



# City of Westminster

## CONDITIONS MADE BY WESTMINSTER CITY COUNCIL PURSUANT TO SECTION 21(2)(b) OF CITY OF WESTMINSTER ACT 1999 APPLICABLE TO TEMPORARY STREET TRADING LICENCES ISSUED TO A PERSON WHOSE NAME HAS BEEN ENTERED INTO THE REGISTER OF APPROVED CASUAL TRADERS, PURSUANT TO SECTION 21 (6) OF THE CITY OF WESTMINSTER ACT EFFECTIVE 1<sup>ST</sup> APRIL 2016

- Definitions**
- 1 In the conditions unless the context otherwise requires the following expressions shall have the following meanings:
- (i) "Street Trading" shall have the meaning ascribed in Section 2 of the City of Westminster Act 1999;
  - (ii) "The Council" means the Westminster City Council;
  - (iii) "Licensed Casual Trader" or "Trader" means any person who is included in the register established under section 21(6) of the City of Westminster Act 1999 of persons to whom the Council would be prepared to grant a temporary licence and to whom a temporary licence has been granted under Section 21(1) of the City of Westminster Act 1999;
  - (iv) "Advertisement" means any word, letter, model, sign, placard, board, notice, whether illuminated or not, in the nature, and employed wholly or partly for the purposes of advertisement, announcement or direction and includes any hoarding or similar structure or any balloon used, or adapted for use for the display of advertisements, and references to the display of advertisement shall be constructed accordingly;
  - (v) "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 stall;
  - (vi) "Electrical Supply" means an electrical supply either provided by the Council in the vicinity of a licensed pitch that is accessible through an electricity supply point, or an electrical supply of a nearby premises;
  - (vii) "Goods" means any goods, wares or merchandise or other articles that are offered, displayed or exposed for sale on a stall;

- (viii) “Licensed street trading pitch” means a pitch in any street authorised as a place at which street trading may be engaged in by a street trader;
- (ix) “Pitch Limits” means the authorised ground measurements or markings defining the area within which a street trading stall is to be contained;
- (x) “Premises” means any business, residential or vacant premises immediately behind the licensed pitch;
- (xi) “Receptacle” or “Stall” means any structure used by a trader for the display of goods, or in connection with their business, and which occupies a licensed street trading pitch and includes all goods offered for sale and any additional structure or equipment used as part of the stall or business;
- (xii) “Refuse” includes any waste material;
- (xiii) “Registered Assistant” or “Assistant” means a person employed by and acting under the direction of the trader to assist them in the business of the stall and who the trader has registered with the Council as an assistant;
- (xiv) “Service” means a service offered for gain or reward.

<b>Days and Times</b>	2	Trading may only take place on the date and during the times specified on the licence.
<b>Attendance</b>	3	The trader shall make full personal use of their temporary licence. This personal use will be demonstrated by attendance at the pitch. The trader must be in attendance at the pitch for the majority of the trading day
<b>Commodities</b>	4	Only those goods and/or services that fall within the commodity type specified on the licence may be sold, displayed or exposed for sale or offered on the licensed street trading pitch.
<b>Position</b>	5	The trader shall trade only from the position that is indicated on the licence.
<b>Nature and Type of Receptacle</b>	6	Only those receptacles approved by an authorised officer of the Licensing Service shall be used by the trader.
<b>Change of Address</b>	7	The trader shall notify the Council in writing of any permanent change of their address, telephone number and/or e-mail address within 7 days of the change occurring.

<b>Registered Assistants</b>	8	Only an assistant who the trader has registered with the Council shall assist them on the stall.
	9	At any one time, the licence holder shall have no more than three assistants registered with the Council.
	10	The licence holder shall provide the Council with written notification of any change in the name and/or address of any of their registered assistants within 7 days of the change occurring.
	11	The trader shall notify the Council in writing if a registered assistant ceases to work with them within 7 days of them ceasing.
<b>Insurance</b>	12	The trader shall have third party public liability insurance cover that is effective throughout the time that the licence is in effect that covers the trader and all registered assistants whilst working on the stall. The insurance cover shall have a minimum liability of at least £2,000,000 or to the cover mutually agreed between the Council and the relevant street traders' or exhibitors' Association.
	13	A copy of the certificate of the public liability insurance or other evidence of existence of the policy shall be retained on the stall by the trader (or their registered assistant in the trader's absence) and made available for inspection by a Council Officer on request.
<b>Commencement Times</b>	14	The trader shall have arrived at their pitch, put their stall in position and started setting up by the following times:  Church Street : 9.00am Church Street Saturday: 10:30 am Maida Hill Market : 10.00am Rupert Street : 10.00am Strutton Ground : 10.00am Tachbrook Street : 10.00am
	15	The trader shall have commenced trading, with all goods contained within the pitch area within one hour of the time shown above and in the case of Strutton Ground any vehicle used by the trader shall be removed from the market no later than 11.30am.
	16	The trader shall not commence setting up their pitches before 7am on weekdays and Saturdays.
<b>Size</b>	17	The trading area shall not exceed any pitch

limits that are marked on the ground except during immediate re-stocking of the stall.

<b>Head Room</b>	18	The distance above the ground level of any part of any roof, awning or supports of the stall or goods suspended from any of these, shall (unless a dispensation has been granted by the Council) be at least 2.6m. The roof awning or any other projection shall be contained within the pitch area unless otherwise agreed by the Council.
<b>Approved Stall</b>	19	The trader shall trade only from a stall that has been approved by the Council, or that meets the required standard of the market on which they are currently trading.
<b>Limits of Display etc.</b>	20	The trader shall not connect any part of their stall, advertisements or goods for sale to any electricity bollard, socket pillar, lamp post or other street furniture, except for an electric cable connected to an electric supply point.
<b>Display of Licence Plate etc.</b>	21	The trader shall keep a copy of the licence and the conditions on the stall at all times that they are trading. Where the trader leaves a registered assistant in charge of the stall, the assistant shall keep the copy of licence and the conditions on the stall whilst trading. The licence and conditions shall be made available for inspection by a Council Officer on request.
	22	The trader shall at all times display a yellow plate supplied by the Council indicating their casual trader's registered number, name and a photograph of the trader. This plate shall be kept prominently and permanently exhibited on the stall.
<b>Advertisement</b>	23	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.
	24	The name of the stall and goods or services on offer shall only be displayed: (i) In the case of a kiosk or mobile stall, on a frieze or similar designed high-level place that is equivalent to a fascia sign on a shop front. (ii) In the case of a gazebo, tensioned stall roof or umbrella with a valance, on the valance or on a board inside the stall.
	25	All advertisements shall be located within the licensed pitch. Advertisements shall occupy no more than 10% of the surface area of the stall. Any advertisements on low screens, aprons or

valances below table top level shall occupy no more than 10% of each panel.

26 No advertisements 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.

27 No A-board or other free-standing advertisement shall be located within the licensed pitch unless it is part of the stall design that has been approved by the Council.

28 No barriers shall be used on a licensed pitch unless specific consent for their use has been obtained from the Council.

**Services and Amenities**

29 Where an electrical supply has been provided by the Council for use by the trader:

(i) No electrical supply other than that provided by the Council shall be used by the trader on the stall;

(ii) The trader 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 trader 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 trader and their assistant(s) shall take care when using or working nearby any electrical supply point. The trader 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.

30 The trader shall only connect to the electrical supply of a premises where no electrical supply point is provided by the Council. In such cases:

(i) the trader shall obtain the written consent of the bill payer and the Council in advance of connecting to the supply;

(ii) all supply lines shall be overhead with clearance of at least 2.6m and no cables shall be trailed along the ground;

(iii) the trader shall ensure that their supply

lines are securely installed and suitably protected from damage and water ingress.

31 A generator shall only be used where no electricity supply has been provided by the Council and the Council has given consent for the use of a generator by the trader. In such cases, the generator shall be located within the licensed pitch and so positioned that:

- (i) it does not present a danger to the passing public;
- (ii) it does not present a fire or similar hazard risk to the stall or goods displayed thereon; and
- (iii) it does not cause any noise or fume nuisance.

Where petroleum powered generators are used, all fuel shall be stored in containers that comply with The Petroleum Spirit (Plastic Containers) Regulations 1982 and no more than 5 litres of fuel shall be stored in the licensed pitch at any one time.

32 All electrical connections shall comply with the current edition of the Institute of Engineering & Technology (IET) Wiring Regulations. The trader shall ensure through a system of checks and testing that any equipment that they connect to the electrical supply point is safe and continues to be safe.

33 The only connection between the trader's stall and other stalls or premises shall be for the purposes of electric lighting or other agreed services and any such connection shall be readily detachable. The trader shall agree these arrangements with the Council prior to making any such connections.

The trader shall not connect any part of their stall, advertisements or goods for sale to any electricity bollard, socket pillar, lamp post or other street furniture, except for an electric cable connected to an electric supply point.

**Traders' Vehicle**

34 A trader shall not leave his vehicle in the street in which they trade, other than if the vehicle is:

- (i) the licensed receptacle;
- (ii) temporarily parked for the purpose of loading and unloading goods; or

(iii) parked in approved parking spaces such as meter bays.

Loading and unloading shall be carried out as quickly as possible and the vehicle removed immediately on completion.

This condition shall not apply when waiting restrictions are not in force.

<b>Assistance to Council Officers</b>	35	The trader and any assistants shall give every assistance to Council officers in carrying out their duties.	
<b>Conduct</b>	36	The trader and any assistants employed by them shall treat the public and Council Officers fairly and with courtesy.	
	37	The trader shall ensure that their staff are competent, courteous and helpful.	
	38	The trader must not engage in any criminal activity or anti-social behaviour and, in particular, shall ensure that none of the following shall take place at the pitch:  (i) Unlawful possession and/or supply of controlled drugs contrary to the Misuse of Drugs Act 1971 (as amended or replaced);  (ii) Indecent behaviour towards the public or another trader;  (iii) Acts of violence against any person (including other traders) or property and/or the attempt or threat of such acts;  (iv) Verbal abuse and/or aggression displayed towards any person;  (v) Intimidation of any other trader;  (vi) Touching, moving or interfering with another trader's stall.	
	<b>Removal</b>	39	Stalls shall be easily and immediately removable.
		40	Traders 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, if reasonably required to do so by a duly authorised officer of the Council, Police Officer or an officer of any other emergency service.
	<b>Damage</b>	41	The trader must not intentionally permit their stall or accessories to cause damage to the

carriageway or footway.

**Radios, Etc.**

42 The trader shall not use or permit to be used on the licensed area or within the immediate vicinity any radio or other equipment or apparatus to produce music or other sound except within a closed vehicle and at a reasonable volume.

**Refuse**

43 The trader shall ensure that all refuse arising as a result of the activities of the trader shall be placed in suitable covered containers approved by the Council and provided by the trader, unless otherwise provided by the Council, and shall be kept exclusively for that purpose. Such refuse containers shall be kept as clean as is reasonably possible.

44 Refuse containers shall be emptied whenever necessary into any vehicle, container or compactor provided by the Council for that purpose.



## **Informatives**

- 1 The grant of a temporary street trading licence shall not be deemed to give any approval or consent which may be needed under any By-law, enactment or regulation other than Section 21 of the City of Westminster Act 1999.
- 2 The marginal sub-headings inserted in to these conditions are for the purpose of convenience only and shall not in any way affect the meaning or construction thereof.
- 3 Where in these conditions there is reference to the consent or agreement of the Council such consent or agreement may be given on such terms and conditions and subject to such restrictions as may be so specified.