



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
