

WANDSWORTH BOROUGH COUNCIL
LONDON LOCAL AUTHORITIES ACT 1990

REGULATIONS MADE BY WANDSWORTH BOROUGH COUNCIL
PURSUANT TO SECTION 27 (3) OF THE LONDON LOCAL AUTHORITIES
ACT 1990, AS AMENDED, PRESCRIBING STANDARD CONDITIONS
APPLICABLE TO STREET TRADING LICENCES AND TEMPORARY
LICENSES.

DEFINITIONS

1. In these regulations unless the context otherwise requires, the following expressions shall have the meanings ascribed to them by Section 21 (1) of the London Local Authorities Act 1990 as amended, hereafter called the Act:
 - (a) **“Receptacle”**. That is to say a Receptacle includes a vehicle or stall and any basket, bag, box, vessel, stand, easel, board, tray or thing which is used (whether or not constructed or adapted for such use) as a container for or for the display or any article or thing or equipment used in the provision of any service.
 - (b) **“Street”**. That is to say a Street includes:-
 - (i) any road or footway;
 - (ii) any other area, not being within permanently enclosed premises, within 7 metres of any road or footway, to which the public have access without payment;
 - (iii) any part of such road, footway or area;
 - (iv) any part of any housing development provided or maintained by a local authority under Part II of the Housing Act 1985.
 - (c) **“Street Trading”**. That is to say Street Trading means, subject to Section 21(2) of the Act, the selling or exposing or the offering for sale of any article (including a living thing) or the supplying or offering to supply any service in a Street for gain or reward.
 - (d) **“Street Trading Licence”**. That is to say a Street Trading Licence means a licence granted under the Act and valid for the period specified therein being not less than six months and not more than three years:
 - (e) **“Temporary Licence”**. That is to say a Temporary Licence means a licence granted under the Act valid for a single day or for such period as may be specified in the licence not exceeding six months.
2. In these regulations unless the context otherwise requires the following expressions shall have the following meaning:
 - (a) The **“Act”** means the London Local Authorities Act 1990 Part III as amended.
 - (b) The **“Council”** means the London Borough of Wandsworth.

- (c) **“Advertisement”** means any word, letter, model, sign, placard, board, notice, whether illuminated or not, in the nature of, and employed wholly or partly for the purpose 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 advertisements shall be constructed accordingly.
- (d) **“Assistant”** means a person employed by or acting under the directions of a Street Trader to assist him in authorised Street Trading, whether for reward or not and includes a person engaged solely or otherwise in the transportation or movement of a Receptacle.
- (e) **“Authorised Officer”** means any officer of the Council authorised in writing by the Council’s Director of Leisure and Amenity Services to carry out any function under the Act or these Regulations acting within the terms of such authorisation.
- (f) **“Awning”** includes a sheet of canvas or other similar material, used as a protection against the weather, which projects as a removable extension of the structure of the Receptacle.
- (g) **“Child”** means a person under compulsory school leaving age as in the Education Act 1996 or successor and includes a person of pre-school age.
- (h) **“Goods”** means any article, goods, wares, or merchandise (including a living thing) exposed in or on, or offered for sale from, a Receptacle or a Licensed Pitch.
- (i) **“Licence”** means a valid Street Trading Licence or a valid Temporary Licence.
- (j) **“Licensed Pitch”** means a specified area in any street authorised as a place at which Street Trading may be engaged in by a Street Trader, and includes any temporary alternative place approved by the Council or an Authorised Officer.
- (k) **“Refuse”** includes any waste material and any controlled waste as defined by the Environmental Protection Act 1990.
- (l) **“Street Furniture”** includes seating facilities provided by the Council for public use, bollards, lamp columns, railings, signs, the walling of flower beds and any structure owned by a statutory undertaker or the like.
- (m) **“Street Trader”** means the holder of a Licence.

GENERAL

3. The grant of a Licence shall not be deemed to give any approval or consent which may be needed under any bye-law, enactment, or regulation other than the Act.
4. A Street Trader shall comply with any relevant bye-law, enactment or regulation and, in particular where food is sold, the Food Safety Act 1990 and the Food Hygiene (Markets, Stalls and Delivery Vehicles) Regulations 1966.
5. These regulations replace the regulations approved by the Council in 1993.
6. Headings inserted in these regulations are for the purpose of convenience only and shall not in any way affect the meaning or construction thereof.

7. Additional conditions may be included in any Licence and where there is any conflict between these regulations and such conditions then the conditions shall prevail.
8. Any condition in these regulations may be dispensed with or modified by the Council in any individual case by means of a Licence variation in accordance with the statutory requirements.
9. Where in these regulations there is reference to the consent or agreement of the Council such consent or agreement shall be in writing and may be given on such terms and conditions and subject to such restriction as may be so specified.
10. Application must be made in writing to the Council if a trader wishes any of the conditions of a Licence be varied or the Council's agreement under these regulations.
11. In these regulations unless the context otherwise requires words importing the masculine gender include the feminine, words in the singular include the plural and words in the plural include the singular.

INSURANCE

12. From 1st April 1999 a Street Trader shall maintain third party insurance cover with a minimum liability of at least two million pounds to cover all liabilities that may arise from and during the course of his Street Trading; and
 - (a) satisfactory evidence of such insurance must be produced to the Council before a Licence will be granted or renewed; and
 - (b) evidence of such insurance shall be produced immediately by a Street Trader, or his Assistant, on demand by an Authorised Officer.

DAYS AND TIMES

13. A Street Trader shall only engage in Street Trading on the days of the week and during the times specified in the Licence or otherwise authorised by the Council except that there shall be no Trading on Christmas Day.
14. Unless otherwise specified by the Council or an Authorised Officer, the holder of a Street Trading Licence may engage in Street Trading on days additional to, or for hours up to 10 p.m. each night after, those stated in the Licence on payment of the appropriate charges. This shall not apply to the holder of a Temporary Licence. The holder shall give verbal or written notification prior to such Trading to an Authorised Officer.

CHARGES AND FEES

15. Charges for a Street Trading Licence shall be payable to the Council's Director of Finance each calendar month in advance. The Director of Finance will issue invoices for each calendar month for the charges at the rates set by the Council from time to time. In making any payment the Street Trader shall ensure that the appropriate invoice and account numbers are recorded so that monies are credited against the charges for the appropriate month.

16. Additional charges for carrying out Street Trading on additional days to, or outside the hours specified in a Street Trading Licence, as authorised by Regulation 13 above, shall be payable to the Council's Director of Leisure and Amenity Services within one week of such Street Trading. An Authorised Officer shall decide the charges in accordance with the rates set by the Council from time to time.
17. Charges for a Temporary Licence shall be payable in advance to the Council's Director of Leisure and Amenity Services each week in advance or for such periods as shall be specified in the Temporary Licence. An Authorised Officer shall decide the charges in accordance with the rates set by the Council from time to time.
18. A Street Trader shall pay all charges for any Licence in force that has been issued at his request whether or not he engages in Street Trading.
19. In accordance with Section 32(1) of the Act a fee shall be paid for the grant or renewal of a Street Trading Licence, but not a Temporary Licence, and for any variation of a Licence at the request of the Street Trader.

LICENCES

20. A Street Trader, or his Assistant, shall produce the Street Trader's Licence for inspection immediately on demand by an Authorised Officer or any other officer of the Council acting in accordance with his duties or a police constable and where the Council has issued a variation to a Licence this variation shall be produced with the Licence.
21. Once issued to a Street Trader a Licence shall remain in force until returned by the Street Trader to the Council's Director of Leisure and Amenity Services or an Authorised Officer or revoked by the Council in accordance with the Act.
22. Where, in accordance with Section 26 of the Act, the holder of a Street Trading Licence has nominated a relative as his successor and that holder dies then the nominated successor may continue to engage in Street Trading within the terms of that Licence for a maximum period of 28 days provided that successor pays any charges due.
23. On the death or retirement through age or ill health of a Licence holder, the Council may issue a Licence to a nominated relative to trade from the Licensed Pitch shown in that Licence in accordance with Section 26 of the Act. For the purposes of Section 26 of the Act a person shall be treated as being related to another if the latter is the wife, husband, father, mother, grandfather, grandmother, stepfather, stepmother, son, daughter, grandson, granddaughter, stepson, stepdaughter, brother, sister, half-brother or half daughter of the former and shall be deemed to be so related notwithstanding that he is so related only through illegitimacy or in consequence of an adoption.

DISPLAY OF NAMES

24. A Street Trader whilst engaged in Street Trading shall display in a prominent position one or more clear and legible notices showing the number of the Licensed Pitch, the Street Trader's name and the name of the street shown in the Licence. Such notices shall be displayed on the Receptacle used or otherwise immediately adjacent to the Licensed Pitch so as to be readily visible to any customer, council officer or police constable and shall include any similar notice supplied by the Council.

DEALING WITH THE PUBLIC

25. A Street Trader shall ensure that he and his Assistants treat the public fairly and with courtesy.
26. A Street Trader, or his Assistant, offering a service shall:
 - (a) make clear the nature and cost of that service by way of a notice on the Receptacle or within the Licensed Pitch; and
 - (b) ensure all Goods are clearly marked with a price, and where appropriate an indication of the unit quantity in which they are being offered for supply; and
 - (c) ensure that the customer can clearly view the Goods being weighed, measured etc. before they confirm their intention to purchase.
27. A Street Trader, or his Assistant, shall not use any radio or other audio equipment in or adjacent to the Licensed Pitch except to demonstrate Goods offered for sale. Such demonstration must be at the direct request of a customer and for a short period.

PERMITTED GOODS AND SERVICES

28. A Street Trader shall not cause or permit a nuisance to be created by noise or smell emitted from the Licensed Pitch or type of display.
29. A Street Trader shall engage in Street Trading only in the class or classes of articles, things or services indicated in his Licence.
30. Unless otherwise specified in the Licence, a Street Trader shall not permit any Advertisement to be displayed on a Receptacle or Licensed Pitch which relates to any Goods or services other than those offered for sale or provided on that Receptacle or Licensed Pitch.
31. A Street Trader, or his Assistant, shall not cause or permit any Goods, Receptacles or any other articles whatsoever to be placed outside or project beyond the limits of the Licensed Pitch nor to stand anywhere else in the Street except during immediate re-stocking, nor above the height of 3.0 metres when measured from ground level.
32. A Street Trader shall not provide, use or permit the use of any form of seating facility on or near the Licensed Pitch in connection with Street Trading except that reasonably required for the personal use of the Street Trader or his Assistant.

PITCHES

33. The Street Trader shall trade only from the Licensed Pitch prescribed in the Licence (which the Council may mark or denote on the ground by the means of white lines, contrasting paving or other device). Where the Licensed Pitch is obstructed, or the Street Trader is moved from the Licensed Pitch under regulation 38 below, or is required to move for any other reason then he shall inform the Council as soon as possible and may use an adjacent location until otherwise instructed by an Authorised Officer provided that this location does not cause undue obstruction to traffic or persons using the street.
34. Licensed Pitches shall be 5 metres by 2 metres or such other size as prescribed in the Licence. No Receptacle in use, including any towing bar or bracket or the like, shall exceed the size of the Licensed Pitch.
35. Where, in addition to a License, any permission or authority is required under the Town and Country Planning Acts to permit Street Trading or the use of a Receptacle or any other item on the Street it shall be the responsibility of the Street Trader to obtain such permission or authority and provide a certified copy to the Council.
36. Where any Licensed Pitch or Receptacle is on or partly on the footway then the Street Trader shall provide suitable tapping boards, etc so that the limits of the Pitch or Receptacle can be safely identified by persons with impaired sight. When required by the Council the Street Trader shall provide such devices in accordance with the Council's specification.
37. A Street Trader, or his Assistant, shall ensure that there is no undue obstruction of vehicular or pedestrian traffic whilst re-stocking the Licensed Pitch or loading and unloading Goods or other articles used for or in the course of Street Trading. When, in the opinion of an Authorised Officer or a police constable, there is likely to be undue obstruction of vehicular or pedestrian traffic the Street Trader, or his Assistant, shall immediately cease re-stocking, loading or unloading and within 15 minutes clear any Goods or other articles used for or in the course of Street Trading or for re-stocking, loading or unloading from any position in the Street other than within the Licensed Pitch.
38. A Street Trader, or his Assistant, shall not place, keep or use a vehicle at or near his Licensed Pitch in contravention of any legal parking or loading restrictions nor shall a Street Trader, or his Assistant, place, keep or use a vehicle at or near his Licensed Pitch which does not display a current disc showing that any road tax, or similar, has been paid.

REMOVAL OF RECEPTACLES ETC.

39. A Street Trader and his Assistant shall remove Receptacles, Goods, and anything else under their control for so long as may be necessary from the Licensed Pitch, as marked, or any other nearby area;
 - (a) when so instructed by a police constable acting in accordance with his duties; or
 - (b) when so instructed by an Authorised Officer for any reason in exercise of the Council's powers and duties which shall include, without limitation, the maintenance of the Licensed Pitch, to enable its re-marking and checking whether the Receptacle is capable of being moved; or

- (c) when reasonably required by a statutory undertakers or the owners or occupiers of adjacent premises to enable them to maintain or to gain access to their structures and services; or
 - (d) when, in the opinion of the Street Trader or his Assistant, Street Trading on the Licensed Pitch can not be properly conducted due to a real emergency, public demonstration, congregation or disorder in the area.
40. Unless otherwise specified in the Licence or specifically allowed by an Authorised Officer, a Street Trader shall remove every Receptacle, and all Goods and other articles used in the course of Street Trading from the Licensed Pitch and any Street to a place of storage within 30 minutes of the time specified for the end of licensed trading for the day or such earlier time as he ceases Street Trading for that day.

RECEPTACLES AND CONSTRUCTION OF RECEPTACLES

41. When reasonably required, the Council may specify the type of Receptacle to be used or require that a specific Receptacle be maintained or repaired or replaced with another Receptacle.
42. A Street Trader shall ensure that any Receptacle in use is maintained in good order so that it does not present any hazard to any person.
43. A Street Trader shall use a Receptacle which is easily and immediately removable and unless otherwise specified in the Licence all Receptacles shall be on wheels and a suitable braking device shall be maintained.
44. A Street Trader, or his Assistant, shall not affix or secure temporarily or permanently anything to the Street or to any Street Furniture.
45. When reasonably required by an Authorised Officer, the Street Trader shall specify the place of storage used for any Receptacle and shall assist and permit such an Officer to inspect this place at any reasonable time specified by that Officer.

AWNINGS AND ROOFS OF RECEPTACLES

46. A Street Trader shall not cause or permit any part of the Awning of his Receptacle or of any supports thereof or of any Goods or articles suspended therefrom to extend over the Street at a lesser height than 2.4 metres.
47. A Street Trader shall not permit the Awning or roof of the Receptacle to project outside the area of the Licensed Pitch except that an Awning may project over the footway for a distance not exceeding 1.0 metre from the boundary of the Licensed Pitch.
48. A Street Trader shall ensure that the Awning or roof of the Receptacle shall not shed water over customers or passers by.
49. A Street Trader, or his Assistant, shall immediately remove any Awning on the instruction of an Authorised Officer or a police constable and shall, in any case, remove any Awning outside the permitted hours for Street Trading.

ELECTRICITY SUPPLY AND HEATING

50. A Street Trader shall ensure that all electrical, mechanical and any other equipment whatsoever used in connection with Street Trading shall be placed, installed, maintained and operated in accordance with the provisions of the Health and Safety at Work, etc Act 1974 and any relevant legislation or codes.
51. Unless otherwise specified in the Licence, a Street Trader shall ensure that the only connection between a Receptacle on the Street and premises shall be for the supply of electric lighting and power for the operation of electronic scales, measuring equipment and cash registers and the testing of electrical goods or other agreed services and any such electrical connections shall be readily detachable. No connection of any sort shall be made with any other Receptacle, whether for the supply of electricity or any other reason.
52. Where the Council provides an electrical supply system for a Licensed Pitch, a Street Trader shall pay to the Council, if so demanded, the reasonable costs of installation, supply and maintenance of the service and equipment and shall pay the costs of electricity consumed. Where such supply is provided to a number of Licensed Pitches then the costs shall be divided between these Pitches in such proportion as the Council shall reasonably decide.
53. Before installation of any electric power supply, a Street Trader shall obtain the consent of the Council and the written approval of London Electricity PLC or other approved electricity supplier; and
 - (a) shall install and maintain the supply within the terms of any such consent or approval; and
 - (b) all electricity wiring, plugs and sockets shall comply with the relevant British Standards. All electrical equipment shall comply with the Electricity at Work Regulations 1989, the I.E.E. Wiring Regulations as amended (or any legislation which subsequently supersedes the foregoing) and the requirements of London Electricity PLC; and
 - (c) all electrical cables that are suspended over the public highway shall have a minimum clearance of 2.6 metres from the surface of any footway, and 5.1 metres from the surface of any carriageway or such other clearance as is reasonably specified by the Highway Authority for that Street. Any suspended lighting shall be safely protected and shall not expose the public, Street Trader, or his Assistants to any form of risk; and
 - (d) where the electricity supply to any Licensed Pitch is provided from adjacent premises, a working automatic circuit breaker must be installed within the premises between the point of supply and the Pitch. Such a circuit breaker shall be checked prior to Street Trading on each day that electricity is used.
54. A Street Trader may use mobile electrical generators provided that they are positioned within the Licensed Pitch, do not otherwise conflict with these Regulations or any Licence conditions and that:-
 - (a) they do not present a danger to the passing public or to persons engaged on or about the Receptacle; and
 - (b) they do not present a fire or similar hazard risk to the Receptacle or Goods displayed thereon; and

- (c) they do not cause any substantial noise or fume nuisance; and
 - (d) any inflammable fuel is stored away from the Receptacle in a container and position approved by the London Fire Brigade.
55. A Street Trader may use heat producing equipment (e.g. braziers) providing that it is placed within the Licensed Pitch and is placed so as to offer maximum safety to the public. The position of any equipment in relation to other Goods and materials shall be agreed with the Council in writing.

REFUSE

56. The Street Trader shall ensure that all Refuse arising as a result of the activities shall be placed in suitable covered containers or plastic sacks provided by the Street Trader for that purpose or shall be tied in suitable bundles. Such containers shall be kept as clean as reasonably practicable.
57. The Street Trader shall ensure that all Refuse arising from or caused by Street Trading shall be removed from the Licensed Pitch and from the adjacent Street at sufficient intervals so that the Street is not littered and, in any case, the whole of the Licensed Pitch and the surrounding area of the Street shall be swept clean of any litter and refuse at the end of the hours for Street Trading.
58. The Street Trader shall ensure that all Refuse containers are sited within the Licensed Pitch or at another location agreed with the Council. The Street Trader shall ensure that such containers are emptied whenever necessary into any vehicle, container, compactor, or place provided or specified by the Council for that purpose. No Refuse shall be allowed to accumulate or be left in the Street.

ATTENDANCE BY A STREET TRADER

59. Except with good reason or the permission of the Council, a Street Trader shall trade personally on the majority of the days in any eight week period and for the majority of the hours on such days. A Street Trader shall maintain at the Licensed Pitch a record of those days and hours when he is trading personally and when he is not present with any reasons for absence. The Street Trader, or his Assistant, shall produce such a record on demand by an Authorised Officer.
- (a) For the purposes of this Regulation such days and hours shall be those specified in the Licence.
 - (b) Where a Street Trader has Licences for Pitches on more than one Street, the hours of personal trading must be reasonably equally divided between each Pitch and the appropriate records shall be maintained at a Pitch on each Street.
 - (c) This regulation shall not apply to a company or partnership holding a license solely for ice cream trading as defined in the Act.
60. No Street Trader shall sub-let the Receptacle or any part of the Receptacle or the Licensed Pitch, or install a manager to operate the Licence.
61. When required by an Authorised Officer, a Street Trader shall furnish the Council with a Medical Certificate obtained at the Street Trader's own expense or other documentary evidence to support the reasons for any continual or repetitive absences.

ASSISTANTS ETC.

62. A Street Trader shall, if required, notify the Council in writing of the names of any Assistants and shall give this and any other information as reasonably required by the Council regarding Assistants within seven days of any significant change.
63. A Street Trader shall not have as an Assistant any Child in the business of Street Trading including the putting out or stocking of Receptacles, clearance of Refuse, attending a Receptacle or any related activity. Nor shall a Street Trader, or his Assistant, bring or have care and control of a Child whilst engaged in Street Trading.
64. The failure of an Assistant to a Street Trader to comply with the Act, these regulations or the conditions of a Licence is a failure by that Street Trader.

ADMINISTRATION

65. A Street Trader, or his Assistant, must give every reasonable assistance to Council officers and their contractors in carrying out their duties.
66. A Street Trader, or his Assistant, shall not use foul or threatening language to an Authorised Officer or any other officer of the Council acting in accordance with his duties.
67. A Street Trader shall notify the Council in writing of any change of his title, name or home address as soon as it occurs.
68. The sending of letters and notices from the Council by the General Postal Service to the last address notified by the Street Trader shall be taken by the Council as proper and good service of documents.
69. All notifications (excluding payments of monthly charges) given by the Street Trader to the Council shall be to the Council's Director of Leisure and Amenity Services at the address as it appears on the Licence or that subsequently amended and notified in writing to the Street Trader.

1st April 1999