

STANDARD LICENCE CONDITIONS: TEMPORARY STREET TRADING LICENCES (EXCEPT TEMPORARY MARKETS) IN STREETS (OR PARTS THEREOF) THAT ARE NOT LICENSED STREETS UNDER SECTION 24 OF PART III OF THE LONDON LOCAL AUTHORITIES ACT 1990 (AS AMENDED)

STANDARD CONDITIONS: WITH EFFECT FROM 12th April 2012

DEFINITIONS:

Act	means the London Local Authorities Act 1990 (as amended)
Council	means the Council for the London Borough of Newham
Designated Assistant	means a person who has been approved by the Council and issued with a written approval (containing his/her photograph), and who is in control of the stall during any absence of the licence holder.
Licence:	means a Temporary Street Trading Licence granted under section 31 of the Act in relation to streets (or parts thereof) that have not been designated as a 'licence street' under section 24 of Part III of the Act.
Licensed area	means the area specified on the plan attached to the licence
Licence Holder	means the person named on the licence
Stall	Includes a receptacle, vehicle or stall and any structure, box, table, stand, basket, bag, vessel, stand, easel, board, tray or thing which is used (whether or not constructed or adapted for such use): <ol style="list-style-type: none">1. as a container for or the display of any article, thing or equipment for sale or offer, or2. the display of any article, thing or equipment in connection with the provision of a service., or3. To protect the goods and/or the licence holder and staff attending the stall.
Street	Has the meaning given to it in section 21(1) of Part III of the Act
Street Trading	Has the meaning given to it in section 21(1) of Part III of the Act

PART A OF THESE STANDARD CONDITIONS RELATE TO LICENCES FOR STREET TRADING INVOLVING THE USE OF STALLS (INCLUDING, VEHICLES, UNITS, TABLES, AND OTHER APPARATUS OR INSTALLATIONS).

PART B OF THESE STANDARD CONDITIONS RELATE TO LICENCES FOR LEAFLETING AND OTHER FORMS OF ADVERTISING DISTRIBUTION, AND WALKING/STATIONARY HUMAN ADVERTISING (E.G. PERSONS WITH BILLBOARDS) WITHOUT THE USE OF STALLS ETC.

PART A

STANDARD CONDITIONS FOR LICENCES FOR STREET TRADING INVOLVING THE USE OF STALLS (INCLUDING, VEHICLES, UNITS, TABLES, AND OTHER APPARATUS OR INSTALLATIONS).

1. The grant of a licence shall not be deemed to give any approval or consent which may be needed under any enactment, regulation or bye-law other than section 31 of Part III of the London Local Authorities Act 1990 (as amended).
2. The licence shall expire at 24.00 hours (midnight) on the expiry date specified in the licence and is not renewable.
3. Only the goods and/or services specified in the licence shall be provided or advertised at the stall.
4. The stall shall only be used for the sale of goods or the offering of services during the days and times specified in the licence.
5. The stall shall only be installed in the position specified on the plan attached to the licence and shall not extend beyond the licensed area.
6. All goods, containers, fixtures, advertisements etc. shall be contained within the licensed area.
7. The design, size and construction of the stall and the method of delineation of the licensed land from the adjacent land shall be as approved by the Council at the time of the grant of the licence and no alterations are permitted without the prior consent of the Council.
8. The Licence Holder shall comply with all relevant statutory legislation and regulations, and bye-laws, relating to the installation and/or operation of the stall and/or the goods and/or the services provided at or offered at the stall.
9. The licence holder shall notify the Licensing Team within 2 working days of any change of circumstances affecting the licence including any change to their name and address.
10. The licence holder shall have during the whole period of the licence have public liability insurance cover, with a minimum liability of at least £5,000,000 (five million pounds) for any single claim.
11. In the case of a stall and other installations on public land, the licence holder shall indemnify the Council against all 3rd party claims arising out of the use of the land under the licence.
12. The licence holder may not use the licence without having the benefit of the public liability insurance cover specified above.

13. The licence holder shall provide evidence of their public liability insurance cover by producing the originals of documents to the Council within 48 hours of any request (written or verbal) for production.
14. A. The licence holder shall during the whole period of the licence have:
 - the written permission of the owner of the land up on which the licence relates to install and operate the stall, or
 - be the owner of the land.
- B. The licence holder shall provide evidence of the above within 24 hours of any request (written or verbal) from the Council.
- C. The licence holder may not use the licence without having the benefit of the permission specified in number 13.A above, or if the licence holder ceases to be the owner of the land.
15. Unless otherwise approved in writing by the Council, the stall shall not operate or be open unless the licence holder or a designated assistant nominated in writing by the licence holder are present and in full control of the stall.
16. The Licence Holder shall, prominently display on the stall a summary of the licence supplied by the Council.
17. The designated assistant shall whilst at the stall have in their possession their letter of nomination from the licence holder, and shall produce this immediately upon the request of an officer of the Council or a Police Officer
18. All merchandise shall be completely removed from the stall within 30 minutes of the terminal time specified for each trading day on the licence.
19. No merchandise or the advertising of goods or services shall be placed on the stall more than 30 minutes prior to the start time specified on the licence.
20. The stall shall be dismantled and completely removed from the licensed area and all waste, litter, debris, packaging and detritus shall be removed from the licensed area within 1 hour of the terminal time specified on the licence.
21. The stall shall not be set up on the licensed area more than 1 hour prior to the start time specified on the licence.
22. The canvassing of potential customers or the distribution of advertising material may only take place in the stall itself, and not in the vicinity of the stall.
23. Except with the written consent of the Council, the licence holder shall not use or permit to be used on the licensed area or within the immediate vicinity any radio, music player or other equipment or apparatus to produce music or other sound that can be heard outside of the licensed area.
24. The licence holder shall ensure that no undue disturbance or nuisance is caused by persistent or loud shouting or the amplified calling of items/goods for sale or services being

offered. Any trader or assistant requested to refrain from such shouting or item calling by a Council Officer or Police Officer shall do so immediately.

25. The Licence Holder shall ensure that the operation, set up, servicing and dismantling of the stall does not:
 - cause a public or private nuisance,
 - cause an obstruction to pedestrians or traffic ,
 - cause entrances and exits serving adjacent/nearby premises to be obstructed, or
 - cause public safety issues
26. No fittings or accessories shall be attached to the stall that would be likely to cause damage to the street or represent a health and safety hazard to any person.
27. No platforms, displays, counters awning sheets, covers, screens, clips, ties or any other construction or means of support are to be secured or installed in such a manner that they will cause a health and safety hazard or nuisance to any person.
28. The licensed area shall be kept clean and swept free of any debris at regular intervals not exceeding every 1 hour throughout the trading day. In particular it shall be the duty of the license holder to ensure that all waste, litter, debris, packaging and detritus both within and outside their licensed area that has been produced in the course of his/her business on each working day is regularly picked up and disposed of. The Licence holder shall make arrangements for the temporary disposal of such waste etc and shall provide details of such arrangements to an officer of the Council within 48 hours of being so requested (either verbally or in writing).
29. The Licence holder shall make arrangements for the collection and permanent disposal from the licensed area of any waste, litter, debris, packaging and detritus produced in the course of his/her business on each working day. Proof of such arrangements shall be produced to an Officer of the Council within 48 hours of being requested
30. The licence holder, designated assistant and other staff at the stall shall give every assistance to and co-operate with Council Officers and the Police in carrying out of their duties.
31. Except with the written consent of the Council, no cylinder for the storage of compressed air, oxygen, hydrogen or other gas or liquid under pressure shall be used, stored or sold at the stall.
32. Except with the written consent of the Council, hazardous materials (including petrol and other flammable liquids) shall not be used, stored or sold at the stall.
33. Except with the written consent of the Council, no generator for the production of electricity shall be used or stored at the stall.
34. Except with the written consent of the Council, no fumes, smoke or obnoxious smell shall be generated by the operation of the stall.
35. If any age related goods or services are to be provided at the stall, the following shall be complied with:

"Challenge 25":

- A. The license holder shall adopt a "Challenge 25" policy whereby all customers seeking to purchase an age related product or service who appear to be under the age of 25 are asked for proof of their age.
- B. The license holder shall prominently display notices advising customers of the "Challenge 25" policy.
- C. The following proofs of age are the only ones to be accepted :
 - Proof of age cards bearing the "Pass" hologram symbol
 - UK Photo Driving licence
 - Passport

Staff Competence and Training:

- A. The License holder shall keep a written record of all staff authorised to verify the age of customers, the record to contain the full name, home address, date of birth and national insurance number of each person so authorised. The staff record to be kept on the stall and made available for inspection by the Licensing Officer, Trading Standards or the Police.
- B. The Licensee shall ensure that each member of staff authorised to verify the age of customers is fully aware of his /her responsibilities in relation to verifying a customer's age and is able to effectively question customers and check evidence of proof of age.

36. If there is any conflict between a standard condition and any special condition imposed on the licence, the special condition shall prevail over the standard condition.

37. A. The licence may be revoked or suspended by the Council as a result of;
- (a) circumstances which have arisen since the grant of the licence, and the Council no longer considers that there is not enough space in the street for the trading permitted by the licence without causing undue interference or inconvenience to persons or vehicular traffic using the street; or
 - (b) the licence holder has without reasonable excuse personally failed to fully to avail himself of his licence; or
 - (c) the licence holder is on account of misconduct or for any other sufficient reason unsuitable to hold the licence; or
 - (d) that since the grant or renewal of the licence, the licence holder has repeatedly failed to remove to a place of storage the stall, receptacles or goods, equipment or other items used by him for trading; or
 - (e) Any age related product or service being sold or provided to an underage person:
or
 - (e) that the licence holder has failed to comply with any condition or term of the licence; or
 - (f) circumstances have arisen since the grant of the licence or are about to arise that necessitate such revocation or suspension on the grounds of public safety.

- B. The revocation or suspension will be in the form of a written notice and shall have immediate effect upon whichever is the earlier of the following:
- The service of the notice on the licence holder or designated assistant either at the stall or elsewhere, or in their absence from the stall (contrary to standard condition 13) upon any person at the stall who appears to be in charge of the stall or who is carrying on any trading (in any manner or form) at the stall at the time the notice is served; or.
 - The second day (excluding Sundays and public holidays) after the date the notice has been sent by 1st Class post to the address of the licence holder.