

Terms and Conditions relating to Street Trading Licences and Consents

A street trading licence or consent authorises a licence or consent holder to sell authorised goods or services from a licensed or consent unit or barrow on a designated pitch in the Canterbury City Council district.

In the event of

- a breach of any of these conditions
 - the contravention of the Local Government (Miscellaneous Provisions) Act 1982
 - the commission, conviction, caution, investigation of any criminal offence etc
 - a false, misleading, inaccurate, incomplete etc application
- the Council may revoke the licence or consent in accordance with Schedule 4 of the 1982 Act.

1. Interpretation

In these conditions the following words and expressions have the meanings given below:

- **The Council:** Canterbury City Council.
- **Council officer:** includes any duly authorised officer of the Canterbury City Council and in particular the Assistant Director of Direct Services, Head of Safer Neighbourhoods, Business Support Officers, Licensing Officer and Enforcement Officers.
- **Licence:** a street trading licence, granted by the council to a licence holder, subject to conditions.
- **Consent:** a street trading consent, granted by the council to a consent holder.
- **Licence or consent holder:** a person with a street trading licence or street trading consent issued by the council to sell authorised goods or services from a licensed or consent unit or barrow on a designated pitch as set out in a street trading licence or street trading consent.
- **Authorised goods or services:** goods or services authorised by the Assistant Director of Direct Services or Head of Safer Neighbourhoods.
- **Licence or consent plate:** a plate, issued by the council and bearing
 - the name of the licence or consent holder,
 - the number of the designated pitch
 - a description of the authorised goods or services authorised by the Council and
 - the validity of the licence or consent.
- **Permitted persons:** those persons who are authorised by a licence or consent holder to work from a licensed or consent barrow on a designated pitch.

- **Licensed or consent unit or barrow:** a unit or barrow approved and issued a licence or consent by the council for the sale of authorised goods or services in a licensed or consent street in the Canterbury district.
- **Designated pitch:** a specified pitch as described in the licence or consent in a licensed or consent Street in the Canterbury district.
- **Badge:** a personal badge issued to licence or consent holders and permitted persons.
- **The 1982 Act:** Local Government (Miscellaneous Provisions) Act 1982.

2. Indemnification

- The licence or consent holder shall at all times indemnify the council in respect of any and all loss, damage or liability (whether criminal or civil) and legal costs and fees incurred by the council resulting from any breach of this licence or consent by the licence or consent holder or permitted persons.

3. Conduct

General

- The licence or consent holder must at all times comply with reasonable directions of the council and make sure that the permitted persons also comply.
- In exercising the rights granted by this licence or consent, the licence or consent holder and permitted persons shall exercise due care and in particular shall not do anything which may or will cause danger or harm to members of the general public.
- Any change of address of the licence or consent holder must be notified to the council in writing within 14 days.
- The licence or consent holder and permitted persons must notify the council of any
 - criminal conviction
 - caution
 - police, trading standards, environmental health investigation, prosecution etc
 - police or court bail return date and conditions of bail
 immediately, and if unable to comply immediately, at the earliest opportunity together with the reason for any delay.

Licence / Consent Pitch, Unit or Unit

- Before the licence or consent (plate) is issued by the council, the licence or consent holder must satisfy the council that the unit or barrow meets the description, plans, photograph, drawing etc of the unit or barrow submitted with either a new or renewal application. The plate will not be issued if the unit or barrow is in poor condition, even though it meets the details of the unit or barrow submitted with the application.
- The licence or consent holder and permitted persons shall not use the designated pitch for any purpose other than that specified in the licence or consent (full details will be contained in the application). The pitch may not be sub-let to a third party by the licence or consent holder.
- The licence or consent holder shall pay in addition to the licence or consent payment(s), all rates, taxes and assessments whatsoever payable in respect of the rights granted under the street trading licence or consent, or which may become payable as a consequence of the licence or consent holder's use of the designated pitch.

- A licence or consent is personal to the licence or consent holder and is not transferable. Pitches granted to businesses which operate on a concession basis must ensure that the person who has been granted the concession applies for a street trading licence or consent in their own name. The business that grants the concession thereby relinquishes any entitlement or claim to use the pitch in the future.
- The licence or consent holder and permitted persons shall not bring any furniture, equipment, goods or chattels onto the designated pitch except with the express permission of the council. The use of gazebos is not permitted without the prior written approval of the Head of Safer Neighbourhoods.
- The licence or consent holder and permitted persons shall not use portable generators at any time whilst operating the street trading licence or consent unless with the prior written approval of the Head of Safer Neighbourhoods.
- The licence or consent holder and permitted persons shall not use any form of naked flame except with the explicit written permission of the council. Natural / liquefied petroleum gas systems authorised by the council for use on a licensed or consent unit or barrow will require testing and certification by an appropriately qualified person at intervals set by the council. Appropriate fire fighting equipment must be obtained by the licence or consent holder capable of extinguishing and dealing with any fires prior to the licence or consent being granted and issued.
- The licence or consent holder and permitted persons must use the designated pitch in such a way as not to cause any nuisance, annoyance, disturbance, damage, inconvenience or interference to the highway or neighbouring or adjoining property or to the owners, occupiers or users of any adjoining or adjacent property.
- The unit or barrow must not be left on the pitch before or after trading for any reason. If any emergency arises, the council must provide authorisation before the unit or barrow is left or vacated.

Badge for Licence / Consent Holder and Permitted Persons

- No person under the age of 17 years shall engage or be employed in street trading.
- The licence or consent holder and permitted persons must conspicuously display their licence or consent (plate) on the unit / barrow at all times when trading.
- The licence or consent holder and permitted persons must wear and conspicuously display their personal badge at all times when trading.
- A badge is personal to the holder and is not transferable. A badge holder may only work on the pitch(es) it is allocated to.

4. Insurance

- A licence or consent holder must hold public liability insurance to a value of not less than £5 million, issued by a reputable insurance company approved by the council. This insurance will cover both the licence or consent holder and permitted persons who work from that licensed or consent barrow. A licence or consent holder must produce a current insurance certificate on request by the Council and it must be valid throughout the period of the licence. Trading without a current insurance certificate will immediately terminate the licence or consent.

5. Hours of trading (including setting up)

- On all days of the week, the trading hours are between 10:30 hours and 16:00 hours, except where approval has been given by the council.
(**Action:** please complete the **Acceptance of Terms and Conditions** section at the end of these conditions if you wish trade outside these hours. The council will let you know the result of your request in writing).
- No trading will be permitted on Christmas Day, Easter Sunday and on certain other days as determined by the council, for example (but not limited to) carnival processions, demonstrations, marches, market days, development / green shoots market days, Christmas market days during December and January (certain pitches only) and Armistice parades.
- Failure to use a designated pitch on the agreed days / times (even if paid for) may lead to revocation of the licence or consent in accordance with Schedule 4 of the 1982 Act.

6. Location of designated pitches

- All licensed or consent units or barrows will be stationary during hours of trading on the designated pitch except when required to move if access is needed by an emergency services vehicle, security vehicle or other authorised vehicle or when instructed to move by a council Officer, police officer, fire officer etc. All units or barrows must be of a construction, size etc so that they can be moved quickly and easily.
- Licensed or consent units and barrows must be moved immediately when the licence or consent is requested to do so by a council officer, police officer, fire officer etc.
- A photograph of the designated pitch, together with its description and location on a map will form part of the agreed conditions of the street or consent trading licence.

7. Licensed and Consent Barrows

- Only units or barrows specifically approved prior to being licensed or given a consent by the Council may be used on the designated pitch. To avoid any misunderstandings a photograph of the approved unit or barrow will be kept on file by the Council.
- The unit or barrow must be maintained to ensure that it is of an acceptable standard of repair and condition. The Council retain the right to decide what is acceptable or not and can give directions as to compliance re colours, conditions and rectification period.

8. Access

- Access to and leaving from designated pitch sites will be by foot with the licensed or consent barrow except with the express authority of the council.

9. Authorisation

- A licence plate, issued by the council bearing
 - the name of the licence holder,
 - the number of the designated pitch
 - a description of the goods or services authorised by the council and
 - the validity of the street trading licence or consent

shall be attached to the licensed or consent barrow.

- All persons whilst working with licensed or consent barrows must wear and display an armband (of a type approved and as directed by the council) displaying the badge personally issued to them by the council. Loss of a badge or armband must be reported to the council within one working day and an application made, together with the fee, to replace it. Failure to comply with this requirement will revoke the street trading licence or consent or personal badge.
- A fee of £5 is payable for the issue of a replacement plate or badge.

10. Advertising

- No advertising will be permitted on the licensed or consent barrow or anywhere on the designated pitch.
- No licence holder or consent person may issue any handbills.
- 'A' boards and freestanding advertisements are not permitted on any street trading pitch unless authorised by the council.

11. Licence or Consent and Badge

- Street trading licence or consent and badge:
 - The personal badge issued with a street trading licence or consent will include a picture of the holder.
 - The council retain the right to authorise the use of a previously issued badge if the photograph is up-to-date.
 - A street trading licence or consent will run from 01st April each year until 31st March the following year or any period within that 12 months up to the 31st March of the current year.
 - Applications for renewals can be applied for up to three months before expiry of the current licence or consent. Renewal applications will be considered in accordance with Schedule 4 of the 1982 Act. All street trading licences or consents expire on 31 March of each year or such other time as the council may decide.
 - The council may refuse to renew any street trading licence or consent in accordance with Schedule 4 of the 1982 Act.
 - Failure to apply for the renewal of a street trading licence or consent before it expires will mean that the street trading licence or consent falls immediately on expiry.
 - Failure to apply for the renewal of a street trading licence or consent before the appointed renewal date will mean that the application will be treated as if it is a new application.
- Permitted person badge:

A permitted person badge must be worn by a person employed by the licence / consent holder. The employee must be at least seventeen years of age. The licence / consent holder shall not employ more than two persons at any one time and any contravention of the standard conditions forming part of the licence / consent by a permitted person shall be deemed to have been committed by the licence / consent holder. The permitted person badges are not transferable.

12. Fees

- All payments of fees for pitches will be paid in advance unless otherwise authorised by the Head of Safer Neighbourhoods or the Finance Officer, for example, payment plans, last trading day of the month etc.
(**Action:** please complete the **Acceptance of Terms and Conditions** section if you wish to pay your fees other than in advance – written notice will be provided by the council as to the outcome of your application).
- Agreed designated pitch fees will be paid regardless of use of the pitch unless an agreement has been reached, in writing with the Head of Safer Neighbourhoods at least 24 hours before the relevant date.
- Failure to pay fees in advance or in accordance with any authorised payment plan may lead to revocation in accordance with Schedule 4 of the 1982 Act.
- In addition to fees for designated pitches the Council will charge administration fees as stated below:
 - An administration fee of £25 must be paid before an initial street trading licence or consent is issued. This fee includes a badge for the licence or consent holder and a licence or consent plate for the barrow.
 - There is a fee of £5 for the issue or replacement of a badge. The badge is issued with a lanyard or armband approved by the Council.
 - An administration fee of £8 for each quarterly or monthly payment will be charged if invoices are issued.

13. Sales

- Only those goods or services, which are authorised by the council and set out on the licence or consent plate (full details in application form), may be sold from the licensed or consent unit or barrow. A breach of this condition may result in the licence or consent being revoked in accordance with Schedule 4 of the 1982 Act.

14. Litter and Waste Removal

- **Litter** - The licence or consent holder and / or permitted person working from a licensed or consent unit or barrow will be responsible for the collection and removal of litter associated with the operation of that unit or barrow in an area of a radius of 50 metres from the designated pitch or such reasonable distance as set by the council.
- **Waste removal** - Any waste produced from your business is regarded as commercial waste and you are under a duty to ensure it is properly disposed of at a licensed treatment facility. You should have a contract with a waste collection company to have your waste removed at the end of each trading day so as not to cause a litter problem. Alternatively, you may remove the waste yourself at the end of the trading day and take it to a licensed waste disposal facility. You are also obliged to ensure as much waste as possible is sent for recycling. You will be asked to produce evidence of proper waste disposal and failure to do so could lead to prosecution.

15. Food

- Units and barrows, licensed or with a consent, for the sale of food shall be registered with a local authority in accordance with the requirements laid down by the current

food registration legislation and / or regulations at that time. Proof of such registration must be provided to the council prior to any licence or consent being issued.

16. **General**

- The council is not liable for the death of or injury to the licence or consent holder, permitted persons working from a licensed or consent unit or barrow and / or customers, or for any damage to any property of theirs or for any other losses, claims, demands, actions, proceedings, damages, costs or expenses or any other liability incurred by them in the exercise or purported exercise of the rights granted by the street trading licence or consent unless caused by the negligence of the council, its servants or agents.
 - The council may at any time add, after or amend any condition to the licence or consent.
 - All notices given by either party pursuant to the licence or consent must be in writing and are sufficiently served if delivered by hand or sent by recorded delivery to the other party at the address stated on the licence or consent.
 - No licence or consent will be issued unless the applicant signs that they have seen a copy of the above conditions and will abide by them.
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Acceptance of Terms and Conditions

I, the undersigned, have seen and accept the above conditions as forming part of the agreement between Canterbury City Council and myself.

I further understand that a breach of any of these conditions may lead to the revocation of the street trading licence or consent and / or permitted person badge in accordance with Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982.

Please complete if you wish to commence trading before and / or the standard times of 10:30 and 16:00

I wish to apply for the following trading hours:

Please complete if you wish to pay on the last trading day of each month or other proposed payment plan

I wish to pay any fees due:

- On the last trading day of each month in arrears
- Other payment plan:

Signed Print Name

Address

.....

Phone Date

Office use only

Street trading or consent licence number

Permitted Person Badge number(s)

Trading Hours

Detail times authorised:

Fees

Detail payment plan authorised, payment due:

- One month in advance of trading
- On the last trading day of each month in arrears
- Other payment plan:

Officer:

Date: