

Standard Conditions for Street Traders
The Royal Borough of Kensington and Chelsea

Revised standard conditions for street trading

**The Royal Borough of Kensington and Chelsea street trading
licenses standard conditions 2006**

1 Definitions

The following expressions in bold have the meanings given next to them

- a **'The act'** – the London Local Authorities Act 1990 as amended by any further London Local Authorities Acts.
- b **'Awning'** – a sheet of canvas or other material, used as a protection against the weather, which extends out from the stall.
- c **'The carriageway'** – the part of the road which is used by vehicles.
- d **'Casual trader'** – a trader who does not have a permanent pitch and must come to the Markets Office on the day they want to trade and buy a pitch.
- e **'The council'** – us at the Royal Borough of Kensington and Chelsea.
- f **'The footway'** – the pavement used by pedestrians.
- g **'Goods'** – any goods or merchandise for sale.
- h **'Heatherwick kiosk'** – a receptacle issued to some isolated street traders by the Council.
- i **'Isolated street trader'** – a licensed street trader within the borough whose licensed pitch is not on Portobello or Golborne Road.
- j **'Market bins'** – containers we provide for storing rubbish before it is collected.
- k **'Permanent trader'** – a trader who the market office gives the same pitch to each week.
- l **'Pitch'** – an area in any street authorised as a place at which a street trader may carry out street trading and includes any temporary alternative place we have approved.
- m **'Pitch limits'** – any marking on the ground we have made setting out the area within which structures may be put up and goods may be displayed. The dimensions are shown in the street-trading licence.
- n **'Premises'** – any shop, house or block of flats immediately behind a pitch.
- o **"Receptacle"** - a vehicle or stall, and any basket, bag, box, vessel, stand, easel, board, tray or thing which is used (whether or not constructed or adapted for such use) as a container for or for displaying any item or equipment used to provide any service.
- p **'Registered assistant'** – a person registered with us who you employ to help you trade.
- q **'Restocking'** – replacing stock that has been sold with new stock.
- r **'Refuse'** – includes any waste material.
- s **'Setting up'** – placing stock on a pitch.
- t **'Street trader'** – a person, or in the case of ice-cream trading, a company or a partnership, licensed for street trading under Part III

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of the act, and in whose name a current licence is held authorising street trading from a licensed pitch.

- u **'Street trading'** – selling or offering for sale any article (including a living thing), or supplying or offering to supply any service in a street for gain or reward.
- v **'Street-trading licence'** – a street-trading licence we have issued.
- w **'Temporary assistant'** – someone who minds your stall while you take a short break as described in 6b.
- x **'Unloading'** – taking stock out of a vehicle.
- y **'We'** and **'us'** – The Royal Borough of Kensington and Chelsea.
- z **'You'** – the individual who is the holder of a street-trading licence we have issued or a registered assistant acting on your behalf.

2 Introduction

- a We grant a street-trading licence under Part III of the act. If you need approval for any activity under any other bye-law, enactment, or regulation, you must get that approval separately.
- b We may change the conditions of your licence or attach extra conditions. If there is any difference between the standard conditions and any changed or extra conditions on your licence, the changes or extra conditions will apply. We will always record the changes or extra conditions in writing.
- c We may set out the conditions of any permission or agreement we have given you. This will always be in writing. We may withdraw any permission or agreement at any time.
- d If you want us to change any of the terms of a licence, you must apply in writing to us. (We will help you make a written application if this is difficult for you.) We will always respond in writing.
- e You may only trade in the class or classes of items or services shown on your street-trading licence.
- f You may trade only during the times shown in the licence.
- g You or your assistant must immediately remove your receptacle, stall or goods for as long as is needed if there is an emergency or we or a police officer ask you to.
- h You must take out public liability insurance cover for at least £5,000,000. You must not trade unless you have given us a copy of evidence showing that you have this cover. On or before the insurance cover comes to an end, you must give us a copy of the evidence proving you have renewed it. You must give us a copy of this evidence either in person at the Street Trading Office, or by faxing or posting the document to the Street Trading Office.

3 General

- a If you are a permanent trader you must pay us all charges in connection with trading every four weeks for the four weeks to come.
- b If you hold a permanent street-trading licence, you may end it by giving us four weeks' notice in writing. You should return your licence to us after those four weeks have ended. You may continue to trade as a casual trader (if you have returned your permanent licence to us), but you cannot apply for another permanent licence until one year after you give up your previous permanent licence.
- c You must give us four weeks' notice in writing if you want to give up your receptacle bay or storage facility.
- d You must not leave your vehicle in the street in which you trade, or in streets nearby, apart from in approved parking spaces such as meter bays, unless:
 - you are loading and unloading goods; or
 - the vehicle is the licensed receptacle from which you trade.
- e You must give us details in writing if you change your address. You must give us the details within one week of the change taking place. You must show us evidence of your new address. This may be a utility bill (gas, electricity or phone), rent book, rental agreement, bank statement or similar document.
- f You must not trade on any public or bank holiday. We will not refund your street-trading fees if the public or bank holiday falls on what would otherwise be a trading day. There is one exception in that trading is allowed on Good Friday, when you may trade between 8am and 4pm.
- g If you trade on a pitch on Portobello Road between its junctions with Colville Terrace and Lancaster Road, you must remove all your stalls and all your vehicles from the street by 7.30pm on Fridays and Saturdays so we can clean this part of the street.
- h As well as keeping to the act and any future laws amending the act, you must keep to all other laws. If you are convicted of any criminal offence, officers from the street trading office will report the facts to a council committee, which may decide to revoke (withdraw) your licence in line with the procedures under the act.
- i You must not bring pets or other animals to the market unless you have our written permission.

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- j You must use a structure of some kind from which to trade. You must not display goods on the ground unless they are too large or too heavy to be placed on a table.
- k You must not use any storage site we manage unless that storage site is marked on your street-trading licence as being reserved for your use.
- l You must not trade in food unless you have registered with our Directorate of Environmental Health under the Food Safety Act 1990. We may ask you to produce evidence of your registration before we issue any licence to you to trade in food.
- m If you are a casual trader, and you do not trade for three months, we will take your name off the list of casual traders.

4 Setting up and running your stall

- a You must trade only from the pitch which is shown on your street-trading licence. You must not trade from any other pitch unless you have our permission in writing.
- b You must start trading by the time shown on your licence. You may start trading later than this time only if:
 - you have permission from us in writing to do so; or
 - you have told us by phone before 8.30am on the day of trading and we have given you permission to start trading later. If you are a permanent trader, and we have not given you permission by 8.30am on the day of trading, we may sell your pitch for that day to a casual trader. We will not refund your street-trading fees.
- c You must set up your stall as quickly as possible. You must not start setting up your stall before 6am and must complete setting it up no later than 10.30am unless you have our written permission to complete setting up at a later time.
- d If you are a casual trader on Portobello Road and you buy a pitch numbered 165 or higher on a Saturday, you must trade until at least 2pm that day if you want us to enter you into the priority lottery for the following Saturday.
- e You must not place any goods, receptacle, structure or object of any kind associated with your trading activity outside your pitch limits (either on the ground, or in the space between neighbouring stalls) unless you have our written permission. You must not place or cause to be placed on the carriageway or footway any stall or receptacle that is higher than 3.05 metres (10 feet) when measured from ground level. You must not place receptacles on the west side

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of Portobello Road that are higher than 2.59 metres (8 feet 6 inches) unless we have given you our permission in writing.

- f You must not allow any awning to extend outside your pitch limits and over the carriageway. You may have an awning extending over the footway to a distance of no more than 1.22 metres (4 feet) outside your pitch limits. You must not have any awning at a height lower than 2.44 metres (8 feet) when measured from the footway.
- g You must, at all times, keep the spaces on the ground clear, and in the vertical space dividing neighbouring pitches, unless we have given you permission in writing to use these spaces.
- h You must only use receptacles structures and vehicles that can be easily moved. (This does not apply to isolated traders who use the Heatherwick-style kiosks – see section 14 of the standard conditions.)
- i You must not trade from a trailer unless this is allowed under your licence or we have given you permission in writing.
- j You must remove from the highway all goods, receptacles, structures and any other objects associated with your trading no later than half an hour after the time shown on your licence for the end of trading.
- k At all times you must display a sign that is easily seen and which is at least A4 size (21 centimetres x 29.6 centimetres) (8½ inches by 11¾ inches) showing your name and approved items for sale. If you are a permanent trader, you must also display your pitch number and a recent passport-size photograph on the sign.
- l At all times you must be able to produce a copy of your street-trading licence if we ask.
- m You must use every reasonable effort to take no longer than 20 minutes while unloading. While unloading you must not prevent other traders from reaching their pitches or block the road to other vehicles. You must move any vehicle you or your assistant are using immediately after unloading.
- n You must not trade from a vehicle and you may not display goods for sale on any vehicle, unless the vehicle is the licensed stall from which you trade (see 3d). If you park a vehicle in a designated receptacle bay, you must clearly display a current parking permit. You must not display any goods for sale in a receptacle bay.
- o You must not use audio equipment, public-address systems or radios if they cause a nuisance or annoy any other person. You must turn the volume down if we, or the police ask you to.

- p Your goods must not cause a nuisance to any person because of their smell.

5 Dealing with the public

- a At all times you must make sure that your trading does not cause an inconvenience, danger or obstruction to members of the public or neighbouring premises.
- b You must make sure that you and your assistants treat the public, other traders and us fairly and reasonably, and not use behaviour which could reasonably be seen as abusive or intimidating.
- c You and your assistants must not commit any acts of harassment against any person. Harassment includes (but it is not limited to) violence or threats of violence, abusive or insulting words or behaviour, and damage or threats of damage to property belonging to another person.

6 'Non-personal' trading

- a We may revoke (withdraw) your licence if you fail to be present without permission when setting up your stall or if you fail to trade for the full trading day.
- b On each trading day you may take one meal break of no longer than one hour, and up to three other 15-minute breaks which you must separate throughout the day. You may leave a temporary assistant to manage your stall for the purpose of these short breaks.
- c If you hold a six- or seven-day permanent licence, the above conditions will apply in full on Fridays and Saturdays, but we relax them at other times so you can be away from your stall for up to two full trading days, or up to four half trading days, between Sunday and Thursday each week.
- d If you are a permanent trader, at all times when you are away from your stall, no trading must take place unless under the control of an assistant who you have registered in writing with us beforehand.
- e You must not sublet your stall, nor any part of it. And, you may not employ a manager in your place. (Subletting a stall is a very serious matter. If we have evidence that you have sublet your stall, we will immediately recommend to councillors that we revoke (withdraw) your licence.)
- f You personally must be present when setting up your stall on each trading day. Your registered assistants – and them alone – may set

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up your stall on your behalf as long as we have agreed this with you beforehand.

7 Your stock

- a You must not sell, offer for sale or advertise any goods which are not shown on your street-trading licence. If you want to change the category or categories of goods that you are licensed to sell, you must apply in writing to us. You must not sell any goods in the new category or categories you have asked for until we have agreed in writing by updating your licence.
- b If you sell your goods, or offer them for sale as 'seconds' or they are soiled or damaged, you must display a notice at your stall stating this. It must be big enough and obvious enough so any person can easily read it.
- c You and your assistants must familiarise yourself with and keep to trading-standards and consumer-protection laws relating to your goods.
- d You must not display any advertisement that does not relate to the goods or services listed on your licence.
- e If you are a food trader, you must not store Christmas trees next to food.

8 Refuse

Standard conditions applying to all traders (a and b)

- a You must not leave rubbish, or allow it to be left, on or around your pitch.
- b You or your authorised assistants must clean your pitch to a reasonable standard when you leave.

Standard conditions applying only to traders on Portobello Road and Golborne Road (c to e)

- c You must not place any form of oil, animal by-products, or dangerous waste in the market bins. You must arrange your own collections for these types of waste.
- d You must place all other rubbish in market bins.
- e You must use every reasonable effort to break any boxes down to their smallest size when placing them in the market bins.

9 Electricity and heating

- a You must not use any device to generate electricity light or heat without our written permission. We will not give permission if there is a working electricity point, which you can easily reach from your pitch.
- b If you have our permission to use any device to generate electricity, light or heat, you must position it so that it does not present a danger to the passing public, or present a fire risk to the stall or goods displayed, or cause a noise or fumes. You must store any fuel away from the stall in a container of a type approved by the London Fire Brigade.
- c If you are a trader on Portobello Road or Golborne Road, you must not use overhead or over-ground power cables to supply your stall with electricity.

10 Assistants

- a Casual traders may not register assistants with us.

The following standard conditions apply only to permanent licensed traders.

- b You must register each assistant (either paid or unpaid) with us when you apply for a street-trading licence. You must also register any new assistants with us before they do any work on your stall.
- c You may register up to two assistants at any one time. If you have a six- or seven-day street-trading licence, you may register up to four assistants. You must pay an administration fee for each assistant you registered. (We will not charge a fee for the first two assistants you register before 1 April 2007. We will charge the full fee after this.)
- d You must register assistants in writing at the Market Office. When registering an assistant, you must give us details in writing of the assistant's full name, address and postcode, contact phone number, and date of birth. You must also provide two passport photographs of the assistant. You will need to produce documents proving that your assistants are covered by your public liability insurance. If you employ an assistant, you will also need to produce documents proving that they are covered by employer's liability insurance and you must confirm in writing that they are eligible to work in the UK.
- e If you are away from your stall and have a registered assistant working for you, we will hold you fully responsible for your

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assistant's actions during this time. If your assistant breaks any of these conditions, we will treat it as though you have broken them.

- f If we ask, your assistant must be able to produce a copy of your street-trading licence and a copy of their own registration document which must have their photograph attached to it.
- g No trading may take place on your stall unless you or one of your registered assistants is present and in control of trading. (If we see any trading on your stall when neither you nor your registered assistants are present we will close your stall down immediately.)

11 Lodged licences

The following standard conditions apply only to permanent licensed traders.

- a You may 'lodge' your licence for up to four weeks each financial year (April to March) for the purpose of a holiday. During this time you may choose either:
 - 1 not to trade, and to receive a credit on your street trading fees (credits can also be made on receptacle bays during the relevant period, but not on storage facilities); or
 - 2 to choose an assistant to run the stall on your behalf. This assistant must be registered with us (see above). (Note: if this option is chosen then no credit will be made to your street-trading fees.)
- b If you want to lodge your licence, you must apply at least one full week beforehand.
- c Licences are lodged from Monday to Sunday.
- d To lodge a licence you must either hand it to a member of our staff in the Markets Office, or post it to us at the Street Trading Office by registered post.

12 Sickness

The following standard conditions apply only to permanent licensed traders.

- a If you cannot trade because of ill health, you must send us a medical certificate no later than 14 days after the first day you were unable to trade. You must also get a new medical certificate every four weeks if you need to. We can only accept MED3- or MED5-type

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medical certificates or official UK hospital letters advising of an operation or treatment.

- b When sending your first certificate, you must let us know in writing which of the following choices you want to make.
 - 1 We can credit your account for each full week (Monday to Sunday) you are ill (if we have a certificate). If you take this option, you must send us your street-trading licence, which we will return to you when you start trading again. (We will not credit your account for absence due to ill health if you do not have a certificate. In other words, you must pay the full fee for these periods.) We may also let your pitch or move another permanent trader to it.
 - 2 You may ask us for a registered assistant to trade on your behalf if you are off sick. We may withhold permission depending on the circumstances, but we will not do so unreasonably. In any event we must respond to your request in writing. If we agree to your request, you must continue to supply medical certificates to us as shown above.
 - 3 You may make a proposal to us about a temporary or permanent change to the conditions attached to your licence. We may withhold permission depending on the circumstances, but we will not do so unreasonably. In any event, we will respond to your request in writing.
- c If you do not trade on your pitch for any reason for six months, or for shorter but more frequent periods within a six-month or longer period of time, we will ask you why you have not been trading and your plans for the future. We may also consult the Portobello Management Committee about you if you have agreed to this. We may refer your case to our Regulation and Enforcement Review Committee. The committee may choose to revoke (withdraw) your licence or to change the conditions placed on it.

13 Maternity and paternity leave

The following standard conditions apply only to permanent licensed traders.

- a You may take maternity leave of up to 18 weeks from street trading. This leave applies on top of your leave for holidays or sickness absence. To qualify for maternity leave, you must give us a medical certificate (MAT B1) confirming your expected date of delivery. The three options shown in paragraph 12b are available to you.
- b You may take paternity leave of up to four weeks from street trading. This leave applies on top of your leave for holidays or

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sickness absence. To qualify for maternity leave, you must give us a medical certificate (MAT B1) confirming your partner's expected date of delivery.

14 Heatherwick kiosks

The following conditions will apply only to isolated street-trading sites which we have provided with a 'Heatherwick'-style kiosk.

- a You can use the kiosk only to sell newspapers and other publications.
- b If you want to stop using the kiosk on your pitch, you must give us 12 months' notice in writing. If we want to withdraw the kiosk, we must also give you 12 months notice in writing.
- c You will be responsible for paying any utility bills (phone, electric and so on) on the kiosk.
- d At all times you must keep the inside of the kiosk in a clean and tidy condition and in good decorative order.
- e We have allowed you to use the kiosk and you may not transfer it to any other person, firm or company. This does not affect your rights to transfer your street-trading licence to a next of kin.
- f You must not make or allow any damage, alteration or addition to the kiosk or place any advertisement to the outside of the kiosk.
- g You must make sure that the kiosk is securely locked at all times when not under supervision.
- h You must not use the kiosk for any illegal purposes or for selling any publications of an offensive or pornographic nature.
- i Nobody must live in the kiosk.
- j You must not keep any poisonous substances or substances which catch fire easily in the kiosk or use Calor gas or oil-burning appliances in it.
- k You must keep to all reasonable rules and regulations we may make. We will write and let you know about these.
- l We will insure the structure of the kiosk and keep the outside of it in good repair and condition as long as you do not commit or allow any act which might make our insurance invalid.

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- m If you use this kiosk you will not have any interest in land or become our tenant. The Heatherwick Kiosk is our property.

End