



CONDITIONS TO BE ATTACHED TO TEMPORARY LICENCES WHERE THE STREET TRADING INVOLVES THE USE OF TABLES AND CHAIRS

Definitions

- 1 In the Regulations unless the context otherwise requires the following expressions shall have the following meanings:
- (i) "Street Trading" shall have the meaning ascribed in Section 2 of the City of Westminster Act 1999.
 - (ii) "The Council" means the Westminster City Council.
 - (iii) "Licensed Street Trader" means any person who is licensed for street trading under Section 21 of the City of Westminster Act 1999.
 - (iv) "Advertisement" means any word, letter, model, sign, placard, board, notice, whether illuminated or not, in the nature, and employed wholly or partly for the purposes of advertisement, announcement or direction and includes any hoarding or similar structure or any balloon used, or adapted for use for the display of advertisements, and references to the display of advertisement shall be constructed accordingly.
 - (v) "Assistant" means a person employed by and acting under the directions of the licence holder to assist him/her about the business and whose name and address had been notified to the City Council.
 - (vi) "Licensed street trading pitch" means a pitch in any street authorised as a place at which street trading may be engaged in by a street trader.
 - (vii) "Pitch Limits" means the authorised ground markings defining the area within which a street trading stall is to be contained.
 - (viii) For the purpose of these conditions "furniture" shall include tables, chairs, benches, planters, heaters, barriers and other furniture used in the provision of the service.
 - (ix) "Licence holder" means a person in whose name a current licence is held authorising street trading from a licensed street trading pitch.

- (x) "Refuse" includes any waste material.
 - (xi) "Premises" means any restaurant, café or public house associated with the pitch.
- General**
- 2 The grant of a street trading licence shall not be deemed to give any approval or consent which may be needed under any Bye-law, enactment or regulation other than the City of Westminster Act 1999.
- For the avoidance of doubt this includes the requirement to seek and obtain planning permission and/or advertisement consent.
- 3 The marginal notes inserted in these Regulations are inserted for the purpose of convenience only and shall not in any way affect the meaning or construction thereof.
 - 4(a) These conditions may be dispensed with or modified by the Council in any individual case by means of a licence variation in accordance with the statutory requirements.
 - (b) Where in these conditions there is reference to the consent or agreement of the Council such consent or agreement may be given on such terms and conditions and subject to such restrictions as may be so specified.
 - (c) Licence holders shall be responsible for any rates, taxes and other charges which may be levied in connection with the approved tables and chairs area.
 - (d) The Licence holder shall indemnify and hold harmless the Council from and against all actions in law or in equity, damages, statutory or common law losses, costs, charges and expenses arising in any matter or manner whatsoever out of the placing or use of the above mentioned obstructions on the public highway.
- Change of Address**
- 5 Licence holders shall notify the Council of any permanent change of address as soon as it occurs.
- Position**
- 6 Licence holders shall trade only from the position which is indicated on the licence.
- Size**
- 7 The trading area shall not exceed the dimensions specified on the licence and any pitch limits marked on the ground during trading hours.

Days and Times	8	Trading may only take place on the days and during the times specified on the licence.
Nature and Type of Furniture	9	Only furniture approved by the Council shall be used by the licence holder.
	10	Only furniture shown on the approved drawing(s) or otherwise agreed by the Council shall be placed on the highway. Such furniture shall be safe, stable, be fit for the use intended, of an approved design and be properly maintained.
	11	The furniture shall at all times be kept within the pitch limits. The number of tables, chairs and other furniture shown on the licence shall not be exceeded.
	12	The furniture shall not be placed on the highway before the time specified and is to be removed at 23:00 hours, unless a later removal time is specified on the licence. Service at the tables should cease at an earlier time in order for this to be achieved.
Conduct	13	Licence holders and any assistants employed by them shall ensure the public and Council officers are treated fairly and with courtesy.
	14	Licence holders shall ensure that their staff are competent, courteous and helpful.
Display of Licence	15	A copy of the licence shall be displayed during the hours of trading in a prominent position agreed by the Council, either in the front window of the premises or nearby so as to be clearly visible from the outside to anyone wishing to inspect it.
	16	No advertisement shall be displayed on the licensed pitch which relates to any goods, commodities or services other than those offered for sale or provided on that pitch.
	17	The pitch area and the highway in the immediate vicinity shall be maintained in a clean and tidy condition at all times.
	18	Licence holders and any person employed by him shall not dispose of any refuse in the permanent litter bins provided by the Council.

Sale of Refreshments	19	The pitch shall be used solely for consuming refreshments and for no other purpose.
Safety of Equipment	20	Heat producing equipment (e.g. space heaters) shall be so placed within the trading area as to offer maximum safety to the public. The position of such equipment in relation to other goods or materials shall be agreed with the Council's officers.
Services and Amenities	21	The pitch area, and the highway in the immediate vicinity, is to be thoroughly washed down at the end of each day's usage.
Limits of Display etc.	22	All goods, containers or other articles shall be contained within the licensed pitch area and height and shall not project beyond.
Removal	23	All furniture shall be removed immediately from the highway when required by the City Council, Metropolitan Police, emergency services, or any statutory undertaker or utility.
	24	Licence holders or their assistants shall remove the stall and goods for so long as may be necessary in the event of an emergency or in exercise of the Council's powers and duties, if reasonably required to do so by a police officer or a duly authorised officer of the Council.
Damage	25	No fixtures to or excavation of any kind shall be made in the surface of the highway, which shall be left entirely undisturbed.
Assistance to Council Officers	26	Licence holders shall give every assistance to Council officers in carrying out their duties.
Assistants	27	Licence holders shall if required, notify the Council in writing of the name of any assistant which they employ at the premises while the licence is in use.
Noise	28	Licence holders shall not use or permit to be used on the licensed area or within the immediate vicinity any radio, cassette player or other equipment or apparatus to produce music. Licence holders shall use their best endeavours to ensure noise amounting to a nuisance disturbing nearby occupiers is not created.
Insurance	29	Licence holders shall take out third party insurance cover with a minimum liability of at least £2 million or other cover as agreed by the Council.