

Appendix 2 Comparative Table for the Standard Terms and Conditions

| Existing Condition No. | Existing Condition | Change (New, Amended, Deleted, Retain) | Proposed Condition No. | Proposed Condition | Reason for Amendment/Creation/Deletion |
|------------------------|--|--|------------------------|--------------------|--|
| | Definitions | | | | |
| 1 | In the Regulations unless the context otherwise requires the following expressions shall have the following meanings: | Retain | | | |
| i. | "Act" means Part III of the London Local Authorities Act 1990 as amended and the London Local Authorities Act 2012 | Retain | | | |
| ii. | The "Council" means the London Borough of Camden | Retain | | | |
| iii. | Street Trading "shall have the meaning described in Section 21 (1) of the Act. | Retain | | | |
| iv. | "Licensed Street Trader" means any person who is licensed for street trading under the Act. | Retain | | | |
| v. | "Street Trading Licence" means a licence granted under Act and valid for the period specified therein being not less than six months and not more than three years | Retain | | | |
| vi. | "Temporary Licence" means a licence granted and valid for a single day or for such period as may be specified in the licence not exceeding six months. | Retain | | | |
| vii. | "Receptacle" includes a vehicle or receptacle and any basket, bag, box, vessel, stand, stall, easel, board, tray 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. | Retain | | | |
| viii. | "Stall" means any structure, box, table, stand or thing used to display goods or protect the goods or the licence holder or his assistant. | Retain | | | |
| ix. | "Assistant" means a person employed by and acting under the directions of a trader to assist him about the business of the receptacle and whose name and address has been notified to the Council. | Retain | | | |
| x. | "Awning" means a sheet of canvas or other material, used as a protection against the weather, which projects as an extension of the roof beyond the structure of the receptacle. | Retain | | | |
| xi. | "Premises" means a shop, house, or a block of flats immediately behind the licensed pitch. | Retain | | | |
| xii. | "Designated pitch" means a pitch in any street authorised as a place at which street trading may be engaged in by a street trader. | Retain | | | |
| xiii. | "Refuse" includes any waste material. | Retain | | | |
| xiv. | "Trader" means a person in whose name a current licence is held authorising street trading from a licensed street trading pitch. | Retain | | | |
| xv. | "Consent" means the consent of the Council in writing. | Retain | | | |
| xvi. | "Commodities" means any goods, wares or merchandise for sale at a stall. | Retain | | | |
| xvii. | "Officer Panel" means a collective of Council Officers. | Retain | | | |
| 2 | In these conditions in accordance with the provisions of Section 6 of the Interpretation Act 1978 unless the contrary intention appears: Words importing the masculine gender include the feminine; Word importing the feminine gender include the masculine; Words in the singular include the plural and words in the plural include the singular | Retain | | | |

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| 3 | All other expressions shall be construed in accordance with Part III of the Act and unless the context requires otherwise any reference to a licensed street trader shall include any assistant employed by that trader. | Retain | | | |
| | General | | | | |
| 4 | The Council may add special conditions where it considers appropriate and in the event of any conflict between these standard conditions and any special conditions attached to a licence, the special conditions shall prevail. | Retain | | | |
| 5 | Licensed street traders shall provide written notice to notify the Council of any permanent change of address as soon as it occurs. | Amended | | Licensed street traders shall provide written notice to notify the Council of any permanent change of address, change of phone number, email address as soon as it occurs. | Includes phone number and email address |
| | | New | 6 | Notwithstanding section 26 of the London Local Authorities Act 1990 (As amended) the Council may at their discretion grant the licence to an employee of at least five years standing of the former licence holder where— a) (i) the former licence holder had previously notified the council of his employment of that person; and b) (ii) the former licence holder or the applicant has made available to the council all necessary tax, pay slips and other records to prove that the person is or was a bona fide employee for at least last 2 years. | New to allow the licensee the option to transfer their licence on the grounds of their ill health or retirement to long standing registered assistant if there is no next of kin who wishes to take the licence |
| | Other Legislation | | | | |
| 6 | The grant of a street trading licence shall not be deemed to give any approval or consent which may be needed under By-law, enactment or regulations other than Part III of the London Local Authorities Act 1990 (as amended) and the London Local Authorities Act 2012. | Retain | 7 | | |
| 7 | Traders must comply with Trading Standards legislation i.e. • Goods sold by weight must be sold in metric units • Goods that contravene the Trade Marks Act 1994 (counterfeit goods) must not be sold • All goods must have a price inclusive of VAT displayed on them. | Retain | 8 | | |
| 8 | All food receptacles must comply with current Food Safety legislation. | Amended | 9 | No Trading shall take place that involves the sale of food unless the licence holder is complying with all current food safety and food standards legislations | This proposed amendment is to clarify the licensee's responsibility when selling food and to provide increased protection to the public |
| | | Food stall (New) | 10 | If authorised to sell food, the licence holder shall provide a first aid box on the stall that is readily available for use at all times that they are trading. | This new condition is proposed to raise the safety standards for food traders and the public |
| | | Food (New) | 11 | The licence holder must ensure the safety of themselves and other users of the market and must comply with all relevant and current legal requirements for health and safety (including, but not limited to, those relating to electrical, gas and fire safety). | This new condition is proposed to raise the safety standards for food traders and the public |
| | | Food (New) | 12 | Heat producing equipment (e.g. braziers) shall be so placed within the trading area as to offer maximum safety to the public. The position of such equipment in relation to other goods or materials shall be agreed with the Council's officers. Use of coal is strictly prohibited as a mode of cooking unless approved in writing and for agreed trading area. | Condition proposed to improve the safety for food traders and the public, and to improve the air quality in market areas |
| | | New | 13 | The licence holder shall only trade from receptacle that has been approved by the Market Team and that is set up in accordance with the approved designed and layout. The licence holder shall maintain their receptacle to minimise any deterioration in its appearance following the approval by the Market Team and shall remove any defacement from their receptacle as soon as it is practical. | Condition proposed to improve the appearance of our markets, by raising the standard for each individual traders' receptacles |

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| | | New | 14 | The licence holder shall ensure that any receptacle provided by the Council shall be kept in good repair and any damage to the receptacle may be chargeable to the licensee. | Proposed new condition to cover the basis of any loan of Council owned equipment, such as gazebos, tables etc that is available to traders to book |
| 9 | The Council's Environmental Health Officers and any other authorised officers must approve all food receptacles where it is deemed necessary and as required under Food Hygiene legislation. | Amended | 15 | The Council's Environmental Health Officers and any other authorised officers shall approve all food receptacles where it is deemed necessary and as required under current food safety and food standards legislations. | Proposed amendment to make this condition clearer |
| 10 | A licensed street trader and his assistant shall comply with current Health and Safety legislation and where food is sold they shall also comply with current Food Hygiene legislation. | Retain | 16 | | |
| 11 | Where compliance notices are issued with regard to Health & Safety and Food Hygiene legislation those matters must be addressed within the notice periods given. | Amended | 17 | Where compliance notices are issued with regard to Food safety and food standards legislations those matters must be addressed within the notice periods given by the relevant enforcing authority | Proposed amendment to make condition clearer |
| 12 | All traders who sell foodstuffs from their stalls must ensure they are registered as a food premises with the relevant section of the Council. | Amended | 18 | All licence holders who sell foodstuffs from their stalls shall ensure they are registered as a food premises with the relevant section of the Council prior to submitting a street trading application | Proposed amendment to make condition clearer |
| | Note | | | | |
| | NOTE: Failure to comply with legislation may result in enforcement action taken by the relevant section of the Council | Retain | | | |
| | | New | 19 | All licence holders selling food from their licensed pitch shall employed registered assistant holding a level 2 Food safety and hygiene certificate. | New proposed condition to improve the standard of all individuals working on food stalls |
| | | New | 20 | All licence holders selling food shall attain a food hygiene rating of 3 or above to be issued a street trading licence. If the score is below 3, they shall pay to be re-rated and attain a score of 3 or above within 6 weeks. | New proposed condition to improve the standard of food traders operating in Camden's Street Markets |
| | | New | 21 | Your cooking method and the re-heating of any food item shall not cause a nuisance either by smoke or other air pollutants, odour or noise to nearby residential properties, other stall holders and pedestrian pathways. Please refer to Camden's Guidance for reducing air pollution, smoke and odour from street cooking activities. | New proposed condition to improve air quality in market areas and reduce the impact to residents and businesses in market areas |
| | | New | 22 | Failure to comply with relevant legislations shall result in enforcement action taken by the relevant Enforcing Department of the Council. | New proposed condition to improve the standards in our street markets |
| | | New | 23 | The licence holder shall provide suitable and adequate premises for the storage of their receptacle when trading is not taking place. | New proposed condition to provide better management of market areas |
| | | New | 24 | The licence holder shall provide suitable and adequate storage of any perishable goods whilst at the licensed pitch, transporting the goods to/from the licensed pitch and away from the licensed pitch when trading is taking place. | New proposed condition to ensure that perishable goods are stored correctly when trading |
| | | New | 25 | The licence holder shall notify the Council in writing of any change of addresses at which the stall and perishable goods are stored when trading is not taking place within 5 days of the change occurring. | New condition to ensure that information is kept up to date |
| | Conduct of Traders | | | | |

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| 13 | Licensed Street Traders and any assistants employed by them shall ensure that all persons are treated fairly and with courtesy. | Amended | 26 | The licence holder and their assistants shall treat the public and Council Officers fairly and with courtesy. The licence holder and their assistant/s shall not engage in any criminal activity or anti-social behaviour and, in particular, shall not engage in the following at the pitch: (i) Indecent behaviour towards the public or other licence holders; (ii) Acts of violence against any person (including other licence holders) or property and/or the attempt or threat of such acts; (iii) Verbal abuse and/or aggression displayed towards any person; (iv) Intimidation of any other licence holder;(v) Touching, moving or interfering with another licence holder's stall. | Amended condition to add additional behaviours that are not acceptable to Camden |
| 14 | Licensed Street Traders shall ensure that their staff are competent, courteous and helpful. | Amended | 27 | Licence holders or their assistants must not commit any acts of harassment (whether based on age, disability, ethnicity, gender, sexual orientation, gender-reassignment). Refusal to serve without reasonable cause, or permit access to a stall, licensed site, premises or services. Marriage and civil partnership, religion or belief, pregnancy and maternity, health and income status) against any person, including council staff and their own employees. Harassment is considered to include, but is not limited to: • Violence or threats of violence towards any person. • Abusive 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 public messages. • 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. | Proposed amendment to ensure safety of all individuals |
| 15 | Licensed Street Traders shall not mislead the public about their legal rights, either orally or by displaying signs e.g. "no goods exchanged", "no refunds given". | Amended | 28 | Licence Holder shall not mislead the public about their legal rights verbally or with notices. Any notices must be approved. | New proposed condition to improve the standards in our street markets |
| 16 | Licensed Street Traders shall carry their street trading licence and street trading licence ID card at all times when trading. These licences shall be shown on request to an authorised officer of the Council or to a police officer. | Amended | 29 | Licensed Street Traders shall carry their street trading licence and street trading licence ID card at all times when trading. These licences shall be shown on request to an authorised officer of the Council or to a police officer. Street trading licence and/or ID Card shall be prominently displayed when street trading activities are taking place at all times. | Amended condition to enhance this condition to increase consumer confidence to buy goods from our street markets |
| | | New | 30 | Any allegations made by licence holders or their assistants against members of the public, other licence holders or council staff shall 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. | New proposed condition to cover how allegations will be investigated |
| | | New | 31 | In order to protect our community, any existing licence holder or assistant who is convicted, cautioned, arrested, warned or admits to the commission of any offence relating to 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 shall have their licence reviewed to consider their continued <u>suitability</u> to trade or remain as a registered assistant. | New proposed condition to enhance the safety on our markets |
| | | New | 32 | Licence holders and their assistants are strictly prohibited from trading whilst under the influence of alcohol or illegal substances. | New proposed condition enhance consumer confidence |
| 17 | A licensed street trader and any assistants employed by them shall give every reasonable assistance to Council Officers in carrying out their duties. | Retain | 33 | | |

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| 18 | The licensee and any assistants employed by them shall not commit any acts of harassment (whether racial, sexual or otherwise) against any person. Harassment includes, but is not limited to: a) Violence or threats of violence towards any person; b) Abusive or insulting words or behaviour; c) Damage or threats of damage to property belonging to another; d) Racial Harassment, which will include any allegation where the acts or omissions complained of are racially motivated. | Deleted | | | Now included in Condition 14 |
| | Assistants | | | | |
| 19 | Any assistant employed by the licensed trader, whether paid or not, should be registered with the Council Street Trading Team. Any breach of legislation or Street Trading conditions committed by the assistant may have a bearing on the licence. | Amended | 34 | Any assistant employed by the licensed holder, whether paid or not, should be registered with the Council Street Trading Team. Any breach of legislation or Street Trading conditions committed by the assistant may have a bearing on the licence. (a) At any one time, the licence holder shall have no more than 4 registered assistants per licensed pitch and all registered assistants shall be covered by Employers Liability Insurance.(b) Registered assistant/s can only be registered to 2 permanent licence holders within a 12-month period.(c) The licence holder shall notify the Council in writing of any permanent change of their name, address, telephone number and/or email within 5 days of the change occurring.(d) The licence holder shall provide the Council with written notification of any change in the name, address and/or telephone number of any of their registered assistant/s within 5 days of the change occurring.(e) The licence holder shall notify the Council in writing if a registered assistant ceases to work for them within 5 days of them ceasing. | Amended to clarify assistance registration requirements and amendments |
| | | New | 35 | A full registration providing the details as set out below must be submitted to the Market Service by the licence holder in respect of each and every assistant to be employed by the licence holder: 1. Written details of the assistant's full name, address, date of birth, mobile and landline phone number, where applicable 2. Two identical and up-to-date full face photographs of the assistant. 3. 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. 4. Proof that they are covered by both Public liability and where applicable, Employer liability, insurance 5. Proof of payment of the appropriate fee 6. Any other information that we may reasonably require or consider relevant. | New to clarify assistance registration requirements and amendments |
| 20 | The Council should be informed immediately of any change of named assistant and confirmed in writing within 5 working days | Retain | 36 | | |
| 21 | Restrictions on child employment; A licensed street trader shall not employ any child, whether paid or not, in the business of street trading, including the putting out or stocking of receptacles, clearance of refuse, attending a site or any related activity. 'Child' means a person who is not over compulsory school age. A person shall be deemed to be over compulsory school age as soon as they have attained the age of sixteen years. | Amended | 37 | Restrictions on child employment: A licensed holder shall not employ any child, whether paid or not, in the business of street trading, including the putting out or stocking of receptacles, clearance of refuse, attending a site or any related activity. 'Child' means a person who is not over compulsory school age. A person shall be deemed to be over compulsory school age as soon as they have attained the age of seventeen years. | Amended to bring in line with the LLA and increase in school leaver age |
| | | New | 38 | No trading shall take place unless the licence holder or their registered assistant/s is present. | New condition to increase consumer confidence |
| | | New | 39 | All registered assistants shall carry photographic identification such as their passport, photo-card, driving licence or national identity card, when working under a licence. The assistant shall produce their photographic identification for inspection by a Council officer on request. | New condition to increase consumer confidence |

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| | Conditions relating to the Trading Area, Times, Commodities, Attendance etc | | | | |
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| 22 | Trading shall take place only in the street and/or designated position specified on the licence. | Amended | 40 | Trading shall only take place at the location stated on the licence or such other temporary location as agreed with the Council. | Amended condition to provide better management of market areas |
| 23 | The trading area shall not exceed the dimensions specified on the licence or any stall limits marked on the ground unless otherwise agreed in writing by the Council. No goods or other articles whatsoever shall project beyond or be placed alongside or around the extremities of the designated pitch area. | Amended | 41 | The trading area shall not exceed the dimensions specified on the licence or any stall limits marked on the ground unless otherwise agreed in writing by the Council, except during immediate re-stocking of the stall. No goods or other articles whatsoever shall project beyond or be placed alongside or around the extremities of the designated pitch area.(a) All goods, containers or other articles shall be contained within the licensed pitch area and height and shall not project beyond.(b) The licence holder shall not connect any part of their stall, advertisement or goods for sales to any other stall or to any electric bollard, socket pillar, lamp post or other street furniture , except for an electric cable connected to an electric point.(c) No barrier shall be used on or around a licensed pitch unless specific consent for their use has been obtained from the Council. | Amended condition to provide better management of market areas |
| 24 | licensed street traders shall only trade between the hours specified on the licence or the times noted in these conditions and may only trade on the days specified. | Amended | 42 | Trading shall only take place on the days and during the times specified on the licence. | Amended condition to provide better management of market areas |
| Note | Note: Trading times include setting up and packing away stalls. Any trader wishing to trade outside these times must make an application in writing to the Council. | Retain | | | |
| 25 | Only commodities agreed at the time of licensing or subsequent changes of commodities agreed by the Councils Officer Panel and listed on the licence shall be offered for sale or displayed on the receptacle. | Amended | 43 | Only commodities agreed at the time of issuing a permanent street trading licence shall be displayed and offered for sale. Any requests for variation of licence shall be submitted to the Councils Officer Panel for a decision. Agreed commodities shall be listed on the licence and only those shall be offered for sale or displayed on the pitch. The Retail Market Officer will agree commodities for Temporary Registered Traders on issue of a temporary licence to trade. | Amended condition to provide better management of market offers |
| | | New | 44 | The licence holder shall ensure that there are no counterfeit goods present on the pitch or in any associated storage facilities | To align with other legislation and boost customer confidence |
| | | New | 45 | The licence holder shall display prominent signs for all age restricted goods. The licence holder shall keep a log of refusal of sales and produced same upon reasonable request. | To align with other legislation and boost customer confidence and protection of children and vulnerable |
| | | New | 46 | Any licence holder selling knives shall ensure that knives on display for sale are removed or kept away from public access in a safe and secure position. Sales of knives shall be done upon age verification only to the appropriate standards - 'Think 21' or 'Think 25 | To align with other legislation and boost customer confidence and protection of children, public and vulnerable |
| | | New | 47 | The licence holder shall keep a record of the names, address and contact number of the suppliers of their goods so that for any item, the supplier can be contacted if required. The supplier's contact details shall be provided to a Council Officer on reasonable request | To align with other legislation and boost customer confidence and protection of children , public and vulnerable |
| | | New | 48 | The licence holder shall ensure that all goods displayed on the pitch, save for works of art or antiques, are priced in such a manner that customers can determine their price without the assistance from the licence holder | Boost public confidence and consumer protection |
| | | New | 49 | No trader shall sell or permit to be sold on the Market ornamental weapons or replica guns, fireworks or anything else which, in the opinion of the Market Team, is considered to be a risk to anyone attending the Market | To align with other legislation and boost customer confidence and protection of children, public and vulnerable |

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| | | New | 50 | No trader shall sell on the Market tobacco, vape (and vape associated) products, drugs or pharmaceuticals (including items that imply support of the same) or any substance that contravenes the Misuse of Drugs Act 1971 and Misuse of Drugs Regulations 2001 | To align with other legislation and boost customer confidence and protection of children, public and vulnerable |
| | | New | 51 | No trader shall sell on the Market any chemical substances or products that may result in injury to or death of any person, including, without limitation, glues, legal highs, weapons or knives | To align with other legislation and boost customer confidence and protection of children, public and vulnerable |
| | | New | 52 | The sale of alcohol on the Market must in the first instance be approved by the Market Manager. If so approved, a temporary event notice (permitting the sale of alcohol in a public place) (a 'TEN'), supported by a risk assessment carried out by the trader as to how the supply and consumption of alcohol at that event will be managed, must be served by the trader on the Council. If the Council approves the TEN the trader shall keep the TEN in a safe place where the event is held and shall display a copy of the notice where it can be easily seen. | To align with other legislation and boost customer confidence and protection of children, public and vulnerable |
| | | New | 53 | 51. Traders shall not be permitted to sell Goods on the Market that bring, or which may bring the Market into disrepute. | To align with other legislation and boost customer confidence |
| | | New | 54 | 54. No trader shall sell or permit to be sold on the Market any item that contravenes:• Copyright Design and Patents Act 1988• Trade Descriptions Act 1968• Trademarks Act 1994• Video Recordings Act 1984• The Consumer Protection Act 1987• The General Product Safety Regulations 2005• Toys (Safety) Regulations 2011• The Cosmetic Products Enforcement Regulations 2011• or other applicable Trading Standards legislation | To align with other legislation and boost customer confidence and protection of children, public and vulnerable |
| 26 | No stalls of an auctioneer nature will be allowed to trade on any market. | Retain | 55 | | |
| 27 | No advertisement shall be displayed on the licensed pitch, which relates to any goods, commodities or services other than those offered for sale or provided on that pitch unless otherwise agreed in writing by the Council's street trading team; obtaining separate planning permission does not constitute as permission from the street trading team. | Amended | 56 | No advertisement shall be displayed on the licensed pitch, which relates to any goods, commodities or services other than those offered for sale or provided on that pitch unless otherwise agreed in writing by the Council's Street trading team; obtaining separate planning permission does not constitute as permission from the street trading team. All advertisement shall be located within the licensed pitch and shall occupy no more than 10% of the surface area of each side of the stall. | Clearer condition and align with other legislation |
| | | New | 57 | The name of the stall and goods and services on offer shall be displayed:(i) for kiosk- fascia sign equivalent to a shop front(ii) in case of a gazebo- tension roof or on the valance or on a board inside the stall.(iii) No advertisement shall be displayed on the licensed pitch that relates to any goods, commodities or service other than those offered for sale or provided on that pitch.(iv) No advertisement comprising of three dimensional representations of products (such as but not limited to, replica ice cream cones, coffee cups or chocolate bars) shall be displayed on the stall.(v) No free-standing advertisement shall be located outside of the pitch area.(vi) No A board or other free-standing advertisement shall be located within the licensed area unless it is part of the stall design that has been approved by the Council.(vii) No notices shall be displayed in the licensed pitch that would restrict a consumer's statutory right such as "no refunds" or "no returns" | Clearer condition and align with other legislation |

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| 28 | No substances, sprays, potions or liquids may be sprayed, placed or used except in a suitable container placed within the confines of the stall and then only to promote goods being sold. This does not apply to cleaning substances made specifically for and being used for cleansing purposes. | Retain | 58 | | |
| 29 | Traders shall always display a notice indicating the licensed pitch number of the receptacle. This notice shall be kept prominently and permanently exhibited on the receptacle together with the name or business name of the trader. | Retain | 59 | | |
| 30 | Licensed Street Traders shall be in personal attendance at their pitch for the majority of their trading time. The majority of the time is defined as 60% of the time the pitch is in operation on each trading day. At all other times the stall may only be operated by an assistant registered with the Council | Retain | 60 | | |
| 31 | If a licensed trader operates more than 1 trading pitch in the borough then the 60% will be equally split between the number of sites on a pro-rata basis. | Retain | 61 | | |
| 32 | Any licensed trader who is absent for a period greater than the 60% attendance requirement must notify the Council in writing, to advise them of the periods and purpose of their absence. The Council reserve the right to withdraw a licence if a trader is found to be in breach of this condition. | Amended | 62 | Any licensed trader who is absent for a period greater than the 60% attendance requirement must formally notify the Council in writing, to advise them of the periods and purpose of their absence. The Council reserve the right to withdraw a licence if a trader is found to be in breach of this condition. | Better management of pitch and filling of vacancies to generate income |
| 33 | No sub-letting or sale of a licensed trading location is permitted. Pitches trading in certain location are expected to trade in their designated location as specified on their licence. | Amended | 63 | The 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. Licence holders must therefore not assign their licence to anyone else, employ a manager in their place 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 sanction, including revocation of licence | The proposed amendment to provide better control and understanding of the rights associated with a street trading licence |
| | | New | 64 | Where a market redesign or local area redevelopment project is undertaken Licence holders, upon grant or renewal of their licence, may be required to use a specific receptacle/kiosk and design that must be adhered to for the overall benefit of the street trading area. The licence holders may be required to trade from alternative locations for a period of time to allow the public realms works to take place. | New proposed condition to provide better management of the market, to allow us to visually improve the look of the market and allow more opportunity to new traders and allow public realm to be done |
| | | New | 65 | Where Council owned equipment is provided, Licence holders may be requested to pay a fee to use the equipment and for the set up and set down service and agree to terms and conditions for this service | New proposed condition to support the provision of Council owned equipment to support new and existing traders and to reduce the number of vehicles entering the market |
| | | New | 66 | Where storage has been provided, Licence holders may be requested to pay a fee to store equipment and goods and agree to terms and conditions for the use of this storage | New proposed condition to support the provision of storage of trader goods and equipment to reduce the number of vehicles entering the market |
| | | New | 67 | Where there are planned events taking place in a market, licence holders may be required to trade from alternative locations for a period of time to allow the event to take place | New Proposed condition to all for events to take place on a more regular basis |
| | | New | 68 | If a pitch is not utilised by the licence holder by the times set out in the standard conditions without the prior approval of the Council or its representative, the Council may at its discretion relet the pitch for that day for street markets only. | Better management of pitches and filling of vacancies to generate income |
| | Receptacles including kiosks, vehicles etc | | | | |
| 34 | Only receptacles approved in writing by the Council shall be used. Any receptacles provided by the Council must be kept in good repair, and any damages to the receptacles may be chargeable to the licensee. | Amended | 69 | The licence holder shall only trade from receptacle(s)/kiosks that has been approved by the Market Team and that is set up in accordance with the approved designed and layout. The licence holder shall maintain their receptacle/kiosk to minimise any deterioration in its appearance following the approval by the Market Team and shall remove any defacement from their receptacle as soon as it is reasonably practical | To improve the management of stalls on the street and maintenance to enhance the street/market vision |

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| | | New | 70 | Any receptacle/ kiosk provided by the Council shall be kept in good repair and any damage to the receptacle may be chargeable to the licensee. | To provide clear guidelines with regard to the use of Council owned receptacles, including kiosks on the street and licence holder's responsibilities |
| | | New | 71 | For licence holders operating from Council owned receptacles/kiosk, the Council may charge an approved charge to cover the ongoing upkeep, maintenance and replacement. The licensee will be responsible for maintaining the internal area and for any power and water provision, including the payment of all usage and standing charge costs The Council has the right to carry out an annual inspection of the kiosk. | To set out clear guidelines for responsibility of Council owned equipment |
| | | New | 72 | Receptacles used for the sale of food shall be maintained and regularly cleaned to ensure the food is protected from risk of contamination | Boost public confidence and consumer protection |
| 35 | A licensed trader shall not permit any awning or roof of his receptacle to project over the footway, unless approved in writing by the Council. No receptacle shall have any attachments likely to cause damage to the street. | Amended | 73 | The licensed trader shall not permit any awning or roof of his receptacle to project over the footway, unless approved in writing by the Council. No receptacle shall have any attachments likely to cause damage to the street. | Public safety and clearer condition |
| 36 | No receptacle shall be connected physically in any matter with any other receptacle or premises or street furniture or such like without the prior written consent of the Council. | Retain | 74 | | |
| 37 | Traders shall notify the Council's street trading team and other relevant Council departments/section in writing of any change of address or addresses at which the receptacle and any perishable goods are stored. Such notice shall be given within 7 days of the change. | Retain | 75 | | |
| 38 | Planning permission may be required for any kiosk or receptacle. It will be the responsibility of the trader/prospective trader to obtain this. | Amended | 76 | Planning permission shall be required for any semi-permanent kiosk or receptacle remaining overnight or for the replacement of an existing kiosk. It shall be the responsibility of the licence holder to obtain this planning permission. The licence holder needs to seek support from the Street Trading Team on the proposed design and colour prior to submitting a planning application. Once planning permission is obtained, the licence holder shall notify the Market Team and seek approval for the new approved receptable proposed to be put in place. | To provide clarity on the process of planning applications for kiosk sites, to ensure the street trading team are aware and aligned to any planning applications to change kiosks or introduce new ones on a site where there are currently none |
| | Removal of Receptacles | | | | |
| 39 | A licensed street trader shall immediately remove the receptacle and goods for so long as may be necessary if required to do so by a Police Officer or an authorised officer of the Council, in the event of an emergency, or in the exercise of any of their powers and duties. | Retain | 77 | | |
| 40 | A licensed street trader shall remove the receptacle and goods at the end of each trading day with the exception of those receptacles that have written consent from the Council to remain overnight on the designated pitch or other agreed location. Any receptacle left without permission may be removed and a fee charged for removal and storage; as detailed in the street trading fees and charges. | Retain | 78 | | |
| | Power and other services | | | | |
| 41 | A licensed trader shall ensure that any connection for the purposes of supplying electric light/power shall be readily detachable; any electric cable that is to be suspended above the public highway shall have a minimum clearance of 2.6m (8'6") from the footway and 5.1m (18'6") from the carriageway. | Amended | 79 | All electrical connection shall comply with the current edition of the Institute of Engineering & Technology(iet) Wiring Regulations. The Equipment shall be constructed and maintained to prevent danger with the Electricity at Work Regulation 1989, or any Act /regulations amending and replacing the same. Appropriate device such as 30 m A Residual Current Devices shall be used when necessary, particularly where the electrical equipment will be exposed to adverse conditions or will be used in association with hand held devices. | Better management of health and safety in relation to the installation and use of electricity and prevention of safety hazard |

Appendix 2 Comparative Table for the Standard Terms and Conditions

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| | | New | 80 | A licensed trader shall ensure that any connection for the purposes of supplying electric light/power shall be readily detachable; any electric cable that is to be suspended above the public highway shall have a minimum clearance of 2.6m (8'6") from the footway and 5.1m (18'6") from the carriageway. Where electricity supply points have been installed, the licensing authority will make arrangements for maintenance work and periodical inspection and testing of the supply equipment. Fees to cover this work, as well as for the eventual replacement of the electrical supply at the end of its lifespan, will be levied and added to the charges for the licence. Fees may also be levied for the use of the electricity itself where direct arrangements between licence holders and the electricity provider do not exist. Licence holders may make alternative arrangements for electricity where a supply has not been provided by the council. Such arrangements may involve taking a supply from nearby premises. Electricity from renewable sources such as solar panels will be encouraged. | Better management of health and safety in relation to the installation and use of electricity and prevention of safety hazard |
| | | New | 81 | The Licence holder shall arrange for all electrical equipment be inspected by a competent person at appropriate intervals and shall retain the most recent certificate of inspection on the stall at all times that they are trading. The certificate shall be made for inspection by a Council Officer on request | Better management of health and safety in relation to the installation and use of electricity and prevention of safety hazard |
| 42 | No electrical installation shall be made without receiving written consent from the Council. | Retain | 82 | | |
| 43 | All electrical wiring and components shall comply with the current legal requirement. A portable appliance test certificate shall be submitted to the Council on the renewal of licence each year. An existing licence will be suspended if the licence holder is unable to produce evidence of their valid portable appliance test certificate upon request. | Deleted | | | |
| 44 | If the Council need to have any appliance tested, a fee as set out in the annual fees and charges will be charged to the trader. | Retain | 83 | | |
| 45 | Electricity provided by the Council shall, except with the written consent of the Council, be used only for the purpose of lighting; the operating of electrical scales and tills; the operating of credit card authorisation machines and the testing of low wattage electrical goods. | Amended | 84 | Electricity provided by the Council shall, except with the written consent of the Council, be used only for the purpose of lighting; the operating of electrical scales and tills; the operating of credit card authorisation machines and the testing of low wattage electrical goods. | Manage safety on the street and markets and avoid overcharge of power points |
| | | New | 85 | A licence holder shall agree and sign an agreement relating to the terms and conditions of using Council power bollards, which will include - agreeing to pay a fee for the cost of the electricity used (including a maintenance and repair element), the cost of any damage that is caused by their trading activity or equipment used. The licence holder shall request authorisation of all equipment proposed prior to using, specifying loading details for each item and confirmation of PAT testing of equipment. There will be a limit to what items can be authorised due to loading capacity of the system. | To ensure that Council provided assets, such as electricity are used within the clear guidelines to protect the equipment from misuse or damage and improve safety in markets and street trading sites |
| | | New | 86 | A licence holder shall be held liable for any damage to any installation provided by the Council for the purpose of supplying electricity if it is shown that such damage was caused by their action or neglect. | To provide clear guidance relating to accountability and responsibility of traders |

Appendix 2 Comparative Table for the Standard Terms and Conditions

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| | | New | 87 | Where an electrical supply has been provided by the Council for use by the licence holder:(i) No electrical supply other than that provided by the Council shall be used by the licence holder on the stall;(ii) The licence holder shall ensure that all electrical equipment in use on the stall is compatible with the electrical supply and does not either individually or in combination, exceed the rating (maximum amperage) of the supply(iii) The licence holder shall be liable for the fees incurred in their use of the electrical supply and shall pay all such fees within 4 weeks of them becoming due;(iv) The licence holder and their assistant(s) shall take care when using or working nearby any electrical supply point. The licence holder shall be liable for any costs incurred in repairing electrical supply points due to their or their assistants' reckless behaviour or deliberate misuse of the electrical supply. | Manage safety on the street and markets and avoid overcharge of power points or damage from overloading |
| | | New | 88 | The licence holder shall only use the electrical supply of a premises where no electrical supply point is provided by the Council. In such cases: the licence holder shall obtain the written consent of the bill payer and the Council in advance of connecting to the supply; all supply lines shall be overhead with clearance of at least 2.6m and no cables shall be trailed along the ground; the licence holder shall ensure that their supply lines are securely installed and suitably protected from damage and water ingress | Manage safety on the street and markets and avoid overcharge of power points or damage to council owned assets |
| | | New | 89 | The licence holder shall ensure through a system of checks and testing that all gas appliances, flues, pipe work, and safety devices are maintained in a safe condition and shall make a visual inspections of these prior to them commencing trading on any day | Manage safety on the street and markets and protection for the public |
| | | New | 90 | The licence holder shall arrange for all gas appliances, flues, pipe work and safety devices to be inspected by a competent person at appropriate intervals and shall retain a copy of the most recent certificate for submission to Market Team and for inspection on the stall at all times that they are trading. The certificate shall be made available for inspection by a Council Officer on request. | Manage safety on the street and markets and protection for the public |
| | | New | 91 | All LPG cylinders, regulators and change-over devices shall be located in the open air or housed in a separate well ventilated, fire-resistance compartment. Any such compartment shall be ventilated at low level to the external air and shall have an exclusive access from outside the receptacle to enable safe access to shut off the cylinders in case of fire. The compartment shall be clearly marked "LPG – Highly Flammable – No Smoking". | Manage safety on the street and markets and protection for the public |
| | | New | 92 | Cylinders shall be stored well away from drains, wastewater pits and soak-a-ways and shall be protected from tampering and/or accidental damage. Pipes, fittings and fixtures shall be provided with appropriate compression crimped joints. No slip-on rubber hosing shall be used without means of securing them and no hosing secured by work-drive "jubilee clip" type fittings shall be used. • All LPG/Pressurised cylinders shall be stored outside any pitch, vehicle or building connected to the appliance via securely fixed metal piping or armoured flexible piping. Only cylinders using pressure relief valves will be allowed which must be positively secured in the upright position. • All LPG/pressurized cylinders not in use must be stored upright in the open air away from any fixed or temporary source of ignition, with suitable hazard warning signage provided, complying with the Health and Safety (Safety Signs and Signals) Regulations 1996. | Manage safety on the street and markets and protection for the public |

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| | | New | 93 | No trading shall take place unless adequate fire fighting equipment is provided on the stall that is appropriate for the goods on sale, equipment in use and size of the stall. The licence holder shall provide as a minimum:(i) a Class A fire extinguisher of at least 4.5ltrs if they are authorised to sell non-food commodities.(ii) a fire blanket and a Class B extinguisher (Foam or Dry Powder, as appropriate) of at least 4kg/4ltrs if they are authorised to use cooking facilities;(iii) a class F type fire extinguisher if they are authorised to use a deep fat fryer. | Manage safety on the street and markets and protection for the trader/their staff and the public |
| | | New | 94 | The licence holder shall ensure that all fire fighting equipment has been adequately tested by a competent person and is in good working order. | Manage safety on the street and markets and protection for the trader/their staff and the public |
| | | New | 95 | The licence holder shall be familiar with the operation of their fire safety equipment and shall position it on the stall so that it is readily available for use at all times that they are trading. | Manage safety on the street and markets and protection for the trader/their staff and the public |
| | | New | 96 | The licence holder shall ensure that their assistants are all aware of what to do in the event of a fire. | Manage safety on the street and markets and protection for the trader/their staff and the public |
| | | New | 97 | The licence holder shall keep the pitch clean and tidy and shall avoid a build-up of combustible materials. | Manage safety on the street and markets and protection for the trader/their staff and the public |
| Note | Fires and heaters of any description are not permitted. | Retain | | | |
| 46 | 46. Hot food operators will be allowed to operate a reasonable number of electrical appliances however there may be a limit on power that they will be able to use. | Delete | | | Covered in new conditions 79-91 |
| 47 | 47. Any fault to electrical equipment or power supply shall be reported to the Council immediately. | Delete | | | Covered in new conditions 79-91 |
| Note | A licensed street trader will be held liable for any damage to any installation provided by the Council for the purpose of supplying electricity if it is shown that such damage was caused by their actions or neglect. | Delete | | | Covered in new conditions 79-91 |
| 48 | Mobile electrical generators, portable heating appliance (e.g. braziers) or liquefied petroleum gas or other services shall not be used without the written consent of the Council. | Retain | 98 | | |
| | Waste management | | | | |
| 49 | All refuse scraps, waste material, litter or rubbish arising from the business to be contained in suitable containers as specified by the Council, within the designated pitch or in containers supplied by the Council. | Amended | 99 | Licence holders and their 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 practical. The licensee shall keep the pitch area clean and swept of any debris throughout the trading day, in particular 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. | Better waste management and align with other legislation |
| | | New | 100 | Refuse containers for any non-liquid waste shall be emptied whenever necessary into any vehicle, container or compactor provided by the Council for that purpose. Refuse containers for waste water and oil shall be removed by the licence holder at the end of trading period for disposal. Any oil disposal in our drains will result in enforcement actions | Better waste management and local environmental quality |
| | | New | 101 | Licence holder selling food items (hot or cold) must contain their waste at all time to prevent spilling of any liquids. | Better waste management and local environmental quality |
| 50 | Failure to comply with the control of waste may result in the trader being liable for prosecution. i.e. being issued with a fixed penalty notice (FPN) and/or, revocation of licence. | Retain | 102 | | |
| | | New | 103 | The licence holder shall not intentionally permit their stall or accessories to cause damage to the carriageway or | Better waste management and local environmental quality |

Appendix 2 Comparative Table for the Standard Terms and Conditions

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| | | | | footway and shall leave the trading pitch in a clean condition at the end of each trading period. | |
| | | New | 104 | The licence holder or their assistants shall remove the stall and goods for so long as may be necessary in the event of an emergency or in exercise of the Council's powers and duties when reasonably required to do so by a duly authorised officer of the Council, a police officer or an officer of any other emergency service | To ensure market traders are aware of responsibility with regard to emergency access to ensure the safety of surrounding residents and businesses |
| | Use of Vehicles | | | | |
| 51 | A licensed trader shall not leave his vehicle in the street in which he trades, or in streets nearby apart from in approved parking spaces such as meter bays, except for the purpose of loading and unloading goods or where the vehicle is the authorised licensed trading receptacle from which the trade is carried out e.g. food van or trailer. | Amended | 105 | The licence holder shall remove their vehicles, unless they are the licensed receptacles, and all other items used for the setup of the stall by the time prescribed in any relevant traffic management order for the pedestrianization of the street. Prior to the time prescribed in the relevant traffic management order for the pedestrianizations of the street, the licence holder shall not leave their vehicle in the street in which they trade unless the vehicle is i) the licensed receptacle; ii) parked in approved parking spaces such as parking bays; or iii) temporarily parked for the purpose of loading and unloading goods during the set-up of the stall. | To ensure better management and improve safety on markets |
| | | New | 106 | The licence holder shall not return their vehicle to the market until the time period prescribed in the relevant traffic management order for the pedestrianisation of the street has ended, whichever is later. (a) Loading and unloading shall be carried out as quickly as possible and the vehicle removed immediately on completion to an approved parking place. (b) A licensed trader shall not permit vehicles used in connection with the licensed pitch to be in the vicinity of the trading area for loading/unloading or other purposes during trading hours. (c) A licensed trader shall not permit parked vehicles to obstruct exits (including those from adjacent buildings), aisles or access to safety equipment. | To ensure better management and improve safety on markets |
| 52 | Loading and unloading shall be carried out as quickly as possible and the vehicle removed immediately on completion to an approved parking place. | Delete | | | |
| 53 | A licensed trader shall not permit vehicles used in connection with the licensed pitch to be in the vicinity of the trading area for loading/unloading or other purposes during trading hours. | Delete | | | |
| 54 | A licensed trader shall not permit parked vehicles to obstruct exits (including those from adjacent buildings), aisles or access to safety equipment. | Retain | 107 | | |
| Note | The possession of a street trading licence does not confer any special rights for use of a vehicle, and in particular does not exempt the licensed street trader from the requirements of parking and/or traffic regulations currently in force. | Retain | | | |
| | Noise | | | | |

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| 55 | Traders shall not use or permit amplified music or other equipment to be used except in connection with the sale of the licensed commodity and then only at the level determined by the Council so as not to cause nuisance to residents, traders or businesses nearby. | Amended | 108 | (a) Traders shall not use or permit amplified music or other equipment to be used except in connection with the sale of the licensed commodity and then only at the level determined by the Council so as not to cause nuisance to residents, traders or businesses nearby.(b) A trader shall not, to the annoyance or inconvenience of any other person, ring any bell or blow any horn or use any other noisy instrument or speaker or loudspeaker on the Market to attract the attention or custom of any person to any sale or to any goods intended for sale without the prior consent in writing of the Market Team. | To allow for better control of markets and street trading sites to ensure traders operate without disturbance to residents or other businesses |
| Insurance | | | | | |
| 56 | A licensed street trader shall be responsible for holding appropriate insurance sufficient to cover any potential claims. Satisfactory evidence of such insurance shall be produced on request by a street trading officer, and a licence will not be granted or renewed without such evidence. An existing licence will be suspended if the licence holder is unable to produce evidence of their valid insurance upon request. | Amended | 109 | <p>The licence holder shall have a third-party public insurance liability insurance over that is effective throughout the time the licence is in effect that covers the licence holder and all registered assistants whilst working on the stall. The insurance cover shall have a minimum liability of £5 million.</p> <ul style="list-style-type: none"> i. All licence holders shall provide us 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. ii. The licence holder shall have a third-party public insurance liability insurance over that is effective throughout the time the licence is in effect that covers the licence holder and all registered assistants whilst working on the stall. The insurance cover shall have a minimum liability of £5 million. iii. 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 7 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. <p>Notes:</p> <ul style="list-style-type: none"> (a) The council shall not be liable to any trader, or to any trader's employee or attendant, for any loss or damage sustained through fire, theft or through a trader's negligent act or omission. (b) The council will not be responsible for personal injury or death of any person unless the personal injury or death has been caused by the negligence of the council or its officers or agents. (c) The council shall not be liable to compensate any trader for loss of goodwill, loss of profits, loss of business or otherwise on the termination of the trader's reservation on the Market or at any other time. (d) A trader shall indemnify the council from and against all actions, proceedings, damage, claims, losses or outgoings of | amended to make insurance responsibility of traders clearer |

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| | | | | <p>whatever nature arising out of the trader's use of any stall, pitch, vehicle or stand etc., on the Market and shall take out a policy of public liability and products liability insurance for a sum of no less than £5,000,000 for each and every claim or such other sum as may be determined from time to time by the council and provide a copy of the current policy to the Market Manager on request</p> <p>(e) It shall be the responsibility of each trader to insure their stall, stock, fixtures, fittings and any other valuables brought into the Market against damage by fire, weather, theft, flood or other perils.</p> <p>(f) It is the responsibility of each trader to produce their own up to date and regular risk assessments relevant to their occupation of and trading from the Market, including, without limitation, the erection and dismantling of stalls, the use and safety of cables, and/or the management of food hygiene.</p> | |
| | National Insurance Number | | | | |
| 57 | A licensed street trader and named assistants shall provide a National Insurance Number and satisfactory evidence that the number given was issued to them. Temporary National Insurance Numbers are not acceptable. | Amended | 110 | <p>(a) A licensed street trader and named assistants shall provide a National Insurance Number and satisfactory evidence that the number given was issued to them. Temporary National Insurance Numbers are not acceptable.</p> <p>(b) A licensed street trader and named assistants shall provide all relevant supporting documents to support their legitimate right to work and in line with any Home Office immigration guidelines in force</p> | to make condition clearer |
| | Licences Payments | | | | |
| 58 | If you are in arrears of more than 5 weeks you will be invited to attend an Officer Panel. Failure to attend an Officer Panel may result in your licence being revoked. | Amended | 111 | Any permanent trader who falls into arrears by 4 weeks or more within the period of the Licence must either clear the debt in full or enter in and agreed payment plan. Failure to do this. Failure to do this will result in a proposed revocation of licence being dispatched, with an invite to attend a Revocation Panel Hearing. Failure to attend this hearing may result in a decision being made in relation to your licence in your absence. Any permanent trader who is in arrears during the renewal process will not have their licence renewed and will be prohibited to trade from 1 April on a permanent licence. | to make condition clearer |
| | | New | 112 | 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 liquid 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. | To allow for better control of street trading sites |
| | | New | 113 | Trading fees are due for permanent licensees regardless of whether or not trading takes place and must be paid in advance of each month. | To support debt recovery for unpaid fees to protect other traders' payments, as ringfenced self-financing |
| | | New | 114 | Trading fees are due in advance of trader for temporary licences for days and times requested and authorised by the Market Officer. | to support income recovery |
| | | New | 115 | Trading fees are taken from the street trading approved fees and charges for all street trading markets and isolated sites | To clarify where we take fees from |
| 59 | New traders will have the option to either pay 3 months licence fees upfront or make 1 month payment and sign up to a direct debit for the remaining fees for the duration of the current trading year. | Delete | | | |
| | Notes Attached to Conditions | | | | |
| | a) Any person who contravenes any of the conditions of a licence may be guilty of a criminal offence and liable on | Retain | a | | |

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| | summary conviction to a fine not exceeding level 3 on the standard scale. | | | | |
| | b) Persistent failure to comply with these conditions will lead to the licensed trader appearing before an Officer Panel where consideration will be given to the revocation of the licence. | Retain | b | | |
| | c) Where a person employed by a licensed street trader as an assistant fails to comply with these conditions in the absence of the licensed street trader, the licensed street trader will be held responsible. | Retain | c | | |
| | d) The Council reserves the right to waive or vary any of these conditions where in any particular circumstance it is deemed appropriate to do so. | Retain | d | | |
| | e) Where a licensed Street Trader wishes to have any of the terms of a licence varied, application must be made in writing to the Council. | Retain | e | | |
| | f) Where a licensed street trader wishes to surrender their licence they must do so in writing to the Council providing one month's notice. Failure to do so may result in an administration charge of up to 1 months licence fee. | Retain | f | | |
| | g) All new traders will initially be issued a temporary licence of no longer than 6 months | Retain | g | | |
| | Information about the Lodgement of Street Trading Licences in Circumstances of ill Health or Carers Leave | | | | |
| 60 | Licence charges will be payable for the first month of a period of certified sickness. | Amended | 116 | In any cases of sickness/pregnancy where a licence holder is unable to occupy their pitch, they should notify the Market Service 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 licence holder or, if they do not employ an assistant, we may temporarily allocate the pitch to a temporary licence holder | To provide clearer processes for the management of trader absences |
| 61 | A medical certificate must be submitted weekly or monthly where there is a long period of illness. Medical certificates will not be accepted retrospectively. | Amended | 111 | If the licence holder wishes to have their licence fees waived, then the licence holder is required to provide the Market Service with a medical certificate no later than fourteen days after the first day that they were unable to trade and pay the required deposit fee. Further certificates must be submitted if necessary in order to cover the whole period of absence. The licence holder must meet the cost of obtaining any certificate[s]. | To provide clearer processes for the management of trader absences when lodging licences |
| 62 | A licensed street trader after a period of 1 month of certified sickness may deposit his/her street trading licence with the Council until she/he recommences street trading. No licence charges will be payable whilst the licence is deposited with the Council. | Amended | 118 | After twelve 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 licence holder and allow a registered 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 licence. | To provide clearer processes regarding continued trade or deposit of licence during periods of the Licensees ill health |

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| 63 | No licence deposited with the Council will be returned unless a doctor's medical certificate of fitness is submitted to the Council. | Amended | 119 | We will review the suitability of the absent 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 stall 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 3.4 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. | To provide clearer guidance on procedure relating to the Licensees continued ill health and options available |
| 64 | In the event that illness prevents a licensed street trader from trading, provided that conditions 60 to 62 are complied with, the Council may, upon application in writing from the street trader, permit a named assistant to run the business during his/her absence. | Amended | 120 | Licence holders are 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. | To provide clearer processes for licensees when wishing to take periods of extended leave |
| 65 | The Council will review absence of the licensed street trader on account of certified sickness, after 3 consecutive months of absence. At the time of the review a decision will be taken on whether the lodgement will be allowed to continue. If a decision is taken that the lodgement will not be allowed to continue the trader will be notified of the date on which the lodgement ceases. At that time if the trader is unable to or does not return to trade the pitch will become vacant. | Amended | 121 | A licence holder who is an expectant mother or for adoption or fostering leave shall be permitted to deposit their licence with the Market Service for up to six months or such alternative period as may be specified by law. If they employ a registered assistant, then on application by the licence holder we will allow a named registered assistant to act on their 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 providing evidence is provided as and when requested. | To provide clearer guidance and to include other circumstances where leave with suspended fees will be permitted and other options available |
| 66 | Where a licensed street trader is unable to attend their stall(s) as a result of having to provide care for a dependant, it may be possible to exempt that trader from personal trading for a maximum period of 3 months, provided that written application is made to the Council supported by medical evidence. | Amended | 122 | 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. Our decision shall be final. Please note, all street trading charges are payable during licensees' absence unless specifically agreed to be waived. | To provide additional circumstances where extended leave will be considered |
| 67 | Where the Council has granted carer's leave the trader may make use of an assistant to run the business during their absence. In cases such as these the licensee is still obliged to pay his/her street trading fees. | New | 123 | Where the Council has granted carer's leave the trader may make use of an assistant to run the business during their absence. In cases such as these the licensee is still obliged to pay his/her street trading fees. | To provide additional circumstances for authorised absence |
| 68 | A licensed street trader who is an expectant mother may utilise the lodgement provisions provided for in Conditions 60 and 63 for a period of six months or alternative period agreed by the Council. | Delete | | | |
| Fees and Charges | | | | | |
| 69 | Street Trading fees and charges are reviewed annually and approved by the Council. Details of annual fees and charges are available on the Council website. | Retain | 124 | | |
| 70 | Fees are payable in advance in the approved manner as indicated on the invoices. It is the responsibility of the trader to ensure their account is up to date at all times. | Retain | 125 | | |
| 71 | A trader who falls behind in payments may be required to set up direct debits on their account. | Retain | 126 | | |

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| 72 | Traders who fall more than 5 weeks in arrears with their licence fees will be charged an administration fee as published in the Councils fees and charges document. | Retain | 127 | | |
| 73 | Traders called to an Officer Panel for breach of licence conditions or for licence arrears will be charged an administration fee as published in the Councils fees and charges document. | Retain | 128 | | |
| Temporary Licence and additional pitch Licences | | | | | |
| 74 | Tickets are not transferable and may only be used by the trader whose details appear on the receipt within the book. | Delete | delete | | Tickets no longer used |
| 75 | Individual tickets not attached within a book will not be accepted. | Delete | delete | | Tickets no longer used |
| 76 | Neighbouring pitch tickets are not available for use on Sundays unless otherwise specified. | Delete | delete | | Tickets no longer used |
| 77 | Traders will be allocated a pitch by a street trading officer and must not set up prior to such allocation | Amended | 129 | Temporary Licences, additional pitches and regeneration licences may only be used by the Licensee that they have been allocated to. They are not transferrable, and all pitches occupied must be paid in advance and set up only commenced on the authorisation of the Market Officer. | This proposed amendment outlines the use of temporary and additional licences and that they are not transferrable |
| 78 | No more than two neighbouring pitch tickets can be used on any one occasion. | Amended | 130 | Additional pitches will only be allocated where there is availability, the first priority will be to all each temporary trader to be allocated one trading pitch, second priority is for regeneration traders to be allocated a pitch, then if any space remains to allocate as an additional pitch to anyone who wishes to apply. Agreed pitch allocation should be to maximise income | This proposed amendment highlights the priority that will be used when issuing temporary and additional pitches |
| 79 | Reduced priced tickets are only available at the markets indicated on the tickets. | Amended | 131 | Regeneration Licences are only available at the markets that have been pre-agreed or for specific commodities previously agreed | This proposed condition outlines the use of regeneration pitches |
| 80 | The purchasing of tickets does not guarantee a trading pitch or location. | Amended | 132 | The request of a trading pitch or payment made does not guarantee a particular trading pitch or location will be issued by the Retail Market officer or a pitch will be available in the market requested. | This proposed condition outlines that there is no guarantee that the pitch requested or that there will be a pitch available despite it being booked and paid for, it is dependent on availability on the day |
| 81 | Changes to the use of tickets may be made by the Council during peak trading times i.e. Easter and Christmas. | Delete | | | Tickets no longer used |
| 82 | Neighbouring pitch tickets are not available for use in Inverness Street or Eton Avenue Markets. | Delete | | | Tickets no longer used |
| 83 | Neighbouring pitch tickets may be withdrawn in any market by an officer from the Council. | Amended | 133 | Additional pitch allocation maybe withdrawn in any market at any time | Proposed amendment outlines use of additional pitches |
| 84 | Casual traders are not allowed to sell any food unless written consent has been given by the Council. | Amended | 134 | Temporary Registration Holders are not permitted to sell food on any market unless they have received written consent from the Market Officer and strict adherence to Food regulations and legislation. | Proposed amendment to provide better control of temporary hot food traders |
| | | New | 135 | The request of a trading pitch or payment made does not guarantee a particular trading pitch or location will be issued by the Retail Market officer or a pitch will be available in the market requested. | To clarify the process when a licence holder is requesting a temporary daily allocated pitch to trade |
| | | New | 136 | Additional pitch allocation maybe withdrawn in any market at any time. | To clarify the process when a licence holder is requesting an additional temporary trading pitch to trade |
| Forecourt Trading | | | | | |
| 85 | Prospective traders will need to complete a street trading licence application form which needs to have included proof of identity and public liability insurance before a licence will be issued. | Amended | 137 | New applicants need to complete a temporary registration application form providing proof of identity, address and right to work in the UK before a temporary registration will be issued | Amended condition to outline the process required to obtain a temporary registration card |
| 86 | Before a licence is issued, an original written agreement from the owner of the property must be provided to the Council, agreeing for the trader to use the forecourt area for the period of the licence. | Amended | 138 | Applicants wishing to apply for a licence for a forecourt or private land need to provide proof that they have the consent of the landowner to trade from that land with land registry documents that show the extent of that land and that the landowner is aware of their responsibility to manage the trading from their land, including the containment and removal of waste | Amended condition to outline the process required for a person to apply for a licence to trade on private land or a private forecourt |

Appendix 2 Comparative Table for the Standard Terms and Conditions

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| 87 | The licence will cease to be valid upon notification to the Council by the owner/occupier of the shop to which the forecourt belongs that the agreement has ceased. | Amended | 139 | The licence issued for forecourt or private land trading will cease to be valid if the landowner withdraws their consent | Amended condition to clarify that the landowner can remove their consent at any time |
| 88 | The trader must at all times remain within the forecourt area as described within the agreement and comply with all other applicable conditions described herein. | Amended | 140 | The private/forecourt licence holder must ensure all goods and waste are contained within the confines of the private land/forecourt | amended condition to outline the use of private forecourts and waste |
| new | | New | 141 | The licence holder shall have a trade waste agreement in place at all times street trading activities is taking place on the approved forecourt/private land area and all waste is contained on the approved area whilst waiting for collection. | amended condition to outline the trade waste requirements for licence holders operating on private land or private forecourts |
| Temporary Licences | | | | | |
| 89 | Temporary licences will only be issued in accordance with the Temporary Licence Procedures and in accordance with Sec 31 London Local Authorities Act 1990 as amended and the London Local Authorities Act 2012. | Retain | 142 | | |
| 90 | The trader must at all times remain within the area as described within the agreement and comply with all other applicable conditions described herein. | Amended | 143 | Temporary pitches, additional pitches, and pitch moves (in markets where this is permitted) will be allocated/agreed by Market Officers. Traders who set up on pitches without prior permission or move without prior permission from the duty Market Officer/s will be in breach of this condition. | proposed amended condition to outline the day-to-day market management |
| | | New | 144 | The Council reserves the right to issue licenses to traders who offer commodities that will enhance the viability of the market before any other trader or applicant and to allocate pitches to maximise income. | Proposed New condition to clarify how allocations will be made to enhance the viability of the market |
| | | New | 145 | No trading may take place on the stall of a licence holder unless that person or one of their registered assistants is present. (In the event that this requirement is not complied with we may impose any enforcement sanction that we deem appropriate. | Proposed new condition to ensure that the licensee or their assistant are aware of their trading responsibilities |
| 91 | A temporary licence issued prior to designation being completed will cease to be valid if a designation consultation is later carried out and committee members have decided that the area applied for is not suitable for designation. | Retain | 146 | | |
| 92 | A temporary licence may be withdrawn at any time if any breach of licence conditions take place or a change in circumstance with regard to the location for which it has been issued has taken place making that place no longer suitable | Retain | 147 | | |
| Setting up and Closing Down | | | | | |
| 93 | Any trader not in occupation by the time the market is ready to trade may forfeit their right to trade from the fixed position to which their licence refers, at the discretion of the Council Officer on duty. | Retain | 148 | | |
| 94 | Where there are Traffic Orders in place within the vicinity of a street market, traders are to comply with timings set out in the order in respect of access, waiting and unloading of vehicles. | Retain | 149 | | |
| 95 | Street Traders vehicles shall be removed from the trading area and parked on a trader bay or other legal parking place. | Retain | 150 | | |
| 96 | Casual traders will be issued a pitch by a Council Officer and shall not set up on any other pitch. | Delete | | | |
| 97 | The electric supply from bollards provided by the Council shall be used solely for the use of lighting, refrigeration and the operation of electronic weighing equipment. Faults shall be reported to a Council Officer. | Delete | | | |
| 98 | Street Traders shall ensure that electricity bollard supply covers and water points are secure at the close of each trading day. | Retain | 151 | | |
| 99 | The size of the trading area shall not exceed the pitch markings or the area advised by a Council Officer. | Retain | 152 | | |
| 100 | All equipment and stalls to be removed from the market at the end of the designated hours for the trading day | Amended | 153 | All equipment, stalls, vehicles to be removed from the market at the end of the trading day. Items remaining may be removed and stored at the licence holder's cost. | Proposed amendment to provide better control of market areas |

Appendix 2 Comparative Table for the Standard Terms and Conditions

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| 101 | Timings for traders to set up stalls and have vehicles vacate the trading area. | Amended | 15 | Timings for licence holders to set up, remove vehicles, return vehicles, and set down are as detailed in the agreements for each street trading site | Proposed amendment to provide better control of market areas |
| | Eton Avenue – special conditions | | | | |
| 102 | Street Traders shall have closed down and all stalls must be removed from the market by 6.00pm Monday to Saturday and by 5.00pm on Sundays. | Retain | 155 | | |
| 103 | There will be a maximum of 30 stalls on each day except for weekends when there will be a maximum of 40 stalls each day. On weekdays no pitches will be placed adjacent to the Central School of Speech and Drama (CSSD) and at weekends a maximum of 8 pitches will be sited adjacent to the CSSD frontage adjoining the Avenue Road Access Point. | Amended | 156 | The market design and pitch markings will stipulate the maximum number of pitches, which will be no more than 40 on all days Tuesday to Saturday. | Proposed amendment to bring the conditions in line with current occupancy |
| 104 | Any trader using a refrigerated unit will be placed adjoining the Avenue Road Access Point on the pitches furthest from the CSSD. | Retain | 157 | | |
| | Breach of licence conditions | | | | |
| 105 | | New | 158 | Traders receiving 25 points within a rolling twelve-month period will be invited to an interview with the Market Team Panel at which time consideration will be given as to whether special conditions should be attached to their licence or whether the licence should be revoked. Details of breach of licence penalty points are documented at Appendix B. | New proposed condition to highlight the use of penalty points |
| | | New | 159 | Irrespective of any licence conditions, traders should be aware that licences can be revoked under grounds specified in section 28 of the London Local Authorities Act 1990 (as amended). | New proposed condition to highlight revocation process |
| | | New | 160 | Temporary registered licence holders' commodities will be amended to align with the proposed simplified commodity list from 1 April 2025. Permanent licence holder's commodities will retain existing commodities unless they chose to amend by consent. Requests for permanent commodity variation shall be made in writing to the Market Team to be assessed and considered by a Market Officer Panel. | Proposed condition to cover new proposed commodity category list |
| | | New | 161 | To allow more flexibility for kiosk and isolated pitch trades to have pricing bands to include all areas and commodities Band 1 (all non-hot food commodities all designated sites in line with the proposed streamlined commodity list) Band 2 Dominion Theatre (any commodity) Band 3 Queen's Square. Band 4 Hot food any location. Band 5 Regeneration Fee for all commodities at agreed locations. An additional fee may be charged if you are operating from a Camden owned kiosk. | Proposed amendment to allow more flexibility for the licence holders to develop their business by applying to sell different goods |
| | | New | 162 | Seasonal commodities (e.g. Christmas trees) will not be one of the commodities on the regular licence but can be added for a period of 6 weeks on grant of a temporary street trading licence, upon receipt of a valid application to the Council. | New condition to a cover the sale of seasonal goods |
| | Storage | | | | |
| | | New | 163 | At locations where individual barrow stores are available. Licences to use these barrow stores will be issued on application subject to availability and subject to the applicant actively trading in a Camden Council street trading site and agreeing to adhere to the terms and conditions attached to the licence outlining the terms of use, hours of access and list of prohibited items to be stored. Priority will be given to licence holders that are trading from a market in closest proximity to the storage. There may be a fee to cover the use of these barrow stores to cover ongoing maintenance, repairs, cleansing, electricity and water costs, such as annual electrical checks etc. The licence to use the storage will be withdrawn if the licence holder is no longer a street licence holder or found to be storing prohibited items. | New proposed condition to cover the use of council owned market storage |

Appendix 2 Comparative Table for the Standard Terms and Conditions

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| | | New | 164 | At locations where shared storage is available. Licence holders will apply for a storage area and this will be allocated subject to availability and the applicant actively trading in the Camden Council street trading location closest to the storage. The licence holder will be issued a licence for this storage, outlining the terms of use, including hours of access and a storage cage to use. There may be a fee to cover the storage use to cover ongoing maintenance, repair, security, electricity, water and cleansing costs. The licence for storage will be withdrawn if the licence holder is no longer a street trader or found to be storing prohibited items. | New proposed condition to cover the use of shared council owned storage |
| | | New | 165 | Licences for individual storage and shared storage will be issued with attached conditions outlining the agreed terms of use, hours of access and items prohibited for storage, such as gas cannisters/cylinders | New proposed condition to cover the use of council owned market storage |
| | | New | 166 | At locations where a prep kitchen is available space will be allocated to use these kitchens on a first come first served basis, subject to the agreement to pay the required fee for this use. Time slots will be allocated to individual licence holders. | New proposed condition to cover the use of prep kitchens, if they are developed as part of storage provision |
| | | New | 167 | At locations where licence holder toilets and equipment washing facilities are available, licence holders must use these facilities with care and report any damage to the street trading team as soon as noticed | New proposed condition to cover the use of trader toilets and equipment washing facilities |