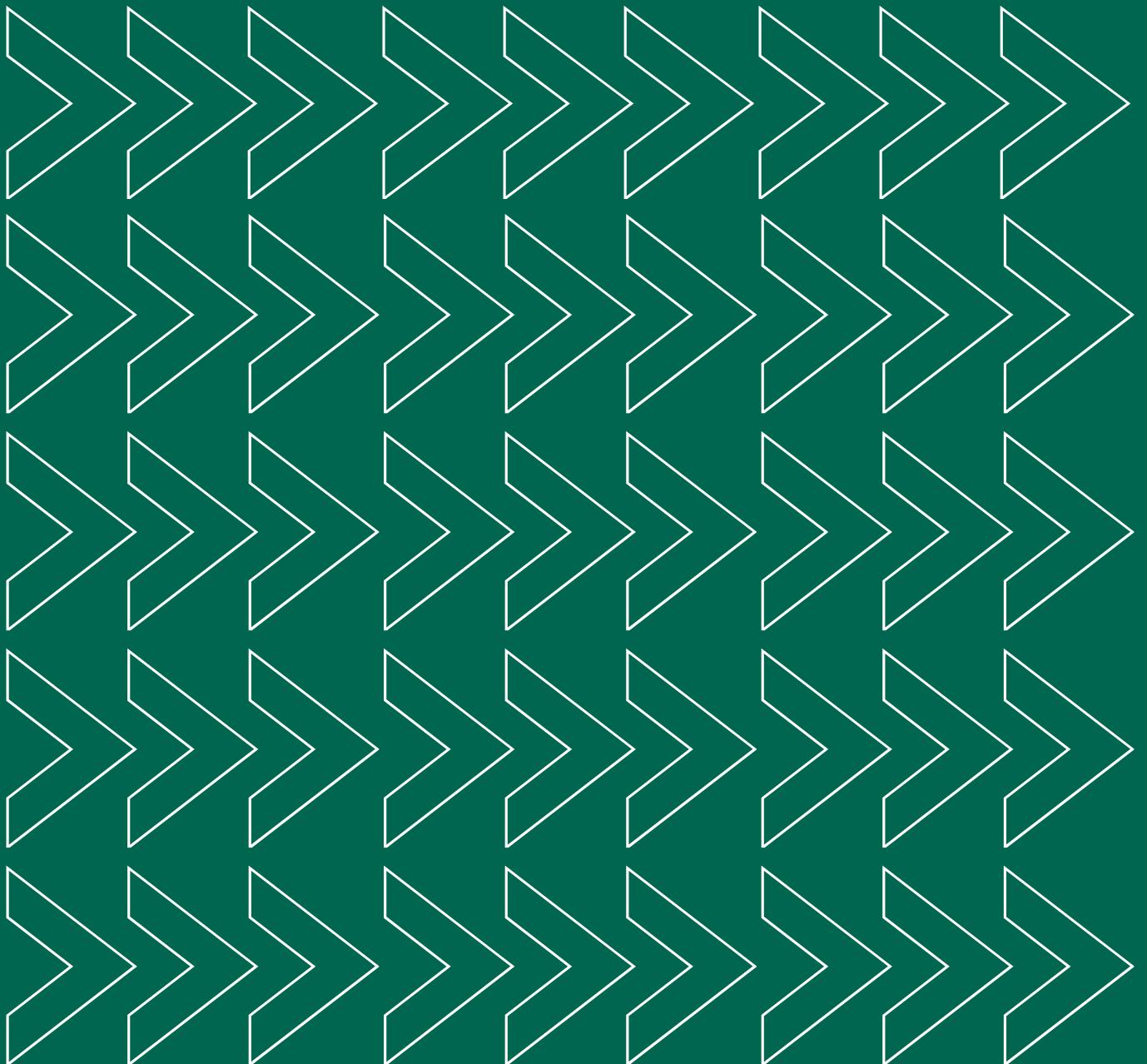




Markets and Street Trading

Rules of Governance and Terms of Reference



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1. Introduction

The purpose of this document is to:

- Provide a one stop shop for all governance and legislation information affecting street trading and shop front trading in the London Borough of Hackney;
- Set out the Council's policy and procedures in respect of the regulation and governance of street trading and shop front trading, including its enforcement; and
- Offer guidance regarding the procedures to be followed in seeking a street trading licence and exercising the right to trade under it.

Legislation

The London Borough of Hackney Council ("the Council") has adopted the London Local Authorities Act 1990 (as amended) Part III, the Food Act 1984 Part III, the Food Safety Act 1990, the Consumer Protection Act 1987, the Trade Descriptions Act 1968, and the Highways Act 1980 with regards to Markets and Street Trading activities within the London Borough of Hackney.

This means that the Council can properly regulate those traders who sell articles without the use of ordinary business premises and those traders who move from place to place. The Council has designated all of its administrative area as a consent street for street trading purposes, except a small number of locations in Hackney in which street trading activity is prohibited. This means that in the consent streets anyone wanting to trade on the street with the local authority or as a private operator must obtain consent from the Council first.

The requirement to obtain consent for any street trading is wide-ranging and would include, for example, all hot and cold food vendors selling burgers, kebabs, doughnuts, ice cream, drinks etc., and all vendors of non-food products from any vehicle, stall, barrow, trailer, bike or any other moveable or static structure. Leafleting or selling of financial, energy or media services, mobile artists who sketch or paint, or similar artisans who sell their own work and ice cream traders may also be subject to the requirement to have consent depending on the circumstances.

These guidelines have been developed to assist those applying for street trading consent in Hackney and set out the standards for the determination of applications and the enforcement of street trading activities in the Borough to ensure a fair, transparent and consistent approach. However, each application or contravention will be considered on its merits so that individual circumstances, where appropriate, may be taken into consideration. Initial contact should be made with the Licensing Team on the proposed activity/ location to see if consent is required before starting to trade.

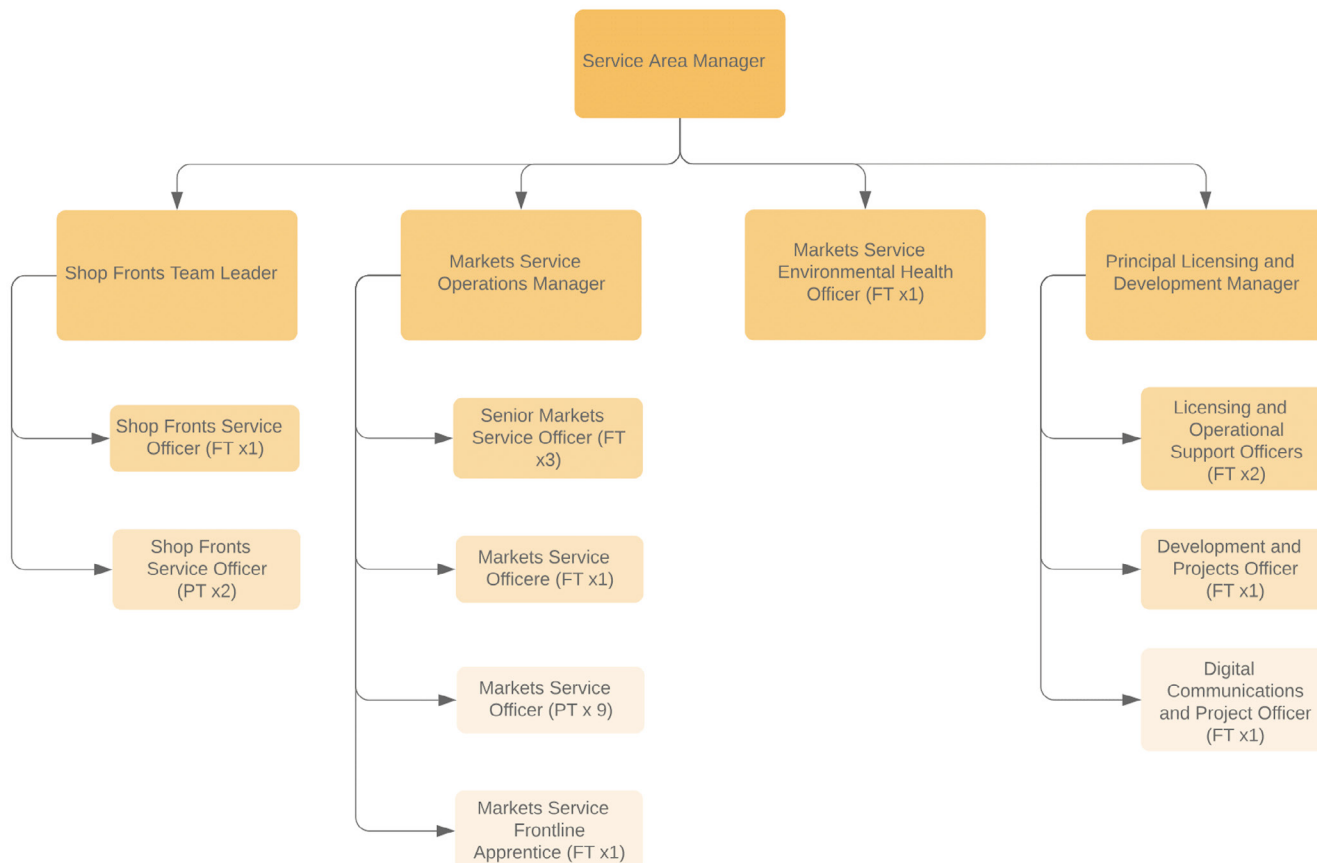
Consents

- Consent can only be granted by the relevant licensing body with the Council.
- Consent may be granted on a daily, weekly, monthly, seasonal or yearly basis. No consent shall be longer than 12 months. Consent will expire on the expiry date and further trading will require a new application to be made and granted. It is advised that a new or renewal of application is applied for sufficiently in advance of the expiry date.

- Generally, consent will be granted for specified/fixed locations. In the case of mobile street traders where there is a genuine need to ply trade in many locations, being those who move from street to street but trade for less than 20 minutes at any one point and who don't return to a similar trading position within 2 hours (e.g. an ice-cream van and bikes), a general consent will be issued for a specified period of time. General consents will only be issued for consent streets and not for prohibited locations.

Further information on how to apply can be found at hackney.gov.uk/markets-traders.

2. Markets and Street Trading Structure



The organisational structure of the award-winning Markets, Shop Fronts and Street Trading Service works to ensure that Hackney's street trading and shop front trading activity is effectively overseen and licensed. Each post within this structure has been carefully considered to provide an efficient and comprehensive service. The roles within the service are as follows:

Service Area Manager: The Service Area Manager has the role of ensuring that their reporting managers are effectively and efficiently delivering the needs of the Markets Service. It is the duty of the Service Area Manager to ensure that the Markets Service is providing the best value service while complying with their statutory and regulatory obligations.

The person in this role oversees the growth and development of street trading in Hackney and provides guidance to their employees on how to achieve this. They play an integral role in achieving the goals of the Markets Strategy and are responsible for the success of the service.

Markets & Street Trading Operations Manager: The Markets & Street Trading Operations Manager, through effective team management, is responsible for ensuring that customers of the Markets Service receive a positive experience with the Council. This is achieved and maintained through targets, onsite observations, feedback, and coaching.

Along with the delivery of a right first time frontline service, the Markets Service Operations Manager is tasked with developing a commercial approach to the letting of pitches and ensuring that the markets are held to a high standard with regards to presentation and the adherence to the terms and conditions by traders.

This role plays a significant part in elevating the Hackney Markets Service to being the best market operator amongst public and private operators in the country.

Senior Markets Service Officers: The Senior Markets Service Officers are responsible for the smooth operation of Hackney's markets and street trading sites. Along with the Markets Service Officers, they ensure that traders are adhering to their terms and conditions and initiate enforcement processes if they persistently fail to do so.

Senior Markets Services Officers are responsible for leading on at least one market site and/or for the development of the junior Markets Service Officers. They should ensure that any issues that arise in the markets are dealt with fairly and consistently with the terms and conditions.

Markets Service Officers: The Markets Service Officer is responsible for providing a high-quality service to street traders in Hackney. They act as the first point of contact and are required to address and solve issues in a calm, quick, and consistent way.

This role is important for ensuring that traders are adhering to their terms and conditions and are trading in accordance with the London Local Authorities Act 1990 (as amended). Before initiating enforcement processes for failing to do this, Markets Service Officers explore all other options to prevent unnecessary escalation.

Markets Service Officer Apprenticeship: Working alongside the Markets Service Officers, the Markets Service Officer Apprentice will act as the first point of contact through effectively interacting with traders and stakeholders to quickly, calmly, and confidently address customer issues with the service, delivery, solve problems, and increase overall customer satisfaction. Before initiating any enforcement action against traders that do not adhere to their terms and conditions, the Markets Service Officer Apprentice will explore appropriate, advisory, and informative actions to prevent escalation.

The Markets Service Officer Apprentice will also work with the Licensing and Development team in the preparation and delivery of events, while also completing the requirements of their qualifications, of which 20% of their time is spent completing.

Principal Licensing and Development Manager: This role is responsible for driving the ongoing improvements and development of Hackney's markets. The Principal Licensing and Development Manager works to design, develop, and implement projects and initiatives for markets and street trading and to fulfil the objectives as designated in the markets strategy.

This role is responsible for managing the recruitment and licensing process to ensure that traders are being

licensed in accordance with the legislation under which street trading is regulated.

Furthermore, this role requires the development of relationships with stakeholders and engagement with traders.

Markets Service Development and Project Officer: Under the leadership of the Principal Licensing and Development Manager, the purpose of this role is to research and implement a variety of projects, initiatives, and events for the development of Hackney's markets and to realise the objectives of the markets strategy.

In collaboration with the Digital Communications and Project Officer, the Development and Project Officer works to maintain the social media channels of Hackney's markets, both to encourage the brand awareness of the markets and drive their footfall as well as recruiting new traders to expand the markets.

Digital Communications and Project Officer: The Digital Communication and Project Officers work closely with the Development and Project Officer to develop, expand, and maintain the online presence and digital content of Hackney's markets through effective use of social media and other digital channels.

In addition, this role is required to lead on, manage, and contribute to projects, initiatives, and events to enhance the delivery of the markets and street trading service and to drive forward the markets strategy.

Licensing & Operational Support Officers: One of the primary tasks of the Operational Support Officers is the processing of applications and renewals of street trading and shop fronts licences in Hackney. In this role, the officers oversee the application process and are the primary point of contact for all matters relating to licensing and payments.

The Operational Support Officers also play an important role in supporting the management team and Markets Service Officers in the organisation, administration, and effective running of the markets. They create and maintain key documentation used to track trading sites, licensees, and other important components of street trading.

Shop Fronts Team Leader: The Shop Fronts Team Leader oversees and is accountable for the effective and innovative day to day operational management of the shop front licensing and enforcement service within the borough.

To lead the shop fronts team to deliver a high-quality service alongside stakeholders to expand shop front trading in Hackney. In addition, the Shop Fronts Team Leader advises on the enforcement of the licence terms and conditions, legislation, and other by-laws regarding shop front trading.

Shop Fronts Service Officers: Under the management of the Shop Fronts Team Leader, the Shop Fronts Service Officer is responsible for providing an efficient and effective service to service users and customers of Hackney's Shop Fronts Service as the first point of contact. The Shop Fronts Service Officer interacts with business owners, traders, and stakeholders to quickly, calmly, and confidently address customer issues, solve problems, and increase overall customer satisfaction.

This role is responsible for initiating any enforcement action against those trading without a Shop Fronts licence or those who persistently fail to adhere to their terms and conditions.

Markets Service Senior Environmental Health Officer: Working alongside their colleagues in Markets,

Shop Fronts, and Street Trading and in Environmental Health, the Senior Environmental Health Officer is tasked with undertaking inspections, investigating complaints, preparing prosecution reports, and undertaking project work. The person in this role develops and maintains relationships with businesses and traders as a preventative measure and a way to encourage compliance from licensees.

The Environmental Health Officer works to raise the business standings within the borough by coming up with sustainable and creative solutions to long term improvements. In addition, the person in this role undertakes general environmental health duties, such as enforcing environmental health, public health legislation, and associated environmental protection legislation relating to street trading and commercial premises.

3. Markets Policy

The Markets and Street Trading Policy sets out our approach to street trading, licensing, and its standards for those engaged in street trading, either from an isolated pitch, within one of Hackney's Street Markets, Shop Frontage or within one of the privately operated street markets.

The policy was implemented in late 2015/16 as part of the markets strategy, but this is currently due to be reviewed as the current strategy is in its final year.

It's recently been updated to include the revisions to the OLP process and new terms and conditions.

However, we anticipate that consultation with stakeholders on a revised policy will take place at the end of 2020 and the beginning of 2021 when we consult on the strategy of the new market 2021-2026. Any updates to the policy will be formally adopted in April 2021.

The current policy covers 15 areas:

1. Introduction
2. What is a market
3. Market rights
4. The Council's markets
5. Licensing under the council's markets policy
6. Licence fees and charges
7. Other approvals
8. Enforcement
9. Adverse weather conditions
10. Works affecting the market
11. Complaints
12. Safeguarding
13. Third-party information sharing
14. Social media
15. Review

A copy of the policy can be found at hackney.gov.uk/hackney-markets-strategy.



Hackney Markets & Street Trading Policy

2015-2020

The London Borough of Hackney

Markets & Street Trading Policy



1. Introduction

- 1.1 Hackney Council (“the Council”) recognises the important contribution that markets, shop front and street trading make to local employment, the local economy and the character of the area. They remain an important Council service and contribute in a number of ways to the local communities they serve.
- 1.2 The Council’s markets (which are described in more detail in Section 3 of this markets policy) represent an important investment by the Council in delivering economic regeneration and town centre vitality.
- 1.3 The Council is committed to maintaining the balance of markets throughout Hackney and ensuring there is consistency in the way markets are operated. Accordingly, the Council has decided to implement a markets policy which sets out the basis upon which markets are held and the process by which applications for markets shall be considered (“the Markets Policy”).
- 1.4 The Council recognises that there are many different types of market activities and, accordingly, the Markets Policy is intended to cater for each type. In particular, the Markets Policy distinguishes between commercial markets both local authority and privately operated and those that are largely community-based with a strong charitable element. Section 5 of the Markets Policy deals with the different types of market activities and sets out the Council’s approach when considering applications in respect of such markets.
- 1.5 During the process of formulating the Markets Policy the Council has consulted the following organisations and departments:
 - National Association of British Market Authorities (NABMA)
 - National Market Traders Federation (NMTF)
 - Hackney Council legal department
 - Hackney Council planning department
 - Traders Associations and Representatives
 - Council Officers who manage the portfolio for Markets and Street Trading.

2. What is a Market?

- 2.1 The Markets Policy is intended to apply to all market events held in Hackney. Guidance notes are set out below indicating which activities the Council regards as

being a 'market'. However, these notes are not intended to cover all potential eventualities and the Council reserves the right to apply additional requirements in appropriate circumstances.

- 2.1.1 The legal definition of a market is a 'concourse of buyers and sellers'.
- 2.1.2 The market shall be comprised of not less than five stalls, stands, vehicles (whether moveable or not) or pitches from which articles are sold and normally there shall be a range of different sellers.
- 2.1.3 A market may be held either outdoors or in a building.
- 2.1.4 There shall be an operator of the market who shall be responsible for the organisation and delivery of the market event.
- 2.1.5 A market operator means the person, body or organisation to which a market licence is granted by the Council.
- 2.1.6 Markets include car boot sales, antique and craft markets, general markets, food markets, farmers' markets and charitable markets. However, this list is not exhaustive.
- 2.1.7 A market may sometimes be held as part of a wider event. When this arises the market element (comprising of 5 or more stalls) of the event shall be subject to the Markets Policy. Where a premises licence under the Licensing Act 2003 for a wider event (which includes a market element) has been issued by the Council then a separate market licence may not be required. However the operator would need to provide all consents and licenses required from the Council. This shall be determined on a case-by-case basis.

2.2 The Markets Policy differentiates between markets of a commercial nature and community-based markets which have a strong charitable element.

- 2.2.1 A **Council market** is one which is operated on a commercial basis for the local community providing a vibrant public space for traders to engage in business activity of selling goods for their own purposes and providing the local community goods and services whilst driving the local economy and local employment.
- 2.2.2 A **Commercial market** is one which is operated for profit and where the traders are engaged in a business activity of selling goods for their own purposes.
- 2.2.3 **Community-based markets** are organised by local communities or organisations with the intention of raising funds for a specific charity or

celebrating a special event. The market must be operated on a non-profit making basis and the operator shall, if requested, supply relevant information as proof of this to the Council. While it is recognised and acknowledged that some traders may be selling goods for their own purposes, the Council shall expect there to be a strong charitable element in the way the event is organised.

- 2.3 This Markets Policy does not apply to street trading activities. Whilst street trading is controlled by the same licensing process it relates to the granting of individual trading licenses for identified streets and are generally less than 5 stalls, stands, vehicles (whether moveable or not) or pitches from which articles are sold along the same concourse or street.

3. Market Rights

- 3.1 The Council, by virtue of its statutory powers, enjoys market rights throughout Hackney.

- 3.2 All markets held in Hackney are licensed and operated in accordance with the provisions of the London Local Authorities Act 1990 as amended and Part III of the Food Act 1984 where applicable.

- 3.3 The statutory powers afforded to the Council under the provisions of the London Local Authorities Act 1990 as amended Part III of the Food Act 1984 enable the Council to:

3.3.1 Implement a markets policy and procedures within its area

3.3.2 Implement and review fees and charges to cover the cost of the operation;

3.3.3 Operate markets within Hackney;

3.3.4 Consider applications for other markets; and

3.3.5 Determine whether such markets can be held by way of consent.

4. Council's Markets

- 4.1 The Council licenses and operates regular weekly markets under London Local Authorities Act 1990 as amended. These are:

- Broadway Market
- Chatsworth Road Market
- Hoxton Street Market (Sat Only)

- Hoxton Food Market (Mon-Fri)
- Kingsland Market
- Leonard Street Food Market
- Narrow Way Market
- Old Street Food Market
- Ridley Road Market
- Well Street Market

Hackney Markets Team also operate dual management of some markets under the Food Act 1984:

- St Michael's Church (Food Market)

Hackney Markets Team also licence private operators to operate markets under the Food Act 1984:

- Shoreditch Yard (Food Market)

4.2 In addition to the regular Council markets listed above, the Council also licenses occasional market events, such as Christmas markets, spring markets and summer markets and festivals. When an event coincides with a regular Council licensed market there may be an added cost to the trader to support the cost of the event.

4.3 The Council has the power to establish new markets if it so wishes - as either regular or occasional events. Accordingly, the above list is subject to change and shall be updated as part of a periodic review of the Council's Markets Policy. The Council will operate any new food, farmers or private markets under the provisions of Part III of the Food Act 1984. Non food markets will continue to be operated under the London Local Authorities Act 1990 (as amended).

4.4 There are a number of isolated pitches (less than 5 pitches) located in the Borough of Hackney. The Council will continue to licence these under the London Local Authorities Act 1990 (as amended).

5. Licensing under the Council's Markets Policy

5.1 The Council's consent to a market, by the grant of a licence, must be given prior to the event taking place. Any market or street trading activity that takes place without such a licence shall be in breach of the Markets Policy and may be subject to the enforcement action described in Section 8 below.

5.2 Markets shall only be licensed once an application for a markets licence has been approved (and signed by both the Council and the Market Operator) and the appropriate fee received by the Council.

- 5.3 Market licenses are issued to the market operator identified in the application (“the Market Operator”) and are not transferable.
- 5.4 The Council shall consider applications in respect of the following categories of market events:
- Council Operated Markets
 - Commercial markets; and
 - Community-based markets with a strong charitable element.

Council Operated Markets

- 5.5 A council market is one which is operated for profit and where the traders are engaged in a business activity of selling goods for their own purposes. The Council shall consider applications in respect of commercial markets having regard to the following matters:
- 5.5.1 Only council operated Markets and Street Trading operations shall be authorised within 6 $\frac{2}{3}$ miles of an existing licensed market.
- 5.5.2 The Council provides and manages a site plan showing the extent of the proposed or operational market area and layout of stalls.
- 5.5.3 The Council undertakes regular risk assessments in relation to the operation of each of the market sites.
- 5.5.4 The Service must ensure that all other necessary consents and licenses have been obtained prior to the market taking place.
- 5.5.5 All traders must pay a fee, which must be paid in respect of any consent given by way of trading licence by the Council prior to trading commencing. A pitch fee shall be payable to exercise said right to trade based on both the size of the market and the frequency with which the market is held. The fee can be paid before the market is held, on the day and for permanent traders via invoice at a set time each month.
- 5.5.6 Fees and charges are reviewed annually and are available on the Hackney Council website: <https://hackney.gov.uk/markets-apply-to-trade>
- 5.5.7 In respect of any licence to trade, the licensed trader must have adequate insurances in place and ensure that all stallholders have their own adequate insurances in place (this should be the minimum of £5 million).
- 5.5.8 All trading standards guidelines, health and safety requirements and any other relevant legislation must be adhered to.

5.5.9 The Council shall look for traders and commodities to complement existing retail activity in the local area and support the Council's objective of helping to create thriving town centres that are attractive and welcoming.

5.5.10 Following approval of an application and issuance of a street trading licence the licence holder must adhere to the licence terms and conditions. These terms and conditions will cover the issues set out in this section and all other matters the Council deems to be relevant including the following:

- Licence Process
- Temporary Licenses
- Attendance & Trading
- Pitch Size
- Goods & Commodities
- Trading Days and Times
- Refuse & Waste
- Display of Licence Plate
- Health & Safety
- Stalls
- Insurance
- Storage
- Employed Managers & Assistants
- Assistance to Authorised Officers
- Absence & Sickness
- Fees & Charges
- Conduct & Behaviour
- Sharing Information With Third Parties

5.5.11 A copy of the licence terms And conditions can be downloaded from the council website on:<https://hackney.gov.uk/markets-apply-to-trade>

5.5.12 The Council shall insist on any other requirements as are deemed appropriate

Commercial markets

5.6 A commercial market is one which is operated for profit and where the traders are engaged in a business activity of selling goods for their own purposes. The Council shall consider applications in respect of privately operated commercial markets having regard to the following matters:

5.6.1 No market shall be authorised within $6\frac{2}{3}$ miles of an existing licensed market unless it can be demonstrated that the new market shall not undermine the existing market and not prejudice the overall market offer.

- 5.6.1.1 The applicant is required to provide a site plan showing the extent of the proposed market area and proposed layout of stalls.
- 5.6.1.2 The applicant is required to undertake a risk assessment in relation to the proposed operation of the market and make this available for inspection by the Council upon request.
- 5.6.1.3 The applicant must ensure that all other necessary consents and licenses have been obtained prior to the market taking place.
- 5.6.1.4 A fee must be paid in respect of any consent given by the Council, which shall be based on both the size of the market and the frequency with which the market is held. The fee must be paid before the market is held.
- 5.6.2 Fees and charges are reviewed annually and are available on the Hackney Council website.
- 5.6.2.1 In respect of any consent, the market operator must have adequate insurance in place (minimum £10m) and ensure that all stall holders have their own adequate insurance in place (minimum £5m).
- 5.6.2.2 All trading standards guidelines, health and safety requirements and any other relevant legislation must be adhered to.
- 5.6.3 The Council shall look for the proposed market to complement existing retail activity in the local area and support the Council's objective of helping to create thriving town centres that are attractive and welcoming.
- 5.6.4 Following outline approval of an application a licensing agreement must be entered into between the operator and the Council and such licensing agreement must be signed by both the Council and the operator before the market takes place. The licence agreement will cover the issues set out in this section and all other matters the Council deems to be relevant including the following:
- Waste disposal arrangements
 - Road closures and traffic arrangement
 - Noise and nuisance
 - Health and safety issues
 - Power usage
- 5.6.5 The Council shall insist on any other requirements as are deemed appropriate.

Community-Based Markets with a Strong Charitable Element

5.7 Community-based markets are normally organised by local communities or organisations with the intention of raising funds for a specific charity or celebrating a special event.

5.7.1 The Council shall consider applications in respect of community-based markets having regard to the following requirements:

5.7.1.1 The markets must be operated on a non-profit making basis to assist a charity or community event and the Operator shall supply relevant information to the Council if so requested. While it is acknowledged that some traders shall be selling goods for their own purposes, the Council shall look for the event to have a strong charitable element in the way the event is organised.

5.7.1.2 The applicant shall be required to provide a site plan showing the extent of the proposed market area and proposed layout of stalls.

5.7.1.3 The applicant shall be required to undertake a risk assessment in relation to proposed operation of the market and make this available for inspection by the Council upon request.

5.7.1.4 The applicant must ensure that all necessary consents (e.g. planning) have been obtained prior to a market taking place.

5.7.1.5 Where the market is to be operated on a non-profit making basis to assist a charity or community event then the licence fee may be waived.

5.7.1.6 In respect of any consent the Market Operator must have adequate insurances (public liability insurance with a minimum cover of £10 million) and all stallholders should have a minimum of £5 million public liability insurance cover in place. Where individual stallholders do not have their own public liability insurance cover in place the insurance cover held by the Market Operator should cover the activities of these stallholders.

5.7.1.7 All trading standards guidelines, health and safety requirements and any other relevant legislation must be adhered to.

5.7.1.8 Following outline approval of an application a licensing agreement must be entered into between the Operator and the Council and such licensing agreement must be signed by both the Council and the Operator before the market takes place. The licence agreement will cover the issues set out in this section and all other matters the Council deems to be relevant including the following:

- Waste disposal arrangements
- Road closures and traffic management
- Noise and nuisance
- Health and safety issues
- Power usage

5.7.1.9 The Council will insist on any other requirements as are deemed appropriate.

- 5.8 Applications in respect of Council operated markets and street trading, should be made to:

Markets and Street Trading
 Unit 2B(ii) Kingsland Shopping Centre,
 Kingsland High Street, Dalston,
 London E8 2LX
 Via email on: Marketsservice@hackney.gov.uk
 or online at <https://hackney.gov.uk/markets-traders>

- 5.9 Applications in respect of privately operated commercial markets and community-based markets should be made to:

Markets and Street Trading
 Unit 2B(ii) Kingsland Shopping Centre,
 Kingsland High Street, Dalston,
 London E8 2LX
 Via email on: Marketsservice@hackney.gov.uk
 or online at: <https://hackney.gov.uk/privately-operated-markets>

Process for Determining Licence Applications

- 5.9 An electronic version of the Council's Markets Policy, together with the relevant market licence application form, can be viewed and downloaded from:
<https://hackney.gov.uk/privately-operated-markets>
- 5.10 The Council will endeavour to deal with applications for a licence within a period of twenty working days from receipt of the application. Applicants are urged to submit an application as early as possible to ensure that the Council has adequate time to consider the relevant matters in an appropriate way. In considering the application the Council will require sufficient information to deal with all the issues set out in the criteria listed above and also covered on the application form. Failure to provide such information is likely to lead to a delay in the Council coming to a decision.

- 5.11 If the Council fails to respond to a licence application after a minimum of 20 days after the application has been received the licence will be granted by way of a tacit consent. A licence application can only be considered once the Markets and Street Trading department are in receipt of an application and all required consents.
- 5.12 The authority to grant a market licence is held by the Head of Markets or the Markets Service Area Manager with this power being delegated under the Council's constitution and scheme of delegation.
- 5.13 All decisions to grant market licenses are made at the discretion of Hackney Council.
- 5.14 Once a licence is issued the licence holder will sign the licensing conditions to ensure compliance while trading on all Hackney's markets and isolated pitches.
- 5.15 The licence issued will be either a temporary or permanent licence.
- 5.16 A temporary or permanent market licence will be issued under the Food Act part III (1984) where applicable to do so dependant on trading site.
- 5.17 A temporary or permanent street trading licence will be issued under the London Local Authorities Act 1990 (as amended) where applicable to do so dependant on trading site.
- 5.18 Applications for a temporary or permanent street trading licence for a council operated market or street trading site can be viewed and downloaded from: <https://hackney.gov.uk/markets-apply-to-trade>

Appeal process

- 5.19 If the Council decides to refuse an application for a market licence it will contact the applicant and set out the reasons for its decision.
- 5.20 There is no statutory right of appeal against refusal to issue a market licence, however, you may appeal against the decision through the Hackney Council Complaints Procedure.
- 5.21 Any appeal against a decision to refuse a market licence must be made in writing to the Council, setting out the reasons the applicant believes the refusal is unwarranted.
- 5.22 On receipt of an appeal request the decision to refuse the market will be reviewed and the applicant informed of the outcome. The decision will be made by either the Head of Markets & Street Trading or the Markets and Street Trading Service Area Manager.
- 5.23 A temporary private market operator licence holder or temporary street trading licence holder does not have the right of appeal to the Officer Licensing Panel (OLP)

against 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.

- 5.24 A Permanent private market licence holder or permanent street trading licence holder does have the right to represent their case to the Officer Licensing Panel (OLP) against a decision to vary, revoke or not to grant a permanent licence.
- 5.25 The Officer 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.
- 5.26 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.
- 5.27 The appeal review shall be heard by an independant 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.
- 5.28 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.
- 5.29 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 the the crown court for a hearing. The licence holder is entitled to continue trading until such time as any such appeal has been determined.
- 5.30 Any disputes regarding the enforcement procedure shall be reviewed by the Markets and Street Trading Operations Manager.

Renewing a market or street trading licence

- 5.31 Private Market Operators should re-submit their application every 12 months if they wish to continue to operate a regular market. This must be done at least one month before their current market licence expires.
- 5.32 The Council will not send out reminders for renewals. It is up to the operator to renew their application on time. Lapsed market licenses will be treated as a new application.

- 5.33 Permanent Street Trading Licence Holders must renew their licence before the 31st of March each year.
- 5.34 A Permanent Street Trading Licence will not be renewed if a Licensed 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.
- 5.35 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.
- 5.36 Temporary Street Trading Licence holders must renew their licence every 6 months where directed.
- 5.37 Temporary Licence holders 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.
- 5.38 All applications for a Permanent Street Trading Licence must be made in writing to the Officer Licensing Panel (OLP). Where the Panel will make a decision on the licence. At times licence holders may be required to make a representation in person before a decision can be made.

6. Licence Fees & Charges

- 6.1 A licence fee is payable once an application for a Private Operator Market licence has received in principle approval from the Council. A licence agreement will not be drawn-up by the Council until the appropriate fee has been received.
- 6.2 The private operator licence fee will be dependent on the type of market being held:
- 6.2.1 Commercial Markets - The licence fee for commercial markets will be based on the size of the market and the frequency of the market.
- 6.2.2 Community-based Markets - Where the market is to be operated on a non-profit making basis to assist a charity or community event then the licence fee may be waived.
- 6.3 Please refer to paragraph 5.5 to 5.7 for further details of type of markets available
- 6.4 All council operated markets and street trading fees are can be found on:
<https://hackney.gov.uk/markets-apply-to-trade>

- 6.5 All private Operated markets fees and charges can be found on:
<https://hackney.gov.uk/privately-operated-markets>
- 6.6 Failure to pay fees and charges on time can result in a referral of your license being made to the OLP and revocation of licence sought at the panel hearing.

7. Other Approvals

- 7.1 It is important to emphasise that any approval given by the Council in accordance with this Market Policy shall not remove the requirement for any other relevant approval, consents and licenses to be obtained by the Private Market Operator.
- 7.2 Where the market is being held on private land the Private Market Operator must ensure that the prior approval of the relevant landowner is obtained.
- 7.3 The Private Market Operator shall be responsible for any temporary road closures and associated traffic management arrangements that may be required in order to facilitate the operation of the market.
- 7.4 The Private Market Operator should consult with the Council's Planning Department to ascertain whether planning consent is needed for the market to operate. Any market held in the same location for 14 or more days in a calendar year will require planning consent.
- 7.5 Attention is also drawn to the provisions of the Licensing Act 2003. A Temporary Events Notice might be required in respect of the sale of alcohol.
- 7.6 The Council may require evidence of these approvals being obtained prior to the granting of a Private Market Operator Licence.
- 7.7 All Council Markets and Street Trading Licence holders requesting a first time granting of a permanent licence, variation or revocations made through the Officer Licensing Panel (OLP)
- 7.8 Applications covered by the OLP are:
- 7.8.1 First time grants for permanent street trading licenses, this includes licenses 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.
- 7.8.2 To grant or renew a licence.
- 7.8.3 To vary a licence:

- For a change of commodities for licensed 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.

7.8.4 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.

7.8.5 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.

7.8.6 The application process is as follows;

- The Officer Licencing Panel (OLP) is held every month. The Markets Service Operations 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 or on the Council's website:
hackney.gov.uk/markets-apply-to-trade.

7.8.7 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.

8. Enforcement

- 8.1 The Council's Enforcement Policy sets out the council's general approach to enforcement. Market Service Officers will conduct compliance visits to check that street traders are complying with the licence terms and conditions. These visits will not always be announced and may be in conjunction with other responsible authorities such as Police , Trading Standards or Environmental Health. During these visits the Service Officer, or any responsible authority, have the authority to request any documentation relating to the trading vehicle and the running of the business.
- 8.2 Should the Council receive complaints about a street trader, an officer from the markets service will investigate according to the seriousness and potential risks to public safety or the level of breach of conditions under which the consent was granted. Any investigation and subsequent enforcement action will be to ensure compliance with the relevant requirements, and this can often be achieved through advice or warnings in the first instance, and before other options, such as fixed penalty notices, revocation or prosecution, are considered. Where complaints relate to food hygiene or health and safety on the trading vehicle or a trading standards issue, these will be investigated by the council's Environmental Health or trading standards team where appropriate.
- 8.3 The Council will monitor the application of its markets policy and any market event which is operated after the date of the adoption of this markets policy will be subject to the Council's requirements and byelaws.
- 8.4 Any market which is not approved by the Council under Section 5 of its markets policy will be subject to legal action and the Council may seek an appropriate remedy in the courts to prevent the market being held and/or damages as appropriate.
- 8.5 Any market operator acting in contravention of any market licence granted by the Council will run the risk of the licence being terminated by the Council with immediate effect on such terms as the Council determines and, in such circumstances, the Council reserves the right to refuse any future applications for market licenses submitted by the operator concerned or any person or organisation associated with the operator.
- 8.6 Any costs of, or associated with, enforcement action deemed necessary as a result of the Market Operator's failure to comply with the Market Policy will be recovered from the Market Operator.

9. Adverse Weather Conditions

9.1 The Borough Council's policy regarding cancellation of the markets or street trading activities due to adverse weather conditions is as follows:

- The Council will monitor wind speed and direction each day prior to any Market in the borough using the UK National Weather Service provided by the Meteorological Office and the use of windometers on the day to measure wind speed.
- In the event of winds exceeding 31 mph constant velocity (not gusting) for a period exceeding one hour the Market/street trading activity will be cancelled either prior to the Market day or prior to opening on the Market day or during the Market day as conditions dictate.
- However there may be times when the predictions sit just below or above this wind speed. In these cases the Borough Council may apply some discretion as to whether a Market is cancelled. In these instances close monitoring of the weather will take place both through forecasting information and onsite. If this monitoring subsequently identifies unsafe conditions, the Market will be cancelled.
- In the event of Snow, matters for consideration prior to cancellation will be Health and Safety of shoppers and traders, closure of public transport, closure of roads, distance of travel by traders amongst other considerations. These considerations will also apply to Icy conditions.
- In the event of Flooding both localised from heavy rain or by ingress of floodwaters into the Town centre and or warnings by Emergency Planning Officers at the Hackney Council (LBH) and the Meteorological Office the market may be cancelled.

9.2 Where a Market has been cancelled prior to 11.00 noon on any Market day traders will be credited that day's fees. This will be credited in the month following the cancellation.

9.3 Where it is clear that due to weather conditions the Market/Street trading operation will not be able to open the day before the Borough Council will seek to notify traders of this decision by 5.00pm.

10. Works Affecting the Market

- 10.1 Whenever possible, traders will be given prior notice of maintenance and other work on and around the Market which could affect their trading activities, with steps being taken to minimise any impact as appropriate.
- 10.2 From time to time works on the Market/street trading locations may take place outside of the control of the Council. In this instance traders can report concerns to the markets service via email: Marketsservice@hackney.gov.uk who will try to resolve as appropriate.

11. Complaints

- 11.1 If you have a problem or complaint with regard to management of the market you should first contact the Council and or the Head of Markets & Street Trading. The internal complaints procedure must be followed first. In this instance you can email your complaint to Marketsservice@hackney.gov.uk. All complaints will be responded to within 14 days.
- 11.2 However if you are still not satisfied with the Local Government Ombudsman (LGO), may be able to help. The LGO can be contacted at:

Local Government Ombudsman
PO Box 4771
Coventry
CV4 0EH
Phone: 0300 061 0614
Web: <https://www.lgo.org.uk/contact-us>

12. Safeguarding

- 12.1 A Street Trading Consent will only be issued to those aged 18 years or older. Further, only those aged 18 years or older may be allowed to work on the trading vehicle and all employees must be covered by the appropriate employment law.
- 12.2 There have recently been well-publicised issues relating to Child Sexual Exploitation (CSE) and human trafficking. As a Licensing Authority, HDC has a duty to assist consent holders and the public in tackling these issues, to protect the vulnerable and those at risk of, or who are, being exploited.
- 12.3 If you have concerns that a child you are serving, or who is working for you, may be vulnerable and/or the victim of exploitation then please contact the police on 101, or 999 if an emergency, or contact FAST directly: Tel: 020 8356 5500. Fax: 020 8356 5516. Email: fast@hackney.gov.uk

- 12.4 If you have concerns that an adult you are serving, or who is working for you, may be vulnerable and/or the victim of exploitation then please contact the police on 101, or 999 if an emergency, or contact Hackney Council Safeguarding Adults team : Tel: 020 8356 5782. Fax: 020 8356 5043. Email: adultprotection@hackney.gov.uk

13. Third Party Information Sharing

- 13.1 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.
- 13.2 To comply with money laundering legislation, the Markets Service will report any transactions for Street Trading Licenses or charges which we consider to be suspicious to the relevant agencies.
- 13.3 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.

14. Social Media

- 14.1 The council operate social media platforms for council dedicated markets
- 14.2 Where private operators wish to use social media to advertise their operations please be mindful of the "Hackney" Brand and ensure permission is sought before using any London borough of Hackney related material in any online campaign.
- 14.3 The London Borough of Hackney supports the use of social media to drive brand awareness and freedom of speech must be exercised responsibly on the sites. These recommendations provide a roadmap for constructive, respectful, and productive use of social networking sites.
- **Be respectful**
Respect your audience, your colleagues and the council. Take care not to engage in any conduct that would not be acceptable in the workplace.
 - **Be factually correct at all times**
Ensure that you are providing accurate information so that you are not misrepresenting the colleges or the district.
 - **Be mindful of your public image**
Consider the image you want to portray to the public. Be mindful that what you post may be viewed by traders, customers, colleagues, elected members and both the local and wider communities, and may stay public for a long time.
 - **Use your best judgment**
Remember there may be consequences to what you post, so consider your content carefully. If you are about to post something that makes you the slightest

bit uncomfortable, review these guidelines and think about whether to post the material.

S O C I A L M E D I A



Ridley Road Market:

Instagram: @RidleyRoadMarket

Facebook: @RidleyRdMarket

Twitter: @RidleyRd



Broadway Market:

Instagram: @BroadwayMarket

Facebook: @Broadway.Market

Twitter: @Broadway_Mkt



Chatsworth Road Market:

Instagram: @ChatsworthRoadMarket

Facebook: @ChatsworthRdE5

Twitter: @ChatsworthRoad



**HOXTON
EST • ST • 1687
MARKET**

Hoxton Street Market:

Instagram: @HoxtonStMarket

Facebook: @HoxtonStMarket

Twitter: @HoxtonStMarket



Kingsland Market:

Instagram: @KingslandMarket

Facebook: @KingslandMarket

Twitter: @KingslandMarket

**WELL
STREET
MARKET
—E9**

Well Street Market:

Instagram: @WellStMarket

Facebook: @WellStMarket

Twitter: @WellStMarket



Markets Hackney:

Instagram: @MarketsHackney

Twitter: @MarketsHackney

15. Review

- 15.1 We will review this policy as necessary. We will continue to evaluate the policy and may update it at any time.

4. Terms and Conditions

Hackney Markets, Shop Fronts & Street Trading Service has a comprehensive and robust set of terms and conditions to which licence holders must adhere. These have been carefully developed to cover all aspects of Market, Shop Front and Street Trading and to facilitate the growth of Hackney's markets and its trader base. The terms and conditions help to guarantee transparent, fair and consistent trading for all street trading activities throughout the borough.

The terms and conditions cover a wide range of areas including the use of plastics, attendance, conduct of licensees and assistants, etc. They also ensure that any street trading that occurs in Hackney is regulated as per the requirements of the London Local Authorities Act 1990 (as amended), the Food Act 1984 and/or all other legislation relating or pertaining to the type of street trading activity unless otherwise directed to one of the other adopted legislations dependent on the type of licence and licensed trading activity. Street trading terms and conditions can be found at drive.google.com/file/d/15JtfML0QVwIW_sKTWfqxmMxSAP8S5U0I/view.

Likewise, the Shop Fronts terms and conditions are intended to outline the rules and standards that shop front traders within Hackney are expected to adhere to. These terms and conditions help to ensure that shop front traders are treated fairly and consistently and to ensure that shop front trading does not present a danger to the public. This is particularly relevant with regards to A-boards, which are not permitted to be used in Hackney. Further guidance on the council's policy on A-boards can be found at hackney.gov.uk/highway-obstructions. For a full list of the shop front terms and conditions, please refer to drive.google.com/file/d/1tNCKuK7vtilaoi6YcnQpOubtWJYBEIj/view.

The Markets Service have recently introduced Private Operator Licences, which come with their own set of terms and conditions and outline the Council's expectations about how privately operated markets should operate. They cover a range of areas, including insurance, health and safety, refuse and waste, conduct and behaviour, etc. It is important that market operators follow these terms and conditions as their poor conduct can reflect badly on the Council. More information about Private Operator Licences can be found at hackney.gov.uk/privately-operated-markets.



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) AND 115E OF
THE HIGHWAYS ACT 1980 PRESCRIBING STANDARD
CONDITIONS**

**APPLICABLE TO PERMANENT AND TEMPORARY/CASUAL
STREET TRADING LICENCES AS OF 1 APRIL 2020**

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.

- 20.5.4.** At any time you are invited by the Council to attend any formal meeting, such as the Officer Licensing Panel (OLP), you are entitled to bring representation, be that formal representation such as a lawyer, or informal representation such as traders' association representatives, another trader, or family and friends.

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) AND SECTION 115E OF THE HIGHWAYS ACT 1980 PRESCRIBING STANDARD CONDITIONS APPLICABLE TO SHOP FRONT TRADING AND TABLES AND CHAIRS LICENCES AS OF 1 APRIL 2020

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.** The Shop Front Licence must be prominently displayed on the premises, clearly visible, or as directed by a duly Authorised Officer of the Council. Failure to display the Shop Front Licence as stated is an offence that may result in enforcement action.
- 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, 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 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.
- 25.11.** If at any time you are invited by the Council to attend a formal meeting, such as the Officer Licensing Panel (OLP), you are entitled to bring representation. This representation can be formal representation such as a solicitor, or informal representation such as traders' association representatives, another trader, family member or friend.

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



Pavement Licence Terms & Conditions 2020/21

Prescribing Standard Conditions Applicable to Pavement Street Trading which is inclusive of the exercising of the right to trade from the pavement in commodities, goods, services and street furniture under the Pavement Licence.

REGULATIONS MADE BY THE LONDON BOROUGH OF HACKNEY

**PURSUANT TO THE BUSINESS AND PLANNING ACT 2020 PRESCRIBING
STANDARD CONDITIONS APPLICABLE TO TRADING UNDER A PAVEMENT
LICENCE.**

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 cafés, 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 pavement 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 cafés. 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” 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 a 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.** “Pavement Licence” includes licences issued for Pavement Trading or the placing of tables and chairs, Parklets, Goods or commodities outside premises whether issued under the Business and Planning Act 2020 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 the Business and Planning Act 2020.
- 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 Pavement 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). Pavement licences only authorise the placing of furniture on the highway. They do not alter any entitlements the premises may or may not have to serve food or drink. Those activities will still be covered by the planning regime, the licensing regime where the activity is a licensable activity (e.g.: the sale of alcohol), registration requirements for food businesses, and land covenants in the normal way.
- 2.2** A Licensed Pavement 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.
- 2.5** The trader, 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 Pavement Trading Regulations set out the framework of the Street Scene in the London Borough of Hackney insofar as it relates to Pavement 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 or Part III of the London Local Authorities Act 1990 As Amended. 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 Pavement Trader or their Assistants, is to be paid for in full by the Licensed Pavement Trader and could face enforcement sanctions up to and including revocation of their Pavement Licence.
- 2.12** Licence holders shall ensure that they comply with all relevant legislation there activities may include such as:
- The Business & Planning Act 2020,
 - The Highways Act 1980,
 - The Food Act 1984,
 - Licensing Act 2003 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 Pavement Licence is found to be false or misleading, the Council will seek revocation of the licence in question.

3. PAVEMENT LICENCES

- 3.1** The holders of a Pavement Licence are subject to these Standard Conditions. Pavement Licences will be granted in line with the Council's Policy and Application process with regards to the granting of and issuance of a 3 month licence period. The validity to trade under a Pavement Licence will expire on 30 September 2021.
- 3.2** The Pavement 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.
- 3.3** All Pavement 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.
- 3.4** The application process for Pavement 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.
- 3.5** The holders of a Pavement 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 Pavement Trading can commence on site. The decision by an Authorised Officer to allocate meterage available for a Pavement Licence is final.
- 3.6** The Council reserves the right to withdraw the licence of any Pavement Licence holder without notice and will provide reason(s) both verbally and in writing. A licence holder 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 Officer Licensing Panel (OLP).

- 3.7** 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. Pavement 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.
- 3.8** The refusal by the holder of a Pavement Licence to stop trading from the previously agreed pavement trading area allocated by an Authorised Officer may result in enforcement sanctions, potential suspension or revocation of licence and potential prosecution.
- 3.9** The issue of a Pavement Licence is without prejudice to the Council's application process and does not infer a legal right to the grant of a Permanent Shop Front Trading Licence at the expiry of the Pavement Licence.
- 3.10** A copy of the Pavement Licence must be displayed in the window of the Premises outside which furniture/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 Pavement Licence will result in the issuance of enforcement sanctions against the licence holder and may result in revocation of your licence.
- 3.11** 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.
- 3.12** A Pavement Licence is not transferable.
- 3.13** Only the Pavement Licence holder and registered premises can engage in Pavement Trading on site under the provisions of this licence.
- 3.14** When Applying for a Pavement Licence, only premises that have achieved a minimum standard of a 3* food hygiene rating will be considered for a Pavement Licence.
- 3.15** During the lifetime of the Pavement 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 Pavement Licence revoked.
- 3.16** Only those goods or commodities or services sold in the premises can be displayed or traded outside of the Premises provided they are not excluded items as defined in these regulations.
- 3.17** Only those services provided within the Premises can be provided within the licensed pavement trading area and where a licence permits goods, commodities or tables and chairs to be placed on the street.

- 3.18** If wishing to trade from your pavement whilst using a Temporary Event Notices (TENS), you will still require a valid Pavement Trading Licence. Failure to do so will result in an enforcement sanction and potential closure or seizure of goods for illegal trading.
- 3.19** The Council reserves the right to refuse to grant or revoke a Pavement Licence where the cumulative impact on the public highway of granting multiple premises with Pavement Licenses where there are existing high volumes of Anti Social Behaviour or Illegal activity which places the public safety at risk.
- 3.20** The Council reserves the right to refuse to grant a Pavement Licence where the cumulative impact on the public highway of granting multiple premises with Pavement Licenses displaying the same or similar Barriers, Benches, Commodities, Displays, Goods, Kiosks, Planters, Parklets, Tables & Chairs and in turn having a negative impact on the Street Scene or economic viability of local high streets due to over saturation.
- 3.21** During the application for a Pavement 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 Pavement Licence.
- 3.22** The Council's decision regarding cumulative impact or over saturation is final.
- 3.23** A Pavement Licence shall cease to have effect on being surrendered to the Council by the Pavement License holder 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 shall be payable up to and including the date of surrender of the licence.
- 3.24** The Pavement Licence is for the sole use and benefit of the licence holder and whilst it provides permission to place furniture on the public highway it does not automatically bestow trading rights and the applicable trading fees must be paid prior to commencement of any trading.
- 3.25** The Pavement Licence is for the sole use and benefit of the licence holder and whilst it provides permission to place furniture on the public highway 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** Pavement Traders requesting a variation of their Pavement Trading licence such as an adjustment to meterage 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.
- 3.27** Pavement Licence Holders are responsible for ensuring the activities from their premises and licensed trading area do not represent a risk to public health and safety –

for example, ensuring that patrons and customers conform with latest guidance on social distancing and any reasonable crowd management measures needed as a result of a licence being granted and businesses operating. Failure to do so may result in refusal of the granting of a licence or a revocation of said licence.

- 3.28** Where a premises is using the pavement licence for off sales for food and beverage they are required to provide access to public amenities – If a failure to do so creates nuisance to neighbouring occupiers by generating anti-social behaviour and litter the licence may be revoked.
- 3.29** As and where a designated market and/or regular street trading activity occurs from an isolated trading location or pitch, a pavement licence will either be refused or amended to allow operation outside the hours of market or street trading activities.
- 3.30** Where a market is in operation all furniture related to a pavement licence must be removed from the public highway and not returned until the market has left the designated trading area.
- 3.31** The Council reserves the right to Suspend, Revoke or Withdraw the granting of a Pavement Licence and/or the ability to trade from the licenced area at any time and will provide licence holders with reasonable written notice to enact any suspension, revocation or withdrawal of licence.

4. SHORT TERM LICENCES

- 4.1** Pavement Licence of a shorter duration than 6 or 12 months will be deemed ‘short term’ licences.
- 4.2** Short Term Pavement Licences will have the same effect as a Pavement Licence and must comply with all of the licence conditions as laid out in these licence terms and conditions.
- 4.3** Short Term Pavement Licences will follow the existing fee structure as set out in the Council’s fees and charges to that of the application and renewal of Pavement Licences.
- 4.4** The Council reserves the right to Suspend, Revoke or withdraw the ability to grant Short Term Pavement Licence at any time and will provide traders with reasonable written notice to enact any suspension, revocation or withdrawal of licence.

5. CLEARANCES

- 5.1** The size of any display or the area taken up by any Street Furniture such as Barriers, Benches, Counters, Table(s) and Chair(s), Heaters, Planters, Umbrellas and any other forms of seating shall not exceed the maximum dimensions stated in the licence.
- 5.2** A minimum of two metre (2m) clearance of any obstruction shall be maintained for safe access to and egress from the Premises to which the licence relates. The minimum 2m clearance will facilitate access for wheelchairs or mobility scooter users, double buggies and / or individuals with mobility or vision issues as well as to incorporate government guidelines on social distancing. Any persistent obstructions evidenced will result in enforcement sanctions

being issued.

- 5.3** It is essential in all cases that a minimum width of unobstructed highway to the line of the front face of the kerb or the line of any fixed structure (such as a lamp column or litter bin) is free for safe and convenient pedestrian movement. This would normally be at least 2 metres, but in locations where there is a high flow of pedestrians (even if only during short periods in the day) a greater width may be required.
- 5.4** All seating areas as designated under the Pavement Licence must be set out in a socially distanced manner in line with current Government guidance and legislation. All tables and chairs must be a minimum 2m apart or 1m plus with additional mitigation in order to comply with government guidelines. Steps will need to be taken to ensure that the highway is not obstructed by customers, standing between tables, chairs and the kerb.
- 5.5** When processing an application for a Pavement 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 Pavement Licence. This could result in special licence conditions added such as more than 2.0m clear of any obstruction.
- 5.6** No receptacle, display, table(s) or chair(s) or any other seating 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.
- 5.7** Where Barriers, Benches, Counters, Heaters, Planters, Table(s) and Chair(s), Umbrellas and any other forms of seating are permitted under a licence issued by the Council, the number of street furniture items authorised 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 Pavement Licence Holder.
- 5.8** The sizes of Barriers, Benches, Counters, Heaters, Planters, Table(s) and Chair(s), Umbrellas and any other forms of seating shall not exceed those prescribed in the licence. If found to be oversizing, then enforcement sanctions will be issued to the Pavement Licence Holder which can result in the revocation of the licence.
- 5.9** The maximum dimensions of the area permitted to be used for Barriers, Benches, Counters, Heaters, Planters, Table(s) and Chair(s), Umbrellas and any other forms of seating 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 Pavement Trading.
- 5.10** 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 Pavement Trading.
- 5.11** When processing an application or renewal of a Pavement 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 Pavement Licence.

6. INSURANCE

- 6.1** The Pavement 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, 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 Pavement Licence holders of any increase required by letter. A copy of the certificate of insurance shall be handed to the Council on request.
- 6.2** Satisfactory evidence of such insurance must be produced to the Council before a Street Trading licence and/or Pavement 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 use until the certificate is produced and the Council is satisfied with the level of cover.
- 6.3** 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 pavement trading activities immediately until suitable insurance is in place and the cover note or policy presented to the Council.
- 6.4** Pavement 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.
- 6.5** 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.
- 6.6** A certified copy of the certificate of insurance must be kept on the Premises together with the licence at all times.
- 6.7** Evidence of such insurance shall be produced by a licence holder on demand to an authorised officer of the Council or a police officer.

7. DAYS AND TIMES

- 7.1** A copy of the Pavement Licence which will display the premises licenced trading days and times must be displayed in the window of the premises where pavement 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.
- 7.2** All Pavement Licences shall begin trading at the specified time on their licence and must cease trading at 23:00 of each trading day and all Street Furniture, patrons and activities shall cease operating and be fully removed from the public highway by this time up until the next trading day begins as prescribed on each individual licence.
- 7.3** Pavement Trading shall only take place during the days and between the times specified on the Pavement Licence only. All Fees relating to the application and renewal of a Licence must be paid whether or not the Pavement Licence holder has traded.
- 7.4** Any Barriers, Benches, Counters, Heaters, Planters, Table(s) and Chair(s), Umbrellas and any other forms of seating 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 Pavement Licence.
- 7.5** Service at the Benches, chairs, Tables and any other forms of seating used must finish at such time before the end of the licensed hours prescribed overleaf to allow for them to be removed by the specified time.

8. INSPECTION OF LICENCE

- 8.1** Licence Holders shall produce their licence for inspection when requested to do so by an authorised officer or the Council or police officer.
- 8.2** Where the Council has issued a variation to a licence the varied licence must be displayed on the Premises.
- 8.3** If alcoholic beverages are consumed in an area licenced for Pavement Trading, the Licence Holder or employees shall produce on demand the appropriate Premises Licence given under the Licensing Act 2003 or its successor, to an authorised officer of the Council or police officer.
- 8.4** A Pavement Licence Holder and/or Employee shall give immediate assistance to Authorised Officers when requested to do so.
- 8.5** A Pavement Licence Holder and/or Employee shall not use rude or offensive language or behave in an aggressive manner when dealing with an Authorised Officer or member of the Council.
- 8.6** A Pavement Licence Holder and/or Employee must not commit any acts of harassment (whether racial, sexual or otherwise) against an Authorised Officer.

- 8.7** A Pavement Licence Holder and/or Employee shall not make offers to bribe, induce or act fraudulently when or in connection with Enforcement, Planning, Street or Pavement Trading.
- 8.8** If any Pavement Licence Holder and/or Employee 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.

9. LICENSED AREA AND POSITION

- 9.1** The Pavement 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).
- 9.2** The Pavement Licence Holder shall not cause or permit Barriers, Benches, Counters, Heaters, Planters, Table(s) and Chair(s), Umbrellas and any other forms of seating; 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.
- 9.3** In respect of catering/licenced establishments, Barriers, Benches, Kiosks, Planters, Receptacles, Tables and Chairs and all other forms of seating 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 employee 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.
- 9.4** 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 pavement trading when requested to do so in writing by the Council and shall not resume Shop Front Trading without the written consent of the Council.
- 9.5** Any Benches, Counters, Heaters, Planters, Table(s) and Chair(s), Umbrellas and any other forms of seating, whether affixed to or projecting from the premises over the public highway will require a Pavement Licence and are bound by these terms and conditions.
- 9.6** 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 Pavement Licence. If no Planning approval is received or presented upon request all affixed or projected fixtures will need to be removed from the designated Licensed Pavement trading area at the end of each trading day as specified on the Pavement Licence.
- 9.7** Where Street Furniture is used as seating on the public highway for use by persons for the purpose of consuming food or drink, smoking or vaping will not be permitted within the dimensions as specified on the licence.

10. STREET FURNITURE

- 10.1** Authorised Street Furniture under the Pavement Licence consists of Barriers, Benches, Counters, Heaters, Planters, Table(s) and Chair(s), Umbrellas and any other forms of seating. A boards,

A Frames and Receptacles are not authorised for use under a Pavement Licence.

- 10.2** A Pavement Licence issued by the Council for providing services or trading from the Pavement does not give permission to serve alcohol outside, To provide off sales a Premises must hold a licence issued under the Licensing Act 2003 or successor legislation in order to serve alcohol.
- 10.3** All the furniture and barriers used in the confines of the designated pavement trading area shall be suitably stored off the highway outside of the prescribed hours.
- 10.4** The Council is to be expressly exempted for loss, theft or damage of any Barriers, Benches, Commodities, Goods, Kiosks, Planters, Receptacles, Tables and Chairs, Umbrellas and any other forms of seating positioned within the Pavement Licence trading area.
- 10.5** 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.
- 10.6** 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 Pavement Licence Holder shall be liable to pay the Council's cost if it has to clean in default.
- 10.7** It is prohibited for premises to use single use plastic crockery, cutlery and single use napkins for trading under the pavement licence in order to meet its requirements to the Council's environmental and sustainability policies.
- 10.8** Under the Pavement Licence the use of single use plastic containers for off site alcohol is prohibited
- 10.9** The Pavement 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 Pavement Licence is not an indication of approval for a planning application.
- 10.10** 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.
- 10.11** 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.
- 10.12** The furniture shall be kept within the designated area, marked-out by a physical feature, and a clear access way of no less than 2.0 metres is kept clear to allow safe entry into the area.
- 10.13** No advertising boards may be placed on the public highway or street (this includes A-boards, A Frames, swing boards and rotating advertisements).

- 10.14** No awning, parasol or other cover shall be placed over the licensed area without consents or permissions being obtained from the Council.
- 10.15** Any Barriers, Benches, Counters, Heaters, Planters, Table(s) and Chair(s), Umbrellas and any other forms of seating used in connection with this licence shall be kept clean and in good repair and shall be repaired, repainted or replaced within 30 days of a written request from the Council.
- 10.16** If umbrellas are used they must be of a minimum height of 2.4 metres.
- 10.17** The Council does not authorise the use of patio-heaters.

11. PLANTERS

- 11.1** 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 Pavement Licence.
- 11.2** 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.
- 11.3** Planters where planning approval from the Council has been granted and where a Pavement Licence has been authorised the Pavement Licence Holder must ensure that:
- 11.3.1** They do not present a danger to the public.
 - 11.3.2** They do not present a fire risk or a similar hazard to the site or to the goods displayed.
 - 11.3.3** They do not cause a noise or a nuisance because of their smell.
 - 11.3.4** The presentation of Flowers, Plants, Shrubbery and Trees are maintained to an acceptable standard at all times.
 - 11.3.5** 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.
 - 11.3.6** They do not present an Anti-Social Behaviour issue (ASB).
 - 11.3.7** They are not used for the concealment or consumption of illegal substances.
 - 11.3.8** They are free of human and animal excrement and waste.
 - 11.3.9** They are free of Graffiti.

- 11.3.10** They are free of any domestic or flammable waste.
- 11.3.11** 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.
- 11.4** Any Planters used as part of the Pavement Licence must be within the confines of the trading meterage as specified on the Pavement Licence itself.
- 11.5** The Pavement 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.
- 11.6** The Pavement 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 Pavement Licence Holder.
- 11.7** There must be a minimum distance of at least 2.0 metres between the front of the licensed 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 or services offered and for other pedestrians to pass safely.

12. RECEPTACLES & DISPLAYS

- 12.1** Only those Receptacles and containers which are suitable and fit for purpose and approved by the Council shall be used by the licence Holder and employees for Pavement 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 and the Council could seek revocation of the licence.
- 12.2** Goods must not be placed directly on the street unless allowed to do so as specified within the licence.
- 12.3** 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.
- 12.4** Displays should be well merchandised and presented with prices clearly labelled.
- 12.5** Displays shall be constructed so as to be immediately removable.
- 12.6** Nothing shall be placed or stored underneath a display.
- 12.7** No Barriers, Benches, Counters, Displays, Heaters, Planters, Table(s) and Chair(s), Umbrellas and any other forms of seating shall be used if it is likely to damage the street.

- 12.8** Nothing shall be secured or temporarily or permanently affixed to either the street or street furniture in the vicinity of the licensed area.
- 12.9** Licensed areas for the display of Goods outside Shops or Licensed Premises shall not incorporate any form of seating facility, nor may any seating be used or provided by the licence Holder or assistant immediately outside the licensed area or elsewhere in the street other than on a private forecourt associated with the business.
- 12.10** Premises that require a Shop Front Licence to display Commodities and Goods will require a separate and additional Pavement Licence for the use of Barriers, Benches, Kiosks, Parklets, Planters, Tables and Chairs if they meet the criteria for application.
- 12.11** Premises that require a Pavement Licence for Barriers, Benches, Counters, Heaters, Planters, Table(s) and Chair(s), Umbrellas and any other forms of seating will require a separate and additional Shop Front Licence to display Commodities or Goods.
- 12.12** 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.
- 12.13** 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).
- 12.14** The display/stand must be of a construction that will cause minimal damage if there is a collision. There must be no sharp edges or protruding parts.
- 12.15** The display/stand must be well maintained and kept free from litter. Any table, chair or barrier, Receptacle or display stand used in connection with this licence shall be kept clean and in good repair and shall be repaired, repainted or replaced within 30 days of a written request from the Council.
- 12.16** The display/stand must be removed from the street when not in licensed use.
- 12.17** Real Deal - a Pavement Licence Holder 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.
- 12.18** Real Deal - a Pavement Licence Holder 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.

13. A BOARDS

- 13.1** The Pavement Licence is for the display of Barriers, Benches, Counters, Heaters, Planters, Table(s) and Chair(s), Umbrellas and any other forms of seating 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.

13.2 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 Pavement 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 Pavement Licence.

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

- drive.google.com/file/d/1f1Kk43T-k77Osr6FmxxsAbIA94ziMvcc/view

14. USE OF BARRIERS (IF APPLICABLE)

14.1 Temporary barriers may be used to enclose the licensed area for tables and chairs but they must meet the requirements listed below:

14.1.1 Permanent barriers marking the licensed area are not suitable, as the area remains part of the public highway.

14.1.2 The barriers must define the side boundaries of an area occupied by tables and chairs and must extend from the building to the front of the licensed area. An appropriate corner barrier must define the outer corner of the licensed area.

14.1.3 Barriers must fill the area measuring between 100 mm to 800 mm from the ground. They must not measure higher than 900 mm from the ground.

14.1.4 Barriers must be railed, either vertically or horizontally and be complementary to the existing premises frontage.

14.1.5 If a property is a listed building or is in a Conservation Area, barriers will only be permitted if they are in keeping with the property or area.

14.1.6 The barriers must not put the safety of pedestrians at risk. Sharp edges and corners are not acceptable.

14.1.7 Damaged barriers must be replaced immediately.

14.1.8 Fixing for barriers must not protrude above ground level when the barriers have been removed. (ix) Barriers should not be capable of falling over or of being blown over.

15. PERMITTED USE AND PURPOSES

- 15.1** The Pavement Licence only permits use of Street Furniture for providing services to facilitate the purchasing and on site consumption of food and beverages only. Any goods or services operated under this licence will be in breach of the licence conditions and subject to enforcement action and potential revocation of the Pavement Licence for unlicensed street trading. Only authorised Street Furniture as specified on the licence application may be used to provide services specified on the licence. In exceptional circumstances where with the written consent of an adjoining Premises owner a Pavement Licence extends to the frontage of an adjoining Premises this condition may be dispensed with for the area in front of that Premises only.
- 15.2** Any Pavement 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.
- 15.3** No part of any Pavement Licence 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 Pavement Licence and enforcement action will be instigated in relation to potential revocation of the licence.
- 15.4** 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.
- 15.5** No advertisement or “A” Boards/frames 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.

16. CONDUCT & BEHAVIOUR

- 16.1** Hackney Council will not tolerate abuse or intimidation of any sort. Pavement 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.
- 16.2** Pavement 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.

- 16.3** Pavement Licence holders and their employees 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.
- 16.4** Any complaints deemed by the Market, Shop Fronts and Street Trading Service to be of a serious nature against a Pavement Licence holder and/or their employees 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.
- 16.5** Any allegations made by Pavement Licence holders or employees 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 Pavement or Street Trading Licence 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.
- 16.6** In order to protect our community, any existing Pavement Licence Holder 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.
- 16.7** Licensed Pavement Holders and/or their employees must not make an offer to bribe or induce a Council officer or act fraudulent in connection with Pavement 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.
- 16.8** Licensed Pavement Holders and/or their employees 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.

- 16.9** The serving of customers shall be confined to the licensed area only.
- 16.10** No customer shall be charged for admission to the licensed Pavement area.
- 16.11** A Pavement Licence Holder or employee offering a service shall make clear the nature and cost of that service by way of a notice within the licensed area.
- 16.12** 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.
- 16.13** The customer should be able to conveniently view the Goods being weighed, measured, etc. within the Premises before they confirm their intention to purchase.
- 16.14** A Pavement 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.
- 16.15** The Council expects and seeks high standards of management of Pavement 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.

17. ROOFING OF PAVEMENT TRADERS

- 17.1** No parasol, awning or canopy or other cover shall be used to cover any Pavement 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.

18. REMOVAL OF DISPLAYS AND STANDS

- 18.1** 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.
- 18.2** A Pavement Licence Holder electing to cease trading before the time denoted in the licence shall remove the Barriers, Benches, Counters, Heaters, Planters, Table(s) and Chair(s), Umbrellas and any other forms of seating at that time to the place of storage.
- 18.3** A Pavement 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.
- 18.4** Pavement Licence Holders and their employees shall temporarily remove Barriers, Benches, Counters, Commodities, Displays, Goods, Kiosks, Heaters, Planters, Table(s) and Chair(s), Umbrellas and any other forms of seating 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:

- 18.4.1 An emergency (including any public demonstration, congregation or disorder in the area);
- 18.4.2 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,
- 18.4.3 To enable statutory undertakings to maintain their services.

19. REFUSE

- 19.1 Licence Holders and their employees in respect of Pavement Trading and catering establishments shall ensure that any Refuse arising from the external activities is properly stored and disposed of.
- 19.2 No refuse or litter shall be allowed to accumulate or be placed in the street or street litter bins.
- 19.3 No vehicle shall be used for the storage of such Refuse.
- 19.4 The licence Holder shall produce on demand to an authorised officer of the Council, proof of a contract for the disposal of trade Refuse.
- 19.5 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.
- 19.6 Where food and/or drink is served or consumed, the licence Holder when meeting the requirement in regulation 13.1 shall also remove from tables any used and discarded articles or vessels used by or for the service of customers.
- 19.7 The Pavement Licence Holder must ensure that litter and waste generated by the business is removed only to an authorised place of disposal.
- 19.8 The Pavement area is to be kept clean and maintained in a clean condition throughout the day.

20. NAMES OF ASSISTANTS AND RESTRICTION OF EMPLOYMENT

- 20.1 Only the licence Holder and their employees can engage in Pavement Trading under the issued Licence.
- 20.2 A Pavement Licence Holder shall not have as an assistant any Child in the business of Pavement Trading including the putting out or stocking of Receptacles, clearance of Refuse, attending to a licensed area or any related activity.
- 20.3 The Pavement Licence Holder is responsible for the actions and conduct of 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.

21. ADMINISTRATION

- 21.1** Pavement Licence Holders and employees shall give reasonable assistance to Council officers and their contractors in carrying out their duties.
- 21.2** A Pavement 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. If none of these methods have been enacted the validity of the licence will permanently expire and cease being valid from 30 September 2021.
- 21.3** On submitting an application for a licence, the applicant must provide the following:
- 21.3.1** One passport sized photograph of the Licence Holder with the Licence Holder's signature on the back.
 - 21.3.2** Two proofs of Licence Holder's home address and Business Premise's address which is no older than 3 months.
 - 21.3.3** Documentary proof of the Licence Holder's National Insurance Number.
 - 21.3.4** Documentary proof of a commercial trade waste agreement.
 - 21.3.5** The requisite application fee.
 - 21.3.6** Proof of Planning consent where necessary.
 - 21.3.7** Proof of ownership or other right to occupy the Premises to which the Pavement Trading application relates.
 - 21.3.8** Such proof of having carried out consultation as may be required by the Council.
 - 21.3.9** Documentary proof of the Licence Holder's Public Liability Insurance Document.
 - 21.3.10** The application fee was notified to the applicant in writing.
- 21.4** 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 occurs.
- 21.5** 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.

- 21.6** 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.
- 21.7** Any allegations made by a pavement trader against other licence holders 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 Pavement Licence to be suspended or revoked.
- 21.8** 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.
- 21.9** Licences 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.
- 21.10** If the Pavement Licence Holder wishes to surrender their licence this must be sent to or handed into the markets office in person. The Pavement Licence Holder is liable for all fees accrued during the period up to the receipt of licence by the Council.

22. PAYMENT OF FEES

- 22.1** All application and renewal fees must be fully paid within the financial year and before the licence holder exercises the right to trade using their Pavement Licence.
- 22.2** The Council reserves the right to commence proceedings in the County Court to recover all arrears of fees not paid in relation to Pavement Trading under a Pavement Licence. This is without prejudice to any other enforcement sanction that has been or may be taken by us.
- 22.3** Pavement Trading licence holders are also required to pay additional fees 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.
- 22.4** If they fail to pay these other fees, then we reserve the right to apply a further charge added to the outstanding monies owing. A charge may also be made for all reasonable administrative costs incurred by the Council in the recovery of arrears, taking enforcement action or seeking legal costs if progressed to prosecution.
- 22.5** Pavement 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 fees. Debit or credit card payments can be made at the Markets, Shop Front and Street Trading office. In the event that payment is by credit card an additional fee as notified may be levied. Cheques submitted to the Markets, Shop Fronts and Street Trading Service will not be accepted.

23. ENFORCEMENT

- 23.1** Any Pavement 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.
- 23.2** 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 the 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 licence holder 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). Offences such as failure to contain trading activity and Street Furniture within the permitted dimensions on the licence will result in a FPN issued for a highways obstruction.
 - **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 Pavement Licence. In accepting a licence to exercise use under these standard conditions the trader hereby confirms acceptance of the right of the Council to suspend them from trading in the circumstances set out in these regulations and further confirms they will cease trading and leave the permissible area 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.
- 23.3** 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.
- 23.4** 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.

- 23.5** If a serious breach of the terms and conditions is alleged to have been committed the Pavement Licence holder may be placed on immediate suspension pending investigation.
- 23.6** 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 pavement until the investigation is complete:
- 23.6.1** 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.
- 23.7** Failure to pay licence fees for an application or renewal shall be grounds for the revocation of the licence.
- 23.8** 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 pavements 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.
- 23.9** 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.
- 23.10** Any revocation of a Pavement Licence will result in the premises being unable to apply or hold a Pavement 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.

24. SHARING INFORMATION WITH THIRD PARTIES

- 24.1** The Markets, Shop Fronts and Street Trading 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.
- 24.2** To comply with money laundering legislation, the Markets, Shop Fronts and Street Trading Service will report any transactions for Pavement Licences or fees which we consider to be suspicious to the relevant agencies.
- 24.3** To comply with the proceeds of crime act (POCA) we the Markets, Shop Fronts and Street Trading 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



Private Operator Licence Terms & Conditions 2020/21

REGULATIONS MADE BY THE COUNCIL PURSUANT TO PART III OF THE FOOD ACT 1984 AND IN ACCORDANCE WITH SECTION 27(3) OF THE LONDON LOCAL AUTHORITIES ACT 1990 (AS AMENDED), 115E OF THE HIGHWAYS ACT 1980 PRESCRIBING STANDARD CONDITIONS, FOOD SAFETY AGENCY & ENVIRONMENTAL HEALTH GUIDELINES.

WHERE APPLICABLE TO MARKET TRADING BY A PRIVATE OPERATOR AND THE ISSUANCE OF MARKET OPERATOR AND STREET TRADING LICENCES AS OF 1 APRIL 2020.

All applications for any market or street trading activity within the London Borough of Hackney need to include a completed licence application form along with all necessary documentation – Public Liability Insurance, Risk Assessment, method statements, electrical and food safety certificates where appropriate. Once received, the application will take up to 28 working days to process.

1. GENERAL CONDITIONS

- 1.1** The Licence holder (also known as the “Operator”) shall be permitted to operate in the area as detailed in the licence and as in accordance with the stall layout in the attached location plan. Any material alteration to the layout must be approved in advance by the Council.
- 1.2** The licence holder shall be present on the site of the market at all times whilst the market is being set up, or taken down or is operating, and shall have with him/her, at all times the licence issued by the Council.
- 1.3** The licence must not be altered, erased or defaced in any way, it must be kept clean and legible and must not be lent to or used by any other person.
- 1.4** The licence holder shall be only permitted to trade during the days and hours as stated on their licence and are not permitted to trade outside of these without prior agreement from Hackney Council.
- 1.5** The licence holder shall, when requested by an authorised officer of the Council, fire authority or a police constable, produce the licence for inspection. The licence holder shall produce the licence immediately in accordance with condition 1.2 above, failing which no later than within 5 days of being requested to do so.
- 1.6** The Licence holder shall comply at all times with the provisions of Part III of the Food Act 1984 and any other legislation amending or replacing the same or that the operator finds themselves in contravention of.
- 1.7** The licence holder shall maintain a register with individually numbered pages and entries showing the date upon which each market is held together with the name, address, telephone number and place of business of each stall holder or retailer, the nature of the goods sold by him or her and the registration number of his or her vehicle (if applicable). Each entry shall identify the stall allocated to each stall holder by its number. The register shall be completed by start of trading of the first day of the market and retained for two years. The licence holder must keep this register up to date at all times, and shall exhibit it on demand to any police officer, Trading Standards Officer, Environmental Health Officer or authorised official of Hackney Council on production by that officer or official of their badge of office or written evidence of their appointment to that office and shall allow such officer or official to note such particulars as he or she may require from the register.
- 1.8** The licence holder shall supply each stall holder in the market with a printed number of a size not less than six inches square and shall ensure that the stall holder displays the number in a prominent position on the stall. This number shall correspond to an entry in the register required to be kept by the licence holder in accordance with the foregoing condition 1.7.

- 1.9** On written notice signed by any authorised officer of the Council being given to the licence holder or to his/her authorised representative, or any person operating at the market under the licence, that he/she has become unsuitable in respect of the unsatisfactory condition of his/her clothing or person, or that any movable structure, vehicle, stall etc. is unsuitable, the licence holder, representative or such other person on whom the notice has been served shall immediately cease to trade or operate until s/he remedies the cause of complaint to the satisfaction of the said authorised officer.
- 1.10** If the licence holder ceases to act as a market operator for the unexpired period of the licence, or has received notification that the licence has been suspended by the Council, or that it has been revoked or suspended by a court, he/she shall within 3 days thereafter, deliver the licence to the Council. All licence fees are non refundable.
- 1.11** The licence holder shall prepare and submit to the licensing section a comprehensive risk assessment relating to the operation of the market at least 7 days prior to the commencement of the first market.
- 1.12** The licence holder shall ensure that SIA accredited security personnel are located on-site during the night should the market stalls be kept in position overnight.

2. TRADING

- 2.1** This licence is granted subject to the licence holder having the right to use the nominated premises and having obtained all other necessary consents including under the planning legislation. If the premises are to be operated as a street market on property managed and maintained by Hackney Council as the local authority, this licence is in no way to be considered to waive the requirement to obtain the consent of Hackney Council to use the premises. Instead the consent of Hackney Council as the local authority must be obtained to cover every occasion when the street market is being operated.
- 2.2** The licence holder shall only be permitted to trade during the days and hours as specified on their licence.
- 2.3** The licence holder shall require prior consent and approval of the Council for the layout of the market prior to issuance of licence.
- 2.4** The licence holder shall not at any time use, for the purpose of advertising his presence, trade or business, any loudspeaker, horn, whistle, or other device as to give reasonable cause for annoyance to persons in the vicinity.
- 2.5** The licence holder shall ensure that the day to day manager is present on-site throughout the duration of the market.
- 2.6** The licence holder, while operating a private market shall have with him or her, the licence which shall be kept at all times clean and legible and shall exhibit it on demand to any authorised officers referred to in condition 1.5 and shall allow such officer or official to note the particulars of the licence. The licence holder shall not in any way alter, erase or deface this licence.

- 2.7** Any portable generators should be enclosed wherever possible to reduce noise and safeguard the public with fire extinguishers located at each and every generator.
- 2.8** Any vehicle to be used at the market must be in place on the site of the market before members of the public are admitted and must not be moved during the time when the market is open to members of the public. Any portable generators should be enclosed wherever possible to reduce noise and safeguard the public.
- 2.9** The licence holder shall ensure that no person shall bring into the market any vehicle, goods or receptacle for goods in such a manner as to cause obstruction provided that this shall not apply to any vehicle being used by the London Fire Brigade, ambulance service, doctor, police or refuse collection service in pursuance of their statutory powers or duties.
- 2.10** The licence holder shall ensure that all stalls, fittings, cloths, covers and appliances used within the market are kept clean and in good condition.
- 2.11** Any stalls used on the market shall be of a form which can be speedily and easily removed, and where such stalls, movable structures, vehicles etc. are used for the sale of food, they shall contain equipment for the proper cleaning and sterilising of all utensils and vessels used in connection therewith and the licence holder shall for the avoidance of doubt comply at all times with the requirements of the relevant food safety legislation.
- 2.12** The licence holder shall ensure that stall holders operating on the market display a clear and prominent notice of their trading licence plate.
- 2.13** The licence holder shall take all reasonable steps to communicate to the Council any changes, additions, alterations to any stalls/vehicles/movable structures which sell food or perishable items in terms of the relevant food safety legislation.
- 2.14** The licence holder will be responsible for ensuring all traders have the correct and required Public Liability Insurance before trading is permitted.
- 2.15** The licence holder shall ensure that all traders are licensed by Hackney Council before they are permitted to trade. The licence holder is responsible for ensuring traders have valid licences and have them on display in a prominent location at all times.
- 2.16** The licence holder shall ensure that all traders participating in any market to be operated in terms of the licence are aware that they may not sell anything illegal or in contravention of any laws. Traders are responsible for ensuring that they are aware of any legislation relating to the products they sell and in particular whether or not trading in specific goods may be illegal.
- 2.17** The requirements for toilet facilities shall be as agreed with the Council. The licence holder shall ensure that appropriate signage is provided indicating the location of the nearest toilet provision available to the general public.
- 2.18** A trader shall not bolt or otherwise secure temporarily or permanently anything to the street or street furniture.

- 2.19** Market locations granted cannot be sub-let, hired or loaned out.
- 2.20** The licence holder must ensure there is no obstruction of entrances/exits to shops and other premises, or to shop window displays and must be contained within the dedicated zones.
- 2.21** The licence holder is not permitted to access pedestrianised areas without the prior consent of the local authorities markets service.
- 2.22** The licence holder shall take all reasonable steps to ensure that:
 - 2.22.1** whilst operating or trading the market is kept tidy and free of obstructions and slip, trip risk hazards and;
 - 2.22.2** any movable structure, vehicle or stall etc, used for the purposes of operating at a private market, vehicle etc, where perishable goods or goods for human consumption are stored prior to sale, are kept in a clean and hygienic condition in accordance with the standards specified in the relevant food safety legislation.

3. HEALTH AND SAFETY

- 3.1** The licence holder must ensure all traders adhere to safe working practices and promote this by:
 - 3.1.1** Knowing their individual responsibilities, and responsibilities as employers in relation to the Health and Safety at Work Act 1974.
 - 3.1.2** Adhere to all safety measures whether given verbally or in writing.
 - 3.1.3** Ensure working practices in their area of responsibility are kept up to date.
- 3.2** The licence holder shall prepare and submit to the licensing section a comprehensive risk assessment relating to the operation of the market at least 7 days prior to the commencement of the first market and follow all measures identified in the same to mitigate any risks identified.
- 3.3** The use of electricity is restricted to lighting only unless otherwise agreed in writing with the Markets Service.
- 3.4** All other electrical equipment must be approved by the Council in writing before being used at the market. All electrical equipment must be tested by a suitably qualified electrician at the licence holders expense and copies of electrical safety test certificates must be deposited with the Council before written approval will be given by the Council.
- 3.5** The licence holder shall comply with or ensure compliance with such recommendations as may be made by the London Fire Brigade from time to time in relation to fire safety. In addition, the licence holder must ensure compliance with the Health and Safety at Work Act 1974 and any legislation amending or replacing same and all other relevant legislation and regulations and, where the premises include food stalls or catering facilities, The Food Safety Act 1990 and the

associated Regulations made thereunder the licence holder will ensure that no noise nuisance is caused in contravention of the Environmental Protection Act 1990, or any legislation amending or replacing same in particular that any music, amplified music and speech are properly controlled so as not to give rise to nuisance.

- 3.6** The licence holder 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 private market. 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.
- 3.7** 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.
- 3.8** 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.
- 3.9** 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.
- 3.10** All Licence holders 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 inform the Council in writing in respect of the safety of the supply before written consent is given by the Council.
- 3.11** The licence holder shall ensure all traders shall disconnect from an electrical supply when directed to do so by an authorised officer and given the reasons for this request.
- 3.12** 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. The licence holder 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.
- 3.13** The use of mobile electrical generators 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:
- 3.13.1** They do not present a danger to the public;
 - 3.13.2** They do not present a fire or similar hazard risk to the stall or goods displayed;
 - 3.13.3** 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;

- 3.13.4** They operate and do not produce any noise or vibration that disturbs other traders;
- 3.13.5** Any inflammable fuel not being used shall be stored away from the stall in a location and container approved by the London Fire Authority.
- 3.14** Any generator shall be turned off at the request of an authorised officer and the reasons for this request will be given.
- 3.15** The licence holder is responsible for ensuring no trader uses an electrical supply without the Council's written consent or may be subject to the enforcement actions listed in section 9.
- 3.16** The licence holder 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 traders 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 Private Operator Licence.
- 3.17** The licence holders market operator licence will be subject to automatic suspension 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.
- 3.18** All parts of any machinery that could cause injury shall be covered or fenced in when in motion.
- 3.19** 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.
- 3.20** The Council reserves the right to check all or any equipment used at the licence holders market, at any time. The licence holder will immediately give access upon request from an authorised officer.
- 3.21** The licence holder is responsible for providing hand washing facilities at the market if selling high risk foods. 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 (such as a Teal wash unit).
- 3.22** Prepared cooked food may only be offered and sold from Council approved fit for purpose catering equipment and in accordance with food safety legislation.
- 3.23** 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.

- 3.24** When applying for a Private Operator Licence, only traders that have achieved a minimum standard of a 3* food hygiene rating will be considered for a Street Trading Licence to trade in the borough of Hackney.
- 3.25** During the lifetime of the Private Operator Licence, any premises which receives a food hygiene rating of a 1* or 2* shall have their operator licence temporarily suspended until such time they complete the reasonable adjustment and receive a 3* or higher on the follow up visit. Any licence holder that fails to achieve this will have their Private Operator Licence revoked.
- 3.26** The license holder shall comply with the electrical safety agreement in advance of using electricity on any market.
- 3.27** The licence holder shall ensure that first aid facilities/trained first aiders are available and on site for the duration of the market.
- 3.28** An adequate number of fire extinguishers shall be provided and their location suitably identified throughout the site. All stall holders shall be aware of the siting of the fire fighting equipment and its operation. Adequate access and egress to and from the site shall be provided and maintained free from obstruction.

4. INSURANCE

- 4.1** The licence holder shall maintain public liability insurance to a minimum level of indemnity of £10 million throughout the course of the licence, and must notify the Council before permitting any alteration to be made the policy. When requested the licence holder shall exhibit to the Council the policy and any receipt for premiums or any other document relating thereto as the Council may require. The licence holder shall exhibit to the Council the policy at least 7 days prior to the commencement of the first market. The Council may require the level of indemnity figure to be increased at any reasonable time.
- 4.1.1** All licensed traders within the licence holder market 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.
- 4.2** The licence holder 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.
- 4.3** All Private Operator 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.

- 4.4** Adequate litter bins must be provided with all refuse generated being cleared from the market area.

5. REFUSE & WASTE

- 5.1** The licence holder must ensure that the traders 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 market area clean and swept of any debris throughout the trading day, in particular all litter, debris packaging and detritus both within and outside their market area that has been produced in the course of his/her business or could reasonably be assumed to have been so produced.
- 5.2** 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 market operator's site or which can otherwise be reasonably attributed to them will be included.
- 5.3** The licence holder shall be responsible for ensuring all traders keep their pitches 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 the Private Operator Licence holder the additional cost of cleaning the pitch where the trader has left the pitch in a dirty and poor state at the end of trading. Where any cooking takes place on site, the licence holder must ensure that there are no fat, oil or other deposits made on the pitches or anywhere within the market area.
- 5.4** The Private Operator Licence holder 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.
- 5.5** All food waste must be contained in a suitable manner to avoid leakage and damage to the Council footways/carrageways. The cost of rectifying any damage will be re-charged to the licensee and persistent on-going concerns may result in review of the Private Operator Licence. Approved ground covers must be placed on the footway/carrageway to avoid oil and food spillages to prevent damage.
- 5.6** The licence holder is required to ensure traders 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 trading operation.

- 5.7** 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.
- 5.8** If fish waste or any other waste covered under the animal by-product legislation is produced as part of their trading operation, the licence holder must provide valid waste transfer notes, confirming their waste carrier, upon request from an authorised officer.
- 5.9** The licence holder 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.
- 5.10** The licence holder 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.
- 5.11** 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 and of food grade material.
- 5.12** 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. The licence holder 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 Private Operator Licence holder's 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 Private Operator Licence.
- 5.13** Any rubbish cleared by the London Borough of Hackney will be charged to the licence holder at the rate of £100 per trader.
- 5.14** Any costs incurred by the Council for non-compliance will be recharged to the operator [Explanatory Note: traders who dispose of their litter in the litter bins or other rubbish storage areas rather than taking it away and disposing of it in the appropriate manner increases the costs to the Council. The costs incurred by the Council disposing of waste in relation to such misuse will be charged back to the operator].

6. FEES & CHARGES

- 6.1** The Private Operator Licence holder shall pay all trading fees and charges in connection with the Private Operator 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. These fees will need to be paid before trading/promotion commences.
- 6.2** A Private Operator Licence holder shall use one of the payment methods notified to them at the time of his/her application for a licence or renewal of his/her licence or as otherwise given

in writing by the Council to pay their Private Operator Licence fees and charges. We reserve the right to vary this general requirement with reasonable notice of not less than three months.

- 6.3** Any market operator who falls into arrears of 2 weeks or more within the period of their licence must either clear the debt in full or the licence will be revoked. Any Private Operator Licence holder who has fallen into arrears more than twice in a calendar 12 months will not have their Private Operator Licence renewed and will be prohibited from trading in the London Borough of Hackney.
- 6.4** The Council reserves the right to commence proceedings in the county court to recover all arrears or monies owing to the Council. This is without prejudice to any other enforcement sanction that has been or may be taken by us.
- 6.5** The Private Operator Licence holder is 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.
- 6.6** 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.
- 6.7** 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 market operator's site or which can otherwise be reasonably attributed to them will be included.
- 6.8** A Private Operator Licence holder is required to use an electronic payment method acceptable to the Market Service to make transactions with the Council. Debit or credit card payments can be made at the Market Service office or via telephone. 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.
- 6.9** Private operators can pay for up to four weeks in advance via the Markets Office or a Markets Officer on the telephone
- 6.10** Any damage to the in ground electricity supply boxes, attachments and structure by the hiring trader will be recovered by the Market Service office.

7. CONDUCT & BEHAVIOUR

- 7.1** Hackney Council will not tolerate abuse or intimidation of any sort. Private Operator Licence holders are required to ensure that they and their employees/traders 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.

- 7.2** Market Operator Licence holders or their employees or traders 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.
- 7.3** Private Operator Licence holders or their employees or traders 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.
- 7.4** Any complaints deemed by the Market Service to be of a serious nature against a Private Operator Licence holder or their employees or traders 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.
- 7.5** Any allegations made by Private Operator Licence holders or their employees or traders 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 Private Operator Licence or Street Trading Licence (whether permanent or temporary) 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.
- 7.6** A Licensed Street Trader is prohibited from supplying illegal goods, which includes stolen goods, suspected stolen goods, counterfeit/pirated goods, and unsafe goods. All goods sold must comply with current safety regulations.
- 7.7** In order to protect our community, any existing Private Operator Licence holders or their employees or traders 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 licence holder. In addition, Private Operator Licence holders or their employees or traders are strictly prohibited from trading whilst under the

influence of alcohol or illegal substances.

- 7.8** Private Operator Licence holders or their employees or traders 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.
- 7.9** Private Operator Licence holders or their employees or traders 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.
- 7.10** Private Operator Licence holders or their employees or traders shall not be permitted use of a radio or music playing device 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.
- 7.11** Private Operator Licence holders or their employees or traders 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.
- 7.12** Any contravention of these terms and conditions or any unlawful activity will be deemed as 'Unacceptable Conduct' this will result in the immediate suspension from trading/promotion in the market, pending an investigation.
- 7.12.1** The Operations Manager's decision is final - appeals to the decision can be made to the Service Area Manager for Markets, Shop Fronts and Street Trading c/o Ridley Road Market Office.
- 7.12.2** Anyone not complying within the terms of a Street Trading License issued in association with Hackney Council may be liable to legal proceedings by the Hackney Council

8. ASSISTANCE TO AUTHORISED OFFICERS

- 8.1** Private Operator Licence holders or their employees or traders 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.
- 8.2** Private Operator Licence holders or their employees or traders shall not use rude or offensive language or behave in an aggressive manner when dealing with an authorised officer or member of the Council.
- 8.3** A Private Operator Licence holder or their employees or traders must not commit any acts of harassment (whether racial, sexual or otherwise) against an authorised officer.

- 8.4** If any Private Operator Licence holders or their employees or traders 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.
- 8.5** A Private Operator Licence holders or their employees or traders 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.
- 8.6** Notwithstanding the terms and conditions contained in this licence, the licence holder shall comply or ensure compliance with any order or instruction given by any police officer for the prevention of obstruction or annoyance to the public or to the occupiers of any premises or property or in connection with any emergency or disturbance (including an order or instruction to close the premises for a limited period) or on any occasion when such police officer, in the exercise of his or her discretion, may consider it necessary in the public interest to give such order or instruction.

9. ENFORCEMENT

- 9.1** Private Operator Licence holders or their employees or traders 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 Part III of the Food Act 1984. The Council reserves the right for its authorised officers to prosecute any person who contravenes the conditions of their licence.
- 9.2** 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 licence holder 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 licence holder 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 an 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 an 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 Private Operator 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.
- 9.3** 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. Breaching of certain conditions may also lead to prosecution.
- 9.4** Persistent breach of conditions will be considered as an indication that a person is not fit to hold or be granted a Private Operator Licence 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 licence holder being unable to apply or hold a Private Operator Licence in the London Borough of Hackney for the next 12 months but may reapply after this period of time has elapsed.
- 9.5** 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 still be able to operate on their licensed location across the borough until the investigation is complete:
- 9.5.1** Once the investigation is completed unless the licence is revoked, the operator 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.
 - 9.5.2** If an enforcement sanction is issued, the operator has the right to appeal the enforcement action taken against them. All appeals should be made to the Market & Street Trading Operations Manager in the first instance in writing within seven days of any action being taken. If the action is sanctioned by the Markets & Street Trading Operations Manager the appeal will be heard by the Service Area Manager.
 - 9.5.3** If the licence has been revoked, the operator does not have the right to appeal the revocation. Any revocation of a Private Operator 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 of time has elapsed.
 - 9.5.4** In the event of a Private Operator Licence being revoked, the operator does have the right to apply for a judicial review at their own expense.

10. SHARING INFORMATION WITH THIRD PARTIES

- 10.1** 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.

- 10.2** Private Operator Licence holders or their employees or traders 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.
- 10.3** To comply with money laundering legislation, the Markets Service will report any transactions for Private Operator Licences, Street Trading Licences or charges which we consider to be suspicious to the relevant agencies.
- 10.4** To comply with the proceeds of crime act (POCA), 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.

COVID-19 COMPLIANCE

- The Private Operator Licence holder is responsible for ensuring that all trading sites they are licensed for are COVID-secure and all traders contained within are fully compliant to the Council's 6 point COVID-secure trading plan, which can be found by visiting drive.google.com/file/d/1MoODe5_keXdoEDL8b5x4rsOkrcz7ffBR/view.
- All COVID-secure measures are to be agreed with the Council before commencement of trading.
- All traders must complete a COVID-secure risk assessment and copies made available to an authorised officer on request.
- Any enforcement action, fines, penalty notices, prosecution or closure due to non compliance to government guidance or COVID-secure measures resulting in a loss to the business are the sole responsibility of the Private Operator Licence holder and not the Council.

Specific Conditions for Continental Markets, Farmer's Markets and Street Food Markets

1. General Food Safety Requirements

Training of Food Handlers: Food Handlers at stalls handling high risk open foods should be trained to at least the CIEH Foundation Certificate in Food Safety level, or equivalent.

Customers: Where customers are encouraged to try before they buy, adequate arrangements must be in place to prevent food samples becoming contaminated, for example provision of separate containers for clean and used spoons or use of individual cocktail sticks.

Registration of Food Business: All businesses operating stalls should be registered as a food business with the local authority for the area in which they are based.

Personal Hygiene

- A high degree of personal hygiene must be maintained by all food handlers.
- Stall holders selling open food must wear suitable protective clothing, including headwear.
- A no smoking policy must be adhered to by all food handlers when at the stall or preparing foods.
- Waterproof coloured dressings should be provided at each stall.
- You should wash your hands regularly with soap.

Produce at stalls: No food must be placed on the ground.

2. Labelling Requirements

The name of any food sold loose must be displayed clearly.

All other foods sold which are pre-packed at premises other than the final seller must comply with the Food Labelling Regulations 1996 as amended. In particular, they will require to be labelled with:

- Name of the food.
- List of ingredients (including the required name of any allergens).
- A Best Before or Use By date.
- Any special storage conditions, or conditions of use.
- The name and address of the manufacturer or packer.
- Particulars of the place of origin or provenance of the food, if failure to do so could mislead a customer.
- Instructions for use, if it would be difficult to make use of the food without instructions.
- Where cheeses (or other foods) are made from raw milk this information should be given.

For guidance about labelling requirements from 1 January 2021, please visit [gov.uk/guidance/food-and-drink-labelling-changes-from-1-january-2021?utm_campaign=transition_p3&utm_medium=cpc&utm_source=seg&utm_content=bdrs_ukb_act61&gclid=CITVydvrmuOCFYM4GwodoyAJBQ](https://www.gov.uk/guidance/food-and-drink-labelling-changes-from-1-january-2021?utm_campaign=transition_p3&utm_medium=cpc&utm_source=seg&utm_content=bdrs_ukb_act61&gclid=CITVydvrmuOCFYM4GwodoyAJBQ).

3. Meat Product Standards

Meat products must comply with the Meat Products (Scotland) Regulations 2004. This requires certain meat products to contain a minimum percentage of meat. Some examples of meat percentage requirements are shown below. Further information about meat percentage requirements can be obtained from the Council's Environmental Health Service by telephoning 0208 356 4911 or emailing environmental.health@hackney.gov.uk. Further information can be found on [hackney.gov.uk/environmental-health](https://www.hackney.gov.uk/environmental-health).

Types of Meat Products

'Meat' and similar specific terms like 'beef', 'lamb' and 'chicken' is mammal or bird skeletal muscle with natural tissue that's fit for human consumption. The maximum total fat and connective tissue content you're allowed is explained in the following table, which can be found on the next page:

Species	Fat Content	Collagen to meat protein ratio
Mammals (other than rabbits and porcines) and mixtures of species with a majority of mammal meat	25%	25%
Porcines	30%	25%
Birds and rabbits	15%	10%

You must express the collagen to meat protein ratio as the percentage of collagen in meat protein. The collagen content means the hydroxyproline content multiplied by a factor of 8.

You must state on the ingredients list any parts of the carcass that don't meet this criteria. For example, liver or blood serum.

If you exceed the maximum limits for fat or connective tissue but satisfy all other criteria for the definition of 'meat' you must:

- lower the 'meat' content accordingly
- state the presence of any fat and connective tissue in the list of ingredients in addition to the term 'meat'

For example, ingredients for breaded chicken nuggets might include, chicken, water, chicken connective tissue, chicken fat, breadcrumbs, egg.

Fresh Meat

This is meat that hasn't had any preserving process other than chilling or freezing. It includes meat that is vacuum packed or packed in a controlled atmosphere.

Meat Preparations

These are foods made from fresh meat without changing the structure of the muscle fibre that characterises fresh meat. Other foods, seasonings and additives may have been added to them.

Products Containing Meat

These are foods where meat is an ingredient, even if the other ingredient is 5 % water. A product containing meat also includes foods containing multiple ingredients, for example a chicken and mushroom pie or a roast chicken ready meal.

Types of meat your can't sell

You can't sell products that contain certain ingredients if the product is 'uncooked', meaning it's sold on the basis that it needs further cooking before consumption.

You must not use any of these ingredients in uncooked products made and sold in England:

- feet
- intestine (except as sausage skin)
- lungs
- oesophagus
- rectum
- spinal cord
- spleen
- stomach
- udder

Products added with water

You must tell the consumer if you add water to a meat product or preparation that makes up more than 5 % of its weight.

You only need to do this if the meat product or preparation looks like a cut, joint, slice, portion or carcase.

This doesn't apply to products like sausages because they don't look like cuts or joints.

Include the information in the name of the food. For example 'ham with added water'.

Formed Foods

You must tell the consumer if a food product looks like a whole piece of meat but is made up of 2 or more separate pieces.

Put the words 'formed meat' next to the name of the product.

This applies to products that:

- look like a whole piece of meat, like a chicken breast
- products that appear to be taken from a whole single piece of meat, like sliced ham

Added Proteins

You must tell the consumer if you add protein to products containing meat or meat preparations from a different species to the main product. Include the name and origin of the protein in the name of the food.

You need to do this wherever the protein is used as an ingredient. This includes hydrolysed proteins such as:

- albumin
- collagen
- casein
- milk protein
- egg protein

For example, a product name could be 'chicken breast with added pork protein' or 'beef escalopes with chicken egg protein'.

You should include any other added ingredient from a different species in the list of ingredients. For example, the ingredients for a chicken pie might include, flour, water, chicken (10%), pork fat and suet.

Minced Meat

Minced meat should meet certain standards, based on a daily average:

	Fat content must be less than	Collagen to meat protein ratio must be less than
Lean minced meat	7%	12%
Minced pure beef	20%	15%
Porcines	30%	25%
Minced meat containing pork	30%	18%
Other minced meats	25%	15%

You can sell minced meat that doesn't meet these criteria if the label has the words 'For UK market only' followed by the national mark.

The national mark is a printed square (□) followed by the words "for the UK market only".

The label must always show the maximum percentage of fat and the collagen to meat protein ratio. Use the words 'percentage of fat content under ...' and 'collagen/meat protein ratio under ...'

Date of Freezing

You must show the date of freezing or first freezing on:

- frozen meat
- frozen meat preparations

Use the words "frozen on" and give the date on which the food, in the form it's being sold, was first frozen.

You can give the oldest date of freezing where a product or preparation contains food from batches frozen on different dates. For example, a beef stir fry containing red peppers.

You don't need to give the date of first freezing if the meat content of a food is included as an ingredient (such as frozen chicken pie).

Reserved descriptions

Your products must have a [minimum percentage of meat](#) (MS Word Document, 51.5KB) if they're made and sold in England and use one of the following reserved descriptions:

- hamburger
- chopped
- corned
- luncheon
- pie
- pudding
- game pie
- Scottish or Scotch pie
- pie or pudding
- pastie or pasty
- bridie
- sausage roll
- sausage, link, chipolata, sausage meat

4. Specific Food Safety Requirements

These additional requirements have been separated into four categories to reflect the risks associated with the different foods being sold and the degree of on site preparation:

- Low Risk Pre-packed

- Low Risk Sold Loose With Handling/Sorting
- High Risk Pre-packed With No Preparation On Site
- High Risk with On Site Preparation

4.1 Low Risk Pre-Packed:

Examples: Fruit and vegetables already made up in tagged quantities, i.e. no open handling at stall. Fruit jam and honey jars, prepared bakery products in sealed containers.

Requirements:

- All displayed food should be covered or wrapped.
- Suitable facilities for the disposal of waste and waste water are required.

4.2 Low Risk Sold Loose:

Examples: Fruit and vegetables weighed to the desired quantity at stall.

Requirements:

- Customers should be discouraged from handling food themselves.
- Suitable facilities for the disposal of waste and waste water are required.
- A wash hand basin with hot and cold or warm potable water together with supplies of soap and disposable paper towels must be available in close proximity to the stall. (This can be a shared facility with neighbouring stalls).
- Work surfaces must be kept clean and will require regular cleaning throughout the day.

4.3 High Risk Pre-Packed With No Preparation On Site:

Examples: Selling vacuum packed cooked meat, wrapped cream cakes, packaged sea foods, wrapped sandwiches, eggs and cheese.

Requirements:

- All displayed food should be covered or wrapped and transported under hygienic conditions.
- Suitable facilities for the disposal of waste and waste water are required.
- A wash hand basin with hot and cold or warm potable water together with supplies of soap and disposable paper towels must be available in close proximity to the stall. (This can be a shared facility with neighbouring stalls)
- Works surfaces must be kept clean and be constructed in such a way that they are smooth, impervious to moisture and capable of being easily cleaned.
- High risk foods should be delivered and stored on site under refrigeration at below 5°C.
- A probe thermometer for monitoring the temperature together with disposable sterile wipes must be available.

4.4 High Risk With Preparation On Site:

Examples: Cutting, portioning or preparing of raw or cooked meat products.

Requirements:

- Separate utensils and equipment must be used for raw and cooked foods.
- All displayed food should be covered or wrapped and transported under hygienic conditions.
- Customers should be discouraged from handling food themselves.
- Suitable facilities for the disposal of waste and waste water are required.
- A wash hand basin with hot and cold or warm potable water together with supplies of soap and disposable paper towels must be available at the stall, for the exclusive use of the business.
- A sink with a hot and cold potable water supply for the cleaning of equipment and utensils must be provided for the use of the business. It is recommended that the supply be piped to the sink.
- Works surfaces must be kept clean and be constructed in such a way that they are smooth, impervious to moisture and capable of being easily cleaned.
- High risk food should be delivered and stored on site under refrigeration at below 5°C.
- If food is required to be reheated prior to service, equipment to carry out this must be capable of thoroughly reheating food to a minimum core temperature of 75°C.
- If food is being held hot, it must be held at a temperature of not less 63°C.
- A probe thermometer for monitoring the temperature together with disposable sterile wipes must be available.

5. Food Safety Management System

All food business operators are required to have a food safety management system based upon the HACCP principles. Such a system details the controls in place to protect the food from contamination during the entire operation of the market and should be based on the nature and size of a food business i.e. a stall selling sealed sweets would have a far less complicated system than a stall preparing, cooking and selling hot food. You must provide us and Environmental Health with a copy of your food safety management system with your application form.

6. Health and Safety at Work

- The Health and Safety at Work Act 1974 and the appropriate regulations must be adhered to at all times.
- Adequate precautions must be taken to reduce the possibility of customers tripping or falling at the stepped sections which surround the raised area where the stalls are to be positioned.
- Cables to and from stalls must be arranged in such a manner that they do not cause a trip hazard.
- All electrical plugs and connections must comply with British Standard BS/EN 60309- 2:1999.
- A test certificate for all portable electrical appliances must be available.
- If Liquefied Petroleum Gas (LPG) is used as a fuel, the following precautions have to be taken due to the explosive nature of the of the gas if a leakage occurs:
 - The cylinders must be stored upright with the valve securely fixed and accessible.
 - The length of any flexible tubing should not exceed 0.5 metres.

- A dry powder fire extinguisher and fire blanket must be available at the stall.

7. Refuse Disposal

- All litter and refuse generated must be cleared from the market area and the surrounding environment on a regular basis during the trading hours.
- Adequate litter bins must be provided.

8. Noise

- Use of loudspeakers will not be permitted for advertising or promotion.
- There should be no increase in the existing background noise level at the nearest dwelling(s) due to noise generated from any fixed plant and equipment associated with the market.

9. Application Form for Stalls

All businesses wishing to operate a stall at the market should complete the application form with the Markets, Shop Fronts & Street Trading Service and provide all applicable paperwork to the Council's Environmental Health service at least 7 days prior to the date of the market.

10. Meat Labels

At all times the Food Standards Agency's guidance on [food labelling and composition](#) must be adhered to.

11. Penalties

You're breaking the law if you don't follow the rules for selling products containing meat. You may get an [improvement notice](#) from your local council.

You'll have a [right to appeal](#) any improvement notice

Breaches of these terms and conditions may also result in the issuance of warning notices and fixed penalty notices (FPN), prosecution and revocation of licence.



Pavement Licence Policy

July 2020



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1. Introduction

The Covid-19 pandemic has affected businesses across the borough with significant damage to the economy causing many to cease trading for several months or permanently while others have had to significantly modify their operations. The ability to support local businesses in adapting to unforeseen circumstances is more important than ever. As social distancing will continue to be a normal part of our lives for some time to come, it is essential that we equip businesses with the means to remain open while these guidelines are in place.

As such, the government has announced further changes to legislation and an urgent relaxation to planning and licensing laws to help the hospitality industry recover from the coronavirus lockdown by removing short term obstacles that could get in their way. In turn they have delegated local authorities the task of creating and administering a Pavement Licence for businesses that propose to use the licenced area of public highway for the sale of food or drink for consumption.

They have done this under the Business and Planning Bill which makes it easier for premises serving food and drink such as public houses, cafes, bars, restaurants, snack bars, coffee shops, ice cream parlours, etc as lockdown restrictions are lifted but social distancing guidelines remain in place, to seat and serve customers outdoors through temporary changes to planning procedures and alcohol licensing.

The Act also introduces a temporary fast-track process for these businesses to obtain permission, in the form of a "Pavement Licence", from the Council for the placement of Street furniture such as tables and chairs on the pavement outside their premise which will enable them to maximise their capacity whilst adhering to social distancing guidelines and continue to sell/serve and/or for the consumption of food and drink.

The new temporary measure places a cap on the application fee for businesses, and introduces a new 14-day determination period, ensuring that businesses can obtain licences in a timely and cost effective manner aiding their financial recovery.

The Pavement Licence is underpinned by the Business and Planning Bill 2019-20. Although the licence only permits the placing of furniture on the public highway, if an applicant has a licence to serve alcohol on the premises, temporary changes to the Licensing Act 2003 will allow them to sell alcohol for consumption off-premises without needing to apply for a licence variation. It will be a temporary measure to boost the economy, with provisions lasting until the end of September 2021.

Businesses wishing to continue to trade from the area licenced under the pavement licence must apply for a Shop Front Trading Licence and can do so by applying online via hackney.gov.uk/markets-shop-front-traders

2. Scope

2.1 Definition of a Pavement Licence

A pavement licence is a licence granted by the local authority, or deemed to have been granted, which allows the licence-holder to place removable Street Furniture over certain highways adjacent to the premises in relation to which the application was made, for certain purposes.

2.2 Definition of “ Street Furniture”

Street Furniture is defined as meaning:

- a. counters or stalls for selling or serving food or drink,
- b. tables, counters or shelves on which food or drink can be placed,
- c. chairs, benches or other forms of seating, and
- d. umbrellas, barriers and other articles used in connection with the outdoor consumption of food or drink;

All furniture must be removable and removed at the end of each trading day. It must also maintain a clearance of 2.0m from the end of the licence dimension to the kerbside.

As per Government Social distancing guidelines all seating must be 2m apart or 1m plus mitigation when placed on the highway for use under a Pavement Licence.

2.3 Eligible Businesses

Eligible businesses are those that need to use, or propose to use, premises (fully or in part) for:

- a. Use as a public house, wine bar, or other licensed drinking establishment;

- b. Other use for the sale of food or drink for consumption on or off the premises, such as cafés, restaurants, snack bars, coffee shops, and ice cream parlours, etc.;
- c. Both of the above

2.4 Eligible Locations

The locations on which Pavement Licences can be granted are those which are listed in section 115A(1) of the Highways Act 1980. Generally, these are footpaths restricted to pedestrians or are roads and places to which vehicle access is restricted or prohibited. This may include the carriage way if the Council has closed the road to vehicular access under a traffic management order, thus making it safe to do so.

3. Application and Determination of Pavement Licences

- 3.1 To apply for a Pavement Licence, applicants must complete and submit the application form which can be found at: hackney.gov.uk/pavement-licence.

As part of their application, applicants should also submit the following:

- *£100 non-refundable application and/or renewal fee;*
- *A plan showing the location of the premises;*
- *A plan showing the proposed area on the public highway covered by the licence with measurements shown clearly;*
- *The days of the week and times at which you propose to have furniture on the public highway;*
- *Evidence of the right to occupy the premises;*
- *Photographs or brochures of the proposed furniture;*
- *Evidence of public liability insurance with a minimum cover of £5 million;*

- *And any other supporting documentation and material listed on the application form.*

3.2 Fees

All applicants must pay a non-refundable application and/or renewal fee of £100. Fees can be found at: hackney.gov.uk/pavement-licence.

3.3 Consultation

All applications will be published on our website to invite public representations on the proposed area of public highway to be licensed. The consultation period for each application will be for 7 days beginning with the day after that on which the application was made.

During the consultation period, the Council must consult with the highways authority where the Council is not itself the highways authority for the land. The Council should also consult those other persons who might also be appropriate. All representations made during the consultation period will be considered as part of the determination of a Pavement Licence.

Following the 7 day consultation period, the Council will have 7 days to make a decision, beginning the first day after the public consultation period.

The Council will publish details of the application on its website at: consultation.hackney.gov.uk/parking-services/pavement-objection

The Council is required by law to consult with the Highways Authority. In addition, to ensure that there are not detrimental effects to the application the Council will consult with:

- Hackney Council Community Safety and Environmental Enforcement Services.
- Hackney Council Licensing Service
- Hackney Council Planning Service
- Hackney Council Council Environmental Health Service
- London Fire Brigade
- The Metropolitan Police
- The appropriate Local Ward Councillor(s)

Members of the public and others listed above can contact the Council to make Representations.

The Council must take into account representations received during the public consultation period and consider these when determining the application.

3.4 Site Notice

In an effort to engage with the community, applicants should affix a site notice to their premises the day they submit their application to the Council and should remain there for the duration of the consultation.

The site notice must:

- *State that the application has been made and the date on which it was made;*
- *Indicate that representations may be made to the Council during the consultation period and when the consultation comes to an end;*
- *Contain such other information or material as the Council may require.*

For a Site Notice template, please visit:

docs.google.com/document/d/1sGnFIMhPjxmONRV6X5EuCz_Wbn_7f9IZ45HRPH9vSUE/edit.

3.5 Site Assessment

In determining whether to grant a licence, the Council will consider the area proposed to be used in relation to:

- Public health and safety, such as adherence to social distancing guidelines, etc.
- Public disturbance - will the site be a disturbance to people and will it encourage anti-social behaviour?
- accessibility – taking a proportionate approach to considering the nature of the site in relation to which the application for a licence is made, its surroundings and its users, taking account of:

- any other temporary measures in place that may be relevant to the proposal, for example, the reallocation of road space. This could include pedestrianised streets and any subsequent reallocation of this space to vehicles;
- whether there are other permanent street furniture or structures in place on the footway that already reduce access;
- the impact on any neighbouring premises
- the recommended minimum footway widths and distances required for access by mobility impaired and visually impaired people as set out in Section 3.1 of Inclusive Mobility, and
- other users of the space, for example if there are high levels of pedestrian or cycle movements.

Applicants are encouraged to talk to surrounding businesses prior to submitting their application.

3.6 Determination

Following the consultation period, the Council will have 7 days to make a decision about the application. If, by the end of the determination period, the Council has not made a decision on the application, the licence will be deemed to have been granted. A licence deemed to be granted has the duration of one year.

If the Council determines the application before the end of the determination period, the Council can:

- Grant the licence in respect of any or all of the purposes specified in the application;
- Grant the licence for some or all of the part of highway specified in the application, and impose conditions, or;
- Refuse the application.

3.7 Approval of Application

The Council may approve applications meeting the criteria contained within these guidelines.

Once an application has been approved, the Council will grant a Pavement Licence which will outline the days and times during which the licence applies. Furniture may be placed within the perimeters of the licenced area during these times.

It is the responsibility of the applicant to familiarise themselves with the Pavement Licence Terms and Conditions. These can be found within this document or by visiting the following website: hackney.gov.uk/pavement-licence.

3.8 Licence Duration

Upon approval, a licence will be valid for an initial period of three months, which, at the discretion of the Council, may be extended for a further three months on a rolling basis up to and including (but no later than) 30 September, 2021. This is subject to the council receiving an application for a renewal of the licence through the original application process. After this date, licences will no longer be valid and you should apply for a Shop Front Licence if you wish to continue placing furniture on the public highway. You can apply for a Shop Front Trading Licence at any time by applying online at hackney.gov.uk/markets-shop-front-traders

A licence deemed to be granted without consultation has the duration of one year but may be revoked at any time.

3.9 Refusal of Applications

If the proposed area is deemed by the Council to be unsuitable for a Pavement Licence, or if relevant representations are made which cannot be mitigated by terms and conditions, then the application may be refused.

There is no statutory appeal process against the decision to refuse an application.

4. Terms and Conditions

Pavement Licences are underpinned by a robust set of standard terms and conditions which are intended to emphasise the safety of the public and to promote fairness for all licence holders within the Borough of Hackney. The terms and conditions, which can be found within this document in Appendix 2 or by going to: hackney.gov.uk/pavement-licence. In some cases, extra measures may be required and additional conditions added to a licence. This will be determined when assessing any application, on a case by case basis.

In cases in which the Council's terms and conditions cover the same matter as those outlined in national published conditions, the Council's terms and conditions will take precedence over the national conditions where there is reasonable justification to do so.

However, this is not the case for the statutory no-obstruction condition which is as applies to all Licences. The National 'no obstruction conditions' as shown in Appendix 3.

5. Enforcement

The Council works closely with other enforcement authorities to enforce the provisions of all appropriate legislation. Obstructions of the highway are an offence under The Highways Act 1980 and will be dealt with by the Councils Authorised Officers or the police.

Obtaining a consent does not confer the holder immunity in regard to other legislation that may apply, e.g. Public Liability, Health & Safety at Work, Food Hygiene and Safety, Alcohol and Entertainment Licensing, Shop Front Trading, Social distancing controls, and applicants must ensure all such permissions, etc. are in place prior to applying.

If a condition imposed on a licence either by the Council or via a National Condition is breached the Council will be able to issue a notice requiring the breach to be remedied and the authority can take action to cover any costs.

Breaches of the Licence Terms and Conditions will result in the initiation of enforcement actions against those not adhering to the rules of their licence. This action includes the revocation of the pavement licence itself. It is important that licence holders follow these rules as they ensure that licence holders and the Markets, Shop Fronts, and Street Trading Service alike can maintain the high standards and reputation of the Hackney's streets. The terms and conditions are also designed to maximise the safety of the public, which is why it is so important to follow them.

Licence revocation may occur under circumstances including, but not limited to:

- Breach of condition, (whether or not a remediation notice has been issued)
- Where there are risks to public health and safety, e.g. not adhering to government guidelines on social distancing;
- The highway is being obstructed (other than by anything permitted by the licence);
- The use of the licenced area in generating anti-social behaviour or public nuisance;
- The applicant has provided false or misleading information on their application;
- The applicant did not comply with the requirement to affix a site notice to their premises during the consultation period.

The Council may also revoke the licence where all or any part of the area of the relevant highway to which the licence relates has become unsuitable for any purpose for which the licence was granted or deemed to be granted. For example, the licensed area (or road adjacent) is no longer to be pedestrianised. The Council will give reasons where these powers are used.

6. Review Procedures

This policy covers the Permission for Pavement Licences under the Business Planning Act which are scheduled to expire on 30 September, 2021.

This policy will be reviewed often to ensure that it is in line with any changes to the legislation and any other guidance and guidelines that the government publishes.

Appendix 1:

Site Notice Template for display by an applicant for a Pavement Licence.

[ClauseS 2] of the Business and Planning Act 2020.

I/We **(1) name of applicant**,

do hereby give notice that on **(2) date of application** [I/we] have applied to **(3) Hackney Borough Council** for a 'Pavement Licence' at:

(4) postal address of premises

known as

(5) name premises known by

The application is for:

(6) brief description of application (e.g outdoor seating to the front of the premises for serving of food and drink)

Any person wishing to make representations to this application may do so by visiting our consultation portal: **(7) consultation.hackney.gov.uk/parking-services/pavement-objection**, or by writing, preferably by email, to:

(7) pavement.licence@hackney.gov.uk

Unit 2B(ii)
Kingsland Shopping Centre,
Kingsland High Street,
Dalston,
London
E8 2LX

(Please note that hand written representations will not be considered if they are not received within five working days)

by: **(8) last date for representations being the date 5 working days after the date the application is submitted to the local authority (excluding public holidays)**

The application and information submitted with it can be viewed on the Council's website at:**(9) consultation.hackney.gov.uk/parking-services/pavement-objection**

Signed

Dated **(10) date the notice was placed which must be the same date as the date of application**

Guidance notes:

Substitute the numbers with the following information:

(1) name of applicant

(2) date the application is made (ie submitted)

(3) name of local authority

(4) postal address of premises

(5) name premises is known by

(6) brief description of application (e.g outdoor seating to the front of the premises for serving of food and drink)].

(7) address to which where representations can be sent (this could be an email address or via a portal).

(8) last date for representations being the date 5 working days after the date the application is submitted to the local authority (excluding public holidays)(2)

(9) the website address where the application can be viewed

(10) date the notice was placed (must be the same date as (2))

Appendix 2: Licence Terms and Conditions

Pavement Licence Terms & Conditions 2020/21

Prescribing Standard Conditions Applicable to Pavement Street Trading which is inclusive of the exercising of the right to trade from the pavement in commodities, goods, services and street furniture under the Pavement Licence.

REGULATIONS MADE BY THE LONDON BOROUGH OF HACKNEY

PURSUANT TO THE BUSINESS AND PLANNING ACT 2020 PRESCRIBING STANDARD CONDITIONS APPLICABLE TO TRADING UNDER A TEMPORARY PAVEMENT LICENCE.

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 cafés, 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 pavement trading activity from a licensed area a 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 cafés. 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" 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 a 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. "Pavement Licence" includes licences issued for Pavement Trading or the placing of tables and chairs, Parklets, Goods or commodities outside premises whether issued under the Business and Planning Act 2020 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 the Business and Planning Act 2020.
- 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 Pavement 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). Pavement licences only authorise the placing of furniture on the highway. They do not alter any entitlements the premises may or may not have to serve food or drink. Those activities will still be covered by the planning regime, the licensing regime where the activity is a licensable activity (e.g.: the sale of alcohol), registration requirements for food businesses, and land covenants in the normal way.
- 2.2 A Licensed Pavement 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.
- 2.5 The trader, 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 Pavement Trading Regulations set out the framework of the Street Scene in the London Borough of Hackney insofar as it relates to Pavement 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 or Part III of the London Local Authorities Act 1990 As Amended. 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 Pavement Trader or their Assistants, is to be paid for in full by the Licensed Pavement Trader and could face enforcement sanctions up to and including revocation of their Pavement Licence.
- 2.12 Licence holders shall ensure that they comply with all relevant legislation there activities may include such as:
- The Business & Planning Act 2020,
 - The Highways Act 1980,
 - The Food Act 1984,
 - Licensing Act 2003 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 Pavement Licence is found to be false or misleading, the Council will seek revocation of the licence in question.

3. PAVEMENT LICENCES

- 3.1 The holders of a Pavement Licence are subject to these Standard Conditions. Pavement Licences will be granted in line with the Council's Policy and Application process with regards to the granting of and issuance of a 3 month licence period. The validity to trade under a Pavement Licence will expire on 30 September 2021.
- 3.2 The Pavement 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.
- 3.3 All Pavement 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.
- 3.4 The application process for Pavement 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.
- 3.5 The holders of a Pavement 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 Pavement Trading can commence on site. The decision by an Authorised Officer to allocate meterage available for a licence is final.
- 3.6 The Council reserves the right to withdraw the licence of any temporary Pavement Licence holder without notice and will provide reason(s) both verbally and in writing. A licence holder 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 Officer Licensing Panel (OLP).
- 3.7 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. Pavement 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.
- 3.8 The refusal by the holder of a Pavement Licence to stop trading from the previously agreed pavement trading area allocated by an Authorised Officer may result in enforcement sanctions, potential suspension or revocation of licence and potential prosecution.

- 3.9 The issue of a Pavement Licence is without prejudice to the Council's application process and does not infer a legal right to the grant of a Permanent Shop Front Trading Licence at the expiry of the Pavement Licence.
- 3.10 A copy of the Pavement Licence must be displayed in the window of the Premises outside which furniture/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 Pavement Licence will result in the issuance of enforcement sanctions against the licence holder and may result in revocation of your licence.
- 3.11 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.
- 3.12 A Pavement Licence is not transferable.
- 3.13 Only the Pavement Licence holder and registered premises can engage in Pavement Trading on site under the provisions of this licence.
- 3.14 When Applying for a Pavement Licence, only premises that have achieved a minimum standard of a 3* food hygiene rating will be considered for a Pavement Licence.
- 3.15 During the lifetime of the Pavement 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 Pavement Licence revoked.
- 3.16 Only those goods or commodities or services sold in the premises can be displayed or traded outside of the Premises provided they are not excluded items as defined in these regulations.
- 3.17 Only those services provided within the Premises can be provided within the licensed pavement trading area and where a licence permits goods, commodities or tables and chairs to be placed on the street.
- 3.18 If wishing to trade from your pavement whilst using a Temporary Event Notices (TENS), you will still require a valid Pavement Trading Licence. Failure to do so will result in an enforcement sanction and potential closure or seizure of goods for illegal trading.
- 3.19 The Council reserves the right to refuse to grant or revoke a Pavement Licence where the cumulative impact on the public highway of granting multiple premises

with Pavement Licenses where there are existing high volumes of Anti Social Behaviour or Illegal activity which places the public safety at risk.

- 3.20 The Council reserves the right to refuse to grant a Pavement Licence where the cumulative impact on the public highway of granting multiple premises with Pavement Licenses displaying the same or similar Barriers, Benches, Commodities, Displays, Goods, Kiosks, Planters, Parklets, Tables & Chairs and in turn having a negative impact on the Street Scene or economic viability of local high streets due to over saturation.
- 3.21 During the application for a Pavement 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 Pavement Licence.
- 3.22 The Council's decision regarding cumulative impact or over saturation is final.
- 3.23 A Pavement Licence shall cease to have effect on being surrendered to the Council by the Pavement License holder 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 shall be payable up to and including the date of surrender of the licence.
- 3.24 The Temporary Pavement Licence is for the sole use and benefit of the licence holder and whilst it provides permission to place furniture on the public highway it does not automatically bestow trading rights and the applicable trading fees must be paid prior to commencement of any trading.
- 3.25 The Pavement Licence is for the sole use and benefit of the licence holder and whilst it provides permission to place furniture on the public highway 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 Pavement Traders requesting a variation of their Pavement Trading licence such as an adjustment to meterage 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.

- 3.27 Pavement Licence Holders are responsible for ensuring the activities from their premises and licensed trading area do not represent a risk to public health and safety – for example, ensuring that patrons and customers conform with latest guidance on social distancing and any reasonable crowd management measures needed as a result of a licence being granted and businesses operating. Failure to do so may result in refusal of the granting of a licence or a revocation of said licence.
- 3.28 Where a premises is using the pavement licence for off sales for food and beverage they are required to provide access to public amenities – If a failure to do so creates nuisance to neighbouring occupiers by generating anti-social behaviour and litter the licence may be revoked.
- 3.29 As and where a designated market and/or regular street trading activity occurs from an isolated trading location or pitch, a pavement licence will either be refused or amended to allow operation outside the hours of market or street trading activities.
- 3.30 Where a market is in operation all furniture related to a pavement licence must be removed from the public highway and not returned until the market has left the designated trading area.
- 3.31 The Council reserves the right to Suspend, Revoke or Withdraw the granting of a Pavement Licence and/or the ability to trade from the licenced area at any time and will provide licence holders with reasonable written notice to enact any suspension, revocation or withdrawal of licence.

4. SHORT TERM LICENCES

- 4.1 Pavement Licence of a shorter duration than 6 or 12 months will be deemed 'short term' licences.
- 4.2 Short Term Pavement Licences will have the same effect as a Pavement Licence and must comply with all of the licence conditions as laid out in these licence terms and conditions.
- 4.3 Short Term Pavement Licences will follow the existing Fee Structure as set out in the Council's fees and charges to that of the application and renewal of Pavement Licences.
- 4.4 The Council reserves the right to Suspend, Revoke or withdraw the ability to grant Short Term Pavement Licence at any time and will provide traders with reasonable written notice to enact any suspension, revocation or withdrawal of licence.

5. CLEARANCES

- 5.1 The size of any display or the area taken up by any Street Furniture such as Barriers, Benches, Counters, Table(s) and Chair(s), Heaters, Planters, Umbrellas and any other forms of seating shall not exceed the maximum dimensions stated in the licence.
- 5.2 A minimum of two metre (2m) clearance of any obstruction shall be maintained for safe access to and egress from the Premises to which the licence relates. The minimum 2m clearance will facilitate access for wheelchairs or mobility scooter users, double buggies and /or individuals with mobility or vision issues as well as to incorporate government guidelines on social distancing. Any persistent obstructions evidenced will result in enforcement sanctions being issued.
- 5.3 It is essential in all cases that a minimum width of unobstructed highway to the line of the front face of the kerb or the line of any fixed structure (such as a lamp column or litter bin) is free for safe and convenient pedestrian movement. This would normally be at least 2 metres, but in locations where there is a high flow of pedestrians (even if only during short periods in the day) a greater width may be required.
- 5.4 All seating areas as designated under the Pavement Licence must be set out in a socially distanced manner in line with current Government guidance and legislation. All tables and chairs must be a minimum 2m apart or 1m plus with additional mitigation in order to comply with government guidelines. Steps will need to be taken to ensure that the highway is not obstructed by customers, standing between tables, chairs and the kerb.
- 5.5 When processing an application for a Pavement 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 Pavement Licence. This could result in special licence conditions added such as more than 2.0m clear of any obstruction.
- 5.6 No receptacle, display, table(s) or chair(s) or any other seating 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.
- 5.7 Where Barriers, Benches, Counters, Heaters, Planters, Table(s) and Chair(s), Umbrellas and any other forms of seating are permitted under a licence issued by the Council, the number of street furniture items authorised 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 Pavement Licence Holder.

- 5.8 The sizes of Barriers, Benches, Counters, Heaters, Planters, Table(s) and Chair(s), Umbrellas and any other forms of seating shall not exceed those prescribed in the licence. If found to be oversized, then enforcement sanctions will be issued to the Pavement Licence Holder which can result in the revocation of the licence.
- 5.9 The maximum dimensions of the area permitted to be used for Barriers, Benches, Counters, Heaters, Planters, Table(s) and Chair(s), Umbrellas and any other forms of seating 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 Pavement Trading.
- 5.10 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 Pavement Trading.
- 5.11 When processing an application or renewal of a Pavement 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 Pavement Licence.

6. INSURANCE

- 6.1 The Pavement 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, 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 Pavement Licence holders of any increase required by letter. A copy of the certificate of insurance shall be handed to the Council on request.
- 6.2 Satisfactory evidence of such insurance must be produced to the Council before a Street Trading licence and/or Pavement 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 use until the certificate is produced and the Council is satisfied with the level of cover.
- 6.3 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 pavement trading activities immediately until suitable insurance is in place and the cover note or policy presented to the Council.

- 6.4 Pavement 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.
- 6.5 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.
- 6.6 A certified copy of the certificate of insurance must be kept on the Premises together with the licence at all times.
- 6.7 Evidence of such insurance shall be produced by a licence holder on demand to an authorised officer of the Council or a police officer.

7. DAYS AND TIMES

- 7.1 A copy of the Pavement Licence which will display the premises licenced trading days and times must be displayed in the window of the premises where pavement 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.
- 7.2 All Pavement Licences shall cease trading at 23:00 of each trading day and All Street Furniture, patrons and activities shall cease operating and be fully removed from the public highway by this time up until the next trading day begins as prescribed on each individual licence.
- 7.3 Pavement Trading shall only take place during the days and between the times specified on the Temporary Pavement Licence only. All Fees relating to the application and renewal of licences must be paid whether or not the Pavement Licence holder has traded.
- 7.4 Any Barriers, Benches, Counters, Heaters, Planters, Table(s) and Chair(s), Umbrellas and any other forms of seating 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 Pavement Licence.

- 7.5 Service at the Benches, chairs, Tables and any other forms of seating used must finish at such time before the end of the licensed hours prescribed overleaf to allow for them to be removed by the specified time.

8. INSPECTION OF LICENCE

- 8.1 Licence Holders shall produce their licence for inspection when requested to do so by an authorised officer or the Council or police officer.
- 8.2 Where the Council has issued a variation to a licence the varied licence must be displayed on the Premises.
- 8.3 If alcoholic beverages are consumed in an area licenced for Pavement Trading, the Licence Holder or employees shall produce on demand the appropriate Premises Licence given under the Licensing Act 2003 or its successor, to an authorised officer of the Council or police officer.
- 8.4 A Pavement Licence Holder and/or Employee shall give immediate assistance to Authorised Officers when requested to do so.
- 8.5 A Pavement Licence Holder and/or Employee shall not use rude or offensive language or behave in an aggressive manner when dealing with an Authorised Officer or member of the Council.
- 8.6 A Pavement Licence Holder and/or Employee must not commit any acts of harassment (whether racial, sexual or otherwise) against an Authorised Officer.
- 8.7 A Pavement Licence Holder and/or Employee shall not make offers to bribe, induce or act fraudulently when or in connection with Enforcement, Planning, Street or Pavement Trading.
- 8.8 If any Pavement Licence Holder and/or Employee 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.

9. LICENSED AREA AND POSITION

- 9.1 The Pavement 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).
- 9.2 The Pavement Licence Holder shall not cause or permit Barriers, Benches, Counters, Heaters, Planters, Table(s) and Chair(s), Umbrellas and any other

forms of seating; 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.

- 9.3 In respect of catering/licenced establishments, Barriers, Benches, Kiosks, Planters, Receptacles, Tables and Chairs and all other forms of seating 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 employee 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.
- 9.4 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 pavement trading when requested to do so in writing by the Council and shall not resume Shop Front Trading without the written consent of the Council.
- 9.5 Any Benches, Counters, Heaters, Planters, Table(s) and Chair(s), Umbrellas and any other forms of seating, whether affixed to or projecting from the premises over the public highway will require a Pavement Licence and are bound by these terms and conditions.
- 9.6 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 Pavement Licence. If no Planning approval is received or presented upon request all affixed or projected fixtures will need to be removed from the designated Licenced Pavement trading area at the end of each trading day as specified on the Pavement Licence.
- 9.7 Where Street Furniture is used as seating on the public highway for use by persons for the purpose of consuming food or drink, smoking or vaping will not be permitted within the dimensions as specified on the licence.

10. STREET FURNITURE

- 10.1 Authorised Street Furniture under the Pavement Licence consists of Barriers, Benches, Counters, Heaters, Planters, Table(s) and Chair(s), Umbrellas and any other forms of seating. A boards, A Frames and Receptacles are not authorised for use under a Pavement Licence.
- 10.2 A Pavement Licence issued by the Council for providing services or trading from the Pavement does not give permission to serve alcohol outside, To provide off

sales a Premises must hold a licence issued under the Licensing Act 2003 or successor legislation in order to serve alcohol.

- 10.3 All the furniture and barriers used in the confines of the designated pavement trading area shall be suitably stored off the highway outside of the prescribed hours.
- 10.4 The Council is to be expressly exempted for loss, theft or damage of any Barriers, Benches, Commodities, Goods, Kiosks, Planters, Receptacles, Tables and Chairs, Umbrellas and any other forms of seating positioned within the Pavement Licence trading area.
- 10.5 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.
- 10.6 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 Pavement Licence Holder shall be liable to pay the Council's cost if it has to clean in default.
- 10.7 It is prohibited for premises to use single use plastic crockery, cutlery and single use napkins for trading under the pavement licence in order to meet its requirements to the Council's environmental and sustainability policies.
- 10.8 Under the Pavement Licence the use of single use plastic containers for off site alcohol is prohibited
- 10.9 The Pavement 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 Pavement Licence is not an indication of approval for a planning application.
- 10.10 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.
- 10.11 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.

- 10.12 The furniture shall be kept within the designated area, marked-out by a physical feature, and a clear access way of no less than 2.0 metres is kept clear to allow safe entry into the area.
- 10.13 No advertising boards may be placed on the public highway or street (this includes A-boards, A Frames, swing boards and rotating advertisements).
- 10.14 No awning, parasol or other cover shall be placed over the licensed area without consents or permissions being obtained from the Council.
- 10.15 Any Barriers, Benches, Counters, Heaters, Planters, Table(s) and Chair(s), Umbrellas and any other forms of seating used in connection with this licence shall be kept clean and in good repair and shall be repaired, repainted or replaced within 30 days of a written request from the Council.
- 10.16 If umbrellas are used they must be of a minimum height of 2.4 metres.
- 10.17 The Council does not authorise the use of patio-heaters.

11. PLANTERS

- 11.1 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 Pavement Licence.
- 11.2 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.
- 11.3 Planters where planning approval from the Council has been granted and where a Pavement Licence has been authorised the Pavement Licence Holder must ensure that:
- 11.3.1 They do not present a danger to the public.
 - 11.3.2 They do not present a fire risk or a similar hazard to the site or to the goods displayed.
 - 11.3.3 They do not cause a noise or a nuisance because of their smell.
 - 11.3.4 The presentation of Flowers, Plants, Shrubbery and Trees are maintained to an acceptable standard at all times.

- 11.3.5 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.
 - 11.3.6 They do not present an Anti-Social Behaviour issue (ASB).
 - 11.3.7 They are not used for the concealment or consumption of illegal substances.
 - 11.3.8 They are free of human and animal excrement and waste.
 - 11.3.9 They are free of Graffiti.
 - 11.3.10 They are free of any domestic or flammable waste.
 - 11.3.11 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.
- 11.4 Any Planters used as part of the Pavement Licence must be within the confines of the trading meterage as specified on the Pavement Licence itself.
- 11.5 The Pavement 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.
- 11.6 The Pavement 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 Pavement Licence Holder.
- 11.7 There must be a minimum distance of at least 2.0 metres between the front of the licensed 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 or services offered and for other pedestrians to pass safely.

12. RECEPTACLES & DISPLAYS

- 12.1 Only those Receptacles and containers which are suitable and fit for purpose and approved by the Council shall be used by the licence Holder and employees for Pavement 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 and the Council could seek revocation of the licence.

- 12.2 Goods must not be placed directly on the street unless allowed to do so as specified within the licence.
- 12.3 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.
- 12.4 Displays should be well merchandised and presented with prices clearly labelled.
- 12.5 Displays shall be constructed so as to be immediately removable.
- 12.6 Nothing shall be placed or stored underneath a display.
- 12.7 No Barriers, Benches, Counters, Displays, Heaters, Planters, Table(s) and Chair(s), Umbrellas and any other forms of seating shall be used if it is likely to damage the street.
- 12.8 Nothing shall be secured or temporarily or permanently affixed to either the street or street furniture in the vicinity of the licensed area.
- 12.9 Licensed areas for the display of Goods outside Shops or Licensed Premises shall not incorporate any form of seating facility, nor may any seating be used or provided by the licence Holder or assistant immediately outside the licensed area or elsewhere in the street other than on a private forecourt associated with the business.
- 12.10 Premises that require a Shop Front Licence to display Commodities and Goods will require a separate and additional Pavement Licence for the use of Barriers, Benches, Kiosks, Parklets, Planters, Tables and Chairs if they meet the criteria for application.
- 12.11 Premises that require a Pavement Licence for Barriers, Benches, Counters, Heaters, Planters, Table(s) and Chair(s), Umbrellas and any other forms of seating will require a separate and additional Shop Front Licence to display Commodities or Goods.
- 12.12 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.

- 12.13 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).
- 12.14 The display/stand must be of a construction that will cause minimal damage if there is a collision. There must be no sharp edges or protruding parts.
- 12.15 The display/stand must be well maintained and kept free from litter. Any table, chair or barrier, Receptacle or display stand used in connection with this licence shall be kept clean and in good repair and shall be repaired, repainted or replaced within 30 days of a written request from the Council.
- 12.16 The display/stand must be removed from the street when not in licensed use.
- 12.17 Real Deal - a Pavement Licence Holder 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.
- 12.18 Real Deal - a Pavement Licence Holder 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.

13. A BOARDS

- 13.1 The Pavement Licence is for the display of Barriers, Benches, Counters, Heaters, Planters, Table(s) and Chair(s), Umbrellas and any other forms of seating 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.
- 13.2 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 Pavement 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 Pavement Licence.
- 13.3 For further information of A Boards, Swing Boards and Rotating Advertising boards in the London Borough of Hackney please visit:

- drive.google.com/file/d/1f1Kk43T-k77Osr6FmxxsAbIA94ziMvcc/view

14. USE OF BARRIERS (IF APPLICABLE)

14.1 Temporary barriers may be used to enclose the licensed area for tables and chairs but they must meet the requirements listed below:

14.1.1 Permanent barriers marking the licensed area are not suitable, as the area remains part of the public highway.

14.1.2 The barriers must define the side boundaries of an area occupied by tables and chairs and must extend from the building to the front of the licensed area. An appropriate corner barrier must define the outer corner of the licensed area.

14.1.3 Barriers must fill the area measuring between 100 mm to 800 mm from the ground. They must not measure higher than 900 mm from the ground.

14.1.4 Barriers must be railed, either vertically or horizontally and be complementary to the existing premises frontage.

14.1.5 If a property is a listed building or is in a Conservation Area, barriers will only be permitted if they are in keeping with the property or area.

14.1.6 The barriers must not put the safety of pedestrians at risk. Sharp edges and corners are not acceptable.

14.1.7 Damaged barriers must be replaced immediately.

14.1.8 Fixing for barriers must not protrude above ground level when the barriers have been removed. (ix) Barriers should not be capable of falling over or of being blown over.

15. PERMITTED USE AND PURPOSES

15.1 The Pavement Licence only permits use of Street Furniture for providing services to facilitate the purchasing and on site consumption of food and beverages only. Any goods or services operated under this licence will be in breach of the licence conditions and subject to enforcement action and potential revocation of the Pavement Licence for unlicensed street trading. Only authorised Street Furniture as specified on the licence application may be used to provide services specified on the licence. In exceptional circumstances where with the written consent of an adjoining Premises owner a Pavement Licence extends to the frontage of an adjoining Premises this condition may be dispensed with for the area in front of that Premises only.

15.2 Any Pavement 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.

- 15.3 No part of any Pavement Licence 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 Pavement Licence enforcement action will be instigated in relation to potential revocation of the licence.
- 15.4 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.
- 15.5 No advertisement or "A" Boards/frames 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.

16. CONDUCT & BEHAVIOUR

- 16.1 Hackney Council will not tolerate abuse or intimidation of any sort. Pavement 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.
- 16.2 Pavement 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.
- 16.3 Pavement Licence holders and their employees 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.
- 16.4 Any complaints deemed by the Market, Shop Fronts and Street Trading Service to be of a serious nature against a Pavement Licence holder and/or their employees 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.
- 16.5 Any allegations made by Pavement Licence holders or employees 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 Pavement or Street Trading Licence 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.
- 16.6 In order to protect our community, any existing Pavement Licence Holder 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.
- 16.7 Licensed Pavement Holders and/or their employees must not make an offer to bribe or induce a Council officer or act fraudulent in connection with Pavement 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.
- 16.8 Licensed Pavement Holders and/or their employees 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.

16.9 The serving of customers shall be confined to the licensed area only.

16.10 No customer shall be charged for admission to the licensed Pavement area.

16.11 A Pavement Licence Holder or employee offering a service shall make clear the nature and cost of that service by way of a notice within the licensed area.

16.12 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.

16.13 The customer should be able to conveniently view the Goods being weighed, measured, etc. within the Premises before they confirm their intention to purchase.

16.14 A Pavement 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.

16.15 The Council expects and seeks high standards of management of Pavement 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.

17. ROOFING OF PAVEMENT TRADERS

17.1 No parasol, awning or canopy or other cover shall be used to cover any Pavement 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.

18. REMOVAL OF DISPLAYS AND STANDS

18.1 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.

18.2 A Pavement Licence Holder electing to cease trading before the time denoted in the licence shall remove the Barriers, Benches, Counters, Heaters, Planters, Table(s) and Chair(s), Umbrellas and any other forms of seating at that time to the place of storage.

- 18.3 A Pavement 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.
- 18.4 Pavement Licence Holders and their employees shall temporarily remove Barriers, Benches, Counters, Commodities, Displays, Goods, Kiosks, Heaters, Planters, Table(s) and Chair(s), Umbrellas and any other forms of seating 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:
- 18.4.1 An emergency (including any public demonstration, congregation or disorder in the area);
- 18.4.2 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,
- 18.4.3 To enable statutory undertakings to maintain their services.

19. REFUSE

- 19.1 Licence Holders and their employees in respect of Pavement Trading and catering establishments shall ensure that any Refuse arising from the external activities is properly stored and disposed of.
- 19.2 No refuse or litter shall be allowed to accumulate or be placed in the street or street litter bins.
- 19.3 No vehicle shall be used for the storage of such Refuse.
- 19.4 The licence Holder shall produce on demand to an authorised officer of the Council, proof of a contract for the disposal of trade Refuse.
- 19.5 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.
- 19.6 Where food and/or drink is served or consumed, the licence Holder when meeting the requirement in regulation 13.1 shall also remove from tables any used and discarded articles or vessels used by or for the service of customers.
- 19.7 The Pavement Licence Holder must ensure that litter and waste generated by the business is removed only to an authorised place of disposal.

19.8 The Pavement area is to be kept clean and maintained in a clean condition throughout the day.

20. NAMES OF ASSISTANTS AND RESTRICTION OF EMPLOYMENT

20.1 Only the licence Holder and their employees can engage in Pavement Trading under the issued Licence.

20.2 A Pavement Licence Holder shall not have as an assistant any Child in the business of Pavement Trading including the putting out or stocking of Receptacles, clearance of Refuse, attending to a licensed area or any related activity.

20.3 The Pavement Licence Holder is responsible for the actions and conduct of 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.

21. ADMINISTRATION

21.1 Pavement Licence Holders and employees shall give reasonable assistance to Council officers and their contractors in carrying out their duties.

21.2 A Pavement 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. If none of these methods have been enacted the validity of the licence will permanently expire and cease being valid from 30 September 2021.

21.3 On submitting an application for a licence, the applicant must provide the following:

21.3.1 One passport sized photograph of the Licence Holder with the Licence Holder's signature on the back.

21.3.2 Two proofs of Licence Holder's home address and Business Premise's address which is no older than 3 months.

21.3.3 Documentary proof of the Licence Holder's National Insurance Number.

21.3.4 Documentary proof of a commercial trade waste agreement.

- 21.3.5 The requisite application fee.
 - 21.3.6 Proof of Planning consent where necessary.
 - 21.3.7 Proof of ownership or other right to occupy the Premises to which the Pavement Trading application relates.
 - 21.3.8 Such proof of having carried out consultation as may be required by the Council.
 - 21.3.9 Documentary proof of the Licence Holder's Public Liability Insurance Document.
 - 21.3.10 The application fee was notified to the applicant in writing.
- 21.4 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 occurs.
- 21.5 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.
- 21.6 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.
- 21.7 Any allegations made by a pavement trader against other licence holders 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 Pavement Licence to be suspended or revoked.
- 21.8 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.
- 21.9 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.
- 21.10 If the Pavement Licence Holder wishes to surrender their licence this must be sent to or handed into the markets office in person. The Pavement Licence Holder is liable for all fees accrued during the period up to the receipt of licence by the Council.

22. PAYMENT OF FEES

- 22.1 All application and renewal fees must be fully paid within the financial year and before the licence holder exercises the right to trade using their Pavement Trading Licence.
- 22.2 The Council reserves the right to commence proceedings in the County Court to recover all arrears of fees not paid in relation to Pavement Trading under a Pavement Licence. This is without prejudice to any other enforcement sanction that has been or may be taken by us.
- 22.3 Pavement Trading licence holders are also required to pay additional fees 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.
- 22.4 If they fail to pay these other fees, then we reserve the right to apply a further charge added to the outstanding monies owing. A charge may also be made for all reasonable administrative costs incurred by the Council in the recovery of arrears, taking enforcement action or seeking legal costs if progressed to prosecution.
- 22.5 Pavement 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 fees. Debit or credit card payments can be made at the Markets, Shop Front and Street Trading office. In the event that payment is by credit card an additional fee as notified may be levied. Cheques submitted to the Markets, Shop Fronts and Street Trading Service will not be accepted.

23. ENFORCEMENT

- 23.1 Any Pavement 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.
- 23.2 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 the 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 licence holder 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). Offences such as failure to contain trading activity and street furniture within the permitted dimensions on the licence will result in a FPN issued for a highways obstruction.
- **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 Pavement Licence. In accepting a licence to exercise use under 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 permissible area 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.

23.3 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.

23.4 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.

23.5 If a serious breach of the terms and conditions is alleged to have been committed the Pavement Licence holder may be placed on immediate suspension pending investigation.

23.6 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 pavement until the investigation is complete:

23.6.1 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.

23.7 Failure to pay licence fees for an application or renewal shall be grounds for the revocation of the licence.

23.8 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 pavements 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.

23.9 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.

23.10 Any revocation of a Pavement Licence will result in the premises being unable to apply or hold a Pavement 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.

24. SHARING INFORMATION WITH THIRD PARTIES

24.1 The Markets, Shop Fronts and Street Trading 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.

24.2 To comply with money laundering legislation, the Markets, Shop Fronts and Street Trading Service will report any transactions for Pavement Licences or fees which we consider to be suspicious to the relevant agencies.

24.3 To comply with the proceeds of crime act (POCA) we the Markets, Shop Fronts and Street Trading 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

Appendix 3:

National Regulations

The Secretary of State publishes these regulations in exercise of his powers under [clause 5(6)] of the Business and Planning Act 2020:

Regulations relating to clear routes of access:

It is a regulation that clear routes of access along the highway must be maintained, taking into account the needs of disabled people, and the recommended minimum footway widths and distances required for access by mobility impaired and visually impaired people as set out in Section 3.1 of [Inclusive Mobility](#).

Guidance on the effect of this regulation

1. To the extent that regulations imposed or deemed to be imposed on a pavement licence do not require the licence holder to require clear routes of access to be maintained, taking into account the needs of disabled people and the recommended minimum footway widths and distances required for access by mobility impaired and visually impaired people as set out in Section 3.1 of [Inclusive Mobility](#), the licence is granted subject to those requirements.
2. To the extent that a licence is granted subject to a regulation which imposes requirements to maintain clear routes of access that are inconsistent with the requirements set out in these regulations is not imposed on the licence.

If and when the Secretary of State publishes new regulations, we will update this document accordingly.

Please find a link to Government Guidance [here](#).



A-board guidance

Keeping our high streets open
and accessible for all

An **A-board** is a free standing board advertising the goods or services of a business.

A-boards are usually placed outside shops, cafes or other businesses to attract customers.

A-boards can be a major hazard to pedestrians, especially people with visual impairments or physical disabilities. They can clutter the pavement, making it difficult for people in wheelchairs or people with pushchairs to use the space.

Well designed, uncluttered streets increase footfall and are beneficial to local businesses.

To make sure our streets are accessible to all, and to make sure we are consistent, **no A-boards are allowed on the public highway in Hackney.**



Why are A-boards not allowed on the public highway?

It is in the interests of residents, business owners and visitors that Hackney's high streets are open and accessible to all.

We have a duty to protect the public's access rights on roads and footways. It is an offence to wilfully obstruct any user of the highway, without lawful excuse or authority.

Since 2006 we have been removing street furniture including bollards and other obstacles, and have removed more than 6km of railing. We need businesses to help to keep our streets free of clutter.

Our approach is supported by the Royal National Institute of Blind People (RNIB) and Disability Back Up. RNIB says:

“It is essential for many people, including blind and partially sighted people, to have a clear route to walk along a pavement. Walking past shops too often involves running the risk of serious injury from advertising boards spread across the pavement, sometimes causing a dangerous obstruction.

Falling over an A-board can be both painful and confidence knocking. The unmonitored, under-regulated and over use of the boards is dangerous and obtrusive.

RNIB supports a complete ban on A-boards. A complete ban will enable many people to walk along their local streets without fear of colliding with a heavy, painful sign.”



Can I put an A-board on land I own?

You can place A-boards on private land. This includes:

- the enclosed area in front of a shop
- a terrace in front of a restaurant or cafe.

It does not include the area of pavement in front of premises which forms part of the highway.

Owning the cellar under a public highway does not automatically mean there are rights to place A-boards on the area above.

Notices, signs or A-boards on private land will not need planning permission if:

- the total permitted area of all advertisements does not exceed 4.6 square metres
- they are not illuminated.

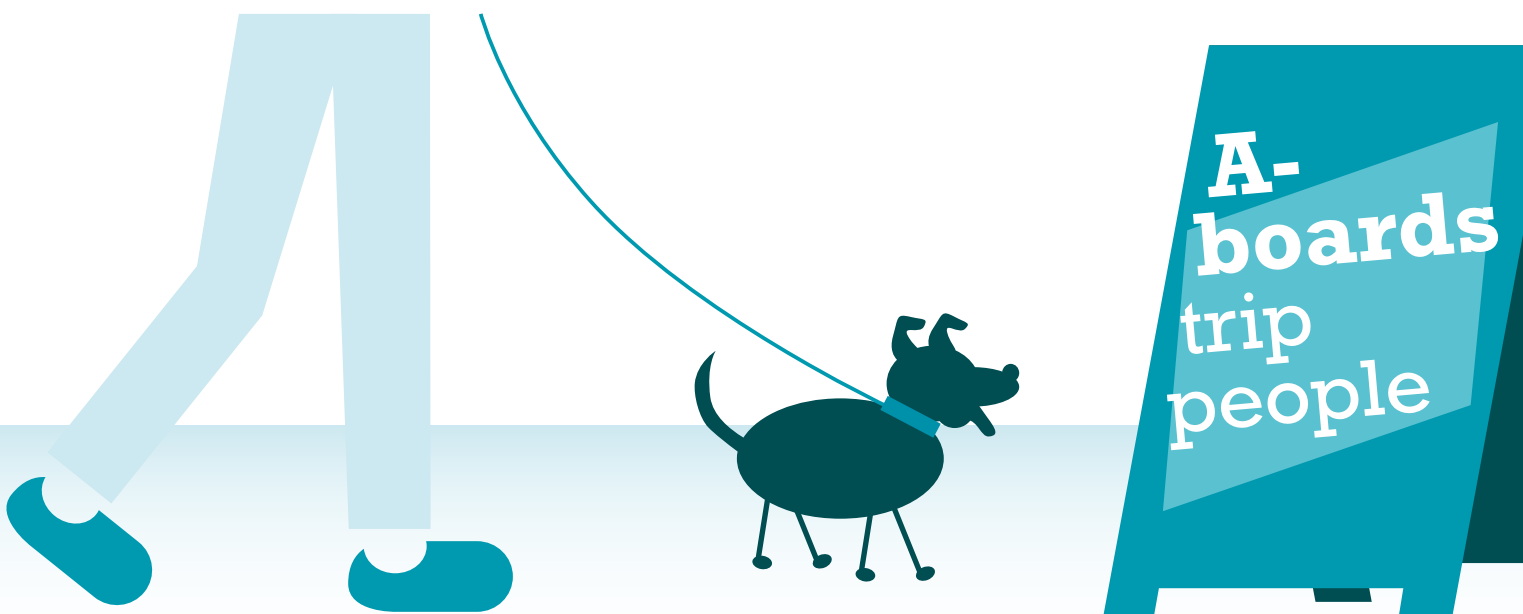
If I have a tables and chairs licence can I display an A-board?

No. A tables and chairs licence is for tables and chairs only.

We have to be fair and consistent. This means that no A-boards can be put on the public highway whether or not that space is licensed for another activity.

How can I advertise special offers?

Chalk boards or white boards can be displayed in shop windows or fixed to an external wall next to a window.



How else can I advertise my business?

There is a wide variety of notices, signs, awnings and advertisements that have deemed consent. This means you do not need specific planning permission to erect them.

To benefit from deemed consent rights, there are certain conditions you must follow. These are broadly:

- Signs may only advertise the goods or services available at your premises.
- If your business is a shop, signs should only be put on external walls which have shop windows on them.
- A sign must not:
 - have any letters, figures or symbols over 0.75 metres in height, or 0.3 metres in a conservation area
 - have its highest part at more than 4.6 metres above ground level, or 3.6 metres in a conservation area
 - have its highest part above the level of the bottom of the first-floor window in the wall where the advertisement is
 - project more than one metre from the wall or exceed two thirds of the width of the pavement below it.

If your advertisement or signs fall outside the deemed consent rights, you may apply to the council for advertisement consent, which will be assessed against our planning policies.

If your shop is a listed building or in a conservation area you should contact the planning department to find out if you need specific consent.



Help us make Hackney's streets open and accessible for everyone

For detailed guidance on signs and advertisements and information about advertisement deemed consent, search for 'Outdoor advertisements and signs: a guide for advertisers' online at **GOV.UK**



For advice about A-boards and highway obstructions:

enforcementsupport@hackney.gov.uk

020 8356 4504

For advice about planning consent:

planning@hackney.gov.uk

020 8356 8062

come on in & shop around

The illustration shows a storefront on a dark teal background. On the left is a window with four panes. In the center is a white door with a light blue arched window and a vertical handle. To the right of the door is a large, empty light blue rectangular sign with a dark teal border. Above the door and sign is a light blue banner with the text 'come on in & shop around' in a dark teal, italicized font.

5. Fees and Charges

Street trading in Hackney is supported by a competitive set of fees and charges which reflect the running costs of the market, including staffing, procurement of stalls and gazebos, and street cleaning and other infrastructure requirements. In addition, the fees and charges help towards various events run in the markets and social media support to promote both the market itself and individual traders.

The fees and charges for temporary and permanent street trading licences and administration fees were set by the Council in line with section 32 of the London Local Authorities Act 1990 (as amended).

- [Markets fees and charges](#) from 1 April 2020

The fees and charges for Private Market and street trading operator licences and administration fees were set by the Council in line with part III of the Food Act 1984.

- [Private operator fees and charges](#) from 1 April 2020

What are the fees and charges for markets based on?

The fees and charges for existing markets, shop fronts and street trading are based in agreement with the London Local Authorities Act 1990 which manages how Councils should regulate markets, shop front and street trading.

For private operators and new markets sites, the fees and charges are based in agreement with the Food Act 1984 Part III.

A fair charging structure

Managing fruit and vegetable waste is very expensive: it accounts for 50% of the entire running cost of Hackney's markets. We think it's fair to charge fruit and vegetable traders more than traders of less costly commodities.

The fees and charges differ for each market because they are based on the costs of running each market. For example, charges for traders on Ridley Road market are higher because of the higher proportion of money spent on managing its waste.

How have the fees and charges been calculated?

The market fees and charges have been calculated in accordance with the London Local Authorities Act 1990 and the Food Act 1984.

This means the Council cannot use fees to generate revenue accrued under the London Local Authorities Act 1990 and that it must set the fees in proportion to its own costs for providing the service. The biggest cost for this service is cleaning streets, collection, removal and disposal of waste, particularly vegetables and fruits. Other costs include administering, managing, enforcement and maintaining street markets in the borough.

All revenue generated must be reinvested back into the service.

All revenue generated under the Food Act 1984 entitles the service to generate revenue that is not restricted to reinvestment back into the service.

How does the Council spend the market fees and charges?

The Council is required by law (London Local Authority Act 1990 and The Food Act 1984) to administer licences and fees and charges. The fees and charges go directly into the Council's Market Account, where the Council then tops up the full cost of running the markets. The Council's Markets Team then uses this account to manage expenditures such as (Please note this is not an exhaustive list but it shows a number of expenditures as guidance):

- Issuing and managing licences to trade.
- Informing traders about their legal responsibilities and obligations and providing information, training and support to help their businesses thrive.
- Running an efficient waste, street cleaning and day to day, on-site market service
- Encouraging more customers to come to Hackney's markets, including working with traders to provide a high standard of customer care and products and promoting our markets in and outside the borough.
- Improving the market's environment so they are modern, safe, secure and attractive places.
- Managing a transparent and fair pitch allocation.
- Filling the pitches with a commodity mix to attract customers and attracting more traders and start-up businesses to our markets and offering development, training and support.
- Creation, implementation and delivery of commercial markets and communications strategy inclusive of social media and other types of marketing and advertising campaigns.
- Enforcement of trader compliance to licence terms and conditions.
- Representing the interests of our markets, customers and licensed traders and working with partners such as the Police, landowners and local businesses and Hackney residents.
- Markets, Shop Fronts and Street Trading team staff costs.

Fees & Charges for Markets, Shop Fronts and Street Trading

Effective from 1st April 2020

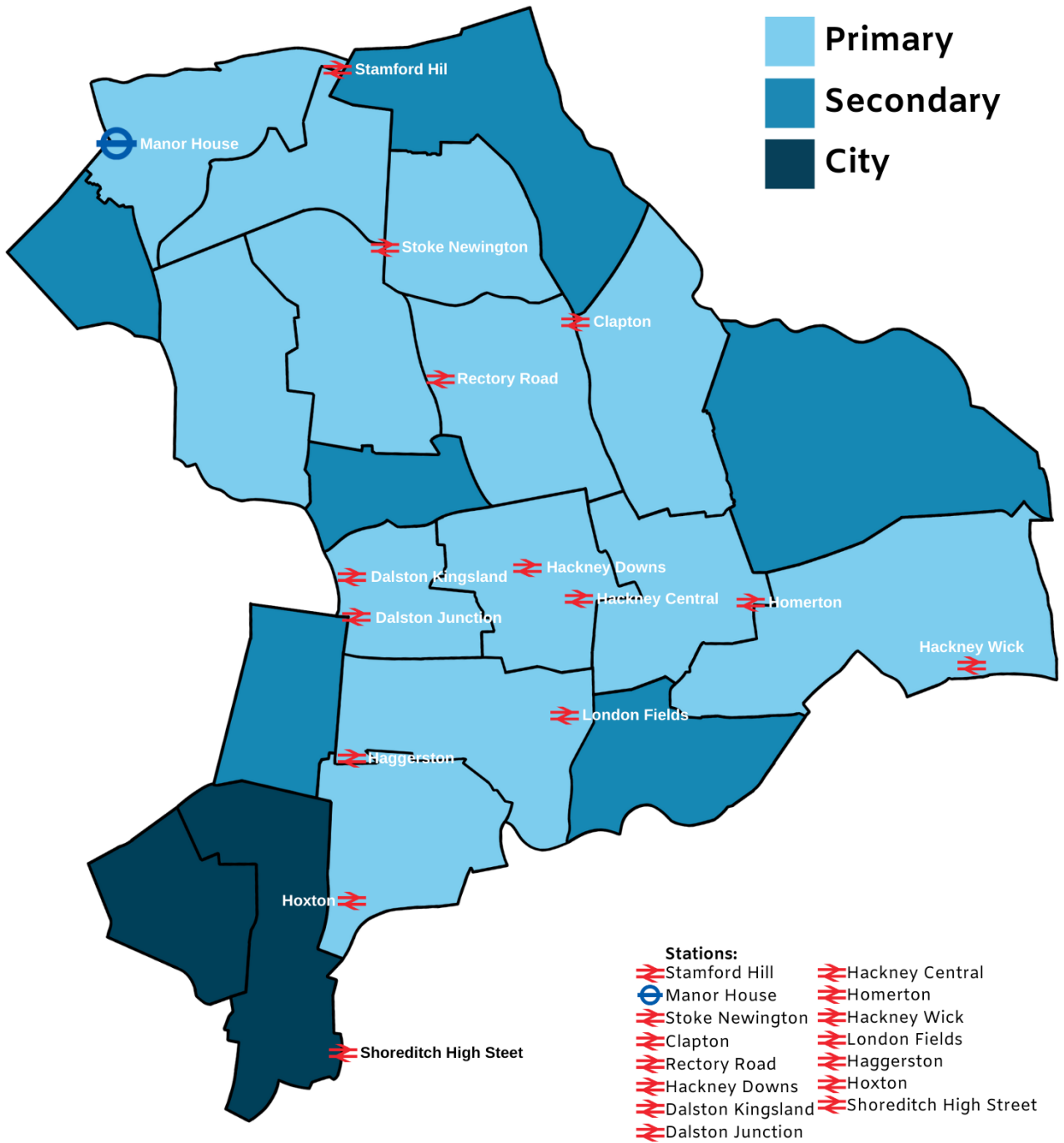
Permanent Traders	Trading Days	2020/21 £
Kingsland Market *Fees are inclusive of stall hire	Saturday (only)	24
	Saturday (only - fruit & veg / street food)	26
Hoxton Street Market *Fees are inclusive of stall hire on Saturday	Monday - Friday	44*
	Monday - Friday (fruit & veg / street food)	48*
	Saturday (fee per day)	27*
	Saturday (fee per day - fruit & veg / street food)	29*
Ridley Road Market	Monday - Saturday (fee per week) Zones 1 & 2	84
	Monday - Saturday (fee per week) Zone 3	59
	Monday - Saturday (fee per week - fruit & veg / street food) Zones 1 & 2	133
	Saturday (only - fruit & veg / street food) Zone 3	93
	Friday or Saturday (fee per day) Zones 1 & 2	35
	Friday or Saturday (fee per day) Zone 3	24
	Friday or Saturday (fee per day - fruit & veg / street food) Zones 1 & 2	49
	Friday or Saturday (fee per day - fruit & veg / street food) Zone 3	35
	Friday & Saturday - Zones 1 & 2	47
	Friday & Saturday - Zone 3	43
	Friday & Saturday (fruit & veg / street food) Zones 1 & 2	62
	Friday & Saturday (fruit & veg / street food) Zone 3	59

Broadway Market *Fees are inclusive of stall hire on Saturday	Saturday (only)	50
	Saturday (only - fruit & veg / street food)	55
Well Street Market	Monday - Friday	31
	Monday - Friday (fruit & veg / street food)	34
	Saturday (only)	17
	Saturday (fee per day - fruit & veg / street food)	19
Chatsworth Road Market *Fees are inclusive of stall hire on Sunday	Sunday (only)	32
	Sunday (only - fruit & veg / street food)	38
Private Street Trading / Market Site	Markets with less than 10 pitches - Daily fee private / public land	100
	Markets with more than 10 pitches but less than 20 - Daily fee private public land	200
	Markets with more than 20 pitches - Daily fee private public land	300
	Monthly seasonal licences (i.e. Christmas tree sales)	400
	Weekly seasonal licences (i.e. Christmas tree sales)	150

Temporary Traders	Trading Days	2020/21	£
Kingsland Market *Fees are inclusive of stall hire on Saturday	Saturday (only)	28	
	Saturday (only - fruit & veg / street food)	30	
	Saturday (only) - 1 day licence trading fee	15	
Hoxton Street Market *Fees are inclusive of stall hire on Saturday	Monday - Friday (fee per day)	17	
	Monday - Friday (fee per day - fruit & veg / street food)	22	
	Saturday (fee per day)	29*	
	Saturday (fee per day - fruit & veg / street food)	33*	
Broadway Market *Fees are inclusive of stall hire on Saturday	Saturday (only)	55*	
	Saturday (only - fruit & veg / street food)	60*	

Well Street Market	Monday - Friday (fee per day)	15
	Monday - Friday (fee per day - fruit & veg / street food)	18
	Saturday (only)	20
	Saturday (only - fruit & veg / street food)	22
Chatsworth Road Market *Fees are inclusive of stall hire on Sunday	Sunday (only)	38
	Sunday (only - fruit & veg / street food)	43
Miscellaneous City Sites	Monday - Sunday (fee per day)	50
	Monday - Sunday (fee per day - fruit & veg / street food)	52
Miscellaneous Primary Sites	Monday - Sunday (fee per day)	32
	Monday - Sunday (fee per day - fruit & veg / street food)	34
Miscellaneous Secondary Sites	Monday - Sunday (fee per day)	22
	Monday - Sunday (fee per day - fruit & veg / street food)	24
Miscellaneous single event fee (for individual events in the year, not regular events e.g. a single annual event)	Any trading day	50
Commercial Event	Any trading day (food trading)	250
Commercial Event	Any trading day (non-food)	150
Hackney Carnival	Carnival trading only (food trading)	400
Hackney Carnival	Carnival trading only (non-food)	250

Hackney Miscellaneous Trader Site Zones



Ridley Road Variable Charges for Temporary Trading

Temporary Trading Days	Zone 1 £	Zone 2 £	Zone 3 £
Monday to Thursday			
Non-food	34	22	8
Fruit & veg / street food	41	29	17
Friday or Saturday			
Non-food	56	43	21
Fruit & veg / street food	64	48	31

Market and Street Trading Administration Fees

Fee	2020/21 £
New market temporary licence application or renewal fee	50
New market permanent licence application or renewal fee	50
Application to change the terms of a permanent licence (such as commodity or pitch number)	50
Fast track licence application (within 48 hours)	100
Private Street Trading/Market licence application or renewal fee	50
Replacement licence card	30
Replacement assistant identity card	20
Replacement nameplate	15
Trader replacement statement of account	10
1 Day Street Trading Licence	15
Arrears letter	5
Enforcement/revocation letter	10
Gazebo hire change if booked but does not attend	17.5

Referral Credit Scheme

If a trader makes a referral for another trader to join the market and the new trader names an existing trader as having referred them, both new and existing trader will receive a credit to their account equal to a single day pitch.

Markets promotions provide Hackney Council with the flexibility to support the growth of markets, and respond swiftly to a range of challenges, in order to ensure that they continue to thrive.

Storage Container Hire

Location	Size	2020/21 £(fee per month)
Hoxton Street Market	20ft	150
Well Street Market	20ft	150
Ridley Road Market	10ft	75
	20ft	150

Storage Container Hire

Fee	2020/21 £
Kingsland Market	0
Hoxton Street Market	0
Well Street Market	0
Ridley Road Market	N/A
Broadway Market	0
Chatsworth Road Market	0
Event - Stall Hire	
Stall hire	20
Table hire	10

Markets/Shop Fronts promotional prices

**Promotional pricing may be introduced or withdrawn at any time depending on the needs of relevant markets - terms and conditions will apply*

- *Promotion - £10 off new applications and renewals completed and received online
- *Promotion - Buy one pitch get one free
- *Promotion - Buy one pitch and get one half price
- *Promotion - Buy one pitch and get the second pitch for 75 % off
- *Promotion - 25 % discount on pitch fee
- *Promotion - 50 % discount on pitch fee
- *Promotion - 75 % discount on pitch fee
- *Promotion - Free stall hire
- *Promotion - 50 % discount on pitch fee for private land owners miscellaneous street trading
- *Promotion - 10 % discount on shop front licence
- *Promotion - 20 % discount on shop front licence

Trading Places

Participants of the Trading Places programme via the New Enterprise Allowance Scheme and referrals from Prince's Trust are entitled to discounted pitch fees and equipment hire.

- Ridley Road Market: participants are able to trade in zone 3 of Ridley Road Market between Monday and Saturday for £44 per week.
- Chatsworth Road Market: participants are able to trade in Chatsworth Road Market for £20.
- Kingsland Market: participants are eligible to trade for four Saturdays at Kingsland Market for £60.

In addition, participating traders are able to hire a gazebo for £10 and a table for £5 from the Markets Service.

Trading Places - discount for first 6 months trading		2020/21 £
Ridley Road Market	Monday to Saturday (fee per week) Zone 3	44
Chatsworth Road Market	Sunday (only)	20
Kingsland Market	Four Saturdays	60
Gazebo hire		10
Table hire		5

Shop Front Fees and Charges

Permanent Licence Holder	2020/21 £
Fee per m ²	75
1 day shop front trading licence	50
30 day shop front trading licence	100
Application Fees	
First application fee	50
Renewal fee with no variation	50
Renewal fee with licence variation	100

Temporary Licence Holder	2020/21 £
Fee per m ²	81
Application Fees	
First time application fee	100
Renewal fee with no licence variation	50
Renewal fee with licence variation	100
Application fee for 1 day or 30 day licence	150

A Boards - Enforcement Costs

Fee	2020/21 £
Removal costs	115
Storage cost per week	10
Disposal cost	30
Return cost (collection only)	55
Total cost if not collected within 14 days	205



Private Operator Fees and Charges

Private operators are eligible to operate markets and street trading sites provided they obtain a licence to do so from the Markets, Shop Fronts and Street Trading team. Licences can be obtained by visiting hackney.gov.uk/privately-operated-markets or by picking one up from the Markets, Shop Fronts and Street Trading office in Ridley Road, Dalston.

If the market takes place on a street, public highway, or within seven metres of a public highway, individual traders will be required to obtain a street trading licence. A licence costs £50 and is valid for six months. More information can be found at hackney.gov.uk/markets-traders.

Private Operator Licence fee: £50 (valid for six months)

The cost to hold a market is as follows*:

- 5-10 traders/stalls £100 per day
- 11-20 traders/stalls £200 per day
- 21 traders/stalls and over is £300 per day

*There may be separate licence fees payable under circumstances pertaining to the London Local Authorities Act 1990 (As Amended).



It is your duty to ensure that each trader has the relevant street trading licence, public liability insurance, or food safety documentation if applicable. More information can be found in the Private Operator Application Form. If you have any questions or queries, please send an email to markets.service@hackney.gov.uk or call **020 8356 5300**.



6. Commodities

A licence to trade in Hackney allows individuals to trade a number of items in Hackney's markets and street trading sites. Some of the items that can be sold are listed on the Commodity Regulations on the following pages. This list is not exhaustive, and all products requested to be sold will be considered during the application process.

There are, however, several items that are not allowed to be traded in Hackney's markets and street trading sites. These include illegal items, stolen or suspected stolen items, counterfeit or pirated items, unsafe items, or items that contain tobacco, nicotine, or alcohol. The commodity list can be downloaded from the following website: drive.google.com/file/d/1Ofw-n0N64gMoR1chK4JCn3iqLsJyTsWf/view.

Markets, Shop Fronts and Street Trading

Commodity

Regulations

2015-20

COMMODITY LIST

Usually all types of commodities can be sold in London Borough of Hackney's markets but it is recommended that you choose a commodity which is not widely available in the market.

Commodities should compliment each other and the following list is not exhaustive as other articles can be sold.

Please bear in mind that applying to sell any commodity does not necessarily guarantee you will be successful as requests can be declined with reasons given.

LONDON BOROUGH OF HACKNEY COUNCIL

COMMODITY REGULATIONS

REGULATIONS MADE BY THE COUNCIL PURSUANT TO SECTION 25(3B) OF THE LONDON LOCAL AUTHORITIES ACT 1990 (AS AMENDED) PRESCRIBING THE PROCEDURE FOR DETERMINING APPLICATIONS

- i) All types of commodities, which are not prohibited by the London Local Authorities Act 1990 (as amended) - Part III, Food Act 1984 Part III, Food Safety Act 1990, Consumer Protection Act 1987, or the Trade Descriptions Act 1968, are eligible to be licensed in Hackney's markets.
- ii) Commodities are divided into categories: licence holders may trade up to three commodities from one category on their street trading licence. Existing traders will retain their current commodities but should request for commodity variation be made, they will comply with this regulation. Only the licensed commodities can be displayed or offered for sale.
- iii) Any request for a commodity which is not listed in this regulation will be categorised under miscellaneous and will be clearly stipulated on the licence. If the Council feel that the commodity you wish to trade in does not suit the market needs or is too vague in its description, it may not be considered.
- iv) All requests for commodities will be considered on a case by case basis where it is outside of this regulation.
- v) The licenced categories must be specified, (or nominated commodities) both on the trader's licence and on the name plate, which must be displayed on the stall at all times. If your licence/name plate is incorrect or does not display the category or specified commodity for which you applied, the responsibility is on the licence holder to ensure that they alert the Council to rectify this. Any goods sold must reflect your trading licence/name plate.
- vi) Commodity rules apply to both permanent licence holders and temporary licence holders.
- vii) Where applications are made for licence variations to the Officer Licensing Panel (OLP) (which considers amendments to licences) permanent licence holders will be given priority over temporary licence holders.
- viii) Seasonal event commodities will not appear on this document however, traders may apply for a seasonal licence to sell certain seasonal items such as Christmas trees/decorations, Halloween costumes/decorations etc. These licences will be decided on an individual basis by the Markets Service. These can be added for a period of 6 weeks on grant of a temporary street trading licence. Please see fees and charges for seasonal and event pricing: hackney.gov.uk/markets-fees-and-charges.
- ix) Banned commodities will be posted on the Hackney Council website and in the Standard Markets and Street trading Licence Conditions, and will not be permitted on the market at any time.

CATEGORY

Women's Clothing

- a)** Women's clothing including jeans (15+ years)
- b)** Women's sportswear (15+ years)
- c)** Women's coats/jackets
- d)** Adults' hats, gloves, scarves
- e)** Other (must be specified)

Men's Clothing

- a)** Men's clothing including jeans (15+ years)
- b)** Men's sportswear (15+ years)
- c)** Men's coats/jackets
- d)** Adults' hats, gloves, scarves
- e)** Other (must be specified)

Children/Baby Clothing

- a)** Children's clothing (3 - 5 years)
- b)** Babywear including baby sportswear (0 - 36 months)
- c)** Baby/children's coats/jackets
- d)** Baby/children's hats, gloves, scarves, ties, belts
- e)** Other (must be specified)

Underwear/Nightwear

- a)** Women's/girl's underwear (bras, knickers, lingerie, socks, tights, stockings, knee highs, and thermals)
- b)** Men's/boy's underwear (vests, pants, socks, and thermals)
- c)** Baby/children's underwear (knickers, socks, tights, and thermals)
- d)** Women's/girl's nightwear, dressing gowns, bathrobes
- e)** Men's/boy's nightwear, dressing gowns, bathrobes, pyjamas
- f)** Baby/children's nightwear, dressing gowns, bathrobes, sleepsuits, pyjamas
- g)** Other (must be specified)

Footwear

- a)** Women's shoes, sandals, mules, boots, slippers, trainers
- b)** Sports shoes
- c)** Men's shoes, boots, slippers, trainers, sports shoes
- d)** Children's shoes, slippers, trainers, sports shoes
- e)** Women's matching shoe/handbag sets
- f)** Shoe repairs and key cutting service
- g)** Accessories (in-soles, heel grips, shoe horns, protector, laces, polish, etc.)
- h)** Other (must be specified)

Food

- a) Pre-packed groceries
- b) Raw/uncooked meat or fish and eggs
- c) Fruit/vegetables and salads
- d) Dried fruit and pulses (peas, beans, seeds, nuts, raisins, dates, etc.)
- e) Pre-packed confectionery
- f) Pre-packed cheese, dairy products, eggs
- g) Deli food (unpacked cheese, olives, unpacked cold cooked/cured meat and fish, natural health foods, dips, salads)
- h) Hot or cold prepared/cooked food
- i) Hot or cold non-alcoholic beverages, smoothies, freshly pressed fruit juices
- j) Fresh and/or pre-packed ice cream
- k) Other (must be specified)

Flowers

- a) Cut/uncut flowers and plants
- b) Artificial flowers
- c) Topiary
- d) Plant pots, bulbs, seeds, plant food
- e) Christmas trees, holly, mistletoe (seasonal)
- f) Other (must be specified)

Household Goods/Toiletries

- a) Cleaning products, laundry products, washing products
- b) Cleaning utensils, storage containers, step ladders, etc.
- c) Light bulbs, plugs, multi-sockets, fuses
- d) Ornaments, vases, pictures, clocks, mirrors, candles, etc.
- e) Toiletries (toothpaste, soap, deodorant, hair remover, body lotion, shower gels, bath oils, etc.)
- f) Hair care (shampoo, conditioner, hair-dye, hair spray, perm/straightening products, hair mousse, grease, lotion, oil, etc.)
- g) Other (must be specified)

Soft Furnishings

- a) Bedding, bed nets, blankets, mattress protectors
- b) Towels, bath mats, shower curtains, toilet seat covers
- c) Blinds, curtains, net curtains, curtain poles
- d) Duvets, pillows, pillow covers, cushions, cushion covers
- e) Carpets, floor mats, rugs, lino
- f) Tablecloths, furniture protectors, chair covers, etc.
- g) Other (must be specified)

Kitchen/Dining

- a) Tableware, crockery, table mats
- b) Glassware, chinaware
- c) Kitchen utensils/plastics
- d) Other (must be specified and not electrical)

Cosmetics

- a)** Skin and body care products and hair-dyes
- b)** Make-up and nail care products
- c)** Perfume, cologne, aftershave, eau de toilette, shaving gel, creams
- d)** Other (must be specified)

Electrical

- a)** Audio equipment and accessories
- b)** Visual equipment and accessories (e.g. TVs, DVDs, Blu-ray player/recorders, including associated aerials, batteries, adapters, etc.)
- c)** Computer hardware and accessories
- d)** Small kitchen appliances (toaster, kettle, microwave - not second hand)
- e)** Landline telephones and accessories
- f)** Cable/satellite TV services
- g)** Small household electrical items (vacuum cleaner, lamps, electric blanket - not second hand), health and personal care (foot spa, hair straighteners, electric shavers, electric toothbrush)
- h)** Electrical repairs
- i)** Other (must be specified)

Mobile Phones

- a)** Mobile phones, mobile phone accessories
- b)** Phone cards, mobile phone repairs
- c)** Other (must be specified)

Jewellery and Accessories Jewellery and Fashion Accessories and Repairs

- a)** Costume jewellery
- b)** Genuine hallmarked jewellery
- c)** Hair/head clips, bands, hair pins, head scarves, etc.
- d)** Watches, watch accessories, watch repairs
- e)** Sunglasses, reading glasses (including cases and neck bands)
- f)** Handbags, belts, wallets, purses, ties, cufflinks
- g)** Clocks, clock accessories, and repairs
- h)** Other (must be specified)

Travel Accessories

- a)** Luggage, sports bags, passport covers
- b)** Umbrellas, walking sticks
- c)** Other (must be specified)

Stationery

- a)** Office supplies (paper, pens, files, etc.)
- b)** Invitations, greeting cards, wrapping paper and gift bags/boxes, festive decorations, party bags
- c)** Newspapers, periodicals, and magazines
- d)** Reading and educational books
- e)** Other (must be specified)

Toys and Nursery Equipment

- a)** Toys (including early years, educational, and associated batteries, such as radio controlled cars), soft toys, and dolls
- b)** Board games, playing card games
- c)** Games (not games consoles or cartridges or board games)
- d)** Other (must be specified)

Souvenirs

- a)** Music memorabilia (includes flags, banners, plaques, cups, and other novelty items)
- b)** London/UK memorabilia (includes flags, banners, plaques, cups, and other novelty items)
- c)** Ethnic memorabilia (includes flags, banners, plaques, cups, and other novelty items)
- d)** Sport memorabilia (includes flags, banners, plaques, cups, and other novelty items)
- e)** Other (must be specified)

Audio/Visual Entertainment

- a)** Pre-recorded audio material, pre-recorded visual material
- b)** Children's pre-recorded visual material, Blu-ray
- c)** Games consoles (PlayStation, Xbox, Nintendo DS, PSP, etc.)
- d)** Games cartridges (for PlayStation, Xbox, Nintendo DS, PSP, etc.)
- e)** Musical instruments (including acoustic and electric)
- f)** Other (must be specified)

Textiles

- a)** Fabrics, laces, materials, yarn, wool
- b)** Haberdashery (fastenings, facing, instant hem, thread, bobbins, etc.)
- c)** Knitting, crochet, sewing needles
- d)** Other (must be specified)

Tools, DIY, and Gardening

- a)** Small DIY tools, DIY gloves
- b)** Small gardening tools, gardening gloves
- c)** Other (must be specified)

Bicycles and Outdoor Equipment

- a)** Bicycles and bicycle repairs
- b)** Scooters, skateboards, rollerskates
- c)** Bikes, motorcycle, and car parts/accessories
- d)** Other (must be specified)

Furniture and Antiques

- a)** Small antique furniture
- b)** Small antiques (other)
- c)** Vintage bedroom/bathroom items
- d)** Vintage kitchen/lounge items
- e)** Other (must be specified)

Baby Equipment

- a)** Cots, prams, pushchairs, carry cots, slings
- b)** Highchairs, bouncers, changing bags, baby monitors, safety gates, baby safe bottles
- c)** Car seats, boosters, safety equipment, nursery furniture, walkers
- d)** Other (must be specified)

Photographic Equipment and Associated Services

- a)** Cameras, digital cameras, camcorders, photo printers
- b)** Peripherals and accessories (e.g. lenses, tripods, light meters, flash lights, film, photo paper, etc.)
- c)** Other (must be specified)

Sports Equipment (Excluding Clothing, Trainers, and Bags)

- a)** Bodybuilding/fitness equipment
- b)** Football, cricket, rugby, netball, hockey accessories
- c)** Tennis, badminton, squash, golf accessories
- d)** Track and field accessories
- e)** Other (must be specified)

Pet Supplies and Equipment

- a)** Baskets, cages, hutches, aquarium, scratching poles, toys, accessories
- b)** Grooming and care (feeding bowls, brushes, shampoo, vitamins, tick and flea treatments, pet food)
- c)** Other (must be specified)

Second Hand Goods (Not Electrical)

- a)** Clothing
- b)** Vintage/recycled nightwear
- c)** Vintage/recycled shoes, sandals, mules, boots, slippers, trainers, sports shoes
- d)** Vintage/recycled clothing
- e)** Second hand audio/visual equipment, DVDs, Blu-ray, videos
- f)** Second hand reading and educational books
- g)** Collectibles (coins, stamps, comics, porcelain dolls, etc.)
- h)** Bric-a-brac, upcycled goods
- i)** Other (must be specified)

Arts and Crafts (Original/Handmade Goods)

- a)** Art/Prints (paintings, sculpture, pottery, etc.)
- b)** Keepsakes, commemorative items
- c)** Face painting
- d)** Handmade crafts
- e)** Other (must be specified)

Miscellaneous

- a)** Other not in any category above (must be specified)

7. Handbook

The Hackney Markets Service have developed an innovative way to consolidate all of the information they need to make trading in Hackney work for them. The Markets and Street Trading Handbook provides traders with an overview of each of the markets, the application process, including the interview process, what documents traders need to apply, fees and charges, market times, and more. The handbook, which is available on the Markets Service website, eliminates many of the questions traders have when applying to trade in Hackney, making the process more efficient.

The first version of the handbook was developed in 2018 as part of the Markets Strategy as a successor to the previous Operation Manual. It is updated on a regular basis to ensure that traders are receiving up to date information. A version for Shop Front traders was subsequently developed including information relevant to how a licence can be sure, the application process, etc.

The handbook is also a useful resource for those looking to set up social media accounts. It provides helpful tips and tricks to ensure that traders get the best start on social media. For a downloadable version of the Markets & Street Trading Handbook, visit: drive.google.com/file/d/1-ktXV3DeRViH3yX8ldkkjNm3azx-DqFe/view.

For a downloadable version of the Shop Front Trading Handbook, visit: drive.google.com/file/d/1xzbpeMZdvOIKkTCK2Wv3UY-kNmKColP9/view.

HACKNEY MARKETS



Markets and Street Trading **HANDBOOK** 2020/21

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Markets and Street Trading in Hackney

Hackney Council wants market traders, shoppers and visitors to have the very best street trading experience possible, and is committed to creating spaces and conditions which enable this to happen.

As part of this commitment, we have developed this handbook as a guide for anyone who works or wishes to work in a Hackney market.

It will provide:

- An introduction to each of Hackney's markets and their individual offering.
- An introduction to the Council's Markets Service and the support we offer you.
- Best practice guidelines for successful street trading and tips to help you grow your business.
- An overview of what we expect from our traders in order to ensure a clean, safe, and respectful environment for all to work and shop in.

Our Markets

Hackney's market stalls sell everything from fresh fruit, vegetables and street food to clothing, jewellery and homewares.

In the age of chain stores and internet shopping they are more important than just places to shop – they are places to meet, to eat and to spend time.





Broadway Market

Saturdays 9am - 5pm

Broadway Market accommodates around 150 stalls each week between the hours of 9am and 5pm and is particularly well known for its artisan and handmade products. Its huge range of street food is favoured among both locals and tourists. Along with those commodities there is also a wide variety of high quality produce, baked goods, spices, clothing and more. Either side of the stalls there are many local hot-spots such as the Cat & Mutton pub and La Bouche, the bakery and café.

Did you know?

Broadway Market is home to some of London's most innovative street food.



Broadway Market



@broadway_mkt



@broadwaymarket



Broadway Market,
London, E8 4QJ

• QUALITY SPECIALITY VARIETY •

BROADWAY
MARKET



Chatsworth Road Market

Sundays 10am - 4pm

Chatsworth Road is Hackney Council's only Sunday market, running from 10am to 4pm. Customers can find a variety of street food, high quality fresh produce, clothing and antique goods. The street is also home to an array of independent businesses such as the community and independently funded Castle Cinema, adding to its status as a true leisure destination. Historically the market was established in the 1920's however it went into decline in the 1930's. In 2010 a trial started to re-establish the market, and it has since seen a steady increase in trade each Sunday.

Did you know?

Chatsworth Road is one of London's longest high streets.



ChatsworthRdE5



@chatsworthroad



@chatsworthroadmarket



Chatsworth Road Market,
London, E5 0LH

CHATSWORTH
ROAD E5



Hoxton Street Market

Monday - Friday 10.30am - 4pm, Saturday 9am - 4pm

Founded in 1687, Hoxton Street market combines traditional East End spirit with a modern touch. On weekdays, a small number of traders serve the local workers and residents delicious street food at lunch time and on Saturdays from 10am until 4pm, the market now offers a range of fashion and household goods alongside sweet treats. The street is situated just north of Shoreditch and is home to many popular restaurants and bars such as; The Barrel Boulangerie and Monty's Deli.

Did you know?

Dating back as far as 1687, Hoxton Street is Hackney's oldest street market.



HoxtonStMarket



@HoxtonStMarket



@HoxtonStMarket



Hoxton Street Market,
London, N1 6SH



HOXTON
EST • **ST** • 1687
MARKET



Kingsland Market

Saturdays 9am - 4pm

For decades Kingsland Market was the place to go to for spare parts and tools needed to fix anything from bicycles to transistor radios. It eventually became a market with an eclectic array of goods, attracting visitors from far and wide. More recently Hackney Council have relaunched Kingsland Market honouring its heritage as a market for second hand goods, antiques and curios. The new Kingsland Market is also a visitor attraction and social hub.

Did you know?

Kingsland Market was originally known as Kingsland Waste Market or 'The Waste'.



Kingslandmarket



@Kingslandmarket



@Kingslandmarket



Kingsland Market,
London, E8 4AA





Ridley Road Market

Mon - Thur 9.30am - 5pm, Fri - Sat 9.00am - 6pm

Situated in the heart of Dalston since the 1880s, the bustling Ridley Road Market is one of London's largest and most prominent markets trading 6 days a week all year round. Having started with just 20 stalls, it now plays an important role in Hackney's history and cultural heritage and is best known for its colourful fruit and veg displays. Now home to over 150 stalls offering a diverse range of goods at very competitive prices, the market operates from 9.30am to 5pm Monday to Thursday and 9am to 6pm on Friday and Saturday.

Did you know?

People come from far and wide to source produce and ingredients that can only be found on Ridley Road.



RidleyRdmarket



@RidleyRd



@RidleyRoadMarket



Ridley Road Market,
London, E8 2NP





Well Street Market

Please visit www.hackney.gov.uk/well-street-market for upcoming event dates

Well Street Market re-launched in December 2016 and is now host to a market on special event days. A.G. Price Florist is one of the thriving businesses on the street providing flowers for every occasion and are active supporters of events at Well St. Please see our website for upcoming events.

Did you know?

Well Street Market was once home to a fruit and veg trader named Jack Cohen who went on to found supermarket chain Tesco.



@WellStMarket



@WellStMarket



Well Street Market,
London, E9 6RG

**WELL
STREET
MARKET
— E9**



Miscellaneous Sites

Various times & locations across the borough

Hackney has multiple smaller sites across the borough offering a variety of hot food and drinks. These sites specialise in lunch time food in spaces such as Leonard Circus, the Narrow Way and Clifton St. Almost every Overground station offers a mobile coffee cart providing a much needed caffeine boost for the day ahead. The Markets Service team are always on the lookout for new and exciting locations to add to its repertoire. For updates on our current miscellaneous sites, please visit the Markets section of the Hackney Council website.

www.hackney.gov.uk/markets-traders



Applying to trade

We are always on the lookout for talented new traders to join us. Our trading fees are below the London average and most of our markets are in key shopping areas: Dalston, Shoreditch, London Fields and Hackney Central.

Visit www.hackney.gov.uk/markets-apply-to-trade to download an application form or to apply online. Application forms are also available to collect from the Markets office.

The application process for each market may vary. See below to understand what is required for your choice of market.

Interview Process

The primary purpose of the interview process is for the Markets Service to have an opportunity to meet with prospective traders prior to licensing them in order to ensure the trader's commodity is relevant to the market and that the trader is suitably competent to trade.

Ridley Road Market

When applying to trade at Ridley Road Market you must complete an application form and return it to the Markets office and wait for approval from the markets Manager. Once your application has been approved, please allow 7 working days for your licence to be processed.

All Other Markets & Miscellaneous Sites

All applicants will be invited to a brief, informal interview with two members of the Markets team in order to give an introduction to their product and background. You will then be contacted regarding the decision.


Types of Licences

Hackney Council licence both permanent and temporary traders. Temporary traders must complete six months of consistent trading before being considered for a Permanent licence.


There is an Officer Licencing Panel which all Permanent applicants and variations must go through. Please note that Permanent licences are only available on certain markets and are valid for one year where as Temporary licences are valid for six months.

Temporary Street Trading Licence Card
Trading licence number:


The London Borough of Hackney hereby grants the named person a licence to engage in street trading in the borough. This licence authorises the named bearer to trade solely in the articles stipulated below, and within the days, and times, and location specified on this card. This licence is granted subject to the provisions of the London Local Authorities Act 1990 (as amended) and Hackney Council's standard terms and conditions for street trading.

 Markets and Street Trading Service. Call 020 8356 3367

Name JOE BLOGGS
Address 123 HACKNEY LANE, HACKNEY
LONDON E9 1BJ




The council of the London Borough of Hackney has granted the named person a licence to engage in street trading in the borough.

Signed  Dated 03.04.2018

Authorised officer on behalf of the Directorate of Health and Community Services.
Class of article(s)/commodity
Day(s) of trade
Times of trade
Number, description and dimensions of stall/pitch limit

Expiry Date
NOT TRANSFERABLE
This licence does not permit trading on public holidays except on Good Friday, which is treated as a normal trading day. Keep this card on your person at all times when trading and present to authorised officers upon request.



Supporting Documents Required for Licence Application

- Proof of identity
- Proof of home address
- Proof of National Insurance Number
- A copy of your public liability insurance certificate (minimum cover £5 million)
- A full face photograph
- The application fee

Recommended public liability insurance companies:

NMTF

Hampton House
Hawshaw Lane
Hoyland
Barnsley
S74 0HA

01226 749 021

Market Traders'

Insurance Association

9 St Edmunds Road
Gants Hill
Essex
IG1 3QL

01226 749 021

Marketline

1 Great Tower Street
London EC3R 5AA

02076 182 929

Registering an Assistant or Manager

If you want an Assistant or Manager to trade at your pitch you must register their details with the markets team so they can be added to your licence. The fee for this service is £20.

Documents required for Assistant:

- Proof of identity
- Proof of home address
- Proof of National Insurance number
- A full face photograph

Additional documents required for Manager:

- Proof of registration of business
- Proof of payment of National Insurance by employee



Requirements for Food Vendors

All staff must hold a valid level 2 food hygiene certificate as a minimum requirement and stalls must hold a food hygiene rating of at least 3. Any stall with a food hygiene rating lower than 3 will not be able to trade in Hackney. The business must also be registered with Hackney's Environmental Health team prior to commencing trade (this should only be done upon successful application for the site).

If you are already registered with another borough's Environmental Health team this would be acceptable if evidence is provided.

You will need adequate hand washing facilities at your pitch (such as a Teal wash unit) with the means to heat water on site. You should also note that there is not a public water supply at any of our markets so you must ensure that you bring an adequate supply of potable water when trading.



Depending on apparatus used (hot oil, gas burners etc), you will have the appropriate fire-fighting equipment (FFE) relating to the hazard which will be serviceable and tested as statutorily required, with fire retardant stall covers (if covers are used). All operators at the stall will be fully trained in the use of firefighting equipment. You will also have appropriate safeguards for your cooking apparatus and fuel system if being used.

There are very limited electrical points available on the market streets and therefore we recommend traders use LPG (liquid petroleum gas). Your appliances must have been inspected by a certified gas engineer and a valid gas safety certificate must be provided to us. Generators are not permitted on any sites.

How to pay your fees

Fees are paid by debit or credit card or direct debit. Please note that cash is not taken for any services.

Permanent Traders

All permanent traders are invoiced for their fees on a monthly basis by the London Borough of Hackney and can make payment either by direct debit or in person with a member of the Markets Service. Please contact **0208 356 8550** or email **marketservice@hackney.gov.uk** with any payment queries.

Temporary Traders

For Ridley Road Market, temporary traders must come to the market office between 7.30am and 9.00am every morning to be assigned their pitch for the day by a member of the Markets Service.

All other markets and miscellaneous sites can be paid for either in advance, over the phone, in the office, or during the market day with the inspector on duty.

For Payment Queries

 Telephone: **0208 356 8550**
 Email: **marketservice@hackney.gov.uk**

Arrears

Hackney Council is liable to start the process to revoke a trader's licence if they fall into arrears over 4 weeks.

Hackney Markets & Street Trading Policy

The Markets Policy can be viewed at the following link:

drive.google.com/file/d/1XD4i4LrR-CrFVrIA2ANQC3twxinuQxRg/view

Fees and Charges

Application Fees

In order to trade legally on Hackney's markets you must apply for a trading license. The license **application fee** is **£50** and the licence **renewal fee** is also **£50**.

Pitch Fees

Pitch fees vary by market and are set out in the tables below.

Broadway Market Saturdays 9am - 5pm	Permanent Traders	Temporary Traders
Saturday (only)	£50	£55
Saturday (fruit and vegetable / street food)	£55	£60

Chatsworth Road Market Sundays 10am - 4pm	Permanent Traders	Temporary Traders
Sunday (only)	£32	£38
Sunday (fruit and vegetable / street food)	£38	£43

Hoxton Street Market Mon - Fri 10am - 3pm / Sat 10am - 4pm	Permanent Traders	Temporary Traders
Mon-Fri	£44	£17 (fee per day)
Mon-Fri (fruit and vegetable / street food)	£48	£22 (fee per day)
Sat	£27	£29
Saturday (fruit and vegetable / street food)	£29	£33

Please note that all fees listed are per day unless otherwise stated.

Please note that all fees, with the exception of miscellaneous site fees, are inclusive of the provision of a stall or gazebo.



A full list of our fees and charges can be found on our website at:
www.hackney.gov.uk/markets-fees-and-charges

Ridley Road Market Mon-Thur 7am-6pm, Fri & Sat 7am-7pm			
Temporary Traders	ZONE 1	ZONE 2	ZONE 3
Mon - Thurs	£34	£22	£8
Mon - Thurs (fruit and vegetable / street food)	£41	£29	£17
Fri or Sat	£56	£43	£21
Fri or Sat (fruit and vegetable / street food)	£64	£48	£31
Permanent Traders	ZONE 1	ZONE 2	ZONE 3
Mon - Sat (per week)	£84	£84	£59
Mon - Sat (per week - fruit and vegetable / street food)	£133	£133	£93
Fri & Sat (per week)	£47	£47	£43
Fri & Sat (per week - fruit and vegetable / street food)	£62	£62	£59
Fri or Sat (fee per day)	£35	£35	£24
Fri or Sat (fee per day - fruit and vegetable / street food)	£49	£49	£35

Well Street Market (Special Events only 10am - 4pm)	Permanent Traders	Temporary Traders
Mon - Fri	£31	£15 (fee per day)
Mon - Fri (fruit and vegetable / street food)	£34	£18 (fee per day)
Saturday (only)	£17	£20
Saturday (fee per day - fruit and vegetable / street food)	£19	£22

Kingsland Market Sat 9am - 5pm	Permanent Traders	Temporary Traders
Saturday (only)	£24	£28
Saturday (fruit and vegetable / street food)	£26	£30

Miscellaneous Sites	Non Fruit and Vegetable / Street Food	Fruit and Vegetable / Street Food
Primary	£32	£34
Secondary	£22	£24
City	£50	£52

Setting Up and Packing Down

We recommend traders allow one hour either side of the operational hours of each market for setting-up and down. The times are as follows:

Market	Set up from	Pack down by	
Broadway	6am	6pm	
Chatsworth Road	8am	5pm	
Hoxton Street			
	(Mon-Fri)	9am	5pm
	(Sat)	6am	5pm
Kingsland	7am	5pm	
Ridley Road			
	(Mon-Thu)	6am	6pm
	(Fri & Sat)	6am	7pm
Well Street	9am	5pm	

Permitted Commodities

Please refer to the Commodity Regulations document for your market of interest. These can be found online at: drive.google.com/file/d/10fw-n0N64gMoR1chK4JCn3iqLsJyTsWf/view

Please note that alcohol and nicotine products are not permitted for sale in any of Hackney Council's street markets.

Enforcement

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.

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.

At any time you are invited by the Council to attend any formal meeting, such as the Officer Licensing Panel (OLP), you are entitled to bring representation, be that formal representation such as a lawyer, or informal representation such as traders' association representatives, another trader, or family and friends.

Parking

For Ridley Road and Hoxton Street Markets, the Council operate a vehicle exemption list allowing traders to enter the market streets during unloading times without receiving a parking penalty charge. Each trader may have up to two vehicles registered at any one time.

First time applicants must add their vehicle registration number to their application form where prompted to ensure this is added to the list. Current traders must complete the VRM Exemption List form and return it to the markets office in person, by post or via email.

Traders are responsible for their own parking arrangements and are eligible to apply for business parking permits through Hackney Council's Parking Service or in the Markets office.

Trader Associations

All markets have an association for market traders, residents and/or shop keepers on the designated trading street. The Markets Service work closely with each Association on a regular basis throughout the year. We encourage Association membership among traders in order to facilitate easier communication between the Markets Service and traders.

London Borough of Hackney Standard Street Trading Licence Terms & Conditions

In addition to the items laid out in this guide all traders, managers and assistants must comply with the Terms & Conditions, which can be collected from the market office or downloaded from our website (https://drive.google.com/file/d/15JtfML0QVwIW_sKTWfqxmMxSAP8S5U0I/view).

Additional Legislation

London Local Authorities Act (1990)

Hackney Council along with all licenced street traders must comply with the terms outlined in the act. This covers conditions to be managed by the Council such as the licencing, selection and allocation of traders, the right to assert their own fees and charges, enforcement processes and licencing terms as well as the refusal of licences where necessary.

The complete act can be collected on request from the market office or found online at: www.legislation.gov.uk/ukla/1990/7/pdfs/ukla_19900007_en.pdf

Miscellaneous Provisions Act (1987)

This act relates to the control and governance of land rights and public space. The local authority must ensure that their organisation and those licenced by their organisation adhere to the conditions set in regard to administration, environmental health, insurance, the licencing of traders and trading standards.

The act can be found online at: www.legislation.gov.uk/ukpga/1982/30

Guidelines for successful street trading

This section gives an overview of the ways of working we expect from our traders. These guidelines are based on key elements of our Standard Street Trading Licence Terms and Conditions, which are available to download from the Hackney Council website. We also offer some tips on how to conduct your trading activities in a way that will be most beneficial to the success and growth of your business.

Waste

Traders are responsible for the cleanliness of their own pitch which means there should be no waste left on the ground by the end of the trading day and that any spillages should be cleaned immediately. Hackney prides itself on being a 'Green Borough' and therefore we encourage traders to recycle. As well as this, keeping waste costs minimal also enables us to transfer this saving to traders through lower fees.

Bags will be provided to traders specific to the type of waste generated.

Pitch Boundaries

The majority of pitches across the borough are the standard size of 3m x 3m unless otherwise stated. Traders must comply with Hackney Council's Standard Street Trading License Terms and Conditions document in regard to staying within the pitch boundaries.

Customer Service

We expect that traders will make their customers feel welcome and maintain a friendly attitude at all times. Hackney Council reserve the right to investigate any claims of offensive behaviour which could lead to the revocation of a trader's licence. Please refer to the Standard Street Trading Licence Terms and Conditions for more information regarding trader conduct.

Many customers may want to make payment by card. You may also want to consider ways in which you can facilitate this.

Product Display

There is a wide range of advice available online on how best to display your goods to encourage customer engagement and to maximise sales. One tip from industry experts is to always judge your pitch from 25 feet away. If you feel it looks good from afar, the chances are others will feel the same!

Level 2 Food Safety & Hygiene

All food traders and assistants are required to provide a Level 2 Food Safety and Hygiene Certificate with their application. This can be completed online on a number of different websites including:

www.virtual-college.co.uk/courses/food-hygiene-courses/level-2-food-hygiene-for-catering

www.ncass.org.uk/training-area/hygiene-safety-training

The module covers basic food safety and practice guidelines, advice on how to avoid food borne illnesses along with relevant legislation and regulations surrounding food in the workplace.

Registering a Food Business with Environmental Health

Food traders are required by law to register the premises in which food is produced, processed or distributed to their local Council. This process can take up to 28 days so please ensure you allow yourself enough time before your desired start date.

If your establishment is within the London Borough of Hackney, the relevant form can be found online at: **www.hackney.gov.uk/register-food-business**

Social Media

We encourage traders to use social media platforms to promote their businesses. The Markets team are happy to assist traders with the initial set up of accounts and offer advice on best practice.

Where traders have existing social media handles, we ask that they share these with us so that we can help to promote products and traders through our own channels. We also recommend that traders engage with the public where possible as we have found this to be the most successful way of increasing footfall and retaining customers and making sales.

There are many different social media platforms, all of which have differing formats and demographics of users. The type and amount of social media channels your organisation has is dependent on the audience you are aiming to reach and the capacity you have to manage an account.

Things to consider

Social Media is a great tool for engagement, and can help you build new relationships and reach out to communities and organisations in Hackney.

There are some principles you should consider though when posting and creating content on social media.

- The real world and digital world should not be considered different, don't do or say anything online that you wouldn't say at a public event.
- Consider that anything you post on social media (even if you delete it) will be permanently there and could potentially be seen by a wide number of people, or even be picked up by the media.
- Be responsible and always check with people that it is okay to share comments, photographs or videos with them in. It is useful to get volunteers and group members to sign a consent form for photographs and videos so they understand where you are using their images.

Setting up social media accounts

- The account name should be the same account all platforms and should be associated with your organisation
- Use a photo of one of your activities for the background
- Once you have set up your accounts start to follow people such as local organisations or people who might be interested in following you back
- Let your customers know about your accounts, make a sign for your stall and include in marketing materials. Ask to tag you in photos of your products or even offer an incentive for them to do this such as a competition.

Meet the Market and Street Trading Service

The fees charged by the Council are used to ensure that we are able to provide a reliable and fit-for-purpose Markets service, ensuring that the Council's street markets are well-run, safe and welcoming environments that offer the best experience and value for money for both traders and customers.

The Markets Service operates **Monday to Sunday** from **7am to 7pm** and is based at the following address:



Unit 2b (ii) Kingsland Shopping Centre
Kingsland High Street
Dalston E8 2LX

Key Contact

Office

marketsservice@hackney.gov.uk

0208 356 5300

Markets Management

The Markets Management team oversee the whole of the Markets Service. Working collaboratively with other departments across the Council, the Management team strives to deliver the best possible service for traders and customers.

Markets Officers

Our team of officers are the public face of the Markets Service and provide a dedicated presence at our markets every day. As well as taking payments and overseeing the allocation of pitches, Market Officers are on hand to offer daily assistance to traders and ensure compliance with our terms and conditions.

Licensing and Development Team

The Licensing and Development Team are based in the Ridley Road Market office. Within this team, the Operational Support Officers maintain a smooth and efficient administration process and also act as the first point of contact for queries regarding any of our markets. They are responsible for the processing of licence applications and payments and work hard to guarantee that you have everything you need to make street trading an easy and enjoyable experience.



The development side of the team lead on projects and initiatives to enable each market to reach its full potential. Through effective marketing and promotion and by attracting and retaining a high standard of traders, the Licensing and Development Team aims to ensure that each market meets the needs of both local residents and visitors alike.



HACKNEY
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HACKNEY MARKETS



Shop Front Trading HANDBOOK 2020/21

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Shop Front Trading in Hackney

To trade outside of your premises in Hackney you will require a licence. A shop front trading licence will allow you to sell goods from the public highway, such as fruits and vegetables outside convenience stores, or to place tables and chairs outside local cafes, bars, and restaurants. Shop Front trading in Hackney is licenced under the London Local Authorities Act (1990) and the Highways Act (1980).

This handbook has been developed to assist those looking to trade from or place tables and chairs outside their premises. It will provide:

- An overview of the application process as well as the types of licence available.
- A brief outline about what a Shop Fronts licence can be used for.
- A guide to Pavement Licences and an overview of trading during Covid-19.

Trading During the Covid-19 Pandemic

Shop Fronts and Pavement Licence holders must consider social distancing when using their licences. All licence holders should have at least a 2m clearance on the public highway and any outdoor seating should be placed either 2m apart or 1m plus with mitigation.

Businesses should do several things to ensure that they are helping reduce the spread of Covid-19. To help the NHS Track and Trace system, some workplaces, such as pubs, restaurants, and cafés should keep a record of their customers for a period of 21 days. This information could be very useful for NHS Track and Trace to contain clusters and outbreaks of the virus. For further information, please visit: [gov.uk/guidance/maintaining-records-of-staff-customers-and-visitors-to-support-nhs-test-and-trace](https://www.gov.uk/guidance/maintaining-records-of-staff-customers-and-visitors-to-support-nhs-test-and-trace).

Other measures that businesses will need to consider include introducing a maximum capacity to their premises, the use of face masks for staff and customers, etc. For further information on how to operate during Covid-19, please visit the links below:

- **Government Guidance:** [gov.uk/guidance/working-safely-during-coronavirus-covid-19](https://www.gov.uk/guidance/working-safely-during-coronavirus-covid-19)
- **6-Point Plan for Reopening:** drive.google.com/file/d/1Mo0De5keXdoEDL8b5x4rs0krcz7ffBR/view
- **Covid-secure Risk Assessment:** docs.google.com/forms/d/e/1FAIpQLSfb-j3kuHvOQbp990e0bcZPC90CPAKJeWfeFueQpQ7Qp7ufRw/viewform





Tables and Chairs

One of the most popular uses for a shop fronts licence is for tables and chairs. For those with a restaurant, bar, or café, tables and chairs outside of your premises can be a great way of improving the atmosphere of your establishment, especially in the summer months. A tables and chairs licence will make your business more attractive to passersby, thereby increasing the footfall to your business.

If a Shop Front Licence is granted, this does not permit the sale of alcohol outside the premises. An additional Premises Licence under the Licensing Act 2003, is required for this purpose, which is obtainable by applying to the Licensing department at hackney.gov.uk/licensing.

All the furniture and barriers used in the Shop Front shall be securely stored off the street outside of the licensed hours. The furniture should be removed from the highway to allow the highway to be cleaned or for maintenance purposes and 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. The Shop Front Licence Holder shall be liable to pay the Council's cost if it has to clean in default.

The Shop Front Licence Holder shall not affix anything to the Public Highway without planning consent from the London Borough of Hackney.



Receptacles Used for Trading

When you wish to sell commodities from the public highway from in front of your shop, you will need a Shop Fronts Licence. A Shop Fronts Licence will open your shop up, improving the flow and enticing pedestrians into your store, allowing you to convert them into customers. Premises that trade from outside their shop front contribute to the enhancement, energy, and vibrancy of Hackney's streets. When displaying items for sale in your shop front, it is important that you ensure that you are only displaying those items which are also sold inside the premises. If you introduce new goods or items in your shop that you intend to display outside, you should notify Hackney Council in writing to ensure that you satisfy the Council's eligibility criteria, which imposes minimum timescales when introducing a new item before it can be displayed outside in a shop front.

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 other types of unsuitable material.

The sale or display of illegal goods is prohibited and is an offence. Therefore Shop Front licence holders who are convicted in a court of law may have their licence reviewed to determine whether the licence holder remains a fit and proper person to hold the licence.



Planters

Planters are a fantastic way of adding a bit of colour to your shop front display and making it more visually appealing. They are also a great way of marking the boundaries of your display. Please note that prior to the use of planters, planning approval must be obtained from the Council. Planters that do not have planning permission must be removable and should not be left on the public highway. If they are fixed structures or are not taken off the public highway at night and they do not have the relevant planning permission, they will be deemed illegal and may be subject to enforcement action.

Planters that are dual use as seating and as a receptacle for flowers, plants, shrubbery and trees must also have the relevant planning permission to remain permanently on the public highway, otherwise it must be removed and stored in overnight storage. The planters should not cause a nuisance because of their smell and the plants and shrubbery should be maintained at an acceptable standard at all times.



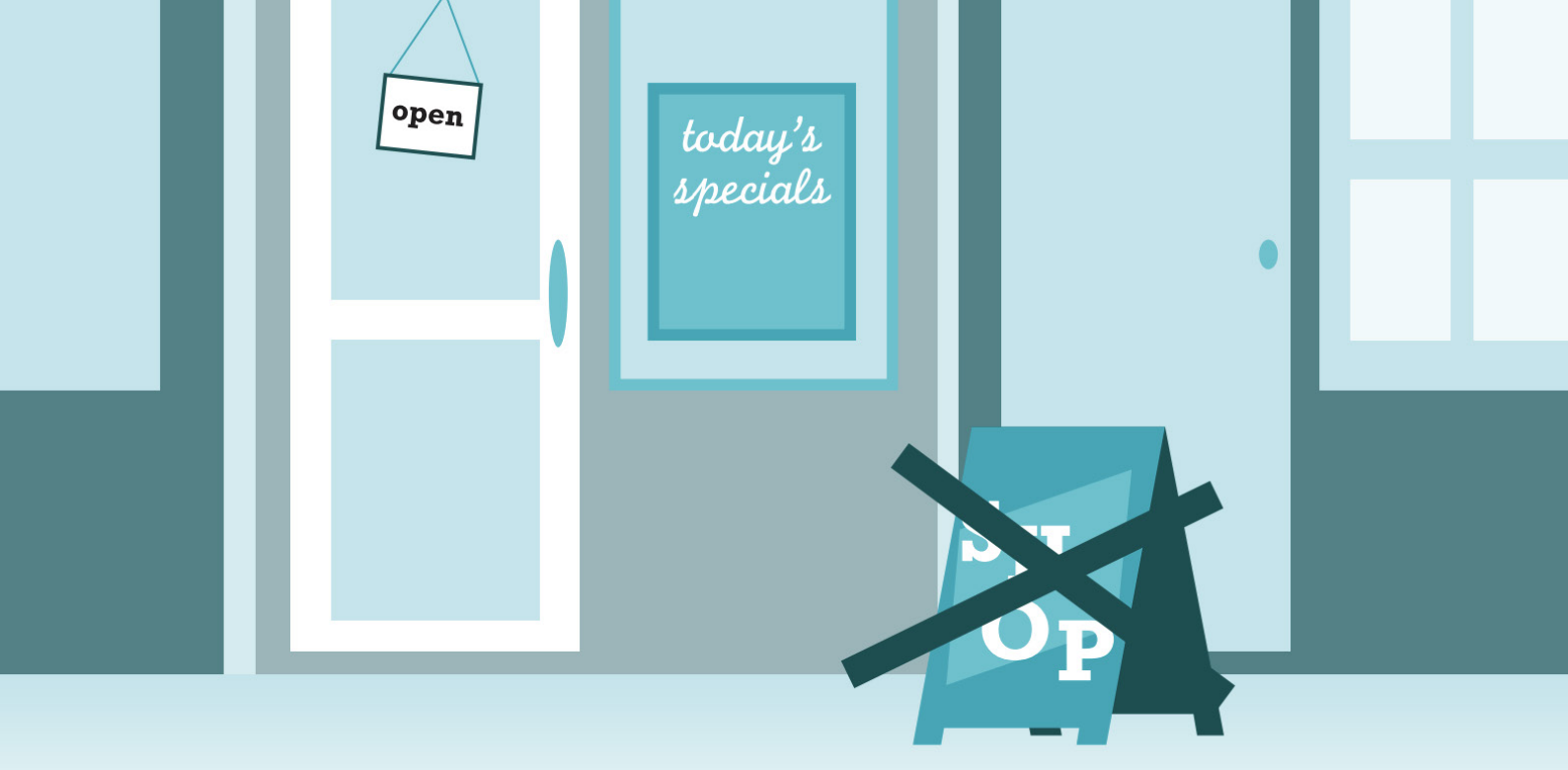


Parklets

Parklets are a modern and unique way of running your business. These converted parking spaces allow you to extend your business beyond your premises to create an exciting atmosphere. Parklets work well for additional tables and chairs, but the possibilities are limitless. Please be aware that parklets require planning permission to be installed. Full details of the use of planters and parklets can be found in the Shop Fronts terms and conditions, which can be found at hackney.gov.uk/markets-shop-front-traders.

In addition to planning permission, parklets also require approval and a licence from the Council's Streetscene and Shop Front services, before they can be authorised. The granting of one does not guarantee the other/s will be granted. The Shop Front licence holder is solely responsible for the maintenance and cleanliness of the parklet.





A-Boards

In an effort to reduce the amount of clutter on our public highways, A-boards are not permitted to be used in Hackney. A-boards can be hazardous to pedestrians, particularly those with visual impairments or physical disabilities. They can clutter the pavement, making it difficult for people in wheelchairs or people with pushchairs to use the space. Consequently, A-boards are not permitted in Hackney and do not form a part of the Shop Front licensed area.

Persistent use of, or persistent refusal to remove an A-board, will be treated as a breach of the terms and conditions of the Shop Front licence and appropriate enforcement sanctions will be taken.

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.

Pavement Licences

To help businesses manage social distancing in response to Covid-19, the Council have produced new Pavement Licences which will help qualifying businesses operate by allowing them to place furniture on the public highway adjacent to their premises. These licences will be valid for three months and will then be reviewed up until 30 September, 2021, after which time Pavement Licences will no longer be valid. If businesses wish to continue using the public highway after this date, they will need to apply for a Shop Fronts Licence.

Who needs to apply?

Businesses that wish to use the public highway adjacent to their premises for the sale and/or consumption of food and drink (whether on or off the premises) should apply for a Pavement Licence.

Furniture must be removed from the public highway at the end of each trading day. Failure to do so could result in the revocation of your licence. Where possible, tables and chairs should have a 2m distance between them. If this is not possible, tables and chairs may be placed at least 1m apart with mitigations in place.

How to apply

Applications that are not submitted in person to our office or via email will not be approved and will be considered null and void.

Please download and complete a copy of the Temporary Pavement Licence application form and email it to **pavement.licence@hackney.gov.uk**. Applications can also be handed in to our office in person at: **Markets & Street Trading Office, Unit 2bii, Kingsland Shopping Centre, Kingsland High Street, Dalston, London, E8 2LX.**

To download a copy of the application form, please visit the Temporary Pavement Licence webpage at: **hackney.gov.uk/pavement-licence**.

Fees and Terms and Conditions

Fees, terms and conditions, and the policy for Pavement Licences can be found at: hackney.gov.uk/pavement-licence.

Consultation

The day after you submit your application, a 7 day consultation period will begin, during which time members of the public and other relevant bodies will be able to submit representations regarding your proposal.

Site Notice

Once you have submitted your application form, you are required to affix a site notice to your premises which should remain there for the duration of the consultation period.

The site notice should:

- State that the application has been made and the date on which it was made;
- Indicate that representations may be made to the Council during the consultation period and when the consultation comes to an end;
- Contain such other information as the Council may require.

A template of a site notice can be found on the Temporary Pavement Licence webpage containing a list of the information that should be mentioned on your site notice: hackney.gov.uk/pavement-licence.

Determination

Once the Markets, Shop Fronts, and Street Trading team has received and acknowledged your application, we will have 14 days to provide you with an answer about your application. If, after 14 days, we have not made a decision, the licence will be granted under tacit consent for a period of one year or up until 30 September, 2021, whichever comes first.



Applying to trade

We are always looking for new premises to improve and enhance Hackney's vibrant streets. Our trading fees are competitive across London and applying for a shop fronts licence can increase the appeal of your business.

Visit hackney.gov.uk/markets-apply-to-trade to download an application form or to apply online. Application forms are also available to collect from the Markets Service office on Ridley Road, Dalston.

When making a decision about whether to grant a Shop Fronts licence, the Council will take into consideration the local surroundings and the number of premises in close proximity that are displaying the same or similar commodities. Where there is duplication, or it is felt that to grant a licence would negatively impact the area or lead to over saturation, the Council reserves the right to reject or refuse those applications.

If your premises is on a red route, the Markets, Shop Fronts, and Street Trading Service will always consult with Transport for London when considering your application.

Types of Licences

There are different licence types available for Shop Front licences: Temporary, Permanent, and Short Term licences. Permanent shop front licence holders benefit from reduced fees. To become a

Permanent licence holder, you will need to have held a Temporary licence for a period of six months without having incurred any enforcement sanctions within this time.

There is an Officer Licensing Panel (OLP) which all Permanent applicants and variations must go through. Permanent licences are valid for one year whereas Temporary licences are valid for six months and any period of a shorter duration is classified as a short term licence.

Temporary licence holders and applicants must pay the full fee up front, whereas Permanent licence holders pay monthly by direct debit.

All licence holders are subject to the terms and conditions applicable to all licences which can be found at:

hackney.gov.uk/markets-shop-front-traders

Supporting Documents Required for Licence Application

- Proof of identity
- Proof of home address
- Proof of National Insurance Number
- A copy of the public liability insurance certificate (minimum cover £5 million)
- A full face photograph
- Proof of Premises Address
- Level 2 Food Hygiene Certificate
- Evidence of 3* (or higher) food hygiene rating

Inspection Visits

All Shop Fronts applicants will receive a visit from a Shop Front Service Officer to carry out a measurement at the premises and to assess the suitability of having a shop front licence at this location. The Council will have the final decision regarding its suitability.

All licences remain the property of the London Borough of Hackney, therefore the Council reserves the right to suspend, revoke or withdraw the ability to grant a Shop Front licence subject to following the set procedure as laid out in the terms and conditions.

Licensed Area

Licences refer to an area of the footway immediately in front of a premises, shop or catering establishment. All licensed areas should generally be adjacent to the frontage of the premises and not adjacent to the kerbside.

Clearances

The size of any receptacle or display, whether they be Planters, Parklets or Kiosks, shall not exceed the maximum dimensions stated on the Licence. A minimum of 1.2m clear of any obstruction shall be maintained for safe access to and egress from the Premises at all times. Please note that during the Covid-19 pandemic, licence holders are expected to provide a minimum of 2m clearance at all times and comply with both government and Council guidelines.

Inspection of Licence

The Shop Front Licence must be prominently displayed on the premises, clearly visible, or as directed by a duly Authorised Officer of the Council. Failure to display the Shop Front Licence as stated is an offence that may result in enforcement action. If alcoholic beverages are consumed in an area licensed for Shop Front Trading, the licence holder must produce the appropriate Premises Licence issued under the Licensing Act 2003, or its successor to an Authorised Officer of the Council or police officer.



Requirements for food establishments

All staff must hold a valid level 2 food hygiene certificate and food businesses must have a food rating of at least 3* as a minimum requirement. Any businesses below a level 3* food hygiene rating will not be able to trade in Hackney and the business must be registered with Hackney's Environmental Health team prior to commencing trade (this should only be done upon successful application for the site).

If you are already registered with another borough's Environmental Health team this would be acceptable if evidence is provided. For everything you need to know about food safety and registering your food business, please visit the Food Standards Agency's website on [food.gov.uk](https://www.food.gov.uk).

Depending on apparatus used (hot oil, gas burners, etc.) you will have the appropriate fire-fighting equipment (FFE) relating to the hazard which will be serviceable and tested as statutorily required. All operators will be fully trained in the use of firefighting equipment. You will also have appropriate safeguards for you cooking apparatus and fuel system if being used.

Your appliances must have been inspected by a certified gas engineer and a valid gas safety certificate must be provided to us. Generators are not permitted on any sites.

How to pay your fees

Fees are paid by debit or credit card or direct debit. Please note that cash is not taken for any services.

Permanent Traders

All Permanent traders have the option of paying their fees on a monthly basis or by paying in a single, bulk payment to the London Borough of Hackney and can make payment either by direct debit or in person with a member of the Markets Service. Please contact **020 8356 8550** or email **markets.service@hackney.gov.uk** with any payment queries.

Temporary Traders

Unlike Permanent licence holders, who are able to spread the cost over the course of their licence, Temporary traders must pay the full amount prior to the commencement of their licence. After six months of trading, Temporary licence holders will be eligible to apply for a Permanent licence. Please contact **020 8356 8550** or email **markets.service@hackney.gov.uk** with any payment queries. After six months of trading, Temporary licence holders will be eligible to apply for a Permanent licence. **All Permanent licence applications are subject to approval by the Officer Licensing Panel and you may be required to make a personal representation.**

Arrears

Hackney Council is liable to start the process to revoke a trader's licence if they fall into arrears over 4 weeks. If you are having difficulty meeting the monthly or yearly fees, please contact the service as soon as possible on **020 8356 5300** or **markets.service@hackney.gov.uk** to discuss your options with a member of the team.

For payment queries



Telephone: **020 8356 8550**

Email: **markets.service@hackney.gov.uk**

Fees and Charges

Application Fees

In order to trade legally on Hackney's markets you must apply for a trading licence. The license application fee is £50 and the licence renewal fee is also £50.

Permanent Licence Holder

2020/21 fees

Fee per m ²	£75
1 day shop front trading licence	£50
30 day shop front trading licence	£100

Application Fees

First application fee or renewal fee with no variation	£50
Renewal fee with licence variation	£100

Temporary Licence Holder

2020/21 fees

Fee per m ²	£81
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Application Fees

First time application fee	£100
Renewal fee with no licence variation	£50
Renewal fee with licence variation	£100
Application fee for 1 day or 30 day licence	£150

Temporary Pavement Licence Fees

Fees

2020/21

Temporary Pavement Licence Fee	£100
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Fee Per m ² :	£81
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Renewal Fee:	£100
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A-Boards Enforcement Costs

Fees

2020/21

Removal cost	£115
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Storage cost per week	£10
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Disposal cost	£30
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Return cost (collection only)	£55
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Total cost if not collected within 14 days	£205
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Permitted Commodities

Please refer to the Commodity Regulations document for Shop Fronts. These can be found online at: hackney.gov.uk/markets-apply-to-trade.

Only those goods or commodities sold in shop premises can be displayed outside premises. Please note that nicotine products are not permitted for sale from a Shop Fronts licence.

Markets and Street Trading Policy

The markets and street trading policy sets out our approach to street trading licensing and its standards for those engaged in street trading. For a copy of the policy, please visit: hackney.gov.uk/hackney-markets-strategy.

London Borough of Hackney Standard Shop Front Trading Licence Terms & Conditions

In addition to the items laid out in this guide, all traders, managers and assistants must comply with the terms and conditions which can be downloaded from our website (hackney.gov.uk/markets-shop-front-traders) or collected from the market office. Underpinned by the legislation, the terms and conditions are a 'rule book' for licensees to follow, covering parts of Shop Front trading, such as operational aspects, prohibited items, standards, etc.

Enforcement

Any Shop Front licence holder, who contravenes any of the conditions of their licence or carries out illegal shop front trading will be committing an offence for which they can be prosecuted. If successfully prosecuted at court, they can be fined up to £1000.

There are other sanctions that can be imposed such as verbal and written warnings, fixed penalties, seizure of goods, suspension and revocation of a licence.

Trading on Private Land

Any private land with free and open access to the general public, and is within 7 meters of the public highway, will require a Shop Front or Street Trading Licence from the Council.

There is a two tier fee system for private land (This does not apply to public land): Payments made in advance will receive a discounted fee, whereas payments made on the day will be liable for the full trading fee.

Additional Legislation

Highways Act (1980)

This legislation confers powers on Transport for London (TfL) and the Greater London Authority to maintain the public highway. Where there are red routes, TfL is the regulatory body that are the main arbiters, but both organisations work very closely to maintain the public highway.

The complete act can be found online at:

legislation.gov.uk/ukpga/1980/66/pdfs/ukpga_19800066_en.pdf

London Local Authorities Act (1990)

Hackney Council along with all licensed street traders must comply with the terms outlined in the act. This covers conditions to be managed by the Council such as the licensing, selection and allocation of traders, the right to assert their own fees and charges, enforcement processes and licensing terms as well as the refusal of licences where necessary.

The complete act can be collected on request from the market office or found online at:

legislation.gov.uk/ukla/1990/7/pdfs/ukla_19900007_en.pdf

Miscellaneous Provisions Act (1987)

This act relates to the control and governance of land rights and public space. The local authority must ensure that their organisation and those licensed by their organisation adhere to the conditions set in regard to administration, environmental health, insurance, the licensing of traders and trading standards.

The act can be found online at:

legislation.gov.uk/ukpga/1982/30

Meet the Market, Shop Front and Street Trading Service

The fees charged by the Council are used to ensure that we are able to provide a reliable and fit-for-purpose Markets service, ensuring that the Council's street markets are well-run, safe and welcoming environments that offer the best experience and value for money for both traders and customers.

The Markets Service operates **Monday to Saturday** from **7am to 10pm** and is based at the following address:



Unit 2b (ii) Kingsland Shopping Centre
Kingsland High Street
Dalston E8 2LX

Shop Fronts Team Leader

The Shop Fronts Team Leader oversees and is accountable for the effective and innovative day to day operational management of the Shop Fronts Team and ensuring that licensees are adhering to their terms and conditions.

The Shop Fronts Team Leader is tasked with leading the Shop Fronts Team to deliver a high-quality service alongside stakeholders to expand the Shop Front trading portfolio in Hackney. In addition, the Shop Fronts Team Leader advises on the enforcement of the licence terms and conditions, legislation, and other by-laws regarding shop front trading.

Shop Fronts Service Officer

Under the management of the Shop Fronts Team Leader, the Shop Fronts Service Officer is responsible for providing an efficient and effective service to service users and customers of Hackney's Shop Fronts Service as a first point of contact. The Shop Fronts Service Officer interacts with business owners, traders, and stakeholders to quickly address customer issues.

This role is responsible for initiating any enforcement action against those trading without a Shop Fronts licence or those who persistently fail to adhere to their terms and conditions.

Service Area Manager

The Service Area Manager has the role of ensuring that their reporting managers are effectively and efficiently delivering the needs of the Markets, Shop Fronts and Street Trading Service. It is the duty of the Service Area Manager to ensure that the Markets Service is providing the best value service while complying with their statutory and regulatory obligations.

Licensing and Development Team

The Licensing and Development Team are based in the Ridley Road Market office. Within this team, the Licensing and Operational Support Officers maintain a smooth and efficient administration process and also act as the first point of contact for queries regarding any of our markets. They are responsible for the processing of licence applications and payments and work hard to guarantee that you have everything you need to make street trading an easy and enjoyable experience. The development side of the team lead on projects and initiatives to enable each market to reach its full potential. Through effective marketing and promotion and by maintaining a high quality portfolio of Shop Front Traders, the Licensing and Development Team aims to ensure that Hackney's streets meet the needs of both local residents and businesses alike.



Accessing Your Online Account

Log into your account via Hackney Council's website;

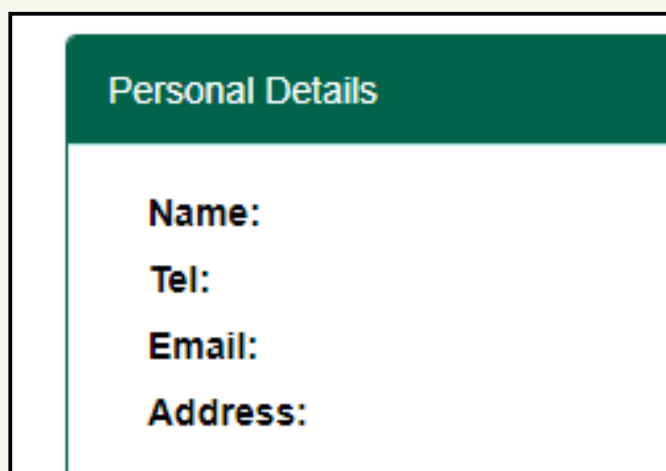
<https://licences.hackney.gov.uk:7443/sf/control/dashboard>

Username: This is your email address
Password: Click 'I have forgotten my password' to reset if you don't know it and a link will be sent to you to reset.

If your username is not recognised, please do not attempt to create an alternative account, please advise us via email and we will investigate.

Updating Your Contact Information:

Please take a moment to update your personal information i.e. contact numbers and addresses. This will allow us to keep in touch more efficiently.



The screenshot shows a form titled "Personal Details" with a dark green header. Below the header, there are four fields labeled "Name:", "Tel:", "Email:", and "Address:".

Updating Your Business Information:

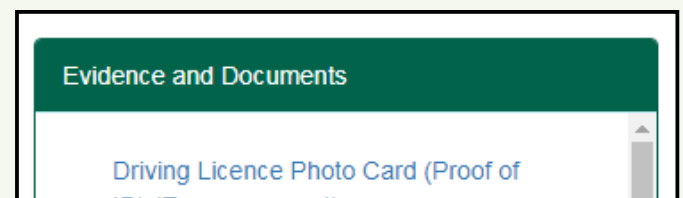
Please take a moment to update your business information, i.e. contact numbers and addresses. This will allow us to keep in touch more efficiently



The screenshot shows a form titled "Business Details" with a dark green header. Below the header, there are four fields labeled "Name:", "Business Tel:", "Business Email:", and "Address:".

Updating Evidence and Documents

If your documents are out of date, please update these as you will not be able to renew your licence when the time comes.



The screenshot shows a section titled "Evidence and Documents" with a dark green header. Below the header, there is a list of documents, with "Driving Licence Photo Card (Proof of" visible.

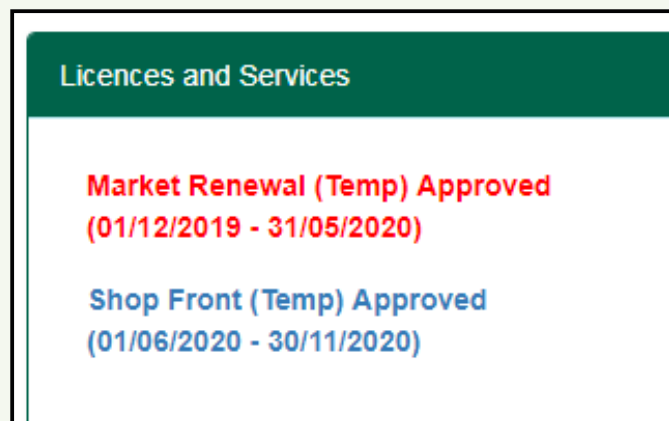
Please note, if any of your required documents are missing or out of date, your licence will be invalid.

Renewing Your Licence

1. On your dashboard, click on your most recent licence.
2. Scroll to the bottom. If you have a permanent licence, click 'Pay Annual Fee', if you have a

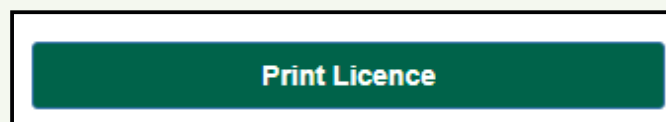
temporary licence, click 'Renew'.

3. Once you have paid the fee, your licence will be subject to approval.
4. Once approved by the Licensing team, you will be notified and your new licence and nameplate will be ready to download.



Downloading Your Licence

1. On your dashboard, click on your Shop Front licence.
2. Scroll to the bottom. Click on both 'Print Licence' to view a PDF ready to download.



If any of the details are incorrect of which you are unable to edit from your account, please contact us and we will do our best to assist.

In the meantime, if you have questions or queries regarding your licence, please do not hesitate to get in touch via telephone **020 8356 8500** or email us at **shopfronts@hackney.gov.uk**.

Guide to Social Media

Social media, like nothing else, might be one of the most valuable tools that businesses can use when it comes to advertising. Therefore, we suggest that any business which does not currently utilise social media, take the time to read through this simple guide to make the most of this technology.

There are a number of social media platforms out there in the ether, each offering different features and each catering to a different demographic. When using social media for business purposes, the main players are Instagram, Facebook, and Twitter, so these are a good place to start as they have the largest user-bases. However, if there are other platforms that you think you would be good for your brand, absolutely give these a go.

When promoting your business online, it is really important that you create unique and recognisable branding to set yourself apart from other brands. If you do not have the capacity to pay for a designer to create your branding, consider creating your own using the website Canva. This is a handy website that allows you to create your own logos and graphics which can be used on social media. Get inspired to create something interesting by looking at the pre-made templates that are available.

Once you have created your profile, it is a good idea to start following other brands and influencers and even individuals that you think might be interested in your product. This will help you begin to make your brand recognisable.

It probably goes without saying, but creating high-quality content for your brand is very important. This applies to both written content and images. For written posts, ensure that they are concise and straight forward. It can also be a good idea to ask questions in your posts as a way for people to engage with your content. When it comes to images, make sure these show your product in the best possible way. Use plenty of natural light and make sure your photos are clean. Good photography is very important, especially on social media sites like Instagram. Don't be afraid to see how other brands are taking photos of their products and replicate.

When running a social media channel, consistency is key. It is all very well to have well written content and impressive imagery, but if your posting is inconsistent, you will be unable to get engagement on your account and will not be able to build an online following. Try and set yourself publishing goals each week and don't forget to hashtag.

When setting up accounts on different platforms, wherever possible, try to use the same username consistently. Uniformity across the different social media sites will make it easier for people to find you online.

The Markets Service are happy to assist shop front traders with their social media accounts. Check out our accounts for inspiration and feel free to get in touch for advice.

 **@MarketsHackney**

 **@MarketsHackney**

 **@RidleyRdMarket**

 **@RidleyRd**

 **@RidleyRoadMarket**

 **@ChatsworthRdE5**

 **@ChatsworthRoad**

 **@ChatsworthRoadMarket**

 **@HoxtonStMarket**

 **@HoxtonStMarket**

 **@HoxtonStMarket**

 **@KingslandMarket**

 **@KingslandMarket**

 **@KingslandMarket**





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8. Markets Strategy

The Hackney Markets Strategy is a document which outlines the objectives of the Markets Service over a five year period. It is designed to be an outward-looking business plan framework within which each market can produce its own individual market plan. It draws on the respective strengths of the Council, traders and associations and seeks to ensure that the markets are recognised as attractive and appealing destinations to do business in, and promoting trade and commerce.

It proposes that the Council will focus on two primary roles:

- As an enabler – working with traders and market associations to promote the growth and variety of Hackney’s markets to the consumer both in Hackney and further afield, ensuring our markets are inclusive and have a mix of commodities on offer.
- As a regulator – ensuring that markets are managed within the law in a fair and transparent way that can withstand any legal challenge and that they deliver high quality, safe and varied markets experience that is attractive and customers enjoy.

A downloadable copy of the Markets Strategy can be found at the following link: drive.google.com/file/d/1W_DqCyXubNrQQ92FO4H6LV0Dmec97n/view



Hackney Markets
Strategy
2017-20

HACKNEY MARKETS

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1. Foreword from the Cabinet Member for Planning, Business and Investment

Hackney's street Markets are an essential part of the borough, attracting in excess of 5 million shoppers each year and providing access to value-for-money shopping across a broad range of products. Markets support the regeneration of our high streets and strengthen our local economy – for each £1.00 spent in our Markets it is estimated that another £1.75 is spent in other businesses along the local high street.

Some Traders are reporting difficult trading conditions with rising wholesale prices and a changing customer base. For other neighbourhoods such as Well Street and Kingsland Waste there is a real ambition to reintroduce street Markets adding to the street Market offer in Hackney.

The previous 2010-2015 Strategy focused largely on internal departmental efficiencies and processes. During the 2010-15 period fees and charges were reviewed for the first time in 16 years alongside trying to lower costs to Traders. For example the cost of waste collection from the Markets was reviewed with the Associations to reduce the potential cost to Traders, which led to Ridley Road achieved a near tripling of its recycling rate to 70% over the last five years.

As a result of everyone's hard work Hackney's Market Service have achieved a more sustainable financial position. In 2009 a £1.1m per annum subsidy was needed to run the Service; this is now standing at £80k. The Service is now in a strong position to redesign its role and the support package for Markets and Traders going forward.

The 2017-2020 Market Strategy is designed to be an outward looking business plan framework within which each Market can produce its own Individual Market Plan. It draws on the respective strengths of the Council, Traders and Associations and seeks to ensure that the Markets are recognised as attractive and appealing destinations to do business in, and promoting trade and commerce.

At the centre of the 2017-2020 Strategy sits the future relationship between the Council and Traders. It identifies our combined strengths to support the growth of our Markets, ensuring they can serve Hackney's communities, helping the wider local economy to grow and prosper and act as a gateway for career opportunities for local residents.

It proposes that the Council will focus on two primary roles:

- **As an enabler** – working with Traders and Market Associations to promote the growth and variety of Hackney's Markets to the consumer both in Hackney and further afield, ensuring our Markets are inclusive and have a mix of commodities on offer.
- **As a regulator** – ensuring that Markets are managed within the law in a fair and transparent way that can withstand any legal challenge, and that they deliver a high quality, safe and varied Markets experience that is attractive and customers enjoy.

The 2017-2020 Strategy conforms to the objectives laid out in the Council's Corporate Plan, in particular helping making Hackney a place that everyone can enjoy, with clean, safe streets, excellent parks and public services, and a great quality of life for all who live here.

While the programme of work set out is ambitious, it is important to remind ourselves of the wider funding position over the period of this Strategy - the Council needs to fill a funding gap of over £70 million over the period 2016/17 to 2018/19. It follows not unsurprisingly, that a key objective of the new Strategy is to ensure that the Markets Service can deliver an excellent service at no net loss to public finances whilst also, through efficiencies, reducing potential costs to Traders.

Everyone involved in making our Markets the success that they are should all be very proud of what has been achieved since 2010 - our Markets attract millions of shoppers each year, have a good public reputation with positive reviews in the media and occupancy rates that are higher than the national average. The next step is to strengthen the relationship between Council, Traders, Associations and residents and continue to support our Markets go from strength to strength.

2. Introduction

Hackney is home to some long established Markets, with Hoxton Street Market being established as far back as 1687, Well Street in 1850 and Ridley Road in 1880. In 2014 the Council formally designated all its Markets, making them a permanent fixture in our diverse and ever evolving borough.

Over the last five years, Hackney has come a long way in developing its Markets. This Strategy provides a new vision and the direction needed to further improve the borough's Markets and details how it will develop and manage Market and street trading sites around the borough.

Hackney's street Markets consist of:



Broadway Market

Broadway dates back to the mid-19th century when it earned a reputation for an extensive range of butchers, due to the influx of cattle driven by Essex farmers towards the City of London via London Fields. As a traditional farmer's Market it was restored in 2004 as a farmer's style Market and now trades very successfully on Saturdays.

Chatsworth Road

A victim of supermarket competition in the 1980s, Chatsworth Road once had up to 200 stalls operating 4 to 5 days a week during its heyday in the 1930s. It has been reintroduced as a Sunday Market, giving a much needed boost to local businesses and an opportunity for local entrepreneurs to start trading on a small scale.

Hoxton Street

Hoxton Street Market is Hackney's oldest Market, dating back as far as 1687. It lost trade in the 1980s to larger supermarket chains, but following considerable investment from stakeholders in recent years it is once again a cornerstone of its community.

Kingsland Waste

Kingsland Waste was established in the mid-19th century after a Hackney landowner gave permission for local people to trade their unwanted goods rent free in front of his properties. For decades it was the place to go to for spare parts and tools needed to fix anything from bicycles to transistor radios. It eventually became a Market with an eclectic array of goods, attracting visitors from far and wide. Recent times has seen a downturn in fortune for Kingsland Waste. The Council wish to find a positive way forward for Kingsland Waste for during the life of this strategy and beyond.

Ridley Road

The immigration of Jewish people during the 1880s saw Ridley Road Market start trading as a kosher food Market with a modest 20 stalls, which has persevered ever since. It is now a thriving Market with over 160 stalls running 6 days a week. It trades a wide variety of goods from across the world, reflecting the diversity of the borough.

Well Street

Well Street Market was established in the 1850s and famously became home in 1919 to a 21 year old Jack Cohen who started trading from just a barrow and went on to found Tesco.

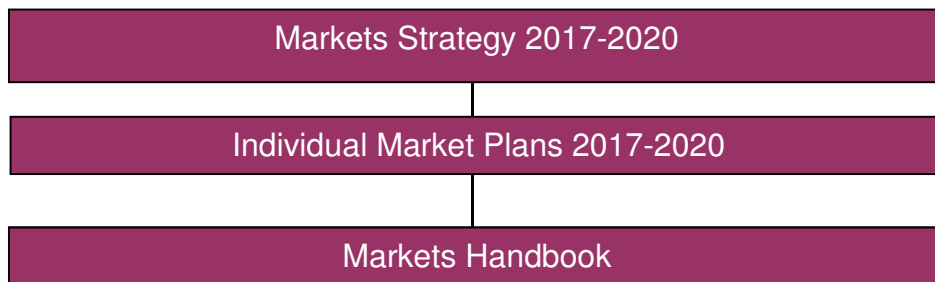
These Markets fall into the following wards and operate at the following times.

Market	Wards	Time of Operation
Ridley Road	Dalston	Monday to Thursday - 6am to 6pm, Friday and Saturday - 6am to 7pm; December: Every day 6am to 7pm
Broadway Market	Haggerston London Fields	Saturday - 7.30am to 7pm
Chatsworth Road	Lea Bridge	Sunday - 11am to 4pm
Kingsland Waste	London Fields	Saturday - 7.30am to 7pm
Hoxton	Hoxton East & Shoreditch	Monday to Thursday - 7:30am to 6pm, Friday and Saturday - 7:30am to 7pm
Well Street	Hackney Wick/Homerton	1 st Saturday of every month - 9am to 5pm

3. Structure of the Strategy

The new Market Strategy was developed by evaluating industry trends locally and nationally, consulting with the London Benchmarking Group for Markets, and with Traders and Associations.

Markets Strategy Documents



Markets Strategy 2017-2020

This document sets out the strategic context and direction for the Markets over the next four years. It provides a framework that describes the priorities for the Markets, and sets clear aims that seek to ensure a consistent approach across the borough.

Individual Market Plans 2017-2020

Hackney's Markets are all unique, both in terms of what they offer the public and the challenges they face. Following the adoption of the Strategy, work will commence on developing Market Plans with each Market, setting out an agreed programme of work. These custom business plans will conform to the framework and will be made up of a series of agreed projects and or objectives which the Council and Associations will work together to deliver.

Markets Handbook

A Markets Handbook will be produced, based on the previous Operation Manual. It will set out relevant Service Level Agreements and standards for all the Markets.

The Handbook will be a user friendly guide, including pictorial and descriptive examples of good and bad practices. The Service Level Agreements (SLAs) will not only set out the services Traders can expect, but will also detail Key Performance Indicators in order to better manage service performance.

In addition, to help clarify the operation and implementation of the London Local Authorities Act 1990 a policy will be produced and incorporated in the Handbook. This will provide a greater understanding about how the Council's formal decision making processes work and can ensure that all parties involved in the trading environment are protected from legal challenge.

4. The New Strategy 2017-2020

The Vision

The ambition is to enable Hackney's Markets to flourish and diversify in order to keep pace with the needs of the community and create profitable trading conditions. The wide range of quality products on sale and the shopping experience on offer, supported by an effective public relations programme, will attract more footfall to the Markets and turn that footfall into customers.

The success of the borough's Markets will attract new Traders from a wide range of backgrounds, supported by a Council that actively seeks to provide people with a career route into Market trading. A surplus coming from the Markets' success will secure the financial sustainability of the Market Service and ensure that Associations and the Council are able to re-invest the proceeds of growth back into the Markets.

Aims

The aims and associated work streams of 2017-2020 Strategy are set out below:

Aim	Work stream
Support enterprise and business growth	<ul style="list-style-type: none"> • Promotion of our Markets to the public • Engagement with Traders and Associations, and facilitation of self-promotion • Enable and encourage entrepreneurship • Exploration of London-Wide Traders Card • Creating opportunities for the unemployed to trade at Markets • Market regeneration (e.g. Kingsland Waste) and development of smaller trading sites around Hackney
Secure the financial sustainability of our Markets	<ul style="list-style-type: none"> • Increase in Market occupancy rates • Review of Trader fees • Continued reduction of waste and operational costs • Exploring new investment sources
Improve the shopping experience for customers	<ul style="list-style-type: none"> • Improvement of Market facilities • Tackle environmental and access issues to improve the attractiveness of Markets to customers and visitors • Review operational times to ensure they meet customer needs

**Ensure our
Markets are
managed fairly
and
transparently**

- High quality standards applied to all Markets
- Ensuring consultations are representative of all stakeholders
- Training programmes for Officers and Traders
- Monitoring of enforcement and implementation of statutory regulations to protect Traders and the Council.
- Recognising and promoting excellent practice
- Promotion of food hygiene ratings and 'buy with confidence' cards
- Provision of hand washing facilities were required

Support enterprise and business growth

The strength of our Markets is built upon the Traders and their commitment to selling quality products and a diverse range of commodities that meet the demands of customers and provides a return to their business.

Central to the strategy is the understanding that the Council needs to support Traders in promoting their Markets and provide an efficient and sensitive management resource for the trading environment. The Council recognises the need to provide pathways for new Traders in order to secure the long term future of Hackney's Markets and generate employment opportunities for local people. The Council also understands that Markets are growth catalysts, both in terms of Market regeneration and populating miscellaneous smaller sites alongside contributing to growth in the wider local economy.

This understanding, and the aims set out below, will support the delivery of the Council's new Economic Regeneration Service, for which key priorities are supporting entrepreneurship and empowering residents by signposting and connecting them to economic opportunities.

Promoting our Markets to the public

Raising public awareness of what the Markets have to offer is key to attracting new customers and increasing footfall. This has been a concern for all Associations who would like to see more done to promote and advertise Markets.

The Council proposes to use its Communications Service with its borough-wide reach and broad range of communication channels (including Hackney Today, banners, media contacts, website and social media) to support and compliment the work of the Associations in promoting the Markets and increasing visitor numbers.

Until recently Ridley Road customers were broadly unaware of the large and varied commodity mix offered by this Market and a new Marketing approach was taken using this unique selling point (USP) at the heart of future communications. This USP has been central to the new Ridley Road Marketing brand, and is an approach that could be rolled out for all of Hackney's Markets.

Other options include a public relations programme that includes product listing boards, banners highlighting the range of goods and general advertising of the product mix available to raise customer awareness.

The Council are also signed up to 'Love Your Local Market', heralded as a great success by the National Association of British Market Authorities (NABMA), and are supporters of the 'Shop Local' initiative who work to promote local business. The Council will continue to promote the Markets through these campaigns in order to reach new customers.

Recommendation 1

The Council will work with Traders and Associations to develop a clear Marketing plan for each Market which will seek to increase footfall by:

- Raising awareness of the unique offering of our Markets so customers are more aware of products and services that are on offer
- Targeting Marketing at local residents and specific groups using the 'Shop Local' Campaign
- Linking local Marketing promotions to the nationwide 'Love Your Local Market' campaign
- Improving local signposting to direct customers to Markets
- Encouraging Traders to use social media to advertise the goods available
- Embracing the diversity of customers, Hackney residents and visitors alike, and translating these into trading opportunities

Engaging Traders and facilitating self-promotion

There are various degrees of advertising undertaken amongst the Associations and Traders via social media, as shown in the table below. The Broadway Market Association actively advertise and predominantly use social networks to promote the Market and attract customers and Traders. It has cultivated an extraordinary reach.

Market	Twitter Followers	Facebook Likes
Hackney Council (General)	15,734	2,013
Broadway Market	24,058	1,702
Chatsworth Road	9,723	4,442
Hoxton Street Market	3,106	1,403
Ridley Road	Not found	67

Hoxton is the most recent Market to use social media to forge community and Trader links. Hoxton has been successful in their campaign to attract followers and likes which has contributed to maintaining levels of business in the Market.

In 2014 both Hoxton Street Market and Ridley Road rebranded and with new websites launched in an effort to improve the Market's brand identities. As part of the Marketing plan for each Market, the 2017-2020 Strategy's aim is for all Associations to develop and implement public relations plans to attract new Traders and customers.

Recommendation 2

- All Markets now have their own websites and social media platforms. The Council will provide support to Associations and Traders in online Marketing as part of their Marketing Plan.

Encouraging Entrepreneurism

Hackney's Markets offer an attractive opportunity for start-up entrepreneurs who want to launch a business in the retail sector. The Markets provide an opportunity for talent and a trading environment for new ideas to develop and flourish.

In support of this, it is proposed that central Government's New Enterprise Allowance (NEA) scheme is drawn on. The scheme is being used in some Markets such as Borough Market to help people not in work become stall holders, set up their businesses and join the Market.

Ridley Road Market is the Council's largest Market which operates six days a week and the intention would be to promote opportunities presented by the NEA and develop an employment initiative with Ridley Road.

Recommendation 3

- The Council will identify and signpost mentoring and investment opportunities provided by the Council itself, the London Enterprise Panel and GLA for entrepreneurs and publicise these opportunities to the Traders and Associations to explore directly

Recommendation 4

- The Council will work closely with the Department for Work and Pensions New Enterprise Allowance Scheme to promote opportunities to Hackney residents

Creating opportunities for the unemployed to trade at Markets

In September 2014 the Council launched a revised scheme offering new Traders 4 days' free trading within the first month of their license being granted, which could be used in 4 consecutive days within the 6-day-a-week Markets or 4 consecutive weekend days (either Saturday or Sunday) in any of the weekend Markets.

The Chatsworth Road Association actively works with the job-centre to provide a kick starter scheme. This scheme is open to those who live in E5, E8 and E9, providing access to a free stall for 4 weeks if they claim Jobseeker's Allowance (JSA), New Enterprise Allowance (NEA) or ESA (Employment & Support Allowance). The Association also provide management support and online promotion via social networking.

Whilst the Council also provides free licenses and stalls for new Traders, this recommendation adds to this offering and seeks to plan and deliver targeted and coordinated initiatives to support people into work.

Recommendation 5

- Hackney Council will work with local job centres to provide self-employment opportunities in the borough's Markets. Any pitch vacancies will be advertised along with the required commodities in a 'Be your own boss' campaign

Exploration of London-Wide Traders Card

The Council aims to further support the growth of the Markets by reducing the level of bureaucracy and streamlining the registration process to allow Traders to operate with more ease. The London-Wide Traders Card is a new scheme enabling Traders to operate in any other borough without the need for re-registering. The Council is proposing to explore the feasibility of joining the scheme.

Recommendation 6

- Explore joining the London-Wide Traders Card scheme

Market regeneration and miscellaneous sites

The Council has worked closely with WESTRA to successfully re-launch Well Street Market in December 2016. The monthly Market is now in its 'testing' phase to be reviewed in 2018. The Council also recognises that there is a demand for reintroducing street trading at Kingsland Waste

Recommendation 7

- Subject to sustainability, the Council will work with the Associations, Traders and residents to develop a Market for Kingsland Waste and support Well Street Market over its first year of trading

It is important that Hackney's Markets can withstand any legal challenge and to this end the Markets Handbook will provide guidance for all involved in the borough's Markets, including the Council, about the management and operation of Markets and Street Traders in accordance with the London Local Authorities Act 1990 and Miscellaneous Provisions Act 1982, including licensing and enforcement functions.

Recommendation 8

- As part of the Markets Handbook a section will explain the London Local Authorities Act 1990 and the Miscellaneous Provisions Act 1982 and what they mean for everyone involved in street trading in the borough

There are a number of miscellaneous sites in locations in town centres and parks that have the potential to be developed into Markets. Some of these locations have previously hosted Traders but have for one reason or another have long since fallen into disuse.

There are also locations that lend themselves to supporting a type of 'pop up' Market due to the proximity of certain customers. As an example Crown Place, in South Shoreditch serves a high volume of city workers Monday to Friday. The Council is proposing to identify viable local sites that could become viable trading sites.

Recommendation 9

- The Council will look at the potential development of small-scale trading sites such as in small parks, south Shoreditch, Goldsmiths Row, Stamford Hill, Hackney Wick and Hackney Central

Secure the financial sustainability of our Markets

The 2017-2020 Strategy sets out the objective that the Market Service breaks even. To achieve this it will require Market occupancy rates to be increased, new funding methods to be explored and operational costs, such as waste, to be reduced.

Increasing Market occupancy rates

A key aim of the Council is to keep Markets Trader fees as low as possible and value for money. Central to achieving this is increasing Market occupancy rates. The Strategy's aim is to ensure that all Markets break even through increased occupancy, which helps cover the costs of services delivered to the Market, such as waste collection and cleansing, utilities, enforcement and management.

The current occupancy levels in the Markets are as follows, and show room for further growth, particularly at Hoxton Market.

Market	Average Occupancy*
Ridley Road	79 %
Broadway	80 %
Hoxton Street	40 %
Chatsworth Road	80 %

*approximate figure as this varies on a day to day basis

The Council recognises the importance of attracting new Traders to expand the offer to customers and currently offers a free pitch scheme and also a 'Referral Credit Scheme'. Under this scheme, if a currently licenced Trader refers a new Trader to one of Hackney's Markets, both Traders are eligible to receive a credit equal to a single day's pitch fee. The credit can be claimed when the new Trader completes the required section on their application form. However the Council recognises it needs to do more in partnership with Traders and Associations to promote available pitches.

Recommendation 10

The Council will explore techniques to engage and attract Traders to develop the Markets and support growth. The Council will evaluate current schemes and benchmark against other Council's successful practices such as those listed below.

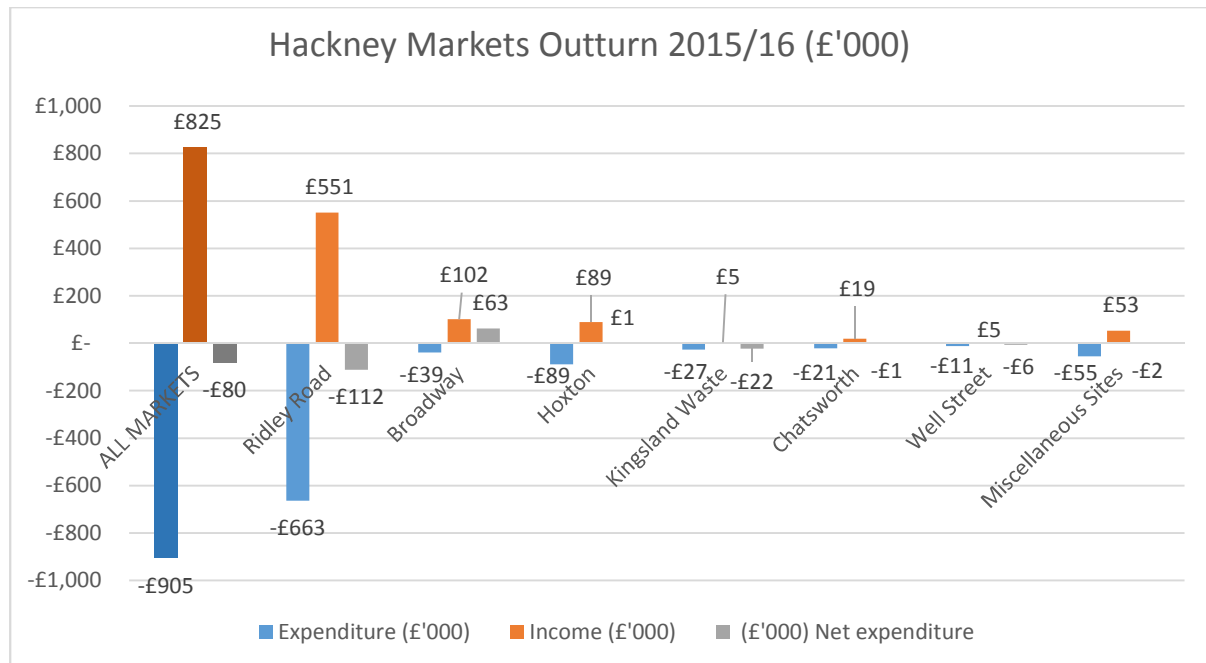
- Workshops such as 'FUSE' (From Unemployed to Self Employed) - Islington
- Recruitment stands - Croydon
- Stall Finder – Kingston
- Newsletter – most Councils
- Reduced fees – Westminster

Review of Trader fees

Trader fees are the main source of Markets income. The Council is regulated by the London Local Authorities Act 1990 and hence any fees charged must be based on the Market's running costs.

As the graph below shows, the fees paid by Traders at certain Markets do not cover their running costs, which is the primary reason why the Markets budget remains in deficit. This

area needs to be reviewed to take on board performance, running costs, inflation, Market occupancy and other costs. The Council will work with Associations to reduce costs wherever possible, but where no further efficiencies can be delivered, fees will need to be adjusted in line with the Act to ensure that Markets do not continue to be subsidised from public funds.



Recommendation 11

- The Councils Market Service will break even during the lifespan of the 2017-2020 Strategy

Recommendation 12

- The Council, Associations and Traders will work together to seek new methods of financing including through operational efficiencies and increasing levels of trade and commerce.

Reducing waste costs

Waste costs are the largest operational cost in Hackney’s Markets. In 2015/16 Markets waste collection and disposal cost £540k. The Council and Associations have made significant improvements in the recycling rate across the Markets which have reduced waste costs by £90k. The 2017-2020 Strategy will expand this and further increase recycling rates.

Recommendation 13

- The Council will expand the waste minimisation initiative which includes increased levels of recycling across all Hackney Markets. The Individual Market Plans will identify a specific target that will be reviewed on an annual basis.

Improving the shopping experience for customers

Across the retail sector, customers expect an ever higher quality shopping experience, in terms of the products and services, the facilities and shopping environment. The Strategy recognises that there is a need to further improve the shopping experience for customers so increases in footfall turn into regular shoppers.

Improving Market facilities

The Council recognises that the overall look and feel of the Markets needs to be reviewed so Traders can compete with retail stores and meet the expectations of today's customers. The Associations have raised this as a key concern.

The Market Strategy consultation in summer 2016 identified support for improved facilities, including Market seating areas and contactless payments.

Recommendation 14

- A review of customer facilities and environmental works for each Market will be commissioned and subject to financing a schedule of physical works compiled

Tackling issues that impact on the attractiveness of Markets to shoppers

The Council recognise that Ridley Road needs to be a more pleasant place to shop. The Association has raised issues like fly-tipping, drug-abuse, alcohol-abuse and counterfeit goods as issues they would like to see addressed in a bid to make the Market a safer place to shop in.

Recommendation 15

- The Markets Service will work closely with Traders and Associations to establish a cross-Council and multi-agency Partnership Working Group with the aim of tackling ASB issues considered to be detrimental to their success

Review operational times to ensure they meet customer needs

It has also been identified that there is a demand for the days and times that Hackney's Markets are trading to vary. With the input of Traders, Associations and customers a review of operational Market times will be undertaken.

The review will include an assessment of the following:

- Evening or late night trading
- Extending the existing hours or days of operations
- Reducing the number of days.
- Retaining the status quo.

Recommendation 16

- The Council, Traders and Associations will review Market's operational times to ensure they meet customer demands and consult on any changes

Ensuring our Markets are managed fairly and transparently

The Council wishes to promote a fair and proportionate service for customers by having effective and transparent processes and practices. Recommendations detailing the Council's proposals to achieve this are outlined here.

Improving standards across our Markets

The new Markets Handbook will be applicable to everyone who works in a Hackney Market - Council, Traders and Associations.

The Markets Handbook will set out the roles and responsibilities for everyone and will be instrumental in setting out the expectations for managing and servicing the Markets.

The Council recognises that some Markets are doing better than others and aims to support all Markets achieve their potential through setting out a set of practical and relevant standards everyone can adhere to.

Recommendation 17

- The Council will work alongside Traders and Associations to develop a Markets Handbook. The Handbook will set out Market operational standards

Ensuring consultations are representative of all stakeholders

Not all Traders are Association members which means that consultations must be sensitive to this dynamic. Going forward Associations will be informed of any forthcoming consultation, with individual Traders and / or the public being consulted depending on the nature of the change being proposed. A new Markets Consultation policy will be drafted.

It must be noted that some changes, such as fees and charges and designations are regulated by statute and hence this new policy will not apply. The proposed Markets Consultation policy will explain the differences.

Recommendation 18

- A new Markets Consultation policy will be drafted and adopted

Training for Market Service staff and Traders

Significant progress in delivering training to Council staff has been achieved. However, the following work streams have been identified as potential actions for the new training plan covering the 2017-2020 Strategy. This plan will also propose a development programme for Traders with the aim to advise on business development.

The breakdown of the proposed development programmes would include the following for Market Inspectors and staff:

- Inspector Role training - to develop helpful, effective Market Inspectors who manage the Markets efficiently.
- Training for Markets Admin Officers to ensure effective support is provided to Inspectors and the public in a friendly, efficient manner
- Training for Inspectors, Support and Finance officers on CRM system
- Health and Safety - All Inspectors to attend IOSH accredited training to ensure their duties are accomplished in a safe manner taking risk eventualities into consideration.
- First Aid - All Inspectors have attended Emergency First Aid training allowing them to deal with any health issues in the first instance. This certification will be refreshed to retain validity.
- Customer Service training for all officers in service.

For Traders:

- Bi-annual New Trader focus group
- Business development
- Business advice and support
- Trader support workshop
- Connecting with Community Links to implement local community initiatives

Recommendation 19

- Implement a new training and development plan to support Market Officers

Recommendation 20

- Implement business support and development workshops for Traders

Raising standards through public recognition of excellence

To promote the success of and adoption of consistent standards across all Markets, the Council will facilitate the promotion and recognition of excellent performing Traders and Markets including submission to award schemes such as the:

- The Mayor of Hackney's Business Awards,
- NABMA (National Association for British Market Trades) Annual Markets Award
- BBC Food and Farming Awards (Best Market Category)

Recommendation 21

- The Council will promote best practice in Markets and recognising individual Traders. A public relations plan will be developed that will plan for annual submissions.

Recommendation 22

- The Council will design and introduce a Hackney Markets quality mark for Traders to promote quality and high standards in Hackney's Markets by 2020.

Managing the Council's Markets and Enforcement services

To improve the customer experience in Hackney's Markets, it is proposed that internal Service Level Agreements (SLAs) are developed between the Council's Markets,

Environmental Health, Trading Standards and Environmental Enforcement. The aim will be to ensure that Council services delivered to Markets are professional, responsive and good value.

Recommendation 23

- The Market Service will develop a set of internal Service Level Agreements (SLA) with other Council departments to manage service delivery and monitor budgets

Advertising of food hygiene ratings and ‘buy with confidence’ cards

To promote and recognise the trade of high quality products in all of Hackney’s Markets, the following recommendations are proposed. The ‘buy with confidence’ initiative will be developed by identifying best practice examples from the Markets and applying this standard across all Traders.

Recommendation 24

- All food Traders will display a food hygiene rating sticker to publicly reassure the consumer and promote the quality of produce on offer

Recommendation 25

- The Council will develop the criteria of an outward facing ‘buy with confidence’ card initiative and establish the assessment processes that will award the card to Traders who demonstrate the purchase and sale of high quality goods

Hand washing facilities

The Food Hygiene (England) Regulations 2006 and Regulation (EC) No 852/2004 Hygiene of Food Stuffs requires Traders to have hand basins on their stall to lessen the risk of food contamination and food related illnesses. The Council is proposing that all food handling stalls are equipped with hand washing facilities.

Food handling stalls in this instance are where food is exposed or cooked but not pre-packed and hence a Trader would be handling, processing or packing this food at their stall.

The requirement for a wash hand basin does not extend to fruit or vegetable stalls as these items will be washed, peeled or cooked.

Where necessary, facilities for washing food should be separate from hand washing facilities.

Recommendation 26

- All Traders handling unpacked raw meats and fish and or cooked produce will have hand washing facilities on their stalls

Management of commodities

Prior to the EU Referendum, the Government made clear its intention to ensure that street trading and pedlary was compliant with the EU Services Directive.

One of the key provisions in Paragraph 28 (6) of the 1994 Act, which overtook the 1990 Act, is the ability of a street trading authority to refuse an application for a street trading licence on the grounds that there are enough Traders in the street or any adjoining street selling the goods the new Trader wants to sell from.

The UK government's view was that this was contrary to the Directive and intended to repeal the provisions. A concession was made that refusal could still be justified on public safety grounds, in all probability this would not provide any grounds on which to manage the sale of types of commodities.

At the time of writing it is uncertain how the vote to leave the European Union will now affect these proposals, but if the plans do go forward, the removal of the commodity mix and cap will have a major impact on our Markets.

As and when new information becomes available, the Council will work with the Associations to assess the impacts of these proposals on Traders.

Recommendation 27

- The Council will continue monitor the legislative position of the proposed amendments to UK legislation relating to street trading to align it with the EU Service Directive and liaise with Associations should the position change

Performance management of Markets

Already established within the Council is the Markets Street Advisory Board. It is a forum for senior Council management, elected Lead Members, Traders from each Market, and other external stakeholders to discuss the development of and progress made in the Markets on a bi-annual basis.

Many improvements have been made in the last five years. However these have been very project-based or specific to individual outcomes. The lack of appropriate Key Performance Indicators (KPIs) has meant that good outcomes have not been monitored consistently.

As the 2017-2020 Strategy continues with the aim of delivering cost neutral service to Markets it is time to widen the areas that could be linked to a KPI.

Examples of KPIs could include, but not limited to, the following:

- Stall occupancy
- Temporary versus permanent Traders
- Trader turnover
- Number of Traders on a waiting list, to include length of time on the list
- Trading days
- Pitches let
- Number of Traders
- Profit
- Indirect and direct jobs

It will help understand the changing needs of Markets and ensure that a response to issues can be targeted. Reporting on a set of KPIs should help stakeholders see improvements or progress made, or problems emerging.

The Council already measures a number of these areas, however the data needs to be benchmarked, collated and published for key stakeholders to easily review and for it to be meaningful. Once established the Council can use the data to develop action plans across the Markets on a bi-annual basis.

Recommendation 28

- The Council with the Street Markets Advisory Board will develop a suite of Key Performance Indicators for Markets. A bi-annual monitoring report will be produced

Commissioning Market studies

The Council commissioned the Retail Group to undertake a studies of its Markets, the most recent completed in 2013. The Studies were very helpful and provided the Council with a valuable insight to the borough's Markets. The analysis included:

- Footfall
- Trader opinions
- Customer demographics
- Identified areas for improvement

The data obtained has been instrumental in shaping the 2017-2020 Strategy. The studies provided an overview of each Market from the perspectives of the customer and the Trader.

The data obtained from this work has been invaluable and has allowed the Council and its stakeholders to make informed strategic decisions.

Recommendation 29

- The Council will commission a new study for each Market to update the 2013 study and plan for a five year cycle of analysis going forward

Online services for Traders

The Council is in the process of reviewing all of its corporate back office processes. This process is migrating more service interaction online. For Markets this incorporates improving the customer relationship system that connects with Traders.

The processes will be simplified and customer focussed, delivering a quicker and more effective service to Traders. This includes:

- Online applications for temporary and permanent licences
- Quicker and easier pitch payment
- A faster turnaround time for licence processing

Recommendation 30

The Council will provide Traders with access to online services that will include:

- Online applications
- Online payments for all Markets

Explore a borough-wide license for the Teenage Market

The Chatsworth Road Association have suggested a teenage Market in the borough to encourage entrepreneurship amongst young people. Over one quarter of Hackney's population is below 20. The teenage Markets are a great opportunity to nurture business talent from an early age. A trial has been launched in collaboration with Student Makers at the new Well Street Market in December 2016.

Recommendation 31

- The Council will explore a borough-wide license for the Teenage Market to promote enterprise and introduce young people to entrepreneurship

Take surrounding shops into account when assessing commodities mixes

Markets can have a positive effect on businesses along the streets where they trade. Markets - whether the traditional street Market or organic farmers' Markets - bring people together to buy, to sell, to meet, to share, to discover and to socialise.

Markets also bring greater levels of footfall into surrounding shops. However, shops surrounding the Markets and Traders can end up competing for the same customers, both selling the same goods. The Council aims to promote a balance of competing trade opportunities in these circumstances and will attempt to curate the Market so as to add value to both Trader and the surrounding shops.

Recommendation 32

- The Council will review its Commodities policy to ensure surrounding shops are taken into account when allocating pitch space so the balance of trade between Market and Shops is complimentary. The Council will develop a fair and transparent commodities policy which will promote fair competition between businesses.

Market demographics

To help Traders understand who their potential customer base is, how it is changing, and what possible opportunities it may present to attract new customers to the Market. The Council will share the demographic information at its disposal and where there are shortfalls will commission studies to provide the information. The intention is to equip Traders to identify and cater for local customers.

Recommendation 33

- The Council will provide Market Traders and Associations with information on the social and economic demographics of local residents and customers.

Appendix: Review of the 2010-15 Market Strategy

Over the last five years extensive work has been undertaken to support Markets in Hackney, including the redevelopment of Hoxton and Ridley Road along with the re-launch of Chatsworth Road Market and the expansion of Broadway Market.

The following is a summary of the key successes delivered on the back of the aims outlined throughout the term of the last Market Strategy:

Ensure legislative and statutory compliance across the range of business activities
In 2011, Waste audits were regularly undertaken in Hackney's Markets, which have improved and increased the recycling of Markets waste.
Build satisfactory financial accountability, including the regularisation of income and costs
Cashless payment system on street was established for temporary Traders. No longer accepting any cash payments for anything, only cheque, debit/credit card, postal order and direct debits.
Additional Pay and Display parking facilities were introduced around Markets so as to better facilitate Market visitor numbers.
Develop a comprehensive data management strategy
New transparent financial management arrangements were put into place which allowed for effective accounting.
Develop a more comprehensive Property Management Strategy
Traders were reported as segregating their waste (general waste; recycling organic waste and flat packing cardboards and stacking wooden pallets for recycling). In total 20.57 tonnes was diverted to recycling from all Markets, this represents a recycling rate of 47.5%.
Continuously improve stakeholder engagement and consultation practices
Creation of the Markets Advisory Board, which is a forum for Trader representatives or Associations to sit around the table with Council Officers and discuss key strategic issues.
Improve communication and public access to information
Market inspectors have also been provided with push bikes for use in their inspection of all Markets. This has ensured that Markets in their operation contribute to the sustainability of the wider green environment within the borough.
Introduce initiatives to improve operational management, leadership and support for members of the Service
Chatsworth Road Market trialled in November to December 2010 before moving into weekly in June 2011.
Discounted rates for new Traders in Kingsland Waste, Well Street and Hoxton Markets were introduced in July 2011 for a six month period and re-introduced for the new financial year in April 2012 to end of March 2013.
Develop and deliver projects to improve general Market operations
The full refurbishment of Ridley Road Market, (including remarking by studs, numbering of pitches, electric supply bollards and waste management). £1.1 million was spent on new footways and carriageways to improve the look of the Market for shoppers and those who trade there.
Hoxton Street Market (including numbering of pitches, remarking by studs, painting of gates, and electric supply columns put in good working order for Traders use).
Develop and deliver projects in response to various Market-specific issues

Ridley Road and Hoxton Markets were rebranded and identifiable banners were put up along the lamp columns giving each Market its individuality at the same time being a Hackney run Market.

Broadway proposal to extend Broadway Market trading into the 'Westgate Street Triangle' area on Saturday only, between the existing Market trading hours of 7:30am – 6pm.

Designation of Hackney Markets

A project was initiated to enable the Council to formally designate streets for trading. Markets consisting of only temporary Traders do not require designation. The Council designated its Markets to ensure compliance with the London Local Authorities Act 1990 in the event that permanent licences are granted. A resolution was granted by Full Council on 26 February 2014. This exercise was done to encompass changes and new developments made to the Markets over the years.

Review of Fees and Charges

Following a public consultation in late 2013, the Council reviewed the cost drivers used to calculate the proposed fees, its model for calculating fees and charges, and individual Market occupancy. As a result, fees and charges for street Market licences for permanent and temporary Traders were set to achieve the following:

- Recovery of the full costs at Chatsworth Road Market;
- Increase of fees and charges at Well Street and Kingsland Waste to begin to recover the full cost of these Markets;
- Introduction a new scheme for supporting new Traders across all of Hackney's Markets;
- Introduction of a new stall hire inclusive fee for Hoxton Market, with the same for temporary Traders irrespective of how long they had traded.

The principles informing the calculation of the fees took a zero based approach to set the cost base across all Markets. Where it was clear that due to the significant subsidy the Council provided to individual Markets i.e. Kingsland Waste then an increase in the fees was made in order to bring the Market gradually closer to a break-even point, in order to minimise the impact on Traders.

Where a Market was no longer operating as a regular Market (such as Well Street), the fees were aligned to other Markets or miscellaneous sites. Fees for miscellaneous sites have been increased to reflect the cost of monitoring and inspecting satellite sites. The new fees and charges were introduced on 1 September 2014.

Variable Charging

In 2013 the Council worked closely with the Ridley Road Association to create an innovative pricing structure for the Market. A structure based on footfall, occupancy and location was introduced in 1 July 2014, with the aim of increasing stall occupancy in the least heavily visited section of the Market. As a result of the new structure, the project saw stall occupancy rise in the St Mark's Rise section from 58% to nearly 70%.

Ridley Road Market projects

While Ridley Road is the largest Market within Hackney, the budget in 2014 showed a deficit of £242,438, which meant it was heavily subsidised by the Council. The aim for this Market was to substantially reduce this surplus by 2015/16 by:

- Increasing footfall;
- Reducing cost, particularly in relation to waste disposal; and
- Increase the number of Traders.

A number of work-streams were put in place to help the Council and Association achieve these aims:

Waste Minimisation - A progressive Waste Minimisation and Savings Strategy was developed and agreed in a joint partnership between the Parking and Markets, Environmental Operations, and the RRMTA (Ridley Road Market Traders Association). As Traders reduced their waste and increased recycling activities, the Council could reduce its costs for Ridley Road Market. In Q1 of 2013, £34k worth of saving were made by reducing resources, a further £20k was found by reducing the disposal costs. The recycling rate increased from 70 % in March 2013 to 80 % in April 2014.

Time Banding - On 28 October 2013 time banding for Business Waste was introduced to Ridley Road Market. Two time bands were introduced which are operational on each day; one in the morning 06.00 – 07.00 and one in the evening 18.00 – 19.00, during which waste and recycling would be collected.

Storage - The container yard located in Ridley Road Market was refurbished in 2013 and the whole area cleaned up in an effort to improve the image of the area, which had lacked proper maintenance and attracted vandalism, rodents, criminal activities and fly tipping.

In September 2013 14 old containers - many of which were in poor condition - were removed. The whole yard was cleared of all waste and debris and the surface of the yard was laid with a new tarmac in only five days, after which 16 new containers were installed. As a result the local environment has been much improved.

Branding - Working with the Ridley Road Market Trader Association, the Council developed new lamp post banners, with each image representing the diverse culture and products sold in Ridley Road Market. The new lamp post banners were put up in July 2016.



Shop Fronts - The Council also invested £800k in refreshing every shop front on Ridley Road, making the Market more attractive, cleaner and brighter to customers.

Hoxton Market projects

Hoxton Street Market Traders Association - As part of the regeneration project for Hoxton Street Market, Traders were encouraged to form an Association in order to facilitate a better working environment and effective communication lines between both the Council and each other.

The Association is still at an early stage and needs more input from Traders in order for it to be a fully effective group, but those who have been part of it so far have put in a great deal of effort and have worked closely with the Markets team making positive contributions towards current projects and initiatives.

Branding - In 2014 Steve Edge Design was commissioned, to produce a new brand for the Market. Steve grew up in Hoxton and has his agency located in the area. As with Ridley Road, a brief was given that was heavily centred on the new brand reflecting the traditional and contemporary aspects of the Market and its surrounding area. The Council wanted the brand to be something that every visitor, customer and Trader could take ownership off and feel proud to represent their Market.

Inspiration was taken from a classic symbol of East End Traders, the linnet bird and applied it in a contemporary fashion to create the new brand. The following image is of the banner concept which incorporates the logo.



Upon successfully selecting the brand, the banners were also implemented along the Market and have been fantastically well received by both Traders and visitors alike.

Stalls - In order to encourage more Traders to try the Market out and create a consistent look throughout the Market, new stalls were hired. The fee for this service was incorporated

in the overall pitch fee to provide a low-cost alternative to either hiring or purchasing their own stalls. Stalls are now placed back-to-back along the centre of the street as opposed to facing opposite each other against the public footpaths, creating more space in the Market for movement and increased visibility of both the stalls and the shop fronts through Hoxton Street. The stall hire proved to be successful, this led the Council to purchase 44 stalls at the end of 2014 in order to make the scheme more cost-effective.

Social media and promotion - Hoxton Street Market has Facebook, Instagram and twitter accounts, which received an ever increasing number of followers (twitter currently has over 2600 followers). The aim is to eventually handover the control of these accounts to the Traders Association when it becomes more robust and organised but for the time being it is maintained by the Markets team. The Market is home to a number of events, mainly in the summer, which have boosted the profile of the Market.

Summary

Work on the Strategy over the past five years has significantly reduced the deficit on the Markets Account through a mix of cost saving measures, implemented in conjunction with the Association on Ridley Road, as well as promotion and improvement schemes across the Market portfolio. Through working in partnership stronger working relations have been developed between Traders and the Council and the aim in the next strategy is to continue this whilst developing similar approaches in Chatsworth Road, Well Street and Kingsland Waste and re-launching Goldsmith Row. It is recognised that emphasis must be put on the performance and Marketing of Hackney's Markets to build upon the work done between 2010 and 2015.

9. Enforcement

Persistent breaches in the terms and conditions will result in the initiation of enforcement actions against those not adhering to the rules of their licence. It is important that traders follow these rules as they ensure that traders and the Markets Service alike can maintain the high standards and reputation of the markets. The terms and conditions are also designed to maximise the safety of the traders and the public, which is why it is so important to follow them.

Continued failure to abide by your terms and conditions will ultimately result in enforcement action being taken against you. The levels of enforcement are as follows: verbal warning, written and final warning, fixed penalty notice, seizure of goods, revocation of trading licence. Please note that enforcement action will only be taken as a last resort.

For detailed information about the Council's enforcement policy, please see the following page: drive.google.com/file/d/1pSiovCkrKIEP9emkIVqiaL6iC9AXTNok/view.

Any person who engages in street trading without the relevant licence shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale, in accordance with section 38 (1) of the London Local Authorities Act 1990.

In some cases where we obtain evidence of illegality, we may decide to issue a simple caution. A simple caution is a warning given to someone who commits an offence. The offender has to admit to the offence and give an undertaking not to commit further offences. A record of the caution will be kept and can be used in criminal proceedings at a later date if further offences are committed.

If previous warnings have gone unheeded and further offences are committed, we may decide to initiate prosecution proceedings. However there may be occasions, where due to the nature or severity of an offence, prosecution proceedings are instituted without the benefit of any warnings or previous enforcement action.

10. Officer Licensing Panel (OLP)

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 a licence, the needs of the market, commodity mix and customer offering when making a decision.

The Officers Licensing 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 the 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 the appeal.

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 licensed 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 the 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 Licensing 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 up to 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.

TERMS OF REFERENCE OF THE MARKETS AND STREET TRADING OFFICER LICENCING PANEL FROM APRIL 2020

Introduction

The Chair of the Officer Licensing 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 licensed 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 Licensing Panel.

Panel Members

The Officer Licensing 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 Licensing 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 Licensing 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 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 magistrate's 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.

11. Advisory Board

The Markets & Street Trading Advisory Board is an advisory group of Officers, Stakeholders and Representatives from each of the Street Markets in Hackney. It is designed to develop and maintain a successful working relationship between the Council, Traders and Associations for the benefit of the markets and street trading in Hackney.

The purpose of the Street Markets Advisory Board is to advise on the Market Strategy and Implementation Plan and to monitor the performance of the programme.

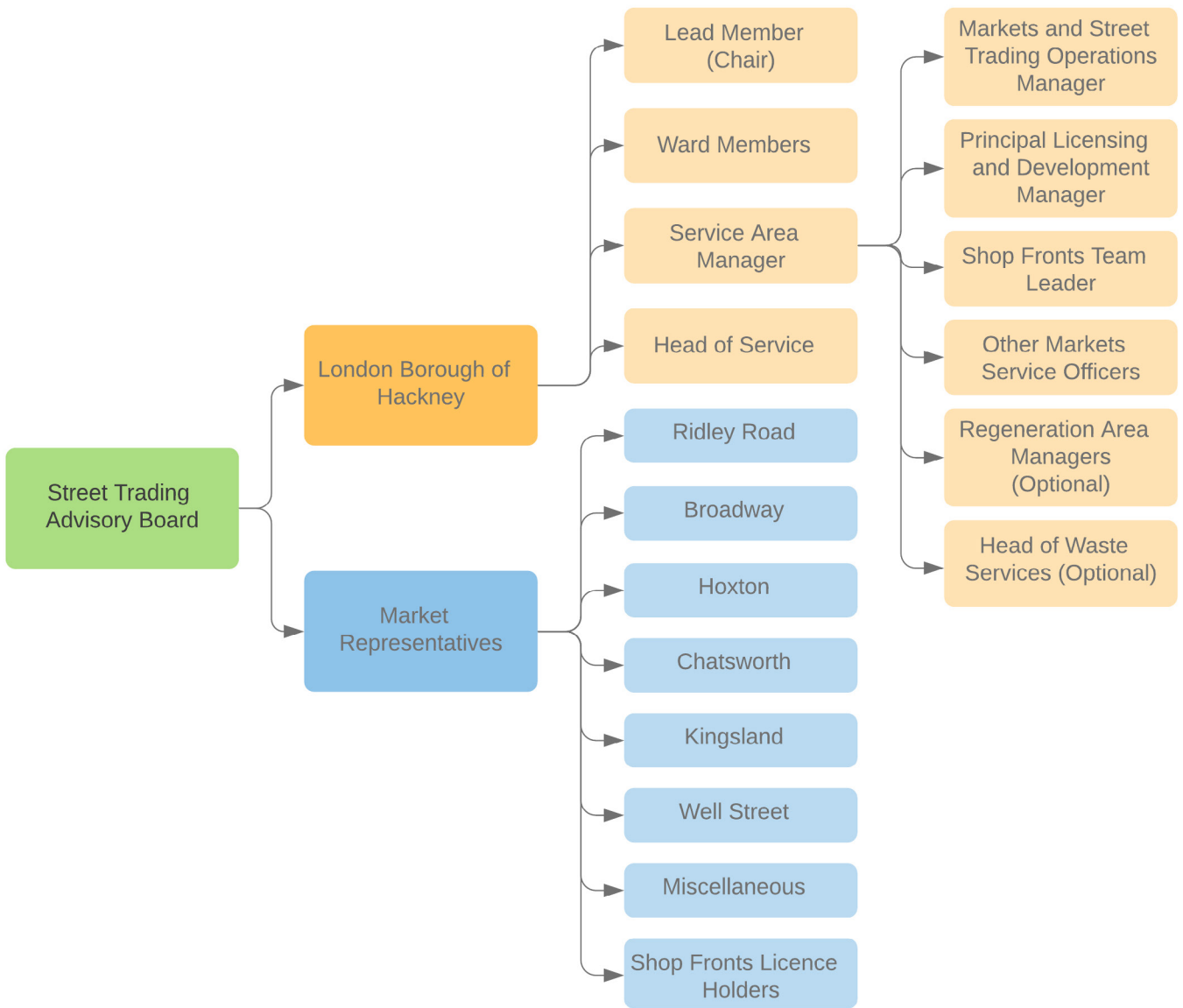
1.1 Specifically, the Street Markets Advisory Board will:

- Financial performance & reduction of any market specific financial deficit.
- Street trading compliance with EU/UK regulations.
- Licencing, regulation & enforcement.
- Fees and charges reviews.
- Trader handbooks and policy review.
- Expand waste minimisation scheme & improve market sustainability and waste operations.
- Explore and review the impact of ASB on markets and street trading sites.
- Review key performance indicators.
- Review and develop ICT support.
- Explore opportunities afforded by NABMA, NMTF, LBM, GLA, DWP and NEA
- Creation of new markets & street trading sites.
- Promote national programmes such as ‘Shop Local Campaign’ and ‘Love your Local Market’.
- Manage a creative and vibrant online and social media presence.
- Assess operational days and times according to customer demand.
- Support Trader business development through the Trading Places workshops and training courses.
- Economic development opportunities
- Establish partnership working groups
- Wider operational activities & resource requirements across street markets
- Investment and support of Hackney’s own ‘Teenage Market’
- Promote self-employment opportunities.

1.2 Membership of the Street Markets Advisory Board

- Lead Member for Planning, culture and inclusive economy (Chair)
- Ward Members (Markets Champions)
- Head of Service for Parking and Markets (Senior User)
- Service Area Manager for Markets, Shop Fronts and Street Trading (Deputy Senior User)
- Markets and Street Trading Operations Manager
- Principal Licencing & Development Manager
- Markets Street Trading Development Manager (Project Manager)
- Shop Fronts Team Leader
- Markets Service Development and Projects Officer
- Markets Service Digital Communication and Projects Officer
- Markets & Trader Representatives
- Shop Fronts Representatives
- Regeneration Area Managers
- Waste Operations Head of Service
- Other relevant officers may be called to attend when applicable

The Advisory Board will be made up as such:



TERMS OF REFERENCE FOR THE STREET MARKETS ADVISORY BOARD

1. Governance

1.1 The Street Markets Advisory Board is an advisory group of Officers, Members and Representatives from each of the Street Markets in Hackney.

2. Scope

2.1 The Markets Strategy is designed to improve the vitality and viability of street markets in Hackney by coordinating the Council, Traders, Associations and other stakeholders involvement to deliver a cost-effective and high-quality market services for residents and traders. A Markets implementation plan has been designed to ensure the strategy is successfully implemented.

2.2 The Markets Strategy is a collection of projects and business-as-usual activities as they operate across all Street Markets in the Borough.

2.3 Those projects and business-as-usual activities cover:

- Financial performance & reduction of any market specific financial deficit.
- Street trading compliance with EU/UK regulations.
- Licencing, regulation & enforcement.
- Fees and charges reviews.
- Trader handbooks and policy review.
- Expand waste minimisation scheme & improve market sustainability and waste operations.
- Explore and review the impact of ASB on markets and street trading sites.
- Review key performance indicators.
- Review and develop ICT support.
- Explore opportunities afforded by NABMA, NMTF, LBM, GLA, DWP and NEA
- Creation of new markets & street trading sites.
- Promote national programmes such as ‘Shop Local Campaign’ and ‘Love your Local Market’.
- Manage a creative and vibrant online and social media presence.
- Assess operational days and times according to customer demand.
- Support Trader business development through the Trading Places workshops and training courses.
- Economic development opportunities
- Establish partnership working groups
- Wider operational activities & resource requirements across street markets
- Investment and support of Hackney’s own ‘Teenage Market’
- Promote self-employment opportunities

2.4 New projects may be added to the programme, subject to the agreement of the Director of Public Realm.

3. Purpose of the Street Markets Advisory Board

3.1 The purpose of the Street Markets Advisory Board is to advise on the Market Strategy and Implementation Plan and to monitor the performance of the programme.

3.2 Specifically, the Street Markets Advisory Board will:

- Comment on regular progress reports from the Markets & Street Trading Operations team and the Licencing and Development team.
- To advise on the strategic direction of the markets strategy and operations.
- To advise on the contribution of Street Markets in Hackney to meeting the wider strategic objectives of the Council, Mayoral manifesto and wider local plans.
- To advise on ‘future-proofing’ the market’s strategy by understanding the big picture and anticipating solutions to major challenges ahead.
- To help promote and support community engagement and development.
- To advise on stakeholder engagement on the Markets strategy.
- Ensure the contribution of key supporting and regulatory services and delivery structures within the Council.
- Use the position of its members to help overcome blockages and issues that impede the delivery of the programme.

4. Membership of the Street Markets Advisory Board

4.1 Membership of the Street Markets Advisory Board will be made up of:

- Lead Member for Planning, Culture and Inclusive Economy (Chair)
- Ward Members (Markets Champions)
- Head of Service for Parking and Markets (Senior User)
- Service Area Manager for Markets, Shop Fronts and Street Trading (Deputy Senior User)
- Markets and Street Trading Operations Manager
- Principal Licensing & Development Manager
- Shop Fronts Team Leader
- Markets Service Development and Projects Officer
- Markets Service Digital Communication and Projects Officer
- Markets & Trader Representatives
- Shop Fronts Representatives
- Regeneration Area Managers
- Waste Operations Head of Service
- Other relevant officers may be called to attend when applicable

4.2 Other relevant officers may be called to attend.

Frequency

- The Markets Advisory Board will meet yearly.
- Agenda, meeting minutes, attendance and decisions shall be recorded.
- At least 14 days' notice of meetings shall be given with papers circulated 5 days in advance. At the chairs' discretion, emergency late items may be tabled.
- The Terms of Reference will be reviewed annually.

12. Terms of Reference for the Operations and Strategy Meetings

Governance

The Operations and Strategy meetings are to enable opportunities for joined-up working between Traders Associations, Traders, Hackney Council, and other stakeholders where applicable.

Purpose of the Markets Management Team Meeting

- To set out and agree the operational aspects of Markets service delivery.
- To discuss any operational issues on the markets/street trading sites.
- To advise Association representatives of any planned reviews/changes to service.
- To discuss any infrastructure matters relating to the markets/street trading sites.
- To discuss any other issues the Trader Association representatives or invited traders wish to raise in relation to the market/street trading sites.
- Be responsible for the implementation of the Markets Strategy and Implementation Plan.
- To implement these in partnership and accordance with the objectives of the Market Strategy.
- Ensure that the programme is managed and developed in a joined-up way.
- Monitor projects to ensure they are delivered to specification, time and budget.
- To reduce incidents of Anti-Social Behaviour related crime in Hackney Markets and to prevent drivers of ASB.

- To facilitate partnership organisations and representatives to share necessary information, and to develop and utilise the necessary frameworks needed in order to tackle and prevent instances of ASB.

Membership of the Markets Operational and Strategic Meetings

- Service Area Manager for Markets, Shop Fronts and Street Trading (Chair)
- Markets and Street Trading Operations Manager (Deputy Chair)
- Principal Licensing & Development Manager
- Markets Street Trading Development Officer
- Shop Fronts Team Leader
- Markets Service Development and Projects Officer
- Markets Service Digital Communication and Projects Officer
- Licensing & Operational Support Officer
- Markets & Trader Association Representatives
- Ward Members (Markets Champions)
- Hackney Market & Street Trading Licence Holders – By appointment.
- Co-opted Representatives – By appointment.
- Other relevant officers may be called to attend when applicable

Standard Agenda

- Introductions and Apologies.
- Review of Notes and Actions
- Further Updates
- Raise Concerns and Agree Actions
- AOB.
- Date of Next Meeting.

Expectations of Panel Attendees

- The panel should be treated as an open forum with the exception of any ASB related meetings which will be a closed and confidential forum specifically. It should not be treated as a channel for sharing information publicly, or as an assembly for other unrelated discussions.
- It will be restricted to core group members, however, will permit additional members on a case by case basis where it is deemed appropriate.
- Each Service representative attending the panel will consist of a lead contact for their organisation and will be required to appoint a deputy. Deputies attending the panel should have a suitable level of authority within their organisation to ensure that decisions and actions are completed within the appropriate time frames.

All Panel members are responsible for:

- Attending each meeting.
- Being the point of contact for their work or representative area in relation to all enquiries.
- Bringing relevant and up to date information, involvement, actions, or casework to the panel.
- Adhering to and completing relevant actions assigned to them in time for the following meeting.
- Appointing a deputy, (with a suitable level of authority), to attend in the event of their absence.

- Informing the Chair/Deputy Chair of who will be deputising for them in advance when they are unable to attend.
- Other agencies and professionals are permitted to attend the panel only if they are involved in a particular case. Observers may also attend subject to agreement from the Operational/ Strategic Chair.

Frequency

- Operational Meetings will take place once every 6 weeks.
- Strategic Meetings will take place once every 8 weeks.
- Agenda, meeting minutes, attendance and decisions shall be recorded.
- At least 14 days' notice of meetings shall be given with papers circulated 5 days in advance. At the chairs' discretion, emergency late items may be tabled.
- The Terms of Reference will be reviewed annually.

13. Corporate Committee

Our Shop Fronts and Street Trading function is scrutinised by and reports into the corporate committee.

The Corporate Committee meets twice a year and is responsible for maintaining oversight of the Council's regulatory functions, planning, elections and human resources. The Committee is also responsible for any other Council function that has not been specifically allocated to Full Council or any other committee.

The Corporate Committee will establish a planning Sub-Committee for the purposes of determining planning applications in accordance with the Planning Sub-Committee terms of reference.

Terms of Reference

Corporate Committee

The Corporate Committee is responsible for the functions set out below:

Regulatory Framework:

1. To discharge all non-executive functions not allocated to the Council or another Committee.
2. To appoint a Planning Sub-Committee and approve its terms of reference, procedures and protocols including the adoption of a Planning Code of Practice.
3. To appoint any Sub-Committees within its remit deemed necessary to perform its functions and approve their terms of reference, procedures and protocols.
4. To develop, review, monitor and maintain a strategic overview of the Council's regulatory function.
5. To consider the functions relating to health and safety under any relevant statutory provision within

the meaning of Part 1 Health and Safety at Work Act 1974, to the extent that those functions are discharged otherwise than in the Council's capacity as an employer.

6. To consider Polling District and Place Reviews undertaken in accordance with the Representation of People Act 1983.
7. To develop, monitor, review and make recommendations to Full Council on the adoption of Byelaws.
8. To consider recommendations to other bodies of the Council on policy development and responses to Government consultations within the remit of the Committee or its Sub-Committees.
9. To approve any Member training deemed necessary for the Committee or its Sub-Committees.

Human Resources

1. To maintain a strategic overview of Human Resources matters, including adopting any proposed changes to current policies which may affect the terms and conditions of staff employed by the Council.

The quorum for the Corporate Committee shall be 4 Elected councillors.

14. Code of Conduct for Traders' Associations and Stakeholders

When interacting with the Council and/or representing traders who have been licensed by the Council, it is important that traders' associations and other stakeholders maintain a high level of professionalism, particularly as you are in the public eye. This document outlines the expectations that the Council has with regards to behaviour and conduct of all associations and stakeholders.

The Code of Conduct outlines seven principles, each of which are expounded upon throughout the document. These are as follows: serving the public; representing the traders; honesty and integrity; accountability; respect for others; management and leadership; and political neutrality. It is important that all those who represent street traders encapsulate these principles to ensure fair treatment and representation of all traders.



Code of Conduct for Traders’ Associations and other Stakeholder Community Groups

Your conduct, decisions and actions as public figures and trader representatives are important to Hackney.



1. Introduction



Stakeholder Relationships

Hackney's Markets Service forms part of a corporate structure of Officers who operate the Council's functions and services in line with direction and objectives set out in the Mayor's manifesto. Hackney is one of a select number of local authorities who have a publicly elected Mayor as well as Councillors. The way in which services are delivered can have a profound effect on the quality of the lives of our community and, like our elected Members and officers, you as Trader Association Leads are accountable to the Traders you represent at all times.

Lead trader association members are expected to demonstrate high standards of professional conduct as well as high standards of service and support to their members. The way you carry out your duties must promote and maintain trader confidence and trust in the work of each and every one of the Traders Associations.

This Code of Conduct provides a framework for your behaviour, decisions and actions as a trader representative. It is not an exhaustive list of what you can and cannot do, but aims to help trader association leads understand the ground-rules that must be observed, including the ways in which leads interact with elected Members and council officers. If at any time you are unsure about the 'right thing to do', you can:

- Refer to this Code of Conduct and/or any policies, procedures, guidance or the terms and conditions that apply to your licence and role.
- Discuss the situation with your ward members or Markets & Street Trading Management.
- Contact the Markets Service on 0208 356 5300 or email on markets.service@hackney.gov.uk.

This Code of conduct forms part of your terms of reference in respects to stakeholder engagement with the Council and you must comply with it. Failure to do so may result in the Council no longer recognising a member of the association and/or the entire traders' association as a stakeholder and end any working relationship and engagement previously agreed. It is your responsibility to read this code and work in accordance with it. This code applies to all traders' association representatives and anyone engaged by the Council on behalf of licensed markets, street or shop front trading activity in Hackney.

This Code consists of seven key principles of working in collaboration with Hackney Council Markets and Street Trading Service. Further information on these standards can be found in Section 3.



2. The Seven Principles of Working With Hackney



- 1** **Serving the public** – Work with the highest standards of customer service and with customers at the heart of every decision.
- 2** **Representing the Traders** – Present yourself at all times in a way that brings credit to the licence holders you represent. Although you may speak publicly and publish articles about Council business without express permission, you may not speak for or on behalf of the Council.
- 3** **Honesty and integrity** – Never place yourself in a position where your honesty and integrity may be questioned and avoid conflicts of interest between your private interests and your public duties as a trader representative. Make all decisions fairly, consistently and on merit with the ongoing vibrancy and success of the market and its customers at the heart of every decision made. This includes when making committee appointments, holding public meetings with members, or making recommendations to the council on operational or strategic issues, concerns, actions and opportunities and ensuring that they are recorded appropriately.
- 4** **Accountability** – You are accountable to your members, to Councillors and to the Council for your actions. You must use any funds entrusted to you in a responsible and lawful way that ensures value for money for your members, and always act in accordance with the financial rules that govern your organisation and public or make available your accounts where applicable.
- 5** **Respect for others** – Promote equality by never discriminating against any person and by treating members of the public, traders, Council officers and elected Members with respect regardless of their age, disability, gender reassignment or gender expression, marital or civil partnership status, pregnancy or maternity, race, religion or beliefs, sex, sexual orientation or political affiliation. While you may have personal views that are not those of the Council, you must ensure that these are not expressed in a way that brings the traders association into disrepute or adversely impacts on your ability to do your job.
- 6** **Management and leadership** – Role model behaviours and compliance to the rules and regulations through your promotion of these principles and operate consistently, openly, fairly and transparently at all times.
- 7** **Political neutrality** – Be politically neutral and unbiased at all times when working in collaboration with our elected Members and Council Officers. You must respect their position irrespective of the parties they represent or your own views.



3. Our Principles in Detail



3.1 Honesty and Integrity

- **Avoidance of corruption**

Never use your official position or authority to seek to improperly influence a decision or action or for your own personal gain. Always work in accordance with the financial guidelines set by the FCA, Office of the Regulator of Community Interest Companies, Charities Commission or other regulatory body for your specific organisation and ensure production of all accounts at the end of the financial year are examined by a suitable person who is independent of the group. The annual accounts should then be presented at your Annual General Meeting (AGM). The accounts of the Association shall be available for inspection by any members of the Association or the Council in the interests of transparency who require seeing them, within 28 days. The request for inspection must be made in writing to the Treasurer.

- **Dealing with conflicts of interest**

You must aim to avoid conflicts of interests between your private interests and your public duties representing businesses, licence holders and residents. You must declare them in writing should they occur. Examples of conflicts of interests include:

- Being a member of an organisation that is already contracted or attempting to be contracted to the Council.
- As an executive or non executive member of an organisation, taking decisions relating to representation in enforcement processes, consultation or engagement in changes to the operation or delivery of the market or service for any licence holder who is a relative, friend or partner.
- As an executive or non executive member of an organisation liaising with an officer of the council who you, your partner, family or a close associate has personal or financial interests in.

- **Accepting gifts and hospitality**

It is not normally acceptable to accept a gift, reward or favour from Council officers or elected members for work done in your official capacity. Any gift offered or accepted must be declared and notification of the gift sent to the Head of Parking & Markets. You must never accept a gift or hospitality from anyone who is or is likely to be part of the decision making process for a contract, an enforcement or licensing decision, planning consent, or recruitment and/or employment with the Council. Any receipt of gifts not declared may result in the decision to reconsider the relationship between your organisation and the Council due to integrity concerns.

- **Dealing with criminal charges and convictions**

You are expected to work within the law and Legislation. You must uphold the law at work and never break a law away from work as this could damage public confidence in you, the service or the Council due by association with you.

You must notify the Council immediately in writing if you are charged with or convicted of any offence. This will not normally affect your licence status unless the offence damages public confidence in you or the Council; or breaches the terms and conditions of your licence. It will however potentially affect your status as a recognised stakeholder and the Council reserve the right to end the association with your organisation.



- **Avoiding undermining the Council and its business**

Never undermine the Council (or its partners) in its business or allow your standards of behaviour to fall below those expected of the traders and residents you serve e.g. by causing criminal damage to Council property; or not paying debts owed to the Council.

3.2 Honesty and Integrity

- **Respect for others**

You must treat licence holders, association members, Council officers, elected Members and the public respectfully and with dignity. You must never discriminate against, harass or victimise any person.

- **Working with Council Officers**

Follow all reasonable instructions given by Councils officers; or any other person with the authority to give you instructions when trading or in communication or collaboration with the Council. You must respect their role which means accepting that you may not always agree with all of their decisions. You must report to Council officers anything that impairs your ability to do your job as an association lead.

Council officers will:

- ensure that you understand what is required of you as a stakeholder and association lead and treat you and the views of your members fairly and objectively at all times;
- promote the principles of fairness and equality in all of our designated trading locations and interactions with stakeholders;
- Facilitate open, honest and transparent communication and provide regular updates and opportunities to discuss these in the appropriate forums with the correct officers and other stakeholders;
- provide you opportunities to voice and raises concerns, feedback, queries, suggestions and play an active role in developing strategic and operational aims and objectives and reviewing the performance of these at regular intervals;
- recognise your need to balance your life as a trader, an association lead and away from work and be as flexible as possible with meeting dates and any agreed objectives and workstreams allocated.

3.3 Representing the traders

- **Protecting the Council's reputation**

Never act in a way that could discredit the Association or the Council or bring it into disrepute – whether performing a task or role as a trader, association lead or not.

- **The Executive Committee**

The committee is a small group of people who manage the work of the group. The committee is selected by the members at the first open meeting (see Step 3) and elections for a new committee are then held each year at the annual general meeting of the group.

As far as possible, the committee should reflect the makeup of the people in the local area, in terms of tenure, ethnicity, age, etc. They also need to be in touch with local people and aware of local needs and



issues:

- The committee hold their own meetings in advance of general meetings, where they discuss plans and proposals in a bit more detail and agree what will be discussed at the general meetings;
- The committee will report any key outcomes from their meetings back to members at the general meetings;
- Any member can attend a committee meeting but they can only speak at the meeting with the chair's permission;
- The committee organise the general meetings and the group's annual general meetings and make sure everyone who is entitled to attend is invited and that the meetings are properly promoted in the local area;
- The committee can make suggestions or propose ideas to the group but should not make any major decisions without discussing the matter with members at a general meeting;
- The committee should ensure that whatever members decide at a meeting is put into action and that any events or activities are properly promoted and run;
- The committee comes up with ideas and suggestions but the whole group should make final decisions. The committee should make sure things happen as agreed, but the whole group should help to get things done.

- **Executive Committee Roles**

All stakeholders and members should be clear on who is in the executive committee what their role is and what they do. There are usually 4 roles within the executive committee

The Chair

A common misconception is that the chair does everything. They do not – in fact they cannot. However, being a chair can take up a lot of time, as they become the focal point of the group and they do have final responsibility for ensuring that everything gets done!

The main responsibilities for the chair are:

- Setting agendas in partnership with the rest of the committee and in particular, the secretary;
- Ensuring that the group gets through all of its business at meetings in the time available;
- Keeping meetings in order – ensuring that everyone has an opportunity to be heard and stopping inappropriate language or behaviour;
- Making sure everyone is clear about what decisions have been taken;
- Ensuring that everyone knows what they are expected to do.

Important: The chair does not have any special powers within the group. The chair only has one vote and they should not make decisions on behalf of the group.

Outside of meetings, the chair is also responsible for guiding the group to achieve its aims, being aware of all activities carried out by the group and ensuring other members of the committee carry out their tasks as agreed.

The Vice Chair

The role of the vice chair is very similar to that of the chair. The main differences are;

- They should not expect to carry out much of the role, unless the chair is unwell or otherwise unavailable;
- Need to be able to follow what is going on and be aware of current activities and future plans, in order to be able to step in at the last minute to manage the meeting, or take charge of an event;
- Will need to work quite closely with the chair and other committee members to make sure they are aware of what is happening;



- They will provide valuable support to the chair, particularly with bigger projects.

The Secretary

The role of secretary will vary from one group to another but tasks generally include:

- Taking the minutes in meetings;
- Keeping the records of past minutes and meetings;
- Setting the agenda in partnership with the chair and the rest of the committee;
- Making arrangements for meetings, booking venues etc.;
- Letting the committee and members know when and where the next meetings will be held;
- Setting up and maintaining the membership records;
- Sending and receiving letters on behalf of the group and keeping a record of all correspondence.

All meeting notes and decisions made must be recorded and shared with members and available upon request. All minutes should be clear and legible.

The Treasurer

The treasurer is the person who should have day-to-day responsibility for the association or organisations money and for keeping accurate financial records. However, it is the Executive Committee who has responsibility for deciding on how larger amounts of money are spent and payments will require signatures from the executive committee and noted in the meeting minutes.

The Association should set up a bank or building society account which requires a minimum of two signatories for any withdrawals, one of whom should be the treasurer. The main roles of a treasurer should include:

- Opening or maintaining a bank account in the name of the group and for paying money into the bank;
- Keeping accurate records of all money received and issuing receipts;
- Paying bills and keeping accurate records of all money paid out;
- Setting up and maintaining accurate accounts for the group;
- Keeping petty cash and a petty cash account book for day-to-day expenditure;
- Preparing financial briefings for the committee and general meetings.

The General Committee Members

As well as the four main committee roles above, all groups should have a few general committee members who will be available to help out with some of the practical aspects of running a traders' association as well as sharing the decision-making.

This should include:

- Taking the minutes in meetings; Attending meetings and taking part in decision-making;
- Taking on specific responsibilities that arise from time to time (such as helping at an event);
- Helping promote meetings or distributing leaflets;
- Organising refreshments;
- Helping to arrange social activities;
- Sharing personal experience, knowledge and skills with the group.

Important: Under the Institute of Physics, it highlights that after a total of 12 years service on a committee an individual must stand down from the Committee for at least 3 years before they can be elected to a position on the same Committee. A person cannot hold the same officer post twice in succession, the terms cannot be served consecutively, there must be a gap of 2 years.



It is also important to note under the bylaws a Secretary and a Treasurer are required. Two or more offices may be held by the same person **EXCEPT** the offices of a Chair and Secretary. If positions within an executive committee are non compliant this will result in the association being considered constitutionally unfit to be engaging with the Council on matters relating to the markets or street trading.

- **Dealing with the press and making public comments**

If you receive any requests from journalists for information, we would appreciate notification to the Council's Communications Service to either support or provide context to the narrative presented. Although you are permitted to publish views or articles about Council business without express permission from the Council, when expressing personal views you must not appear to speak for or on behalf of the Council or make reference to specific officers by name or position.

3.4 Accountability

- **Attendance**

Licence holders who are performing association duties and are engaging with the Council on behalf of the organisation must adhere and operate in accordance with the attendance terms and conditions of their licence. If you are in contravention of these terms and conditions, the Council reserves the right to no longer recognise you as an association lead and discontinue dialogue until such time you are compliant with your licence conditions.

When invited to meetings please provide notice of any non attendance and the reason for this with at least 72 hours notice. Persistent non attendance to meetings with the Council will result in the invitations to meetings and events being withdrawn.

- **Dealing with Licence Holders' money**

Use any public funds entrusted to you:

- in a responsible and lawful manner; and
- ensure value for money for your members and local community; and
- in accordance with the financial regulations and procurement rules

When committing Traders money, you must:

- ensure that there is an approved budget for such expenditure; and
- that the expenditure is within the limits that you are personally authorised to spend.
- Ensure each payment is supported by a receipt, ticket or voucher.
- Any and all petty cash shall be signed by the receiver. The Treasurer shall provide a list of petty cash payments to the Executive Committee, at each Executive Committee Meeting.

- **The Council's facilities, property and equipment**

Never use Council facilities, property or equipment inappropriately; or waste, damage or lose it. You should not use Council facilities or property for private purposes unless it is authorised e.g. limited personal use of the Council's meeting rooms and internet facilities.

- **The Association's information and records**

The Association holds information and records on behalf of its members to enable it to carry out its functions. You must handle this information, including personal and sensitive data, in accordance with GDPR Policies and procedures. You must ensure that appropriate records are created, stored, accessed and disposed of securely, and in line with legal requirements, confidentiality rules and these policies.



- **Constitution**

The constitution will outline the aims and the rules for the group. It will detail how the group will work, such as how often it meets, who can be a member, how meetings will be run and who is responsible for doing what:

- Provides a clear outline of the aims and objectives of your association.
- Gives the association credibility with the Council and potential funders.
- Clarifies the role of the Executive Committee.
- Ensures accountability.
- Enables the association to apply for a bank account.

The final version of the constitution must be agreed by the whole group (not just the committee) and a copy of the final version should be signed and dated at a general meeting and kept as part of the association's records and shared with the Council.

Important: Any changes to your constitution must be consulted with members 14 working days before the Annual General Meeting.

- **Annual General Meeting (AGM)**

An AGM is an annual review of how the association is doing; this meeting is about looking at what has happened in the past year and preparing for the upcoming year. The purpose of the AGM:

- Is to present the chairman's and treasurer's reports of the work and achievements across the year to members, the format of which will usually be within a short written report.
- This needs to include a summation of the year's activities, and provide an end of year financial statement.
- Provide the opportunity for any current Executive Committee members to stand down.
- Allow members to raise a vote of no confidence in one or all of the Executive Committee members.
- Agree changes to your constitution.
- To give members an opportunity to question the Executive Committee and discuss how they see the Traders and/or Residents Association developing.
- Nominate and Elect new Executive Committee members.
- AGMs need to happen within one calendar year, but not more than fifteen months, of each other.

Before your AGM, you need to:

- Advertise it, in line with the time-frame set out in your constitution; good practice is between 14 days written notice.
- Any proposed changes to the constitution must be published and consulted with members in writing, 14 days ahead of the Annual General Meeting.
- Either have one neutral person take responsibility for the AGM process or preferably seek support from Hackney CVS.
- Ask for members to submit any suggested constitutional changes to the Chair prior to the AGM.
- Generate interest in executive positions amongst members and provide information on such positions.



- **Extraordinary General Meeting or Emergency General Meetings (EGM)**

An EGM is an extraordinary or emergency meeting called by the executive committee to discuss an item or importance such as a conflict of interest becoming apparent, or any reason that would directly affect the Committee being able to function within the guidelines and structure set out such as the resignation of an executive committee member, or a need to hold re-elections out of the normal time-scales of office to which any individual has been elected within the current term of office.

The Council and all relevant members of the association or organisation will need to be informed in writing of any EGM within 7 days of one being held and the reason for this EGM.

3.5 Management and Leadership

- **Expectations of Executive Committee and Association Leads**

All Executive Committee Officers and/or Association leads will:

- Treat ALL Licence holders fairly and with dignity and respect even if they are not association members.
- Consult and inform members and licence holders about changes and matters affecting the strategic and operational delivery of their market and/or trading site as well as other Council updates as requested.
- Ensure that members and licence holders know what is expected of them as both members and licence holders.
- Provide support and advice to members and licence holders who have received an invite to an Officer Licensing Panel (OLP) or received an enforcement sanction for non compliance to licence terms and conditions.
- Provide members and licence holders with opportunities to voice concerns in a safe and confidential manner.
- Manage budgets where applicable (specifically if the association are charging members for membership or a service).
- Support the Council's Markets & Street Trading Service with educating, engaging and ensuring full compliance to Licence terms and conditions

3.6 Serving the Traders

- **Working with licence holders and the Council**

The licence holders have a right to the services the Council provides. At no time should the association obstruct, misinform or disseminate inaccurate information in relation to these services or information provided by the Council.

Always perform your duties to the highest standard and treat both members and non members of the association with dignity and respect, taking account of their individual needs. You must promote the Council's aims for equality and social inclusion by actively including all of the active licence holders in your work and encouraging their participation in all areas of the Council's business.

Be honest, impartial and independent at work regardless of your personal views on a matter. If your personal views conflict with the performance of your official duties and you believe that you cannot act impartially, you must contact the Head of Parking and Markets and inform them of this and the reason why and an alternative form of engagement or communication can be implemented.



3.7 Political Neutrality

- **Working in a political environment**

In carrying out your work, you must:

- Be politically neutral.
- Be unbiased in the performance of your duties.
- Respect the function and office of Council Officers and Elected Members, regardless of the party they represent.

- **Working with Councillors**

Whilst we actively encourage positive working relationships between ward members and traders and/or resident associations, you must respect Councillors' rights and not allow your personal and political views to interfere with your working with Councillors. Close relationships between Executive Committee Members and Association Leads and Councillors may be incompatible with high standards of representing the licence holders and members and should be avoided.

4. Breaches of the Code of Conduct



Any breach of the Code of Conduct will normally result in a formal review of the relationship between the Association and the Council. Some breaches (known as gross misconduct) can be serious enough to justify ending the formal working relationship and the Council no longer recognising the Association as an active stakeholder for a first offence. Examples are in Appendix 1 of this Code.

5. Reporting Breaches of the Code of Conduct and Whistleblowing



We are committed to the highest standards of public life and to preventing malpractice, fraud and corruption. If you are concerned about any practice that you think conflicts with this Code, you should report these to the Head of Parking & Markets Service. If you have concerns about theft, fraud and other malpractice within the Traders' and/or Residents' Association you can report these anonymously and confidentially to the Council's independent whistleblowing service, provided by Expolink. You can call Expolink free, 24 hours a day and 7 days a week, on 0800 374199.



Appendix 1

Gross Misconduct - Examples

Any breach of the Code of Conduct will normally result in a formal review of the relationship between the Association and the Council. Some breaches (known as gross misconduct) can be serious enough to justify ending the formal working relationship and the Council no longer recognising the Association as an active stakeholder for a first offence. It is possible that other conduct, not in itself a breach of the Code of Conduct may also amount to gross misconduct. As a yardstick, any act which destroys the relationship of trust and confidence that the Council needs to have in an Association or Executive Committee Member will constitute gross misconduct. This is not a complete list, since the circumstances of each case are different, but you should consider ending the formal working relationship for gross misconduct if they:

- 1) Conceal any serious matter they should reasonably have known to report to the Council.
- 2) Cause loss, damage or injury through serious negligence (e.g. resulting in a loss to the Council).
- 3) Act negligently or recklessly in a way which leads to a serious breach of GDPR.
- 4) Try to obtain a decision or action from the Council by lies or deception.
- 5) Seriously demean or offend the dignity of others or abuse their position.
- 6) Refuse to carry out a legitimate instruction from an authorised officer of the Council.
- 7) Threaten, instigate a fight with or assault anyone.
- 8) Steal or damage things that belong to someone else or to the Council.
- 9) Commit any deliberate acts of discrimination, harassment or bullying.
- 10) Sell or possess illegal drugs whilst exercising their right to trade under their licence or engaging with Council officers or Elected Members
- 11) Consume alcohol whilst exercising their right to trade under their licence.
Or engaging with Council officers or Elected Members
- 12) Seriously breach health and safety rules and regulations
- 13) Do contracted, temporary or permanent work for the Council and not declare this when representing members / licence holders to the Council.
- 14) Submit false or fraudulent claims or applications to the Council or other bodies (e.g. Police, Insurance, Planning or benefit claims).
- 15) Breach financial (or other Council) regulations.
- 16) Break a law whilst exercising their right to trade under their licence.
Or engaging with Council officers or Elected Members which makes them unfit for the work they do.
- 17) Demonstrate serious incapability whilst exercising their right to trade under their licence. Or engaging with Council Officers or Elected Members brought on by alcohol or illegal drugs.
- 18) Refuse to repay any debt they owe to the Council.
- 19) Obtain Council services, property or money by fraud (e.g. falsify grant applications).
- 20) Ask for, accept or offer bribes, gifts, or favours to Council Officers or Elected Members.



15. Social Media Code of Conduct and Guidance

The Markets Service promotes the use of social media for all traders. The Social Media Code of Conduct is intended as a guide to help you understand how best to use social media as a market trader in Hackney. It will outline what is considered to be unacceptable usage of your social media platform and will help you to understand best practice when posting online.

What are social media?

Social media are platforms and tools hosted on the internet that allow users to interact with one another online and share content as a form of social networking. There are a variety of websites and apps that facilitate this, but the most popular include Facebook, Twitter, Instagram, Youtube, Reddit, and LinkedIn. Each different platform has its own unique features, but all encourage users to interact and engage with other users' content.

Benefits of Social Media

Social media might not be for everyone, but it does have a number of benefits that should be considered before you decide whether to use it or not.

- Establishing an online presence for your business will allow you to reach people you might otherwise not have been able to reach.
- Social media can be a great way to let your customers know about any promotions you are running or to let them know when and where they can find you.
- From your profiles you can see your products online, opening up further business opportunities and helping you to be prepared for instances in which markets have to close, such as during the Covid-19 pandemic.

Things to Consider

- It's always a good rule not to share information or make comments on social media that you wouldn't share to a room full of people.
- Words can be easily misinterpreted on social media. Be very conscious of what you are saying online.
- Once a comment has been made, do not assume that just because it has been deleted that it's gone. It is very easy for users to screenshot comments made online.
- Similarly, comments you make can be easily picked up by news media organisations, so it is always good practice to double-check what you are saying before posting it, particularly with regards to issues that might be considered controversial.

Legal Stuff

Libel - Publishing statements about a person that are untrue and that are damaging to their reputation can be considered defamation and may result in legal action being taken against you. Remember, once a comment has been made, do not assume that deleting it means that it wasn't seen or screenshotted.

Copyright - Publishing content covered by copyright without permission can be a breach of copyright law. If you do not own the content you are posting, be aware of the copyright licence it is covered by. Tip: you can easily search the internet for images that are free to use for commercial purposes.

Data Protection - Do not publish the personal information of people if they have not given you permission to do so. This is a breach of the General Data Protection Regulation (GDPR).

Rules to Follow

Treat others with respect - Do not use your social media to make comments that are an attack on a person or a business/brand and do not make comments that are rude, disrespectful, or offensive.

Comply with equality laws - Do not post anything that is racist, sexist, homophobic, or ageist.

Do not bully or harass anyone - Do not post anything that might be seen as bullying, harassment, or intimidation.

Do not bring the Council into disrepute - Do not publish anything that might bring the Council's reputation into disrepute. You are a representative of the market/s you trade in and therefore should not post anything that could undermine the Council or its markets.

16. Guidance on Managing Unreasonable and Unreasonably Persistent Customer Behaviour

1. Introduction

This guidance is adopted by the Council using the Local Government & Social Care Ombudsman's (LGSCO) advice on responding to unreasonable complainant behaviour, based on their view of good practice in dealing with these complainants. It has been expanded to include not just complaints but all casework, which includes Member and Mayoral enquiries, service requests and general communication/correspondence raised by customers who make regular contact with the Council for a variety of reasons and whose behaviour is deemed to be unreasonable or unreasonably persistent.

In a minority of cases, people pursue their casework or contact with the Council in a way that is unreasonable. They may behave unacceptably, or be unreasonably persistent in their contacts, requests and submission of information. This can impede dealing with their casework and can have significant resource implications leading to a detrimental impact on other users of the service.

In exceptional cases, the behaviour of customers may also be shown to have a significant impact on staff health and wellbeing. In these instances, the Council has a duty of care over its employees.

2. Definition

This guidance covers 'unreasonable customer behaviour', which may include one or two isolated incidents, as well as 'unreasonably persistent behaviour', which is usually a build-up of incidents or behaviour over a longer period.

'Unreasonable and unreasonably persistent' customers are those who, because of the nature, form or frequency of their contacts with us, hinder our ability to consider their, or other people's, casework, unjustifiably take up a disproportionate amount of officer time and can be shown to have a significantly detrimental impact on staff health and well-being.

We distinguish between ‘persistent’ customers and ‘unreasonably persistent’ customers because almost all will see themselves as pursuing justified casework and given that for example many complaints investigated do find fault and many requests are appropriate, may indicate that persistence is justified.

For example, criticising the Council when our processes are not working properly is not unreasonable. If our procedures are generally working properly then responding to expressions of dissatisfaction or dealing with unhappy customers should not cause the organisation any particular problems. However some customers may have justified, or indeed unjustified, reasons to complain or express their dissatisfaction but pursue them in inappropriate ways.

Others may pursue matters which appear to have little substance, that have not affected them personally or caused them any injustice or which have already been considered. Their contacts with us may be amicable but still place heavy demands on staff time, or they may be emotionally charged and distressing for all involved. Situations can escalate, and sometimes customers can become abusive, offensive, threatening or otherwise behave unacceptably. In response, we may have to restrict access to our processes, premises or staff to protect us from harassment and harm. This guidance can also be used to include the customer’s use of advocates acting on their behalf and the use of aliases.

For example, the Council welcomes reports and requests from residents and service users that are aimed at improving the borough i.e. streetlights not working or abandoned vehicles. However, when these reports are made frequently and are accompanied by demands for updates and progress reports become very demanding for officers to manage, these can become unreasonable.

3. Why have this guidance?

We want to deal with customers in ways that are open, fair and proportionate. A considered, policy-led approach helps staff to understand clearly what is expected of them, what options for action are available and who can authorise these actions. Guidance that can be shared with customers if they start to behave unreasonably can help in managing their expectations and their behaviour, as far as possible, while the substance of their contact is addressed.

4. Our guidance on managing unreasonable customer behaviour

This paper sets out our guidance on managing unreasonable customer behaviour and includes the following sections:

- Examples of actions/behaviours which may require action under this guidance
- Considerations prior to invoking action
- Options for action open to officers
- The decision-making process and what it means
- Reviewing decisions to restrict access
- Record keeping, notifications and advice to the customer

5. Examples of unreasonable action and behaviour

These are some examples of the actions and behaviours which are often found to be problematic and may require action under this guidance.

- Generating high volumes of casework requests, making excessive demands for updates or raising unimportant questions and insisting they are answered
- Making excessive demands on the time and resources of staff with lengthy phone calls, emails to numerous council staff or frequent detailed letters and expecting immediate responses
- Refusing to specify the grounds for a complaint or co-operate with an investigation
- Unnecessarily complicating or extending the scope of an enquiry or investigation, introducing trivial or irrelevant new information at a later stage, raising many detailed but unimportant questions whilst insisting they are answered and submitting unnecessarily lengthy documentation
- Not accepting that an issue cannot be considered as it is outside of our procedures or making unreasonable demands such as insisting to be dealt with by a manager
- Denying or changing statements made earlier in the process or submitting falsified documents from themselves or others
- Adopting a ‘scatter gun’ approach, pursuing parallel casework on the same issue with other Council departments or external organisations or using this approach in the course of one interaction
- Submitting repeat casework with minor additions/variations the customer insists make these ‘new’ matters
- Raising casework with no apparent direct personal impact that have not significantly affected the customer personally or caused injustice but place unreasonable demands on the service
- Deliberately creating situations to justify and enable casework to be raised
- Using the complaints process as a means of obtaining compensation
- Refusing to accept decisions or repeatedly arguing points with no new evidence
- In pursuing casework, using abusive or foul language, being violent, making threats or unfounded personal accusations, harassing/bullying staff or displaying excessively aggressive behaviour
- Making unjustified complaints about staff; naming or being abusive about them, making threats or accusations on social media or in the wider public domain
- In raising casework, seeking to cause unnecessary aggravation or annoyance to the organisation

In dealing with customers who display the type of behaviours listed above, people often use the term vexatious. This guidance does not include reference to ‘vexatious’ customers who are defined as individuals who are not seeking to resolve an issue but rather are seeking to cause unnecessary aggravation or annoyance to the organisation. These behaviours are included in the list above and if displayed, warrant the use of this guidance.

6. Considerations prior to taking action

If casework is still under consideration, steps may be necessary to manage the customer’s behaviour if they are displaying behaviours exemplified in section 5 above. The decision to designate someone’s behaviour as unreasonable and restrict their access to the Council could have serious consequences for the individual so we must be satisfied that:

- the key content of the casework is being or has been properly considered
- any decision reached on it is the right one
- communication with the customer has been adequate
- the customer is not now providing any significantly new information that might affect our view on their casework
- the behaviour shown by the customer falls under the definition of unreasonable or unreasonably persistent

When it is necessary to designate the customer as behaving unreasonably, some of the following steps may assist:

- Offering the customer a meeting with an officer of appropriate seniority to explore the issues raised, to examine and discuss behaviour and explain why their current behaviour is seen as unreasonable
- Sharing this guidance with the customer and warning them that restrictive actions may need to be applied if their unreasonable behaviour continues
- In liaison with other potentially affected services, establish if a cross-departmental approach may be necessary if the customer is acting unreasonably across more than one service
- Appointing a key officer to coordinate the organisation's response(s) – a key officer may be needed in each service
- Helping the customer to find a suitable independent advocate especially if he/she has specific needs

A note of caution is that customers who display behaviours that we may consider make them unreasonable may for example have learning difficulties or be suffering from mental health issues which may be influencing their behaviour. This may for example manifest as being customers we cannot reason with or have rational conversations with. If you need advice or guidance please contact the Council's Information and Assessment Team, the front door for all adults that may require a service from Adult Social Care, on 020 8356 6262.

In relation to those with mental health concerns, again staff can contact the Information and Assessment Team or CHAMRAS on 020 8432 8020.

Invoking this guidance is not a step that should be taken lightly and is not intended to be used for us to put up barriers against those that need our help but are seen as a nuisance. The policy is intended to free up time and resources currently being used to deal with people who are unreasonably demanding when it could be better used to deal with people in greater need of our help.

7. Options for action

Any actions taken should be proportionate to the nature, frequency and impact of the customer's current contacts and behaviour. The following actions may be suitable, taking the customer's behaviour and circumstances into account. The objective is to manage the customer's unreasonable behaviour in such a way that their issue can be concluded quickly and without further distractions. Actions include, but are not limited to, the following:

- Limiting the number and duration of contacts with staff i.e. per week, month
- Offering a restricted time slot for necessary calls
- Denying access to certain Council buildings
- Limiting the customer to one or more form of contact i.e. telephone, letter, email
- Requiring the customer to communicate only with one named member of staff in the Council or a service as appropriate, as a single point of contact
- Requiring any personal contacts to take place in the presence of a witness and in a suitable location
- Refusing to register and process further casework about the same or similar matters
- Only engaging on anything related to serious matters that require Council action
- Other appropriate activity i.e. legal action

Where a decision on casework has been made, the customer can be told that future correspondence

will be read and placed on file but not acknowledged, unless it contains materially new information. A designated officer should be identified in each service who will read any future correspondence.

Where the behaviour of the customer is so extreme or it threatens the immediate safety and welfare of staff, we will consider other options, for example reporting the matter to the police or taking legal action. In such cases, we may not give the customer prior warning of that action.

Through email or use of on-line forms, for example logging complaints on-line, customers may be able to breach restrictions put in place and access the Council. These will be considered breaches of the agreement should for example a customer be limited to one point of contact. The use of these channels should be considered when communicating with the customer about any restrictions to be applied. Such restrictions may also necessitate a single point of contact for example to log legitimate casework on the persons behalf where allowing them to do so themselves would be a breach of the agreed restrictions.

8. The decision making process and what it means

If a decision is made to take action to address a customer's unreasonable behaviour, the customer must be written to with a copy of this guidance and a copy of the decision sheet (appendix 2) to explain:

- why the decision has been taken and how it applies to the customer
- what it means in relation to the customer's contact with the Council, including the use of on-line communication
- how long any restrictions will last
- when the action taken will be reviewed

When requests for new casework about new issues are made, these should be treated on their merits and in line with any restrictions already applied. Consideration should also be given as to whether any further restrictions or amendments to existing ones need to be applied.

9. Reviewing decisions to restrict access

As the process for agreeing to invoke this approach includes the need for agreement of both the relevant Director and the Council's Head of Business Analysis & Complaints (BACT), there is no appeal process against the decision. Customers would be able to approach the relevant Ombudsman should there be concerns relating to this process. When imposing a restriction on access, there will be a specified review date. Restrictions should be lifted at the review date and relationships returned to normal unless there are good grounds to extend them.

The customer should be advised of the outcome of the review and the date restrictions will be lifted. If restrictions are to continue, an explanation of the reasons why and the next review date must be provided. In some cases, the Council may require the customer to enter into a signed agreement about their future behaviour before normal contact can be resumed.

10. Record keeping, notifications and advice to customers

Officers are expected to keep adequate records to show:

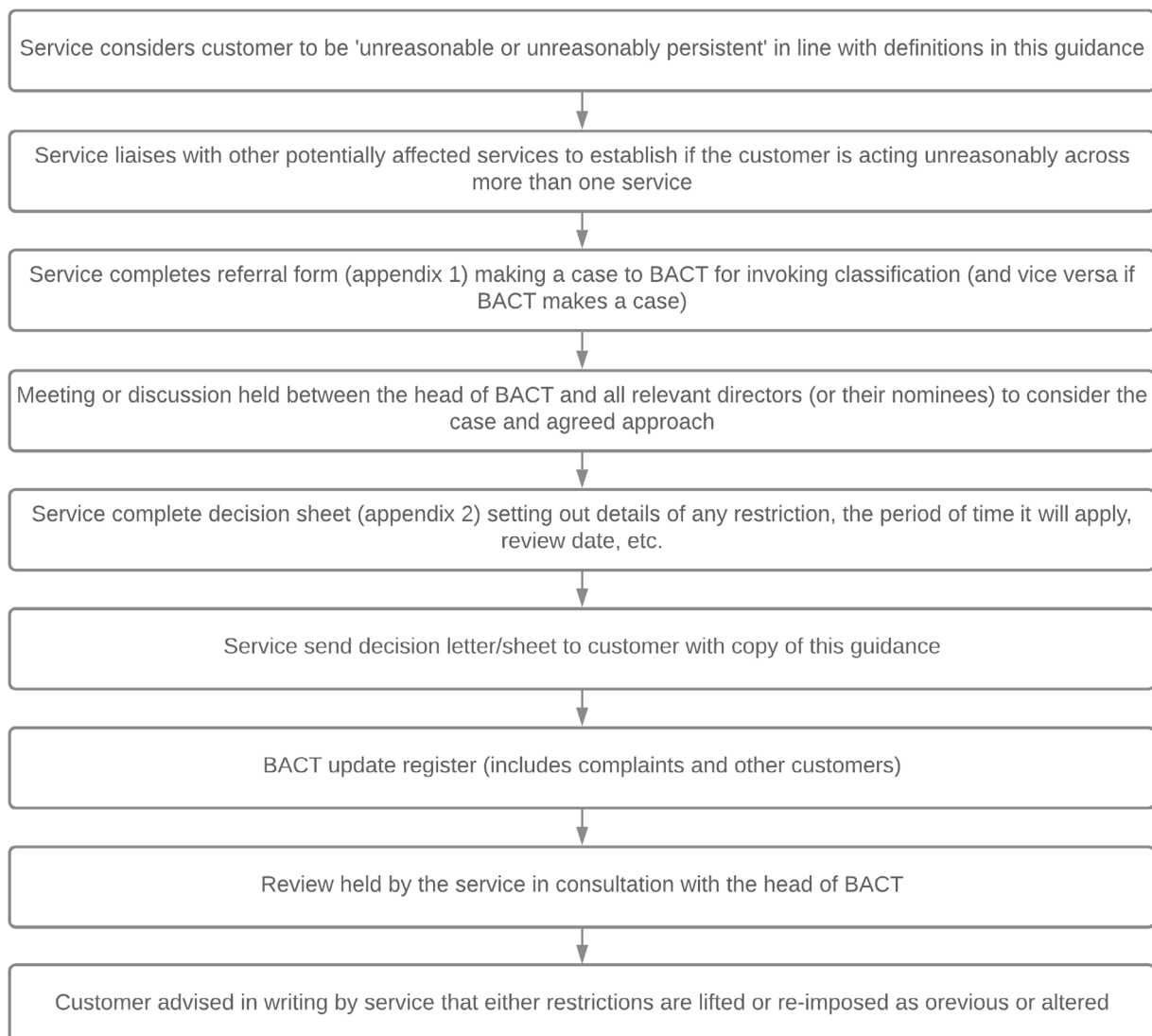
- when a decision is taken not to apply this guidance following a referral

- when a decision is taken to make an exception to this guidance once applied
- when a decision is taken not to act on a further customer request for any reason
- when a decision is taken not to respond to further correspondence, make sure any further letters or emails from the customer are checked to pick up any significant new information

If related to casework recorded on Pentana i.e. complaints, this information can be held on the system. For other casework, it should be kept on the most appropriate system or database by the relevant service i.e. on Universal Housing in Housing, Comino in Benefits & Housing Needs.

The Business Analysis and Complaints Team (BACT) will hold a 'register' of all those to whom this procedure is applied which will not be shared but can be referenced should the need arise. Any restriction will be applied to all services making the referral as warranted with proportionate approaches depending on the impact on that service. In some cases a referral may result in a Council wide approach being taken. Relevant officers within the service where restrictions have been applied to an individual should be advised accordingly.

The customer subject to this guidance should be formally notified of the decision in writing and should receive a copy of this guidance, clarity on what that decision is based upon, clarity on the end date of any restrictions and information on how and when the action taken will be reviewed.



For assistance or advice relating to this guidance please contact the Business Analysis & Complaints Team on 020 8356 3770 or complaints@hackney.gov.uk

Updated: September 2020

Note: This Policy will next be reviewed in September 2021