

Waiting List Policy

Street Trading on Portobello and Golborne Market

1. Revision of Waiting List Policy for Permanent Trading Sites on Portobello and Golborne Road Market

- 1.1 The Council is always on the lookout for independent traders who are passionate about selling goods in a sustainable way. The Street Trading Office welcomes traders who care about people as well as products, pay fair prices to their suppliers and fair wages to their staff, are committed to equality and diversity throughout their teams, will assist the Council to delivery on the promise made to Council to be a net zero organisation by 2030 and for the borough to be carbon neutral by 2040.
- 1.2 This policy is not a set of rules and regulations. It is a document that it lays out the fundamental principles related to the Street Trading Office Waiting List that underpin the implementation of the Council's Five Year Markets Plan 2022 – 2027.

2. Reason for the policy

- 2.1 A new system of advertising vacancies for permanent pitches on Portobello and Golborne Road Market has been established. This system replaces previous waiting lists (or expressions of interest lists) in order that the Council may select the most suitable applicants for vacant pitches, taking into account the breadth of considerations set out. In some cases, this policy will remove the need for lengthy waiting lists. It provides applicants with a much greater degree of clarity over what is on offer when it becomes available.
- 2.3 The Council considers it important to support young entrepreneurial traders and start-up business, particularly as part of enterprise schemes run in conjunction with others including Morley College, Youth Action Alliance, Portobello Business Forum and others, so special provision has been made.
- 2.4 In many circumstances the licensing authority is the organisation that operates markets however, provision is made for the Council to enlist third party operators in suitable circumstances. In this sort of arrangement, the licensing authority regulates all the pitches that have been designated and which operate pursuant to a street trading licence whilst a third party operator is given a temporary licence which enables them to hire out individual pitches or stalls to traders who are not themselves licensed.



3. Markets Plan

3.1 Three Key Areas:

Proposals include 46 actions to be delivered over this period.
They are grouped around 3 key areas:



3.2 These key areas have been further sub divided into action plan headings:

- A Activating space
- B Enterprise support
- C Sustainability and environmental improvements
- D Attracting new customers
- E Operational improvements
- F Identifying new trading sites and markets
- G Portobello and Golborne Road markets
- H Education and engagement with the community
- I Safety and security

4. Filling Vacancies

- 4.1 The Street Trading Office will fill vacancies according to the following criteria to maximise the occupancy of street trading pitches and provide opportunities for start-up businesses.
- 4.2 The licensing authority will advertise all vacancies for street market pitches in Portobello and Golborne Road Markets on the Council's website¹ and select the most suitable applicant (see Section 4.5) from those applications received. A sample application form can be found in Appendix B.
- 4.3 The Council will not consider any application received before the date upon which the vacancy was advertised.
- 4.4 Portobello and Golborne Market is divided into different trading sections. Available pitches in one location may be advertised more frequently than in another location due to the nature of the market and the current permanent traders.
- 4.5 The licensing authority will take into account the following matters when selecting the most suitable applicant:

A: Mandatory grounds

- a) The applicant needs to be aged 18 years or over;
- b) The applicant cannot hold a street trading licence in any other licence street granted under this Act, or a street trading licence in the area of another local authority granted under the [1990 c. vii.] London Local Authorities Act 1990 which, in either case, enables the trader to carry on street trading during the period stated in their application;
- c) An application will be turned down where the Council is satisfied that there is not enough space in the street for the applicant to engage in the trading in which they desire to trade without causing a safety hazard or undue interference or inconvenience to persons or vehicular traffic using the street an application;
- d) An application will be turned down where the application includes goods for sale that are prohibited, as set out in Appendix A;
- e) An application will be turned down where the application is not to trade according to the terms set out in the Council's Standard Terms and Conditions, including a request to trade from a mobile or static trailer or vehicle of any kind;
- f) Where the applicant has previously had a permanent licence revoked by the Council, applications may not be granted where:
 - a. Enforcement action is pending, or has previously been taken, against the licence holder/applicant. Enforcement action includes points issued under the Penalty Point Scheme

¹ <https://www.rbkc.gov.uk/business-and-enterprise/business-advice/markets-and-street-trading>



- b. The licence holder is currently in arrears with any charges
- g) Applications will not be considered from owners/operators of adjacent or nearby retail premises who wish to extend their offer out onto an existing designated pitch or onto a designated pitch within the footprint on Portobello Road and/or Golborne Road
- h) Applications will not be considered where there is a material relationship between the applicant and a retail premises in Portobello Road or Golborne Road

B. Discretionary Grounds

- a) The quality of the product range, previous trading activity, ability to generate sales and footfall;
- b) Whether there are current permanent pitches selling a similar type of goods on Portobello and Golborne Road Market;
- c) Whether the type of product proposed for sale is in direct competition with owners/operators of adjacent or nearby retail premises;
- d) Any relevant strategy or plan which has been adopted by the Council;
- e) The days for which the applicant has applied. Preference will be given to applicants applying for a greater number of trading days, particularly where market occupancy is lower on certain days of the week;
- f) Where a street market or other street trading pitch is subject to improvement plans, development strategies, public realm/infrastructure works or other restrictions, the licensing authority may refuse to grant permanent licences until the completion of such works or the lifting of such restrictions;
- g) Applications will be encouraged from care leavers/adults who are care experienced, students, apprentices or entrepreneurs wishing to start up a market business or who are part of a local enterprise scheme. The Council may in some instances make special provisions for such individuals including discounted fees and charges for a set or extended period of time on completion of the street trading course offered in partnership with Morley College, previous trading through New YouthQuake or similar local initiatives;
- h) Consideration of applications will take into account the previous behaviour of the applicant by way of actions related to residents, shoppers, other traders and officers of the Council, where issues have been raised and investigated;
- i) The Council may, at its discretion, issue licences to market operators or other such bodies, to manage a group of licensed pitches or operate markets, fairs and seasonal events at street markets. The Council may, at its discretion, issue licences to market operators or other such bodies, to manage a group of licensed pitches or operate markets, fairs and seasonal events at street markets;

3.3 Additional Discretionary Grounds – Produce and Hot Food Applications

- a) The Council will prioritise food produced by small, specialist businesses that are too small to run a full-time stall themselves;
- b) Trader selection will be weighted towards small businesses;
- c) A consideration will be applied weighing up value for money v's quality of goods

Please note, there is a limit on the number of Hot Street Food traders on Portobello and Golborne Road Market and these pitches are rarely available.

3.4 What Traders Applying for Stalls Can Expect

1. Adverts for Street Market Pitches are advertised on Council Website
2. Applicants can apply for a pitch using the on-line form within the deadline advertised
3. Trader applicants will receive notification that their application has been received
4. All applications for the advertised pitches will be reviewed within the timeframe set out in the advert
5. All applicants will be informed whether they have been successful or not. If not successful, the reasons why will be given
6. If successful, the Street Trading Office will arrange to meet with to discuss the trading offer, terms and conditions and agree next steps.
7. The next steps usually consist of:
 - A temporary 3 month street trading licence is issued
 - The quality and operational standard of trading is reviewed during this period.
 - At two months, a decision is made by the Street Trading Office if a permanent licence is issued or not. This period can be extended where concerns have been flagged with the trader in writing
 - If not, feedback is given, and the trader will not be issued a permanent licence and will need to stop trading after the 3 month temporary licence has expired, or after the period of extension (whichever is first)

Please Note: Before a permanent Street Trading licence is issued all new traders will first be issued a temporary 3 Month Street Trading Licence to ensure the required quality and operational standard is met.

4. Schedule Of Relevant Directives, Statutes & Other Documents

- Town and Country Planning Act 1990
- Highways Act 1980
- Traffic Management Act 2004
- Planning (Listed Buildings and Conservation Areas) Act 1990
- Town & Country Planning (Control of Advertisements) (England) Regulations 2007



THE ROYAL BOROUGH OF
KENSINGTON
AND CHELSEA

- Directive 2006/123/EC of the European Parliament and of the Council of 12 December 2006 on services in the internal market
- The Provision of Services Regulations 2009
- The Petroleum Spirit (Plastic Containers) Regulations 1982
- IEE Wiring Regulations (18th edition)(at time of publishing)
- Rules of Procedure for hearings before the Licensing Officer Panel

Approved December 2022

Appendix A

List of prohibited goods and services

Some goods and services are not permitted to be sold from street trading pitches because they are unsuitable, dangerous and/or subject to additional licensing regimes:

1. Live animals
2. Second-hand electrical goods
3. Medicines or treatments
4. Sex articles as defined by the Local Government (Miscellaneous Provisions) Act 1982
5. Alcohol
6. Cigarettes / tobacco
7. Any form of gambling
8. Firearms (including replicas) and ammunition
9. Fireworks
10. Services that require a tattoo, piercing and electrolysis licence and services such as botox
11. Fortune telling and similar practices

Appendix B

Sample Application Form

Applications will be made using an online system once vacancies have been identified

1: Your details

1.1: Contact name

1.2: Website

1.3: Email address

1.4: Social media

1.5: Contact telephone number

2: Your business details

2.1: Business type

- Sole trader
- Limited company

2.2: Registered business name (if relevant)

2.3: Registered company number (if relevant)

2.4: Your home address

2.5: Company address (if relevant)

2.5: Number of employees (if relevant)

3: Your business

Please confirm if you have the following:

3.1: Do you have valid public liability insurance (£10 million cover)?

- Yes
- No

3.2: Have you registered as a food business with your local authority?

- Yes
- No

3.3: Do you engage with any charities, social enterprises or apprenticeship schemes?

- Yes
- No

3.4: If so, which charities, social enterprises or apprenticeship schemes do you engage with and how frequently?

3.5: Do you pay the London Living Wage to all your employees?

- Yes
- No
- The business has no employees

3.6: Are you a primary producer of the products sold and artisan or do you source products that are already made? (Do you grow, catch, forage, raise or make your own products?)

- Yes
- No
- Source products already made

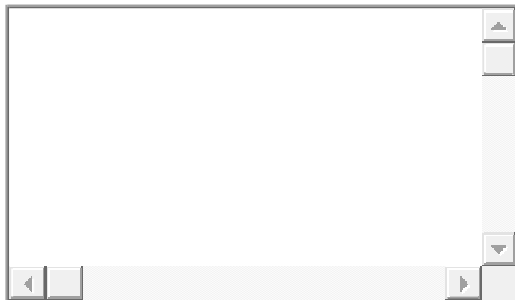
3.7: Are you a care leaver or care experienced adult?

- Yes
- No

3.8: Have you previously held a permanent licence to trade on either Portobello Road or Golborne Road and had this licence revoked?

- Yes
- No

3.9 Have you undertaken training through Morley College, Youth Action Alliance, Portobello Business Forum or other providers and if so please outline the course, level, duration etc



3.10: Have you previously participated in New YouthQuake?

- Yes
- No

4: Your Products

4.1: Tell us your story. What makes your products special? What inspired you to start your business? What are your goals for the future?



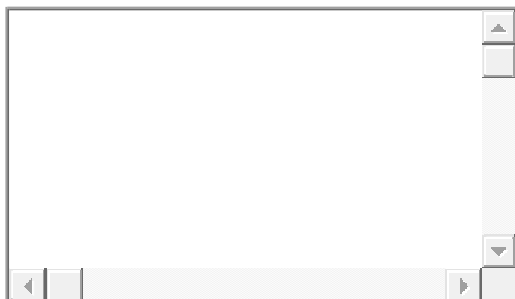
4.2: Upload images of your stall set-up, your products, and your product being prepared, sold or enjoyed if relevant.

Drop files here or Select files

Accepted file types: png, jpg, jpeg, zip, pdf, Max. file size: 2 MB.

(File size needs to be under 2MB)

4.3: What do you consider to be the most important factors when choosing suppliers? Why do you use your current suppliers? Are there any positive changes you could make to your supply chain?



4.4: For Produce, Pantry or Hot Food Applicants, upload a product list with full sourcing details for all products, including ingredients, feeds, fertilisers and anything else you use to produce your product.

Drop files here or Select files

Accepted file types: doc, docx, pdf, xls, xlsx, zip, png, jpeg, jpg, Max. file size: 2 MB.

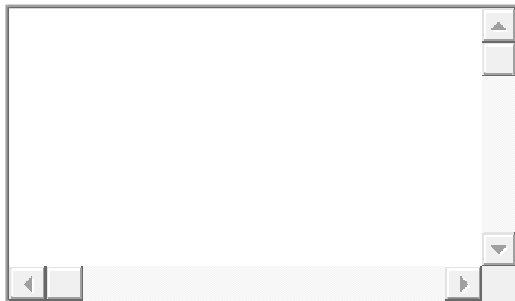
(File size needs to be under 2MB - a pdf is recommended)

5: Your Ethos

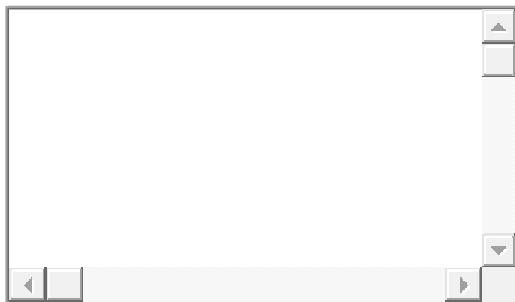
5.1: What would you expect to gain from trading at Portobello and Golborne Road Market? How does trading at Portobello and Golborne Road Market fit in with your business plan? What would you do to make trading here financially sustainable?



5.2: What do you do to ensure a commitment to equality, diversity and inclusion is embedded throughout your business and practices?



5.3: Tell us about the ethos of your business and how you communicate this to your customers.

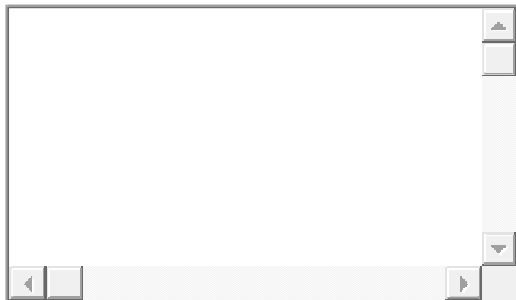


5.4: Tell us what sustainability means to your business and what you are doing to have a positive impact on the future of the landscape.



6: Transparency

6.1: Describe the ways in which you demonstrate transparency and integrity to your existing and potential customers.



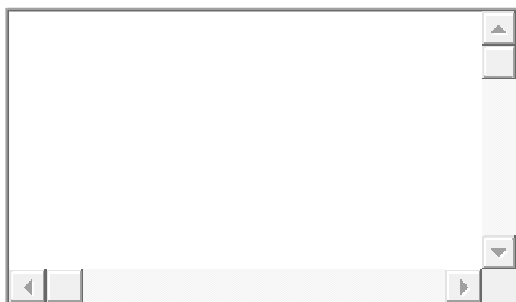
6.2: Upload examples of your packaging and full product labels.

Drop files here or Select files

Accepted file types: png, jpg, jpeg, doc, docx, pdf, zip, pdf, Max. file size: 2 MB.

(File size needs to be under 2MB)

6.3: How do you ensure that excellent product knowledge and understanding of your ethos are embedded across your team?



Submit