

Crawley Borough Council

	Report No: PES/067	D
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Report to the Licensing Committee

7th March 2012

Review of Street Trading Policy

1. Summary

- 1.1. The purpose of this report is to seek the Licensing Committee's approval of the reviewed and updated policy to apply to street trading within the Borough of Crawley.
- 1.2. The policy distinguishes between street trading and the holding of markets for operational purposes.
- 1.3. The policy deals with consents only and it is not proposed to amend the Council's current controls to include street trading licences.

2. Recommendations

- 2.1 **To approve the reviewed and updated policy regarding street trading attached to this report as Appendix "A" and to commence operating this policy as of the 8th March 2012.**

ANGELA TANNER
Head of Planning and Environmental Services

3. Background

- 3.2. On the 5th January 2012 the Licensing Committee resolved to amend the street trading restriction applying to Broadwalk and the Broad Way.
- 3.3. The updated street trading policy was not available for Committee deliberation on the 5th January 2012 as it had not been attached to the report.
- 3.4. The street trading policies of other towns namely Ashford, Bexley and Poole have been researched due to either their similar nature to Crawley or the markets' similarity to what is proposed for our purposes.
- 3.5. The proposed updated street trading policy is attached to this report as Appendix A.

4. Ward Members' Views

- 4.1 The Council on this occasion has not consulted or sought the views of Ward Members as this matter is not ward specific.

5 Staffing and Financial Implications

- 5.1. Any cost incurred by way of staffing or other would be recoverable through consent fees which may be levied accordingly.
- 5.2. The Council charge for the issue of street trading consents which is currently £26.40 per day. An additional daily £5 fee is attached to the consent fee and charged to the market controller for every stall present at a market to cover the Council's administrative costs.

6. Legal Implications

- 6.3. The Human Rights Act 1998 requires Local Authorities to consider the right of those who may be affected by any decision it makes.
- 6.4. European Services Directive 2006/123/EC must be considered with regard to local legislation dealing with the regulation of street trading. The Department for Business Innovation & Skills have conducted a legal analysis of the Pedlars Acts 1871 and 1881 and Schedule 4 to the Local Government (Miscellaneous Provisions) Act 1982 (the LG(MP)) against the Directives requirements. The result of this analysis is that:-
 - The Pedlars Acts should be repealed since it cannot be justified in maintaining the certification for pedlars
 - Certain provisions of Schedule 4 of the LG(MP) require amendment in order to ensure compliance with the said EU Directive .

The Directive also requires Councils that have local legislation concerning street trading to undertake a legal analysis on compatibility with the Directives requirements. Crawley does not have any local legislation on street trading.

7. Consultation

- 7.1. No objection has been received from Sussex Police to the amendment to street trading controls.
- 7.2. No objection has been received from WSCC Highways to the amendment to street trading controls.

8. Other Implications

- 8.1 This policy does not apply to the High Street Markets held on a Friday and Saturday as these markets are subject to a separate lease agreement.

9. Reasons for the Recommendation

- 9.1. To update the current limited street trading controls and guidelines.
- 9.2. To ensure Crawley is as competitive as it's surrounding and peer towns.
- 9.3. To explore the possibilities arising from the Portas Review.

10. Links to the Community Strategy and Corporate Plan

- 10.1 The proposals contained in this report relate to the following key areas of the Sustainable Community Strategy

Community Cohesion	Community Safety	y
Young People and Children	Health and Well Being	y
Older People	The Environment	y
The Local Economy	y Social Inclusion	

The following key principles are applicable:-

(i) Working together	y
(ii) Dignity, respect and opportunities for all	y
(iii) Involving People	y
(iv) Making it last	y

- 10.2 The report relates to the following areas in which the Council operates to enhance the town and the quality of life of local people:-

(i) Prosperity	y
(ii) Community	y
(iii) Environment	y
(iv) Value for Money	y

11. Background Papers

ES/197 Review of Street Trading Policy – Queens Square
PES/047 Review of Street Trading Policy – Broadwalk & the Broadway.
PES/059 Review of Street Trading Policy

The Portas Review. An Independent Review into the Future of Our High Streets.

http://www.maryportas.com/wp-content/uploads/The_Portas_Review.pdf

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Crawley Borough Council Street Trading Policy

December 2011

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1. Purpose

1.1. The Council's street trading policy aim is to create a street trading environment which complements existing premises based trading, is sensitive to the needs of residents, provides diversity and consumer choice, attracts new visitors/shoppers and seeks to enhance the character, ambience and safety of local environments.

1.2. The policy recognises the importance of street trading to the Borough of Crawley and that it can add to the vibrancy and vitality whilst not adding to nuisance or crime and disorder.

2. What is Street Trading?

2.1. Street trading means selling, exposing or offering for sale any article in a street. The term 'street' includes any road, footway or other area to which the public have access without payment.

2.2. Crawley Borough Council has adopted Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982 and has designated some specific streets in the area as 'consent streets'. Most streets are 'prohibited streets' for street trading purposes.

2.3. The effect of these designations is that street trading in any street that is subject to controls may be either prohibited entirely or illegal without first obtaining a street trading consent from the Council.

2.4. This includes all streets, car parks, parks and all adjacent paved, grassed and ornamental areas.

3. Exemptions from the need to obtain a Consent

3.1. Some types of trade are legally exempt from the need to obtain a street trading consent. These include:

- a person trading under the authority of a pedlars' certificate granted under the Pedlars Act 1871;
- trade carried out by roundsmen e.g. milkmen;
- trade carried on at a petrol filling station;
- market created by statute or grant;
- trading as a newsvendor;
- trading in and around shops within the curtilage of the building;
- charity collections. Please note, however, that street collections for donations require a street collection licence (Call 01293 438944 for further details)

4. Street Trading Consents for which fees may not be payable

4.1 Crawley Borough Council may not require the payment of fees for the following street trading activities:

- fetes, carnivals or similar community based and run events where it can be shown the proceeds will be used for charitable purposes.
- non-commercial or charitable events
- sales of articles by householders on land contiguous with their homes

5. Site Assessment for consents

5.1 Crawley Borough Council has adopted Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982 for the whole of its area and has designated certain streets in the area as 'consent streets' for street trading purposes

5.2 The Council will identify suitable 'pitches' for street trading and will maintain a map showing their location for each space.

5.3 Consents may also be issued to mobile artists who sketch or paint, and sell their own work and move from location to location.

5.4 In determining whether to create a street trading pitch the Council will have regard to:

- any effect on road safety, either arising from the sighting of the pitch or from customers visiting or leaving
- any loss of amenity caused by noise, traffic or smell
- existing Traffic Orders e.g. waiting restrictions, parking, etc
- any potential obstruction of pedestrian or vehicular access
- any obstruction to the safe passage of pedestrians
- the safe access and egress of customers and staff from the pitch and immediate vicinity
- congestion,
- impact on the character of the area

6. Consultation for consents

6.2 Before a new market is created by the Council or an applicant applies to use new Council land for the purposes of street trading we will consult and seek written observations from:

- occupiers of premises immediately adjacent and opposite and relevant premises based traders
- ward councillors

- Sussex Police
- Development Control (CBC)
- Highways (WSCC)
- existing holders of street trading consents in the immediate area
- other relevant stakeholders

6.3 The Council will also consider any responses received in relation to a public notice on the highway.

6.4 Twenty-eight days will be given to consultees to make comments / objections. If no comments are received, the application will be granted in the terms applied for with standard conditions attached to the consent.

6.5 Any objection from consultees will be assessed against the criteria in 5.4 above and may be referred to the Licensing Committee for determination.

6.6 We would not under any circumstances take into account competition issues.

6.7 Any proposed change to standard conditions will be consulted with consent holders and others, if relevant.

6.8 There is a right of appeal against refusal to issue a consent to the Licensing Committee. Any person aggrieved may appeal against the decision, so long as the reasons for the Council's decision falls within certain categories, namely:

- that the applicant is unsuitable to hold the consent by reason of having been convicted of an offence or for any other reason;
- that the applicant has at any time been granted a street trading consent by the Council and has persistently refused or neglected to pay fees or charges due to them; or
- the applicant has without reasonable excuse failed to avail him/herself to a reasonable extent of a previous street trading consent.

6.9 Where an application is refused, payment of the application fee shall be refunded.

7. Nature of Goods and Trading Hours

7.1 The nature of goods which may be sold from any pitch or market will be specified in the consultation process and confirmed in writing prior to each and any market taking place. Any substantial change will be assessed by officers, subject to the criteria in 5.4.

7.2 The Council would not normally grant a new consent for the sale of goods or services which may adversely conflict with those provided by nearby shops.

7.3 Street trading hours are set for the Broadwalk/Broadway and Queens Square markets.

7.4 The design and appearance of the stall, barrow or cart etc. used must be agreed by the Council's Environmental Health Manager.

8. Issue of Street Trading Consents

8.1 Street trading consents will normally be issued for a maximum period of one year but new (non-market) site consents will be issued for a six month trial period to determine the effect of the location factors in 5.4. Consents for shorter periods may be issued for block bookings for the purpose of organised street markets and for mobile street artists.

8.2 Fees for consents must be paid in full in advance. In the case of renewals, payments must be made on a minimum of a monthly basis.

8.3 Administration fees for markets are collected on the day of trading or in advance and all other papers required by these conditions must be submitted at least 7 days in advance.

8.4 Failure to maintain payments or submit required information as above may result in the permission not being renewed or being revoked.

8.5 A consent cannot be issued to a person under the age of 17 years. An application may be refused if the applicant is unsuitable to hold the consent by reason of having been convicted of an offence or for any other reason. (Refer to Appendix B)

9. Planning Permission

9.1 If permission is required, the onus is on the applicant to obtain both planning permission and permission to trade in alcohol and/or hot food from Crawley Council prior to making an application for street trading consent. It is not the responsibility of the issuing Authority to investigate and obtain this information.

9.2 Having established that the site(s) is suitable in principle and ascertained that permission is required, a planning application must be submitted to the Planning and Development Unit. Advice on making a planning application may be obtained from the Council (Tel No. 01293 438512 or visit www.crawley.gov.uk/planning).

9.3 Operators should not submit a Street Trading Consent application until planning and other necessary permissions have been obtained.

10. Licensing Act 2003

10.1 In addition to the requirement of having a street trading permission, applicants who sell alcohol, hot food or hot drinks will need a premises licence under the Licensing Act 2003. The Licensing Section are able to advise as to the application process. (01293 438698)

11. Fee Structure

11.1 The fee structure is that a daily charge of £26.40 is required for a street trading consent and £5 per day per trader is required to help offset administration costs. Additional fees are set for other permissions and can be provided if necessary.

11.2 The Head of Planning and Environmental Services has delegated authority to set fees and to annually review the fee structure.

12. Special Events

12.1 At special events, Crawley Borough Council will issue a written consent to the person organising the event, rather than to each individual trader as that person or company is responsible for all traders under their permission.

12.2 The Council will require that the company produces a list of the individual traders before the trading day and that the traders hold and are able to produce some authorisation from the company organising the event.

12.3 The Council will require the operating company to hold all relevant insurance certificates e.g. covering all the individual traders and public liability cover of not less than £5 million.

12.4 This policy is aimed at promoting events and encouraging more traders to attend them. The Council allows promotional events and activities in the town centre which will need to be acknowledged and accommodated (by prior agreement) by special event organisers.

12.5 We will issue a single consent, which will cover a number of traders. Traders will be required only to use approved pitches which are shown on the attached plan. Any trader pitching outside the approved area will be asked to move to an approved location.

12.6 If the event organiser can demonstrate that the event is being held on behalf of raising funds for a charity, etc the fee may be waived.

12.7 If the special event requires vehicular access to pedestrianised areas then hazard lights will be used and speeds will not exceed 5 mph. Vehicle access to pedestrianised areas during shop opening hours will be discouraged and where this is necessary vehicles will be led by a assistant walking in front of the vehicle. Any damage caused by vehicles to the highway or any infrastructure will be the liability of the organiser.

13. Broad Walk and Broadway Temporary Market

13.1 The Market is approved for a period of six months and will be subject to review at the end of the period.

13.2 Market is to open at 10am, therefore, everything should be unloaded and stall set up and vehicles moved off site before 9am. No vehicles are to be left on site and traders will be required to identify and use alternative parking facilities for the duration of the market. No obstruction is to be caused to pedestrians, buses or other road users whilst loading and unloading. A formal management plan for the

movement and access of market vehicles will be required and will need to be agreed by relevant bus companies. Any damage caused by vehicles to the highway or any infrastructure will be the liability of the organiser.

13.3 The market will normally operate until 5pm. Stalls should be packed away as quickly as possible giving attention to health and safety as public will be in the area and ensuring that buses and cars are not obstructed or delayed. These times may be altered during the winter months and/or during periods of bad weather.

13.4 All waste generated from each stall should be removed from site by the stall holder at the end of the trading day. Trade Waste Licences may be required by traders.

13.5 There is no electricity or water supply available in this area.

13.6 The location for pitches for the market operation will be in front of currently unoccupied premises initially under existing canopied walkways. Traders must not block access and/or egress to any empty premises. The area available for pitches may decrease if new lettings of currently empty properties take place and/or proposed redevelopments materialise. A risk assessment for the market must be provided.

13.7 Trading off the pavement will not be allowed under any circumstances.

14. Queens Square Market

14.1 Market will normally opens at 9.00am, therefore, everything should be unloaded and stall set up and vehicles moved off site before 8.30am (most traders arrive between 6am and 8am to do this). (Sunday trading will commence at 10.00 am and all vehicles will be moved off site by 9.30 am.)

14.2 At 5.30pm all stalls should be packed away as quickly as possible giving attention to health and safety, as members of the public will be in the area. Vehicles will be moved on and off site once shops are closed. Any damage caused by vehicles to the highway or any infrastructure will be the liability of the organiser. A risk assessment for the market must be provided.

14.3 All waste generated from each stall should be removed from site by the stall holder at the end of the trading day. Trade Waste Licences may be required by traders.

14.4 Due to the special nature of the Queens Square area the designs of the stalls are controlled and potential traders should check with the Licensing Authority for the design specifics of stalls permitted at this market.

15. Conditions and Enforcement

15.1 Standard conditions will be attached to every street trading consent detailing the holder's responsibilities to maintain public safety, avoid nuisance and generally preserve the amenity of the locality.

15.2 The Head of Planning and Environmental Services may review the conditions set out in Appendix A and may add to, delete or amend the conditions as they see fit.

15.3 Specific conditions will also be attached such as the days and hours when street trading is permitted, the goods which may be sold and the maximum size of the Market.

15.4 Failure to comply with conditions, non-payment of fees or non-attendance may lead to revocation or non-renewal of a consent.

15.5 Persons trading without a street trading permission and who are not exempt (see 3.1 above for examples) will be the subject of enforcement action. This will include any person who holds a certificate granted under the Pedlar's Act 1871, but who fails to operate in accordance with the Act.

15.6 The issue of absent market managers will be addressed by conditions upon the consent, for example conditions which:

- require personal attendance of the manager without the option for someone else to run the business on his behalf
- allow a person to hold only one consent
- restrict whether or not the manager may have an assistant and if so limit the number of potential assistants
- require the holder to provide notification of his nominated assistant
- require the holder to provide notice of non-attendance to the nominated person (Town Centre Manager or Licensing Officer).
- require the holder to pay for a market if there is no advance notice of cancellation
- allow the Licensing Officer to revoke the consent after a three weeks non-attendance, or sooner if applicable.

16. General

16.1 Through its corporate Communications team and by other means, the Council will seek opportunities to promote street trading activities.

16.2 This policy will complement and inform other Council initiatives including those relating to street activities and events and life in the public realm generally.

16.3 This policy will be the subject of periodic monitoring and review.

16.4 This policy will be applied in a manner which is consistent with and supports the Council's equalities policies.

Appendix A - Pool of conditions which may be on a Consent to Street Trade in the Town Centre

**Environment and Housing Directorate
Crawley Town Centre Management**

**Consent for
the use of market space in
Broadway, Broad Walk or Queens Square**

This authority is under a duty to protect the public funds it administers, and to this end may use the information you have provided on this form for the prevention and detection of fraud. It may also share this information with other bodies responsible for auditing or administering public funds for these purposes.

THIS CONSENT

is made on this day of 20....

BETWEEN:

(1) The Borough of Crawley, Environment and Housing Directorate, Town Hall, The Boulevard, Crawley, West Sussex RH10 1UZ

and

(2) X (“Market Manager”)

Company Name:

Address:

Post Code:

Telephone:

Mobile:

Event Day Contact Details (if different)

Name:.....Mobile.....

WHEREAS:

(1) The Crawley Council is an event authority for the purposes of the Food Act 1984 (“the 1984 Act”) and has agreed to permit the Market Manager to manage the Event on its behalf

(2) The Market Manager has agreed to enter into this Consent and to observe and perform obligations and conditions herein contained

NOW IT IS AGREED as follows:

1. Definitions

In this Consent the following terms shall have the following meanings:

1.1 **‘Consent Conditions’** means the conditions contained in this Consent (including the Stallholder Conditions)

1.2 **‘Consent Administration Fee’** means a daily charge of £5 per trader.

1.3 **‘Consent Period’** means date 20.....

1.4 **‘Event’** means the holding of a market in the designated spaces identified in the relevant Plan

1.5 **‘Event Days’** means(dates) 20.....

1.6 **‘Rights’** means the right to organise and operate the Event (but only on the Event Days) within the Consent Period and in accordance with the terms of this Consent and such further or other conditions as Crawley Town Centre Management may from time to time reasonably consider proper.

1.7 **‘Stall’** means the: physical objects/ table/ exhibition area, used to advertise, present or other such commercial property

1.8 **‘Market Manager/Event Organiser’** means the person responsible and liable for the establishment, delivery and performance of the Event and all persons and activities associated with it

1.9 **‘Stallholder’** means any person permitted by the Market Manager to manage or trade from a Stall in the Event and his servants and agents

1.10 **‘Stallholder Conditions’** means the conditions to be observed and performed by stallholders set out in the Schedule to this Consent

1.11 **‘Town Centre Manager’** means the officer of the Council employed by the Council (but responsible on a day to day basis to the Environment and Housing Directorate) to conduct the general management of the Town Centre of Crawley including the general management of events in the Town Centre

1.12 **‘Trading Hours’** means times specified in Sections 13 and 14 of the Council’s Street Trading Policy.

1.13 Where the Market Manager is supported by two or more assistants/persons the obligations of the Market Manager shall remain specific to them

- 1.14 Words importing one gender shall include all other genders and words importing the singular shall include the plural and vice versa
- 1.15 Any obligation on the part of the Market Manager not to do an act or thing shall include an obligation not to permit or suffer such act or thing to be done by another person
- 1.16 All references to consent of the “Council” or words to similar effect shall mean the consent of the Council or its Town Centre Manager or any other person from time to time duly authorised by the Council to give such consent (whether or not such consent is given in writing)
- 1.17 Any reference to a specific statute shall include reference to any subordinate legislation or any modification amendment or re-enactment of such statute or subordinate legislation
- 1.18 The clause paragraph and schedule headings do not form part of this Consent and shall not be taken into account in its interpretation
- 1.19 ‘**Space**’ shall mean the physical area that is booked for the ‘Event’ as designated by the relevant Site Plan.

PART TWO: The Schedule

2. Market Manager Registration / Application

- 2.1 All Market managers must have contacted the Town Centre Management Office before an application for booking space is made.
- 2.2 Market managers may be required to provide proof of identity and residence by way of a domestic bill i.e. current gas/electric bill, bank statement, letter headed paper etc. showing name and address or other such proof.

2.3 Trading Days and Hours

- 2.4 All ‘Space’ must be fully set up with full product display and open for business at all times during the stipulated trading hours. Trading should not take place before or after the stipulated times which are
- 2.5 Any changes to these times will be notified in writing by the Council.
- 2.6 In the event of emergencies or severe weather conditions the booking may be cancelled without notice by Crawley Town Centre Management Staff or an alternative space offered.

2.7 Attendance

- 2.8 Stallholders are to be in attendance on their allocated ‘Stall’ by no later than half an hour before trading begins each day.
- 2.9 Failure to attend the relevant ‘Stall’ in the ‘Space’ by this time will result in the stall being available for re-allocation for that day.
- 2.10 In the event of unavoidable delay due to illness, breakdown or other reasonable cause, Town Centre Management may reserve the ‘Space’ at his/her discretion upon being notified in advance and no later than 8.15 a.m. on the day in question of the estimated

attendance time and the reason for the delay. If no notification is received by this time then the 'Space' may be reallocated to another user.

2.11 Charges

2.12 All charges relating to the use of any 'Space' and any ancillary services will be paid in advance or by prior agreement within a week of the 'Event'.

2.13 A Market Manager will not be allowed to use a 'Space' until all arrears are paid in full.

2.14 Display, Permitted Goods to be sold and Changes to Licensed Commodities

2.15 Only those commodities contained and confirmed in the Market summary are to be sold from 'Stalls' in the allotted 'Space'. Any disputes concerning the commodities being sold will be determined by the Crawley Town Centre Management and any goods found not to be permitted for sale on the 'Space' must be removed from display immediately. A copy of the consent to trade will be available at the event.

2.16 Goods shall be displayed properly and attractively in a style approved by Town Centre Management. The use of cardboard boxes for displaying goods shall not be permitted. Signage of prices and goods on stalls should be of high presentation, clearly displayed and in a style of lettering and colouring approved by Town Centre Management.

2.17 Public Liability and Employers Liability Insurance

2.18 The Market Manager attending the 'Space' must have a minimum £5million Public Liability Insurance cover which fully indemnifies Crawley Town Centre Management against all claims arising from the Stallholders' attendance at the 'Space' and the operation of the 'Event'. The details and proof of such cover must be shown to Crawley Town Centre Management before commencement of trade and such proof must be provided on demand for filing.

2.19 All Market Managers who employ other persons are required to hold Employer Liability Insurance protection and details should be shown to Crawley Town Centre Management where applicable. No person under the age of 17 shall engage or be employed in street trading.

2.20 Traffic on the designated space.

2.21 The Market Manager shall not bring or permit or suffer any vehicle or trailer to be brought into the 'Space' earlier than two hours before or later than two hours after the Trading Hours except in an emergency and then only for the purposes of unloading of stock and the erection of the 'Stalls' and the loading of stock and the dismantling of the 'Stalls'. The Market Manager shall not cause or permit or suffer any obstruction inconvenience or nuisance to the public or any Stallholder, pedestrian or vehicle in the 'Space' or in surrounding roads where traffic has access legally.

2.22 All vehicles entering the 'Space' must only use the approved entrances and exits.

2.23 No vehicle will exceed **5mph** on the 'Space' or approaches thereto. Hazard warning lights and another person on foot to escort the vehicle will be used when maneuvering in the pedestrian areas.

2.24 All vehicles and trailers must be removed from the 'Space' by 8.45am and should not be brought back onto the 'Space' until 5pm (or 4 pm when the clocks are put back

during the winter period), without the express permission of Crawley Town Centre Management. Where refrigeration of goods is required please consult with Crawley Town Centre Management for authority to keep the vehicle on site or alternative arrangements.

- 2.25 Vehicles must not be parked in such that will obstruct other Stallholders of the 'Space' and must be removed when requested by Crawley Town Centre Management.
- 2.26 Vehicles on the 'Space' or approaches, must only be driven by qualified drivers holding a full motor vehicle license and valid vehicle insurance. Vehicle access to pedestrianised areas during shop opening hours will be discouraged and where this is necessary vehicles will be led by an assistant walking in front of the vehicle. Any damage caused by vehicles to the highway or any infrastructure will be the liability of the 'Market Manager'.
- 2.27 The Stallholder shall make his/her own arrangements for parking his/her motor vehicle in a proper parking place throughout the 'Event'.

2.28 Electrical Supply / Equipment

- 2.29 No alterations or modifications are to be made to any electrical supply or equipment provided by Crawley Town Centre Management and Stallholders must not illuminate a 'Space' by any other means than that provided or recommended without the written consent of the council. Any such requests to make changes must be in writing and include relevant details and drawings provided by the qualified electrical contractor who will undertake the works if approved. A daily charge of £50 per day will be applied for use of electricity from bollards.
- 2.30 Any authorised electrical works of any kind must comply with and be carried out in accordance with the current schedule of the Institution of Electrical Engineers. The Market Manager will ensure that any power driven equipment (including generators) are sited to minimize noise and attenuated where necessary. The use of a generator requires prior permission from the Town Centre Manager.
- 2.31 All electrical equipment used by each Stallholder must have been Portable Appliance Tested (PAT) in the last 12 months. You may be required by Crawley Town Centre Management to show documentary evidence e.g. test certificate.

2.32 240v single-phase power supplies for any stand, exhibition or stall in the Queens Square

Power supplies provide by CTCM

1. The power supplies for any stand, exhibition or stall licensed by CTCM to trade on the Queens Square must not be taken from adjacent shop premises or domestic properties.
2. There are a limited number of permanent 240v single-phase power supplies for use by authorised traders and events housed in dedicated bollards at various locations along the Queens Square.
3. CTCM will permit privately supplied electrical cables of any kind to be connected to the power supply outlets in the dedicated kiosks with prior agreement with Town Centre Manager.

4. CTCM will seek to provide sufficient distribution boxes among the stalls/stands to permit safe connection by licensed traders. Additional power requirements will need to be met by the Market Manager
5. Each distribution box will include two 16A MK Commando socket outlets with a DP isolator and 16A mcb for each outlet. **(32 A MK Commando socket at the Bandstand but prior approval is required from the Bandstand Manager to use these outlets. Contact Heather Girling on 01293 438222)**
6. Each Square distribution box will allow a maximum load of 20A split between the two socket outlets.
7. There are no electrical distribution boxes in the Broad Walk and Broadway areas of the Town Centre

Connections by traders and event organisers

1. It is the responsibility of the 'Market Manager' or event organiser to ensure that any equipment or appliance that is connected to the CTCM distribution box is suitable and safe at all times.
2. CTCM reserve the right to inspect any equipment or appliances connected to their supply and take any appropriate action to ensure public safety.
3. The CTCM distribution box must remain readily accessible and obvious at all times in case urgent disconnection is required.
4. Connection to a CTCM supply outlet can only be made using a 16A MK Commando plug or similar.(32 A MK Commando plug at the Bandstand if approved)
5. The following guidance will be used when assessing suitability and safety:
 - a. All flexible leads from the supply outlet to the traders equipment must be of Arctic grade cable to BS6500, or better, and be 3 core (including a protective earthing conductor)
 - b. Flexible cables should not be laid in areas accessible to the public unless they are protected against mechanical damage.
 - c. Mechanical protection or armoured cables should be used wherever there is a risk of damage.
 - d. Cables offering integral mechanical protection are:
 - i. Steel wire armoured
 - ii. Cable with external protective steel wire braid
 - e. Rubber cable matting should be used to reduce the risk of tripping, but cannot be considered as providing sufficient mechanical protection for flexible cables.
 - f. Where flexible cables are used above floor level they should not be unsupported across gaps wider than two metres without the use of a suitable catenary wire support.

Any plug/socket connections should be protected against damage and secured above ground level to reduce the risk of water penetration from puddles

2.32 No electric fires or kettles are to be used.

2.34 Cleaning

2.35 All Stallholders are responsible for ensuring that the area in and immediately around their 'Stall' is kept clean and tidy and that debris and refuse is cleared away during the course of the day and also at the end of each trading day. The 'Market Manager' is responsible for the whole 'Space' and must ensure that adequate arrangements are made to remove all rubbish and debris at the end of each day.

2.36 Food Stallholders are responsible for ensuring the cleanliness of their allotted 'Stall' at all times in compliance with the Food Hygiene legislation in force at that time.

2.37 Food Stallholders are responsible for the disposal of all offal or waste food, which must be stored in sealed containers and removed from the 'Space' for disposal at the end of each trading day.

2.38 Obstruction

2.39 No goods or boxes are to be placed in the public passageway or in other areas of the 'Space' so as to obstruct the free passage of other users of the 'Space' or obstruct the display of another Stallholder.

2.40 The Stallholder shall not do or permit or suffer anything to be done which would or might result in a breach of the terms of any permission for the placing of structures in the highway under the Highways Act 1980 or cause any other person to do so. A minimum inter aisle width of 3.6m must be maintained at all times to allow for the passage of emergency vehicles, and any access gap between 'Space' maintained at all times.

2.41 Where a wheeled trailer unit or equivalent unit is used, the unit shall remain in a portable state.

2.42 Building Out

All goods must be displayed within the defined limits of the 'Space'. Any overhangs (if permitted by Crawley Town Centre Management) must not cause a hindrance to others, an obstruction, or, a danger to pedestrians/vehicles. Goods/articles placed outside the designated 'Space' area may attract additional charges.

2.43 Transfer of 'Space' License

2.44 The 'Market Manager' shall not permit any person other than his/her employees to use the 'Space' and the Stallholder acknowledges that this Consent is personal to him/her and is not to be assigned, transferred or sublet in part or in whole. The parties acknowledge that nothing in this Consent shall create the relationship of landlord and tenant.

2.45 Any 'Market Manager' found to have permitted use of the 'Space' by anyone else will be deemed to have terminated this license and will be refused permission to attend the 'Space' in future.

2.46 Any unauthorized 'Market Manager' found to be trading from any 'Space' or trading space without the consent of Crawley Town Centre Management will be removed from the 'Space' by the Police.

2.47 Display of Placards Posters or Notices

No Stallholder will display any placard, poster, or notice without the prior written consent of Crawley Town Centre Management, and must not display any literature, which may be deemed to cause offence. These are not to be fixed to Highway structures.

2.48 Fire Prevention

2.49 No refuse or combustible material must be allowed to build up in or around any 'Stall' and will not be placed near to electrical fittings.

2.50 No hazardous substances or chemicals or inflammable substance will be stored on the 'Space'. No gas bottles or other high-pressure container to be left on the 'Space' unattended or over night.

- 2.51** Any stall holder that has any form of heat or electrical equipment on or around their stall, must have a fully functioning fire extinguisher.
- 2.52 Evacuation**
- 2.53 In the event of fire, bomb threat or such potentially serious incident which requires the immediate evacuation of the area, instructions will be given by Town Centre Management staff.
- 2.54 All Stallholders are advised to make themselves aware of the evacuation procedure in place at the 'Space'. On being requested to evacuate by a member of the Council or Town Centre Management, emergency services or the Police, Stallholders should leave the 'Space' without delay and where possible and, without danger to themselves or others, assist in directing customers away from the 'Space' area.
- 2.55 Compliance**
- 2.56 The Market Manager and all Stallholders shall comply with all acts of Parliament and Regulations applicable to the operation of the 'Space' and to the Stallholder's trade or business. in particular any person selling foodstuffs shall comply with all relevant Food Safety, Hygiene and Health Regulations in force at the time. **All stallholders selling food items will need to provide details of their registration prior to attending the market.**
- 2.57 The stallholder/market manager will ensure that staff who prepare open high risk foods, or handle food and have a supervisory role, have training to the level equivalent to the Chartered Institute of Environmental Health (CIEH) Level 2 Award in Food Safety in Catering within three months of the consent being issued.
- 2.58 All Stallholders must comply fully with all the rules, regulations and with all terms and conditions of any Consent agreement when attending the 'Space' and shall comply with all reasonable directions of Crawley Town Centre Management and the Council or its agents. The Council's decision is final in all matters and it can remove any Stallholder at its discretion immediately.
- 2.59 The Market Manager will submit a risk assessment for the Event prior to its operation to the Town Centre Manager The consent holder shall, where applicable, at all times when trading comply with all 'Codes of Practice' relating to noise.
- 2.59 No animal shall be present on any stall or vehicle apart from assistant animals e.g. Guide Dogs
- 2.30 The holder shall indemnify the Borough Council against any claims in respect of injury damage or loss arising out of the grant of this licence (except insofar as any claim in respect of injury damage or loss is attributable to the negligence of the Council) and shall maintain adequate insurance (including both public and products liability). The licence holder shall pay to the Council the cost incurred by the Council in making good any damage to the Town Centre or its furniture or landscaping caused by the licence holder or his assistant.

PART THREE: Conduct of all Stallholders

- 3.1 All Stallholders, their servants, agents, employees or contractors are required to conduct themselves in an orderly manner so as not to cause annoyance or inconvenience to other users of the 'Space' and to act in a responsible manner and not cause any act of neglect, willful damage or disturbance to the peaceable enjoyment of the 'Space'. Any Stallholder/market manager or their assistants or employees will be required to declare any convictions. Guidelines on assessing the relevance of convictions for operating a market in Crawley is provided in Appendix B.
- 3.2 The Stallholder shall not use or permit to be used abusive, profane or insulting language, engage in any disorderly conduct, use any amplified music or any musical instrument, radio, gramophone, tape, music player or noisy apparatus in such a way as to cause annoyance to or lead to reasonable complaint from any other person.
- 3.3 All Stallholders, their servants, agents, employees or contractors attending the 'Space' are expected to observe all rules, regulations, bye-laws and legislation and to comply with all reasonable requests of Crawley Town Centre Management.
- 3.4 Trade will be conducted in such a manner as to comply with all trading standards and consumer legislation and food Stallholders in full compliance with the food hygiene legislation in force.
- 3.5 In a dispute between a Stallholder and consumer the Stallholder should at all times endeavor to remain courteous and polite. Where the matter cannot be resolved amicably Crawley Town Centre Management will attempt to arbitrate, if requested to do so. If in his/her opinion the consumer is found to have a justifiable complaint, the Stallholder will be requested, without any liability on the part of Crawley Town Centre Management, to rectify the matter as recommended.
- 3.6 If Crawley Town Centre Management is unable to offer a clear opinion or the Stallholder is unwilling to resolve the matter then the consumer will be advised to take the matter to the local Consumer Advice Agency. The Stallholder will be expected to comply with the written opinion of the Agency.
- 3.7 The 'Stallholder' holder will move to another 'Space' when told by Crawley Town Centre Management without notice or reason. This is to ensure that complaints or other issues related to the 'Event' can be dealt with quickly.
- 3.8 Trading consents will be conditional on the design and state of stalls provided

SECTION FOUR: Stallholder Disciplinary Procedure

4. Disciplinary Procedure.

- 4.1 Any breach of the rules, regulations or bye-laws applicable to the hire of the 'Space' and this Consent or any misconduct by a Stallholder or agent in the course of trade shall be regarded by Crawley Town Centre Management a disciplinary matter.
- 4.2 Minor disciplinary matters will normally be dealt with by Crawley Town Centre Management, who may if he/she thinks it necessary, administer an oral reprimand. All such matters will be recorded by Crawley Town Centre Management in the 'Event Incident Book' and the Stallholder advised of this action.
- 4.3 Crawley Town Centre Management or the Town Centre Manager has the authority to remove a stall immediately without notice if any conditions of this Schedule have

been breached. If Crawley Town Centre Management removes the stall, then the costs of the removal will be recovered from the stallholder in full.

IN WITNESS of which this Consent has been executed the day and date first above written.

SIGNED for and on behalf of (**Company Name**)

SIGNED by [.....]

MARKET MANAGER/EVENT ORGANISER

in the presence of

Witness' signature

Witness' name

Witness' address or position in the business

.....

.....

.....Post Code.....

Appendix B - Guidelines relating to the relevance of convictions for:

1. applicants for the grant or renewal of a street trading consent;
2. persons who wish to be registered as an assistant to a holder of a street trading consent or to renew such registration or operate as a stallholder; and
3. the holders of street trading consents and persons registered as an assistant to the holder of a street trading consent.

General policy

Each case will be decided on its own merits

1. The Council will assess whether:

- a) an applicant for the grant or renewal of a street trading consent is a suitable person to hold or to continue to hold a street trading consent,
- b) a person who wishes to be registered as an assistant or stall holder to a street trading consent holder or to continue to be registered as an assistant or stall holder to a street trading consent holder is a suitable person to be registered as an assistant to a street trading consent holder.

In making that assessment, the Council consider the previous convictions of such persons.

2. In considering the previous convictions of those persons mentioned in paragraph 1 the Council will consider the following:

- a) whether the conviction is relevant;
- b) the seriousness of the offence;
- c) the length of time since the offence occurred;
- d) whether there is a pattern of offending behaviour;
- e) whether that person's circumstances have changed since the offence occurred; and
- f) the circumstances surrounding the offence and the explanation offered by that person.

3. The following is a description of the Council's general approach to certain categories of offences.

a) Dishonesty

The holders of a street trading consent and their assistants have to be persons who can be trusted. It is easy for a dishonest trader or assistant to take advantage of the public. Members of the public using a street trading outlet expect the holder and his assistant to be honest and trustworthy. For these reasons a serious view will be taken of any

conviction involving dishonesty. In general, an applicant for the grant or renewal of a street trading consent is unlikely be granted a street trading consent where the application is made within 3 to 5 years of a conviction or the date of release from jail. Similarly a person wishing to be registered as an assistant to a street trading consent holder is unlikely be to be registered where registration is sought within 3 to 5 years from the date of conviction or the date of release from jail.

b) Violence

As street traders and their assistants have close contact with the public, a firm line will be taken with applicants who have convictions for violence. In cases where the commitment of an offence involves loss of life, a street trading consent or registration as an assistant or stall holder to the holder of a street trading consent will normally be refused. In other cases, a period of 3 to 10 years free of conviction from the date of conviction or the date of release from jail where a custodial sentence has been imposed, depending upon the nature and seriousness of the offence(s), will generally be required before an application is likely to be considered favourably.

c) Drugs

Where an applicant has a conviction for an offence that relates to the supply or importation of drugs and the date of the conviction or the release from jail, where a custodial sentence has been imposed, is less than 5 to 10 years before the date of the application, an application will normally be refused. After 5 years from a conviction or the date of release from jail, where a custodial sentence has been imposed, the circumstances of the offence and any evidence which shows that a person is now a fit and proper person to hold a street trading consent or to be registered as an assistant to the holder of a street trading consent will be taken into consideration.

An application will normally be refused where the applicant has a conviction for an offence relating to the possession of drugs and the date of the conviction or the release from jail, where a custodial sentence for such an offence has been imposed, is within 3 to 5 years of the date of the application. After a period of three years from conviction or the date of release from jail where a custodial sentence has been imposed, consideration will be given to the circumstances of the offence and any evidence to show that an applicant is a suitable person to hold a street trading consent or to act as an assistant to the holder of a street trading consent.

An application will normally be refused where an applicant has more than one conviction for offences related to the possession of drugs and the last conviction or the date of release from jail, where a custodial sentence has been imposed, is less than 5 years before the date of the application.

d) Sexual and indecency offences

As the holders of street trading consents and their assistants, and in particular those who sell ice cream, have access to children, applicants who have convictions for rape, indecent assault, any sexual offence involving children and any conviction for an offence under the Sexual Offences Act 2003 will normally be refused a street trading consent or registration as an assistant to the holder of a street trading consent.

Where an applicant has a conviction for a sexual offence such as indecent exposure they will normally be refused a street trading consent or registration as an assistant to the holder of a street trading consent until they can show a substantial period usually between 5 and 10 years free of any such convictions from the date of conviction or the date of release from jail where a custodial sentence has been imposed.

After a period of 5 years from conviction or the date of release from jail, where a custodial sentence has been imposed, consideration will be given to the circumstances of the offence and any evidence to show that an applicant is a suitable person to hold a street trading consent or to be registered as an assistant to the holder of a street trading consent.

When considering applications, the Council may take into account any information of a sexual nature which does not amount to a criminal offence that is brought to its attention where that information may indicate that an applicant may not be a suitable person to hold a street trading consent or to be registered as an assistant to the holder of a street trading consent. In cases where the Council considers that information shows an applicant is not a suitable person, it will normally require a period of not less than 5 years free of such incidents from the date on which the incident occurred or, if more than one from the date of the last incident.

e) Motoring convictions

In most cases, motoring offences are unlikely to be relevant when deciding if an applicant for a street trading consent or to be registered as an assistant to the holder of a street trading consent is a suitable person. However, there may be instances where the offences are of a very serious nature. In those cases, an applicants for a street trading consent or to be registered as an assistant to the holder of a street trading consent would be expected to show a period usually between 3 and 5 years free of any such convictions from the date of conviction or the date of release from jail, where a custodial sentence has been imposed.

f) Formal cautions and fixed penalty notices

For the purposes of these guidelines, the Council will treat Formal Cautions issued in accordance with Home Office guidance and fixed penalty notices as though they were a conviction before the courts