTION AND PURPOSE

- 1.1. The Borough wide Designated Public Place Order (DPPO) was introduced on 24th May 2010. Originally it was implemented under section 13 of the Criminal Justice and Police Act 2001, which was superseded on 20th October 2014 by the provisions of the Anti-Social Behaviour, Crime and Policing Act 2014.
- 1.2. The purpose of the DPPO was to ensure that the consumption of alcohol in a public place did not cause disorder, nuisance or annoyance to members of the public, or a section of the public within the London Borough of Hackney.
- 1.3. The 2014 Act automatically transitioned the existing DPPO into a Public Space Protection Orders (PSPO's) on 20th October 2017, and this is required to be reviewed every three years. This report covers the period 1st January 2019 to 31st December 2019.

2. RECOMMENDATION(S)

The Corporate Committee is recommended to:

Note the content of this report and the level and scope of work being carried out to meet the requirements of the PSPO.

3. REASONS FOR DECISION

Not applicable to this report

4. BACKGROUND

Not applicable to this report

4.1 Executive Summary

- 4.1.1 The visible street population appears to have increased in the last three years, but the behaviour of individuals has, during the first few years at least of the DPPO, been moderated by use of this and other powers. It can also be applied to deal with drinking of alcohol in Parks and green spaces associated with Anti-Social Behaviour. In the context of a year on year overall reduction in all Anti-Social Behaviour (ASB) in this borough, in the first three years since the introduction of the PSPO, calls to the Police regarding anti-social street drinking have fallen year on year.
- 4.1.2 There was a very small increase recorded in the fourth year (but analysts indicate that this is an increase that may be attributed to the way Police changed how they classify incidents). In the last year there were 38 reports. This is still a very significant decrease, as the number of complaints the year before implementation was 609, but it was an increase of 12 compared to the previous year. A breakdown of these is shown by Ward in Table 1.

Table 1

MPS Street drinking calls	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	2019 total
Brownswood													
Cazenove													
Clissold													
Dalston							1	2	1				4
De Beauvoir													
Hackney Central					1				1				2
Hackney Wick							1		1				2
Haggerston							2						2
Homerton													
Hoxton East and Shoreditch			2			1		1	3		1		8
Hoxton West													
King's Park													
Lea Bridge						1							1
London Fields							1			1			2
New River						1							1
Shacklewell										1			1
Springfield	1						4	1		1	1		8
Stamford Hill West									1				1
Stoke Newington									1		1		2
Victoria													
Woodberry Down					1				1	1	1		4
Totals	1		2		2	3	9	5	8	4	4		38

4.1.3 The resources available to deal with this problem are limited, and a particular problem is ensuring the availability of all relevant Officers across a number of agencies. However, there remains a very effective operational partnership working and tasking to address this and related ASB issues, whilst maximising the available resources.

4.1.4 A monthly Street Users Outreach Meeting (SUOM) where Council Officers, Police and outreach staff regularly meet to discuss individual cases of street drinkers, is the main mechanism used to co-ordinate the enforcement activity and to improve treatment efforts in order to reduce alcohol related ASB and street drinking. Officers continue to work closely on the streets with homelessness outreach and support services, substance misuse services and Officers in other support agencies when dealing with individuals.

4.1.5 The identification of any emerging or actual hotspots and the tasking of Police and Enforcement resources remains a standing agenda item of the monthly Partnership Tasking Group chaired by the Community Safety Partnership Manager. There is also more granular activity through the Anti-Social Behaviour Action Panels meetings, which address singular impacted issues at the individual level with specific agencies particularly Housing.

4.1.6 There is currently one Anti-Social Behaviour Order (ASBO) in place on a person in Hackney which has conditions attached to it, including prohibiting the individuals from consuming alcohol in a public place in Hackney. ASBOs are no longer applied for since the introduction of the Anti-Social Behaviour Crime and Policing Act 2014.

4.1.7 Detailed analysis work carried out by the Community Safety Team has identified hotspots that are subject to detailed discussion with partners at Partnership Tasking meetings (regular meetings between Police, a number of Council departments and other relevant partner agencies to coordinated tasking). Action plans are in place supplemented by joint patrols involving Police, Enforcement Officers and Community Safety with referrals being made to Westminster Drugs Partnership and other support agencies as appropriate.

5. PSPO (PREVIOUSLY DPPO)

- 5.1 The Borough wide DPPO, now a PSPO, went live on the 24th May 2010. The aim of this was to reduce the amount of anti-social street drinking occurring within Hackney and therefore lowering the number of residents' complaints. Its aim was to ensure our public spaces are safe, improving the quality of life for residents and visitors. The Order was approved by the Regulatory Committee following an extensive public consultation during the last three months of 2009.
- 5.2 The Order gave Police Officers, Police Community Support Officers and accredited LBH Wardens the power to require people to stop drinking within the designated area and to surrender any open or unopened containers of alcohol. It was an offence to fail to comply with either request. Police Officers were trained and processes put into place to manage the allocation of Police resources and the tracking both hotspots and individual incidents.
- 5.3 The training specifically highlighted the use of the power to deal with "Anti-Social Behaviour" related to the consumption of alcohol in public places and not simply consumption. Additionally, the SUOM consisting of Council Officers, Police and outreach and support services was re-designed to manage the balance between enforcement, treatment and support.
- 5.4 The Group Director, Neighbourhoods and Housing convened a working group consisting of Officers from Housing Needs, Community Safety, Enforcement and Public Health to review the support currently offered to street users. The initial focus of the group was to map the cohort of street users that we know along with their support needs, map out, with costs, the current interventions that we commission/provide to support this cohort and to review/refresh the SUOM. Based on this the effectiveness of the interventions will be reviewed and challenged if the signposting process for street users is not clear enough.
- 5.5 This also linked to the Manifesto commitment on street users which states that "we will provide an effective, co-ordinated and support focused response from across the Council and voluntary sector to those present on our streets and estates who engage in begging or who are committing anti-social drinking and prostitution". As ASB and the disorder associated with a section of people present on our streets and estates is a complex issue that requires better integration of partnership activities to create a flexible response which provides both support to these people, but is flexible enough to escalate the response to more proactive enforcement should the support fail to reduce ASB or associated disorder.

- 5.6 In ensuring that the Council achieves what has been set out in the commitment, a Street Population Co-ordinator has commenced employment with Council, whose main role is to develop a borough wide strategic approach to addressing street population issues including anti-social behaviour, bringing partners from Hackney and surrounding boroughs coordinating with the wider work related to addressing rough sleeping, working with the Council's Rough Sleeper Coordinator.
- 5.7 They act as the single point of contact for all Street Population Outreach related work in the borough and also are responsible for:
- Co-ordinating partnership work to tackle the street population concerns in Hackney Borough
 - Developing solutions and interventions to tackle street population concerns through the use of problem-solving, and collaborative working with partners and the community
 - Developing pathways in relation to individuals in housing need in partnership with the Housing Needs Service in the light of the Homelessness Reduction Act 2017
 - Supporting the outreach teams meeting clients on the street and being available for consultation from this team when required
- 5.8 It was always intended that the implementation of the PSPO was to ensure that there would be a balance between proportionate enforcement and acceptable behaviour, with the provision that potentially vulnerable individuals would be referred or signposted for appropriate support.
- 5.9 The DPPO, now the PSPO, has been in place for nearly eight years. In that time the number of complaints in respect of ASB from street drinkers has gone from a historic high of 609 in 2010 to 38 in 2019 (though an increase of twelve from 2018), and there have been no complaints received in respect of the operation of the Order in the last year.
- 5.10 The introduction of the Borough wide DPPO was never intended on its own to completely remove the issues of anti-social street drinking, nor to overly disadvantage or reduce the numbers of the street population in the borough which are the result of complex interacting factors. The number of people who may be considered as street drinkers is difficult to estimate and can fluctuate. The reasons for this, for example the social and financial factors, are not matters that the PSPO is able to address.
- 5.11 The focus of the PSPO is to moderate behaviour, which it is considered to have achieved since its introduction and its continued maintenance. Following an initial sharp overall reduction of reported incidents, these now appear to have reduced further. The ongoing work by the Intelligence Hub has identified certain hotspots, but these do not include a number of the original pre-DPPO/PSPO hotspots.
- 5.12 A successive reduction year on year in the numbers of complaints of anti- social street drinking has already been reported to the Committee in its previous role as the Regulatory Committee, with a small increase noted in the annual report to this Committee in 2014.

- 5.13 The DPPO automatically transitioned into a PSPO on 20th October 2017.
- 5.14 The PSPO allows Enforcement Officers and Police Constables to issue Fixed Penalty Notices (FPNs) of £100 and/or prosecution in the event of person being issued with an FPN failing to pay the FPN, or being able to obtain an injunction in extreme circumstances.
- 5.15 Injunctions are another power introduced by the 2014 Act, which impose requirements upon the individual on whom an FPN has been issued, where it is clear the individual's conduct is having a detrimental effect on the quality of life of those in the locality, is of a persistent or continuing nature and the conduct is unreasonable.
- 5.16 It is important that Councils do not inadvertently restrict everyday sociability in public places. The PSPO should target specifically the problem behaviour that is having a detrimental effect on the community's quality of life, rather than everyday sociability, such as standing in groups which in itself is not a problem behaviour.
- 5.17 Injunctions can be applied for in extreme cases and could be worded, for Example, not to:
1. 'Be in possession of open bottles, cans or open receptacles of alcohol anywhere in LBH'
 2. 'Drink alcohol anywhere the public has access within the LBH including but not limited to highways, streets, passages and parks'.
- 5.18 With the introduction of the Act, the Council has a number of tools at its disposal to tackle anti-social street drinking. However, these tools must be utilised in a measured and proportionate way, in accordance with the Council's policies/protocols and consultation requirements. FPNs will only be issued to persons who are undertaking street drinking where ASB has been identified and associated with the activity.

6. DATA

Calls to the Police (Computer Aided Despatch – CAD) for street drinking

2014	126
2015	76
2016	51
2017	22
2018	26
2019	38

- 6.1 Hackney Enforcement Officers and Metropolitan Police Officers issue anti- social behaviour warnings prior to issuing FPNs for street drinking in an effort to deal with the problem in a proportionate manner. A breakdown of the number of warnings issued by Ward by both Enforcement Officers and Metropolitan Police is shown in Table 2 below.

Table 2

Street drinking ASB warnings	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	2019 Total
council					2	1	3				1		7
Dalston							1						1
Hackney Central					1		2						3
Hackney Wick					1								1
Hoxton West											1		1
London Fields						1							1
police		1	12	1	7	51	7	6	4	3	1		93
Brownwood										1			1
Clissold							1			1			2
Dalston		1	1		2	4	4						12
Hackney Central						13							13
Hackney Downs						5				1			6
Haggerston			1					1	1				3
Homerton				1	1	9	1	1					13
Hoxton East and Shoreditch						1							1
Hoxton West						2							2
Lea Bridge						1							1
London Fields						1	1						2
Mare Street (Ward Unknown)						5							5
Shacklewell			3										3
Springfield			3		3	9		3			1		19
Stoke Newington									3				3
Woodberry Down			4		1			1					6
Not mapped						1							1
Totals	0	1	12	1	9	52	10	6	4	3	2	0	100

7. ANTI-SOCIAL BEHAVIOUR ORDERS AND INJUNCTIONS

7.1 There is only one active ASBO in place on an individual in 2019 and one of the conditions of it “prohibits the individual from carrying any bottle, can, carton or any other receptacle which contains alcohol in the area outlined on the map’ and it remains in force until further ordered.”

7.2 There are currently no injunctions in place in relation to anti-social behaviour associated with street drinking.

8. POLICY CONTEXT

Community Safety Partnership Plan.

9. EQUALITY IMPACT ASSESSMENT

Not applicable to this report.

10. SUSTAINABILITY

Not applicable to this report.

11. CONSULTATIONS

11.1 No consultation was required in relation to this report given that it is for information purposes only. In accordance with the guidance for the implementation of a DPPO between September and November 2009, the Council conducted an extensive public consultation. This included businesses and particular licence holders of licensed premises, residents and visitors, local police commanders, neighbouring local authorities.

12. RISK ASSESSMENT

Not applicable to this report.

13. COMMENTS OF THE GROUP DIRECTOR OF FINANCE AND CORPORATE RESOURCES

13.1 This report requests the Corporate Committee to note the level and the scope of work being carried out to meet the requirements of the Public Space Protection Order (PSPO).

13.2 There are no immediate financial implications as the report notes retrospective data for 2019. The cost of Enforcement of the PSPO is managed within the available Community Safety and Enforcement Budgets.

14. COMMENTS OF THE DIRECTOR OF LEGAL AND GOVERNANCE SERVICES

14.1 People behaving in an anti-social manner as a result of consuming alcohol can prevent others in the community from using and enjoying shared public spaces. Many local authorities across England and Wales have worked closely with the Police to designate “no drinking zones” to ensure public spaces are welcoming to all.

14.2 The content of the report is for informative purposes and advises on the scope of the work being carried out in relation to the PSPO (formally DPPO). There are no legal implications arising from this report.

15. APPENDICES

A copy of the DPPO which was approved on 4th May 2010 is attached to this report.

16. EXEMPT (or N/A)

N/A

17. CONFIDENTIAL

N/A

18. BACKGROUND PAPERS

None

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CRIMINAL JUSTICE AND POLICE ACT 2001

Alcohol Consumption in Designated Public Places Order No 1 of 2010

1. The Council of the London Borough of Hackney (in this Order called "the Council"), being satisfied that the Consumption of alcohol has been associated with disorder, nuisance or annoyance to members of the public or a section of the public within its area, hereby makes the following Order under Section 13(2) of the Criminal Justice and Police Act: 2001:

2. The land described in the schedule below and shown within the map attached to the order being land in the area of the Council to which the Criminal Justice and Police Act 2001 applies, is hereby designated a public place for the purposes of the Act.

3. The Order may be cited as the Alcohol Consumption in Designated Public Places for the London Borough of Hackney Order No:1 of 2010 and shall come into force on 24th may 2010.

SCHEDULE
Designated Public Places

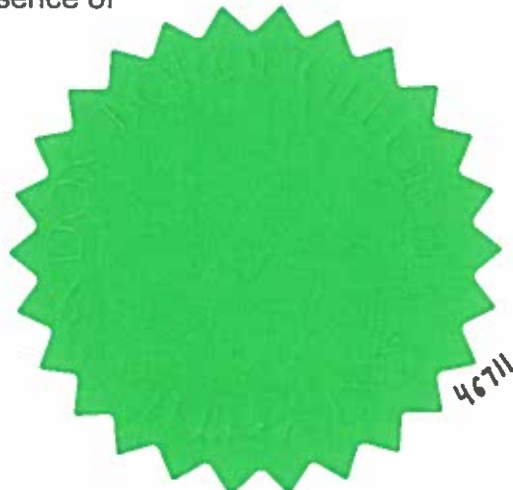
This Order applies to all those public places falling within the administrative area of the Council as delineated on the attached map except those places/premises to which Section 14 of the said Act applies.

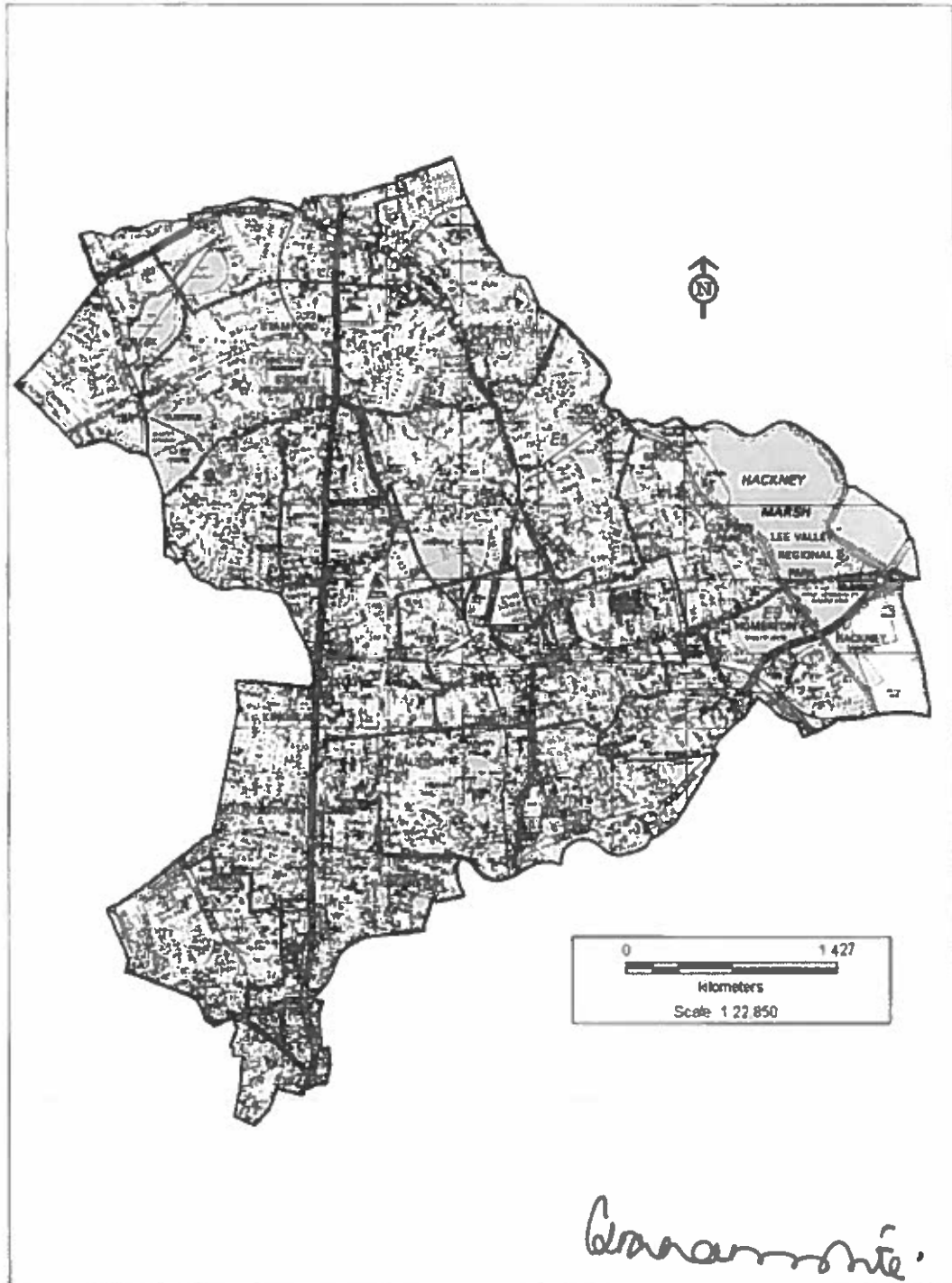
Dated 4 May 2010

The Common Seal of the London Borough of Hackney was hereunto affixed in the presence of



Grammonte.

Authorised Signatory





Granamonte

 NORTH	Map of Hackney		
Scale: 1:20,000 at A4	Produced by: Compass GIS	<small>This product includes mapping data licensed from Ordnance Survey with the permission of 1950 © Crown Copyright 2010. All rights reserved. License number: 100012285 2010</small>	
	08/03/2010	<small>www.hackney.gov.uk</small>	<small>© Crown Copyright 2010. All rights reserved. License number: 100012285 2010</small>

Agenda Item 8

Coporate Committee Draft Workplan 2020/21

September 2020				
1	HR Policy Review (if required)		To Approve	Tim Shields (Dan Paul)
2	Environmental Enforcement - Annual Performance Report 2019/20	The report sets out the annual performance report across the environmental enforcement remit for the 2019/20 financial year.	For Information And Comment	Ajman Ali (Gerry McCarthy)
3.	Annual Performance Report Of The Noise Service 2019/20	The annual report sets out the development of the Council's response to noise nuisance.	For information and Comment	Ajman Ali (Gerry McCarthy)

December 2020				
1	Pay Policy Statement 2020/21	Localism Act 2011 requires the Council to publish an annual pay statement for Chief Officer Pay.	To Approve	Tim Shields (Dan Paul)
2	Statutory Review of Polling Districts and Polling Places. (If required)	This report is reviewing Polling Districts and Polling Places.	To Approve	Tim Shields (Dan Paul)
3	Regulatory Services Service Plan Update	This report provides an update on the performance of the Food Safety (The Food Law Enforcement Service Plan is a statutory plan) and Trading Standards Services against the Plan.	For Information And Comment	Ajman Ali (Gerry McCarthy)
4	Planning - Authority Monitoring Report 2019/20	The AMR provides monitoring information on spatial planning-related activity for the financial year 2019/20 to inform and monitor policy development and performance.	To Approve	Ajman Ali (Natalie Broughton)

March 2021				
1	HR Policy Review (if required)		To Approve	Tim Shields (Dan Paul)
2	Annual Performance Report Of The Noise Service 2019/20	The annual report sets out the development of the Council's response to noise nuisance.	For Information And Comment	Ajman Ali (Gerry McCarthy)
3	Annual Report of the Public Spaces Protection Order (PSPO) 2019/20	Annual report on the Public Spaces Protection Order.	For Information And Comment	Ajman Ali (Gerry McCarthy)
4	Update on the work being done on policies for consultation on tables and chairs and the terms and conditions for licence		For Information And Comment	Ajman Ali (Daniel O'Sullivan)

