

STREET TRADING IN LAMBETH

Do I need a licence?

In general, any form of selling of goods or the provision of service which takes place in the street or on public footway, or up to 7 metres distance from any street will require a licence. London Local Authorities Act 1990, Part III (as amended), governs street trading. There are exceptions. The main exceptions are: -

1. The sale of current newspapers, from receptacles with dimensions not exceeding 1 metre in length, 2 metres in height & occupying a ground area not exceeding 0.25metres or a stand on the public carriageway of a street.
2. The sale of current newspapers and periodicals, if carried by the sellers.

Designated Street Markets

The designated street markets/pitches in Lambeth are: -

1. Brixton General Market comprised of Electric Avenue, Popes Road, Brixton Station Road and Brixton Concourse.
2. Arts and Crafts market in Tunstall Road SW9 (Friday & Saturday only). The road is opposite Brixton Tube Station, off Brixton Road
3. Lower Marsh market, Lower Marsh, SE1 off Westminster Bridge Road
4. Brixton Farmers Market on Brixton Station Road (Sundays only)
5. Brixton Makers Market on Brixton Station Road (Monday to Saturday)
6. Venn Street Market on Venn Street, Clapham, SW4
7. Herne Hill Market on Railton Road, Herne Hill, SE24
8. Streatham Market on Babington Road, Streatham, SW16, near Streatham Green
9. Stockwell Market on Binfield Road, Stockwell, SW9, beside Stockwell Tube Station
10. Designated isolated pitches throughout the borough.

Biennial (Permanent) Street Trading Licences

Brixton General Market and Isolated Pitches only (and existing license-holders in Lower Marsh)

These are permanent licences, issued to individual traders, which run for a maximum of two years and allow biennial traders to trade on a particular pitch on specific days and at specific times stated on the licence. All licences are renewable on the same date every two years.

Applications are only accepted in response to the annual vacancy advertisement. Temporary traders are required to have traded for at least three months before applying for a permanent licence to ensure that they build a customer base and also that they have made the right decision in becoming a street trader. Vacant pitches are advertised once a year (usually between January, and April) Allow up to 6 weeks for the grant of a biennial licence.

When a licence is granted, an offer letter goes out to the potential license holder. If an applicant is unsuccessful, a letter of regret is sent. Once successful, the applicant will be required to pay the license grant fee and a month's rent in advance on receipt of invoice, before he or she can begin to trade. Subsequent charges will be made via direct debit and so a biennial 'permanent' trader in Lambeth is required to have a bank account.

The standard format street trading conditions will be provided on grant of the licence. The conditions in the Licence Handbook have been written so that they can be easily understood; they do not change the licence conditions that appear in the standard format and all information in the handbook is correct at the time of print (April 2008).

Biennial licences are validated for a maximum of two years at a time and allow a trader to trade until the license is surrendered, terminated or due for renewal. The licence is renewable every two years. It can only be surrendered by giving a full calendar month's notice, in writing. Once a license holder surrenders his or her biennial licence in writing, all arrears should be cleared. Failure to clear arrears will result in the trader's details being passed on to the Credit Control Team for debt recovery action. The licence will usually only be terminated as a result of a significant or repeated breach of the license conditions, including failure to pay fees and charges. A trader owing money to the Council cannot register to trade as a temporary trader until all arrears are cleared.

Biennial licence holders can only sell the goods specified on their licence. There are a number of other licence conditions traders need to comply with (see License Conditions on page 5). A copy of the full License Conditions is available on request.

No cash is received in the office. Pitch Fees and administrative charges, such as charges for the grant, renewal or variation of a license, are invoiced and the preferred method of payment is Direct Debit.

Isolated (Miscellaneous) Street Trading Licences

There are isolated pitches, at various locations around the borough that are not in the main market areas. The application process and trading conditions for these pitches are the same as for Biennial Licenses to trade in Markets; however the operating hours are 8am to 7pm Monday to Sunday.

Temporary (Casual) Street Trading Licences

Temporary licences are issued on a daily basis to casual traders to fill vacant pitches in Brixton General Market only. These are pitches not licensed to biennial traders and/or pitches where the biennial license holder has not attended on the day. All temporary traders are required to complete a registration application form supported by **required documents; namely their EU Passport or other Passport with Residence Permit, National Insurance (NI) card, Public Liability Insurance Certificate and proof of address, either Gas, Electricity or Telephone bill. A**

Mobile phone bill is NOT acceptable. There is a registration fee (please see the fees & charges). You will not be able to trade if you fail to properly complete the registration process. A trader owing money to the Council cannot register to trade as a temporary trader until all arrears are cleared. Application for registration is open through-out the year. The registration fee is payable at the time of application.

Temporary traders can only sell the goods for which they have been registered. Traders wishing to sell food, please see page 11 attached.

No cash is received in the office. Traders pay daily using the Giro-bank Free-Pay card (issued on successful registration) at any Post Office or pay-point. Payment must be made in advance of trading, but only after allocation of a pitch has been requested and agreed for the trading day. **The receipt should be used on the intended day of trading by the date stamped at the Post Office, as it becomes invalid if not used on that day.** Once paid receipts are submitted and a pitch allocated, *no refunds are given.*

Temporary traders may find themselves working in different parts of the market on different days and a pitch cannot be guaranteed. Fewer pitches are available on Thursdays, Fridays and Saturdays when more biennial licence holders attend the market.

Allocation of temporary pitches is by seniority and not on a first come first served basis. Please see Temporary Street Traders Allocation on page 4.

Arts & Crafts Street Trading

The Council operates an Arts and Crafts market in Tunstall Road on Fridays & Saturdays. In addition to completing the Street Trading License/Registration application form, all potential arts & crafts traders are required to bring samples of goods to be sold to the Market Office, 53 Brixton Station Road, SW9 for inspection to ensure that they are hand-made. The sale of clothing is totally banned in the Arts and Crafts market.

The application process and trading conditions for these pitches are the same as for Biennial Licenses to trade in Markets; however the operating hours are 8am to 7pm Fridays & Saturdays.

Non Commercial Street Trading

Temporary licences are also issued to non-commercial organisations/charities. These organisations need to apply for a non-commercial pitch in writing on their organisation's headed note-paper giving details of their organisation and what they intend to promote, in addition to completing the Street Trading License/Registration application form. Copies of any leaflets for display, or information to be given to the public must also be submitted for approval with the application. Applications should be made *at least 4 weeks in advance.* The

organisation must provide proof of public liability insurance. The non-commercial site is Tunstall Road SW9, from Monday to Thursday only. Sale of merchandise is prohibited.

Temporary Street Traders' – Allocation Times

In Brixton General Market, trading requests are handed in between 8.00am – 8.30am Monday to Saturday. Allocation takes place at 8.30am and takes about 20 minutes. Payment then needs to be made using the Giro-Bank Free-Pay card at the Post Office or Pay-Point and the payment receipts need to be submitted by 9.15am, so that the trader can set-up within the pitch dimensions and remove any vehicles or other obstructions by 10.00am. Any requests or receipts received after the stated times will not be dealt with until after allocation is completed at the discretion of the Market Officer.

Allocation in Brixton market is by seniority (frequency of recorded trading history and length of time registered as a temporary trader in Lambeth's markets) rather than on a first come first served basis. The temporary trader seniority list is updated every month on the basis of frequency of attendance and length of registration. Absence will result in loss of seniority.

If you are operating as a temporary trader, the Council cannot guarantee you a pitch on any particular day. Also when you are allocated a pitch it will not be the same one every day throughout the week.

Temporary traders are required to comply with the same licence conditions as biennial license holders. See License Conditions on page 5. A copy of the full licence conditions is available on request.

Lambeth Markets Run via Market Operators

With the exception of Brixton General Market, Lambeth's markets are run via Market Operators. Temporary licences are issued to organisations acting as Market Operators. Market Operators are awarded a contract resulting from a successful tender *in response to a tender invitation*. These organisations then need to apply for registration and complete a contract agreement for the series of markets agreed during the term of the contract.

Please note that the agreement is between the Market Operator and Lambeth Markets; responsibility for organisation and payments relating to individual traders operating under the contract and any associated risks are the responsibility of the Market Operator, though Lambeth Markets will provide reasonable support and assistance.

Fees and charges for Market Operators shall be invoiced and are payable in advance.

Applications

Whether you are applying for Registration for Temporary Trading as an individual or as a market operator, a non-commercial user or for a Biennial Street Trading License, the same application form (available from the Market Office or for download from the web-site) supported by official documents to prove identity, address, National Insurance number and valid public liability insurance must be submitted. There may be additional forms or other requirements depending on the type of application that you are making.

Fees and Charges

The Council sets Fees and Charges annually. A current fees and charges list is available on request.

License Conditions

Insurance

All traders are required to take out third party, public liability insurance cover with a minimum liability of at least £5,000,000 or such other sum as determined by the Council from time to time.

Traders employing assistants are also required to take out employee liability insurance cover with a minimum liability of £10,000,000 or such other sum as determined by the Council from time to time.

Electricity

Traders make their own arrangements for the supply of electricity or use of a generator. The generator has to meet the required safety standards. Where electricity is supplied, electricity is provided to traders, subject to availability and a refundable deposit being paid; however, in some markets there is currently provision of electricity for lighting and weighing scales only. Refrigeration and heating equipment requires a higher level power supply and must not be connected to the Council supply.

Music

Only traders who are licensed to sell pre-recorded audio/visual material are authorised to play music, for demonstration purposes. The regulation with regard to noise pollution also applies to these traders, just as it does to all other traders.

Stalls

It is the trader's responsibility to provide his or her own stall and awning or stall covering; however, only stalls approved by the Council may be used. Stalls must be easily and immediately removable on request and stalls and vehicles must not cause any damage to the road or pavement. Stalls must not be left on the pitch overnight or at any time outside of trading hours.

In Brixton Market stalls can be erected by barrow boys for a fee. These arrangements are nothing to do with the Authority and any such agreement is strictly between the trader and the barrow boys. Barrow boys are not Council employees and the income collected by them does not come to the Council.

Goods & Services

Most types of commodities can be sold in Lambeth's markets including clothing, subject to commodity rules. It is recommended that you choose a commodity, which is not widely available in the market. Goods and services are licensed according to categories so that the commodities match or compliment each other (Regulation of Commodities is available on request for a full explanation of the commodity rules and the category list). Traders are only allowed to sell the goods and services for which they have been registered or licensed.

A trader, either a temporary trader or biennial license holder, can have up to three complimentary commodities on his/her licence.

Changing Your License (Goods or Location)

If any trader wishes to change their goods or service, or if a 'permanent' trader wishes to change the location of his pitch, he or she would need to apply for a variation. Application to vary a license to transfer street trading pitch is only accepted in response to the annual vacancy advertisement. There is a charge for license or registration variation (see the current Fees & Charges, available on request).

Any grant or refusal will be determined by the type of commodity requested (whether or not the commodity will breach the Council's commodity regulations and if the commodity is widely available or not). You should bear in mind that applying for consideration to sell any commodity does not necessarily mean that you will be successful as requests are declined from time to time and reasons are always given.

Attendance

A licensed trader will be expected to **PERSONALLY** work their pitch although he or she may employ assistants to help. A 'permanent' trader must notify the Council if they are ill, on vacation or unable to trade from their pitch for any other reason.

Assistants

Only properly registered assistants may help a trader on his or her stall. Assistants are required to complete the same registration process as temporary traders. There is

no charge for registering an assistant on grant or renewal of license or registration, but an administrative fee for change of documents may apply for change of assistant at other times.

Change of Address

Change of address of a trader or a trader's registered assistant must be notified to the Council in writing with acceptable proof of address (utility bill, phone bill or bank statement, as described in the application for grant or renewal of a license or registration).

Surrender of A Biennial Licence

Intention of surrender of a biennial licence must be stated in writing to the Council, giving one full calendar month's notice including the name of the license holder and the date of his or her last day of trade.

Street Trading pitch fees are payable in advance, however, if there are any arrears, these must be paid before the departure of the trader.

Any trader who owes the Council money after surrendering their licence will not be able to trade as a temporary trader in any of Lambeth's street markets.

The trader's registered assistants will also not be allowed to trade until all arrears are cleared.

A copy of the full License Conditions is available on request.

General Advice to new traders

Before applying to trade: -

1. Get advice about starting and running your own business; advice is available from Business Enterprise, Banks, etc.
2. Check the suitability of the market; if you have never traded in a market before, visit the market, watch the allocation process, and discuss your proposals with the Market Enforcement Officers after the allocation process has finished.
3. If you have never traded in a market before, visit the market, see if the commodity you intend to sell is widely available or not;
4. If possible, start off as temporary trader for at least 3 months before considering applying for a permanent licence.
5. Find out about the laws that affect street traders.

The Law and the Street Trader

As a street trader, awareness of Consumer Protection Laws concerning retail trading is of particular importance. The Council has a responsibility for enforcing Trading Standards laws including consumer protection and food hygiene legislation.

Set out below are some of the Laws that affect street traders:-

London Local Authorities Act 1990 Part III

This Act lays out requirements to ensure compliance with street trading licence conditions (see street trading policies and practices document).

Consumer Protection Act 1987

This Act lays out requirements to ensure that goods are safe and contain warnings and instructions when necessary. The Act also prohibits misleading pricing.

Supply of Goods (Implied Terms) Act 1973

This Act concerns the responsibility for defective or unsatisfactory goods.

Trade Descriptions Act 1968

The Act requires traders to describe the goods and services truthfully. For example, the Act prohibits the supply of counterfeit goods (e.g. videos, clothing, watches etc.)

Prices Act 1974

This Act generally requires goods sold by retail to 'be marked' with a written indication of the selling price. Traders must also show the unit price of certain goods (e.g. per pound). All prices must be clearly indicated and be legible.

Weights and Measures Act 1985

Part II – It is a criminal offence for a trader to use weighing and measuring equipment

- ◆ Which does not have on it the stamp of approval by an inspector or weights and measures

- ◆ Which does not weigh or measure accurately.

Part IV – It is an offence to sell goods, which are less than their stated quantity. Most food when sold pre-packed must have the quantity stated on the package (e.g. cheese, meat, and fish).

Some goods that are pre-packed can only be sold in specific quantities (e.g. tea, coffee, biscuits and bread). Apples, eggs, oranges, etc. can be sold in numbers.

Hall Marking Act 1973

In general this Act requires items described as gold, silver or platinum to be hall marked and for the trader to display a notice which describes approved hallmarks.

Food Safety Act 1990

This Act controls the sale of food and food hygiene associated with its packing, storage and selling.

N.B: The Medicine Act forbids the sale of medicine (e.g. aspirin tablets) on market stalls.

All the above laws and many more affect street traders. Trading Standards and Environmental Health Officers can be contacted for further information. A list of useful addresses/telephone numbers is attached.

There are also laws and regulations governing health and safety in employment, of which all traders, but specifically food businesses, should be aware:

The Health & Safety at Work Act 1974

This Act regulates the duty of care, upon both the employer and the employee, to ensure the safety of all persons using the work premises. This includes the self employed.

The Management of Health & Safety at Work Regulations 1999

These regulations require every employer to make suitable and sufficient assessment of:

- (a) the health and safety risks that employees are exposed to whilst at work, and
- (b) the health and safety risks to other persons not in his employment arising out of or in connection with the conduct of his business.

The Provision and Use of Work Equipment Regulations 1998

These regulations require that every employer shall ensure that work equipment is maintained in an efficient state, in efficient working order and in good repair. PUWER 1998 only applies to work equipment used by workers at work. This includes all work equipment (fixed, transportable or portable) connected to a source of electrical energy. PUWER does not apply to fixed installations in a building. The electrical safety of these installations is dealt with only by the Electricity at Work Regulations.

The Electricity at Work Regulations 1989

These regulations require that, so far as reasonably practicable, all electrical systems and electrical equipment shall at all times be of such construction as to prevent danger. The PUWER 1998 covers most risks that can result from using work equipment; with respect to risks from electricity, compliance with the Electricity at Work Regulations 1989 is likely to achieve compliance with the PUWER 1998.

Scope of the legislation:

The combination of the HSW Act 1974, the PUWER 1998 and the EAW Regulations 1989 apply to all electrical equipment used in, or associated with, places of work. The scope extends from distribution systems down to the smallest piece of electrical equipment. It is clear that there is a requirement to inspect and test all types of electrical equipment in all work situations.

Gas Safety (Installation and Use) Regulations 1998

These regulations control the safe installation and use of gas consuming equipment. Amongst other things, it requires regular and recorded inspection, testing and certification of all gas consuming equipment to be logged to ensure and record that at the time of testing the equipment was operating safely and efficiently.

IMPORTANT NOTE REGARDING YOUR APPLICATION

Prevention and Detection of Fraud

The Council has a duty to protect the public funds that it administers, and may use the information you have given, and match it against other information held by the Council.

The Council may also disclose any such information to other public bodies, or similar external agencies, for the purpose of the prevention or detection of fraud.

GUIDANCE NOTES FOR TRADERS WISHING TO SELL FOOD IN LAMBETH'S MARKETS

- 1 The Council policy is only to issue new temporary licences (i.e. Casual licences) for the following items of food:-
 - (a) *Factory wrapped* flour or chocolate, confectionery e.g. biscuits, cakes but excluding cream, or imitation cream, cakes.
 - (b) *Wrapped* groceries (including dried fruit, pulses, nuts and cereals etc).
 - (c) *Tinned* fruit and *tinned* vegetables.

The following are specifically **not** allowed on a 'casual' basis whether wrapped or unwrapped: -

- (a) *Food prepared at the stall, take-away meals, or snacks e.g. fish and chips, hot potatoes, kebabs, burgers, hot dogs, beverages, sandwiches, pies, patties, ice cream, 'snowballs' (scraped ice and fruit syrup).*
 - (b) *Fresh meat, poultry, fish or shellfish*
 - (c) *Fruit and vegetables (other than tinned fruit and vegetables)*
 - (d) *Cooked meats, sausages, bacon, ham, cheese, dairy and delicatessen products.*
 - (e) *Unwrapped groceries.*
- 2 It is a condition of any street trading licence granted that all pre-packed food sold or offered for sale should not bear an expired 'best before', 'use by' or similar type of date and all pre-packed food should not be sold after their expiry date. Any food displayed for sale or offered for sale or in possession for sale outside its 'use by' date is an offence. If temporary traders are found to be in breach of this condition, they will be banned from operating in Lambeth's markets, in the case of biennial licence holders, their licences will be considered for revocation.
- 3 If you wish to sell food items other than those in 1 (a) to (c) above then your only option to street trade is to apply for a biennial street trading licence for one of Lambeth's markets. Applications for biennial licences can be made when vacancies are advertised; the Council do not keep a waiting list. You will need to have completed a Food Hygiene course and produce a certificate to show that you have achieved the appropriate level.
- 4 If your application for a licence is successful, you will be informed in writing and then you will be required to register as a food business with the Council's Environmental Health Food Safety Section. Depending on the type of food business, you may also be required to have a satisfactory food hygiene and food safety inspection. The licence will not be issued until approval has been given by the Council's Food and Health & Safety Team.

- 5 You will also be required to provide records of equipment safety checks - see Provision and Use of Work Equipment Regulations and Gas Safety (Installation and Use) Regulations.
- 6 If you propose to operate a stall or vehicle selling food or snacks etc. from a site outside of the market area, it is the Council's policy not to grant street trading licences for such purposes and to operate without a street trading licence constitutes illegal street trading and may result in legal proceedings. Your only option to trade in the street is to apply for a biennial street trading licence in one of Lambeth's markets (see 3 above). You are advised not to purchase any goods or equipment until you know the outcome of any application made. Market operators may be exempt from 3 above; in line with contractual obligations.

UNLICENCED STREET TRADING

- ◆ Any trading which takes place in a street, which is not, designated a "licensed street" is illegal. Any trading which takes place in a designated "licensed street" without the authority of a street trading licence is also illegal.
- ◆ The Council will seize the goods being offered for sale or issue a fixed penalty notice or prosecute the unlicensed street trader. The Metropolitan Police also have powers to seize goods and prosecute unlicensed street traders.
- ◆ Heavy fines are usually imposed by the Courts and forfeiture of goods granted to the Council to destroy the seized goods.
- ◆ If street trading is taking place on private land, it is advisable for the trader to obtain written permission from the landowner to confirm that the permission has been granted. This written permission should always be produced when asked for by Council officers or the Police.
- ◆ The advertising of vehicles for sale on the public highway is also illegal. The authority will contact the vehicle owner by phone or letter, to advise the individual to remove the advert for sale. Failure to remove the advert may result in the Council issuing a fixed penalty notice or prosecution against the individual concerned.

USEFUL ADDRESSES & CONTACT TELEPHONE NUMBERS

Street Trading Head Office:

Delivery – Communities Housing and Environment
1st Floor, Service Team House
185-205 Shakespeare Road
London SE24 0PZ
Telephone: 0207 926 0524

Market Office:

53 Brixton Station Road
London SW9 8PQ
Telephone: 0207 926 2530

Trading Standards:

2nd Floor, Ivor House
1 Acre Lane
London SW2 5BF
Telephone: 0207 926 6110

Food and Health & Safety Team: 2nd Floor, Ivor House

1 Acre Lane
London SW2 5BF
Telephone: 0207 926 6110

Accounts:

Financial Transactions Team – Credit & Collections
1st Floor, Olive Morris House
18 Brixton Hill
London SW2 1RL
Telephone: 0207 926 0111