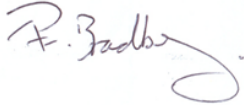


<b>LONDON BOROUGH OF CAMDEN</b>	<b>WARDS:</b> All
<b>REPORT TITLE</b> Street Trading Licence Terms and Conditions	
<b>REPORT OF</b> Director of Environment and Sustainability	
<b>FOR SUBMISSION TO</b> Licensing Committee	<b>DATE</b> 19 <sup>th</sup> November 2024
<b>SUMMARY OF REPORT</b>  This report details the revised terms and conditions to be attached to street trading licences which the Committee is asked to approve. If approved, the revised terms and conditions will be implemented on all street trading licences from 1 <sup>st</sup> April 2025.  This report also asks the Committee to delegate authority to Executive Director Supporting Communities, following consultation with the Cabinet Member for New Homes and Community Investment, to make any future minor consequential amendments to the terms and conditions that are considered necessary.  <b>Local Government Act 1972 – Access to Information</b> The following documents have been used in the preparation of this report: <ul style="list-style-type: none"> <li>• <a href="#">Clean Air Action Plan 2023-2026</a></li> </ul> <b>Contact Officer:</b> Rachel Bailey, 5 Pancras Square, London N1C 4AG, Tel: 020 7974 3791 <a href="mailto:rachel.bailey@camden.gov.uk">rachel.bailey@camden.gov.uk</a>	
<b>RECOMMENDATIONS</b>  Having considered to the Equality Impact Assessment at appendix 7 and having had due regard to the needs set out in section 149 of the Equality Act (2010), the Licensing Committee is asked to: <ol style="list-style-type: none"> <li>1. Note the consultation responses to the revised standard licence conditions as set out in Appendix 6;</li> <li>2. Approve the revised standard licence conditions, to be attached to all street trading licence with effect from 1<sup>st</sup> April 2025; and</li> </ol>	

3. Delegate authority to the Executive Director Supporting Communities, following consultation with the Cabinet Member for New Homes and Community Investment, to make any future minor consequential amendments to the terms and conditions that are considered necessary.

Signed:

A handwritten signature in blue ink, appearing to read "P. Barber". The signature is written in a cursive style with a large, sweeping flourish at the end.

Date: 07/11/24

## **1. Purpose of Report**

- 1.1. The standard terms and conditions applicable to street trading licences, which are applicable to market stalls and kiosks, were last updated in 2015. This report sets out proposed amendments to the standard terms and conditions of street trading licences to be implemented from 1<sup>st</sup> April 2025.
- 1.2. The proposed amendments are necessary to support the ongoing management and development of street trading within the borough and ensure that the terms and conditions align with Camden's priorities in We Make Camden and the Clean Air Action Plan 2023-2026.
- 1.3. In accordance with the requirements of the London Local Authorities Act 1990, consultation on the proposed licence terms and conditions was undertaken with all licence holders. The majority of respondents stated they were very satisfied or satisfied with the proposed changes (61.9%).
- 1.4. The consultation responses have been considered and have informed the proposed revisions to the licence terms and conditions. The consultation responses are attached at Appendix 6.

## **2. Background**

- 2.1. The legal definition of Street trading is:
  - a) the selling or the exposure or offer for sale of any article;
  - b) the purchasing of or offering to purchase any ticket; and
  - c) the supplying of or offering to supply any service, in a street for gain or reward.
- 2.2. In Camden, street trading takes place at market stalls and/or kiosk sites within 9 designated streets in the borough. There are a total of 367 pitches/stalls, 52 kiosk sites (miscellaneous sites), 5 ice cream sites and a number of temporary isolated trading positions, including shop forecourts across the borough. All stall and kiosk traders are issued with a street trading licence with terms and conditions, which they are required to adhere to.
- 2.3. Street trading and licences that permit trading are granted by the Council under the London Local Authorities Act 1990 (LLA) as amended. Street trading licences are issued to traders for a term of three years at the end of which they can be renewed or revoked.
- 2.4. The terms and conditions attached to street trading licences set out Council's expectations of how trading should be undertaken. They cover requirements for insurance cover, vehicle use, payment of fees, breach of conditions and food safety. The terms and conditions are necessary to protect, licence holders, consumers, local residents and business in Camden.

- 2.5. Camdens markets support local communities by providing affordable workspace supporting new and diverse entrepreneurship, create vibrant dynamic community centres, job opportunities for local residents and maximise social value through buying goods and services locally. The proposed changes support the development of markets to maximise these benefits and address the impact of markets operating in communities such as cleanliness, waste management, air pollution, noise, traffic, quality of goods, healthy options and the opportunity to for markets to develop and adapt to meet local needs.
- 2.6. Management of street trading is undertaken through a combination of face-to-face inspections supporting traders with day-to-day needs, addressing issues, monitoring and ensuring terms and conditions are being adhered and if required giving warning and penalty points to ensure compliance. This is support by a back officer team issuing licences and organising events and overall market development.
- 2.7. Under the LLA, the Council has the power to vary conditions on a street trading licence on any occasion of the renewal of a licence on 1<sup>st</sup> April or on 1<sup>st</sup> January of any year, following a consultation. Current street trading licences are due for renewal on 1<sup>st</sup> April 2025 and the proposed terms and conditions are coming to licensing committee to be approved for the licence renewals in 2025.

### **3. Links to We Make Camden and Camden's broader strategies**

- 3.1. We Make Camden is the joint vision for the borough, setting out what we want to collectively achieve and was developed following conversations with residents, partners and community leaders.
- 3.2. The proposed licence amendments support We Make Camden ambitions for a local economy to be strong, sustainable and inclusive; everyone should have a secure livelihood to support them to live a prosperous life; and a green, clean, vibrant, accessible and sustainable place where everyone is empowered to contribute to tackle the climate emergency.
- 3.3. We Make Camden's vision identifies clean air as a priority for Camden citizens and the proposed amendments support the Clean Air Action Plan 2023-2026. Specifically, the proposed amendments support the installation and use of electricity for food traders enabling a greater shift to cooking using electricity instead of gas, guidance for reducing air pollution, smoke and odour from cooking activities to improve air quality and occupational exposure to traders, shoppers, business and local residents. The amendments also support a reduction in vehicle use.
- 3.4. Camden's emerging street trading strategy, due for completion early 2025, links to Camden's vision and ambitions. The proposed amendments support the overall vision of the strategy and the ambition that 'Camden's markets and high streets are vibrant and diverse, providing space for new business, good jobs and support the arts, culture, and night-time sectors.'

- 3.5. Recent changes in the public realm, such as additional planting and pedestrianisation, create welcoming places which are safer, greener, and cleaner. It creates opportunities to use spaces in different ways to bring the local community together and create new trading sites and opportunities. The installation of electricity, provision of local storage facilities and stall hire on designated streets will support new local traders and existing traders. The proposed amendments support the implementation of these changes.
- 3.6. Trading Standards have been working in partnership with Police, Brand Representatives and Community Safety Enforcement to act against premises identified as selling counterfeit goods and oversized vapes in Camden. Camden also attracts itinerant traders both selling legitimate and illicit goods who set up stalls to illegally trade. Updating the terms and conditions on counterfeit goods and restricted goods will support this ongoing work.

#### **4. Summary of Changes**

- 4.1. The existing terms and conditions have been in place since 2015. Since then, many changes have taken place including the declaration of a climate emergency, the Covid pandemic and cost of living crisis. The pandemic significantly affected street traders and has resulted in changes to the public realm as well as shopping and working patterns. The street trading stalls and kiosk sites have adapted well to the changing circumstances and the proposed amendments to the licence terms and conditions will further support these changes.
- 4.2. The proposed changes are designed to support Camden's strategic aims and support street traders to adapt more quickly to changes in the public realm and shopper requirements, to enable good work and safe, sustainable places. The proposed 2025 Street Trading License Terms and Conditions are attached at Appendix 1. Details of each new, amended and deleted terms and conditions, including and reasons for each change can be found in the Comparative Table at Appendix 2.
- 4.3. The revised conditions support the aims of Camden's Climate Action Plan by promoting:
  - the encouragement of reuse and circular economy principles (circulate products by maintaining, reusing and refurbishing them, rather than making things and throwing them away)
  - increased recycling, and improved waste management, storage and disposal practices,
  - the use of environmentally friendly alternatives where available e.g. sustainable packaging and bags,
  - measures to reduce smoke and air pollution created by food traders,
  - the use of electricity,
  - the use of Council storage facilities - to reduce the need for vehicle use by providing local storage solutions.

4.4. Other changes and additions include improvements to the terms and conditions relating to:

- controlled advertising,
- expected trader behaviour and maintaining customer confidence,
- food safety, hygiene, maintenance of electrical and gas equipment and insurance cover,
- licence succession,
- the management of the market stalls and local area,
- the use and maintenance of council owned Kiosks and equipment

4.5. The new terms and conditions also include clearer wording, simpler commodity lists, and will align with other legislation, such as the rules on counterfeit goods and restricted goods.

## **5. Consultation**

5.1. In accordance with the requirements of the London Local Authorities Act 1990, a consultation on the proposed terms was undertaken with all licence holders from 5 September 2024 for 28 days until 3 October 2024. A notice was placed in the Camden New Journal on 5 September alongside an online consultation on We Are Camden. Hard copies of the documents were made available at libraries and traders were invited to drop into Camden offices and officers engaged with traders when undertaking daily market checks.

5.2. The consultation gave traders, business, residents, shopper and other interested parties the opportunity to review and provide feedback on the proposed amendments. The responses received have been considered and have informed the proposed revisions to the licence terms and conditions. The consultation responses are attached at Appendix 6.

5.3. There were 21 online responses including feedback from council officers and discussions with traders. Overall, the majority of respondents stated they were very satisfied or satisfied with the proposed changes (61.9%). There was support for conditions on Camden's climate action plan, especially around air quality.

5.4. The enforcement of licence conditions through the updated penalty point scheme was welcomed on the understanding that the system would be well managed, and traders would be supported not just penalised. Improvements were also identified in cleansing, waste management, trader facilities and enforcing illegal street trading. A fair and consistent approach to penalty point enforcement will ensure traders are supported to comply with their terms and conditions but enable direct action to be taken against those who do not comply and adversely impact the market, allowing for improved overall trader management.

5.5. The consultation also looked at the issue of commodities sold within a market, including the type and frequency of commodities in an area. Consultees said that each designated market / trading street should be looked at holistically with

trader involvement to avoid commodity saturation, with the prioritisation of artisanal, handmade goods and healthy food options.

## 6. Options

6.1. The proposed changes to the street trading licence terms and conditions are designed to support Camden strategic aims and support street traders to adapt quickly to changes in the public realm and shopper requirements, enabling good work and safe, sustainable places.

6.2. The revised licence terms and conditions are also necessary to align street trading and its development with Camden's ambitions and response to the climate emergency.

6.3. The options available are:

**Option 1:** Approve the revised street trading licence terms and conditions to come into effect on 1<sup>st</sup> April 2025.

If the terms and conditions are approved street trading licences will align with Camden's ambitions and response to the climate emergency and support street traders to adapt more quickly to changes in the public realm and shopper requirements to enable good work and safe, sustainable places.

**Option 2:** Refuse to approve the revised street trading licence terms and conditions

If the terms and conditions are not approved street trading licences will retain the outdated 2015 terms and conditions and so not align with Camden's ambitions and response to the climate emergency.

6.4. This report recommends **Option 1**.

6.5. If the terms and conditions are not approved street trading licences will not align with Camden's ambitions and response to the climate emergency.

6.6. A risk associated with implementing the revised terms and conditions could include additional costs to traders, should they need to acquire new equipment or machinery, and the time associated with monitoring compliance with the revised terms and conditions. To mitigate this, we are proposing a grace period as outlined in section 7.3 below.

## 7. Next Steps

7.1. If approved, the revised licence terms and conditions will be circulated to all traders as part of the licence renewal process in January 2025 and issued with their new licences in April 2025.

- 7.2. Once approved, all traders will be informed in writing and notification of the revised conditions will be advertised in line with the LLAA 1990 (as amended) for a minimum of 28 days before 1st April 2025 in local newspapers. The notification of the revised conditions will be incorporated into the licence renewal process in January 2025 along with the new proposed fees and charges. Fees and charges are reviewed annually, and traders are given notice before the increase on 1<sup>st</sup> April 2025.
- 7.3. Traders will be given a grace period of 3 months from 1<sup>st</sup> April 2025 to 30<sup>th</sup> June 2025 to comply with any amended or new terms and conditions. Any breaches identified during this period will be communicated to the licence holder verbally and in writing and they will be given 8 weeks to comply before penalty points are issued. Any breaches from 1<sup>st</sup> July 2025 will be addressed using the penalty points system in line with the proposed terms and conditions (Appendix 1 Proposed 2025 terms and conditions).

## **8. Equality Impact Analysis (EIA)**

- 8.1. An Equality Impact Assessment was undertaken to identify if any of the new or amended terms and conditions have an adverse effect on the traders or specific groups and no differential impact was identified. Please see Appendix 7 for further information.

## **9. Finance Comments of the Executive Director Corporate Services**

- 9.1. There are no financial risks highlighted in the document. If option 1 is selected, the new terms & conditions will come into effect 1 April 2025

## **10. Legal Comments of the Borough Solicitor**

- 10.1. Under the London Local Authorities Act 1990 a "street trading licence" means a licence granted under this Part of this Act and valid for the period specified therein being not less than six months and not more than three years;
- 10.2. Section 27.— states a licence granted under section 25 (Application for street trading licences) of this Act, shall (a) unless it is revoked or surrendered, be valid for a period of three years from the date on which it is granted, or for such shorter period as the borough council may determine; (b) specify the conditions.
- 10.3. Section 27, (3) the borough council may make regulations prescribing standard conditions, which they may attach to the licence on the occasion of its grant or renewal. (4) Before making regulations under subsection (3) above, the borough council shall—
- (a) Publish notice of their intention to do so in a local newspaper circulating in their area, and such notice shall—
- (i) contain a draft of the resolution to which it relates; and



- (ii) state that representations relating to it may be made in writing to the borough council within such period, not less than 28 days after the publication of the notice, as may be specified in the notice; and

(b) Consult the licence holders or a body or bodies representative of them.

(5) As soon as practicable after the expiry of the period specified under subsection (4) above, the borough council shall consider any representations relating to the proposed regulations which they have received before the expiry of that period.

10.4. Before determining any licence terms and conditions, the council must consult with licence holders or a body or bodies representative of them.

10.5. The views of all these persons or bodies should be given appropriate weight when the terms and condition are determined.

10.6. The terms and conditions provide a set of presumptions and guidelines for licence holders and are considered helpful to promote certainty amongst local residents and businesses and consistency of decision making.

10.7. Section 27 (6) After the borough council have considered those representations they may if they think fit make regulations as mentioned in subsection (3) above.  
(8) Without prejudice to the standard conditions, the borough council may in addition attach to a licence such further conditions as appear to them to be reasonable in any individual case.

## **11. Environmental Implications**

11.1. The proposed amendments will have a positive impact on the environment, through improved resource usage (reducing and recycling waste material), reducing vehicle usage and improving air quality within market areas and, therefore, contribute to delivering Camden's Clean Air Action Plan and Climate Action Plan as further detailed in sections 3.2 and 4.3.

## **12. Appendices**

- Appendix 1 – Proposed 2025 terms and conditions
- Appendix 2 – Comparative table for the Standard Terms and Conditions
- Appendix 3 – Comparative table for penalty points
- Appendix 4 – Comparative table for commodities
- Appendix 5 – New proposed prohibited goods
- Appendix 6 – Consultation responses
- Appendix 7 – Equality Impact Assessment

**REPORT ENDS**