

MARKET LICENSING STANDARD TERMS AND CONDITIONS
Section 50 of Part III of the Food Act 1984
Section 37 of Part XII of the Local Government (Miscellaneous Provisions)
Act 1982

Where market events are to be held in Slough the below conditions shall be adhered to before, during and after any market event taking place.

In addition, the following information must be supplied to Slough Borough Council at least 28 days prior to the market event taking place:

- A Plan showing the proposed layout of the market (where agreed in advance)
- Proposed times and dates that the market(s) will take place.

Market Operators and Traders

- Full Name address and date of birth of each trader (and national insurance numbers where known)
- Type of trading to take place
- Full address of any premises where items and in particular any food stuffs are to be stored or prepared.

This information will be required for:

- A) The Slough Borough Council Food and Safety Team should any hygiene issues arise.
- B) Thames Valley Police and Slough Borough Council Trading Standards where it is suspected that illegal goods may or are being sold.

1. General

- 1.1 Slough Borough Council issues market licenses for markets to be held principally in the High Street. The Council can also run any number of ad-hoc markets at locations across the Borough and establish new markets if it chooses to do so.

- 1.2 The Council may at any time vary the conditions of licensing markets.
- 1.3 In addition, when dealing with an application the Council can attach any specific conditions that are considered necessary because of the type of trading. These extra conditions will be attached where the Council considers it necessary to:
- Maintain public safety.
 - Prevent nuisance and anti-social behaviour.
 - Preserve the amenity of the specific locality.
- 1.4 Should a market licence be granted, the operator and traders will be required to comply with the following terms and conditions which are attached to the licence and if breached, the licence may be revoked.

2. Day & Times

- 2.1 Trading shall not be carried out on any street, place or site on any days or at any time other than those specified in the licence and trading shall take place only from the specified unit.

3. Use of Site

- 3.1 The operator/trader shall not at any time cause or permit any goods, articles, structures or produce to be stored or displayed at the sides of the unit/stall, around the unit/stall, or in the gangway between any two units/stalls.

4. Commodities

- 4.1 No class or classes of articles, commodities or things may be sold or exposed or offered for sale other than those specified in the consent.
- 4.2 The market operator and or trader must notify the Council in writing of any changes to items being sold or offered for sale. This must be approved by the Communications Manager at least 2 weeks prior to the items being offered for sale.
- 4.3 All commodities must comply with current Consumer Protection legislation. Further information is available at www.slough.gov.uk/business/trading-standards/business-advice.aspx or telephone 01753 875255.
- 4.4 The minimum standard to which all goods should comply is that they are safe, genuine, and as described. All goods must be accurately priced and any surcharges, of any kind, should be as bold, concise and compelling as the headline price itself. Description of services must be accurate and

transparent. The use of harassment, duress, coercion or undue influence in the sale of any goods or services will result in the immediate revocation of the licence.

5. Trader's Vehicles

- 5.1 An operator/ trader shall not leave any vehicle in the street in which trading takes place, apart from in approved parking spaces, except for the purpose of loading and unloading goods. This condition shall not apply when waiting restrictions are in force.
- 5.2 The operator/trader shall not enter the site of trading other than during the times specified and setting up and dismantling the trading operation.

6. Offensive Material

- 6.1 The operator/trader shall not offer for sale or display any articles or goods or anything whatsoever which are indecent or are likely to be offensive or which in any way promotes or relates to the use of drugs. The operator/trader must immediately withdraw from sale any such article or goods if required to do so by an authorised officer of the Council.
- 6.2 No events or activities promoting a particular religion or political party are to take place in the High Street, Slough Town Square, Mackenzie Square or any of the Council's parks or open spaces.

7. Type & Size of Unit / Stall

- 7.1 The unit/stall used must be of a size specified in the application and of a design approved by Slough Borough Council. It will be of a temporary nature and easily removed. Its use must not cause damage to the street or endanger persons using the street.
- 7.2 The trader or operator shall notify the Communication Team in writing of any changes to the size or design of the unit/stall, and must be approved by the Communications Manager before the unit can be used for trading.
- 7.3 The operator/trader shall not park the unit or place the stall on any part of a footway other than that detailed in the market plan.
- 7.4 All tow bars will be removed or collapsed so as not to represent a hazard.
- 7.5 Generators with an output of 3.3KW and above are not permitted except with the express permission of Slough Borough Council.

7.6 A legible notice which will be provided by the Council shall be prominently displayed by a trader in or on the unit/stall to clearly show the trader or operator's name and such other details as may be prescribed by the Council.

8. Operator/Trader

8.1 The operator/trader shall ensure that they have a valid certificate for a minimum **£10 Million** public liability insurance cover.

8.2 The operator shall provide full details of all traders detailed in the Application form.

8.3 The market operator must in conjunction with the Council arrange access to toilet facilities for the traders and any nominated assistants during trading hours. This must include a written arrangement with other businesses if there are no public toilets nearby.

8.4 In an emergency or when requested by a police constable or authorised officer of the Council, the unit/stall shall be temporarily removed for such period as necessary.

9. Conduct

9.1 The operator/trader shall be on all occasions when carrying on the business of trading strictly sober and conduct him or herself in a proper, civil and decorous manner.

9.2 The operator/trader shall ensure the business is not conducted in such a way to cause nuisance, annoyance or danger to persons using the street or otherwise and that the public are treated fairly and with courtesy.

9.3 The operator/trader shall not directly or indirectly hawk, tout or solicit custom for or advertise by way of flyer, public address system or otherwise without written approval from the Council.

9.4 Operators or traders must not cause or allow to be caused any damage to the street surface, street furniture, lighting and landscaping within the permitted area. Traders will be responsible for the cost for repairing any such damage and repairs are only to be carried out by the Council's term maintenance contractors, (for advice and information please contact Highways by email Highways@slough.gov.uk or telephone 01753 475111).

9.5 Operators or traders must not cause or allow to be caused any obstruction to any routes that provide access to emergency service vehicles and/or

personnel, fire hydrants, manholes or other street furniture etc. resulting from your business. All routes must be kept clear and visible at all times.

10. Trailer / Unit / Stall

- 10.1 Any unit/stall which emits fumes shall comply with the requirements of Slough Borough Council and not present a statutory nuisance to persons using the street or occupying premises in the street.
- 10.2 The unit/stall used for trading shall be kept in a clean, and, and if applicable, roadworthy condition.
- 10.3 All fire exits must be kept clear and visible at all times.
- 10.4 Any property, building or structure near to and around any site on which trading is carried out shall not be defaced or interfered with.
- 10.5 From time to time, the Statutory Undertakers may wish to undertake works in the execution of their duties, upon or within the vicinity of the trading site, at which time an alternative location **may be** considered by the Communications Team in the interim period.
- 10.6 The operator/trader shall be responsible for complying with any Acts of Parliament, Regulations or bye-laws which affect the occupation and use of the site.
- 10.7 No unreasonable noise shall be made which may cause annoyance to persons using the street or occupying premises in the street in which trading is carried out. If it is intended to use electrical and/or gas equipment you must produce evidence of annual safety inspections of the equipment in use. These inspections should be carried out by a competent person (a Gas Safe Registered operator for gas and LPG equipment and a qualified person for electrical equipment (e.g. – an NICEIC registered contractor)).
- 10.8 The operator/trader shall be in attendance during the period when trading is taking place, except when he/she is actively engaged elsewhere on trading business concerning the licence
- 10.9 Units/stalls should not be left unattended at any time, except in emergency situations.

11. Equality

- 11.1 The operator/trader shall ensure that disabled persons, persons with restricted mobility and wheelchair users can be adequately served. This

may involve but not limited to such customers being served from outside the unit/stall.

12. Food Hygiene

- 12.1 Where the trading is for the sale of food from a stationary unit/stall. The unit/stall must be suitable for the purpose. Management of the unit/stall must comply with all requirements of the relevant food safety laws in particular The Food Safety Act 1990, EC regulation 852/2004 and the Food Safety and Hygiene (England) Regulations 2013.
- 12.2 All food traders shall give details of the local authority with whom they have registered their food business, having regard to the EC regulation 852/2004. (Further information is available at www.slough.gov.uk/business/environmental-health/food-hygiene-and-safety.aspx or telephone 01753 875255.)
- 12.3 If food is prepared, served or sold, the trader must have in place a Food Safety Management System (FSMS) that is kept under constant review. A copy of the FSMS must be produced where necessary to any authorised office of the Council.
- 12.4 If there are any significant changes to the menu or equipment used then the FSMS must be reviewed and resubmitted to the council for agreement when renewing the licence.
- 12.5 All persons handling unwrapped high risk food must have a food safety training certificate. The certificate must be accredited by the Qualifications and Curriculum Development Agency (QCDA) to the Level 2 Award. This certificate must also be produced for examination when requested by any authorised officer of the Council, Police Officer or Police Community Support Officer. This training must be renewed at intervals every three years.
- 12.6 The level 2 award food safety training certificate must be displayed conspicuously, and in such a position that it can be easily read by customers.
- 12.7 Any trader failing to achieve a 3 star rating or above following a food hygiene inspection by Slough Borough Council Food and Safety Team shall make the necessary changes to their business and apply for a rating rescore within **3 months**.
- 12.8 Continued failure to achieve a 3 star rating or above will result in the trading being refused.

- 12.9 Anybody suffering from food poisoning, diarrhoea or more than one bout of vomiting must not work in any food handling area until they have been completely well for at least 48 hours.
- 12.10 Any open cuts, spots or boils must be covered with a clean, waterproof dressing to avoid contaminating food.
- 12.11 The operator/trader will be responsible for the removal of waste at the end of each trading day. The operator/trader will be responsible for the cost of removal of any waste not removed at the end of each trading day.

13. Age Restrictions

- 13.1 Where the sales of alcohol are to take place the stall/unit must have in place a Premises Licence or Temporary Event Notice for the period of the sales or alcohol.
- 13.2 During the hours that alcohol sales are permitted, a holder of a Personal Licence within the meaning of section 3 Licensing Act 2003 must be present at the point of sale.
- 13.3 The operator/trader shall at all times operate a Challenge 25 policy to prevent any customers who attempt to purchase alcohol and who appear to the staff member to be under the age of 25 years from making such a purchase without having first provided identification. Notices advertising the Challenge 25 policy shall be displayed in prominent positions on the premises;
- 13.4 In conjunction with the 'Challenge 25, proof of age scheme', the operator/trader must have a written refusals register, detailing each occasion where a challenge occurs. The log should include the date and time of the challenge and a brief description of the person challenged. The person refusing the sale shall also sign against the record of the refusal. This register is to be made available to any authorised officer of the Council, Police Officers and Police Community Support Officers on request.
- 13.5 For all other age restricted products, all persons who appear under the age of 18 shall be required to provide proof of their age, before a sale is commenced. This proof of age shall include a passport, a photo card driving licence or PASS hologram Card. No other proof of age shall be accepted.
- 13.6 Where proof of age is requested for the purposes of condition 13.4, a record in the same format as outlined at condition 13.3 above must be made.
- 13.7 There shall be no sale of alcoholic drinks in glass containers.

- 13.8 Alcohol shall only be sold in its original and sealed pre-packed container.
- 13.9 There shall be no facilities or containers for customers to decant alcohol into other containers.
- 13.10 The operator/trader shall not engage in inappropriate discounting of alcohol or irresponsible alcohol promotions.

14. Liquefied Gas

- 14.1 The operator/trader shall ensure that they comply with the requirements of the Council's guidance document on the safe use, handling, storage and transportation of Liquefied Petroleum Gas used in mobile catering units or similar units.
- 14.2 The operator/trader shall ensure that they comply with the legal requirements and guidance on the safe use, handling, storage and transportation of liquefied petroleum gas (LPG). Further information can be found at www.ncass.org.uk/mobile-catering-home/content/get-legal/law-pages/gas-safety

15. Generators

- 15.1 The operator/trader must not use mobile generators without written permission from the Council. Where permission is granted, the generators must be positioned so that they do not present (i) a danger to the public, (ii) a fire or similar hazard to the unit, goods displayed thereon or adjoining premises and (ii) do not give rise to a nuisance by reasons of noise, vibration, smoke or smell.
- 15.2 Combustible materials must not be stored in the vicinity of a generator and there must be suitable first aid and fire fighting appliance(s) available. Fuel must not be stored in the vicinity of a generator.
- 15.3 Generators must not be filled up during trading hours. The operator/trader must ensure the generator is filled up before trading commences.
- 15.4 The operator/trader shall ensure that any equipment, such as a generator, is in a safe working condition and suitably cordoned off to ensure that the general public do not have access to the equipment.
- 15.5 Adequate precautions shall be taken by the trader to prevent the risk of an outbreak of fire at the unit/stall. Where a power source or heating appliance is present, for example a generator or bottled gas container, a suitable fire extinguisher shall be provided, kept by the unit exit and easily

accessible in an emergency situation. In addition, a fire blanket shall be provided in units selling hot food.

- 15.6 Where applicable, the operator/trader shall provide the Council with a fire risk assessment detailing the precautions to be taken in the event of a fire.
- 15.7 Where an electrical generator or a connection is made to a permanent electricity supply the operator/trader must ensure that the electrical installation is safe. A safety certificate from a competent person or body, such as an NICEIC or ECA approved electrician, must be provided annually.
- 15.8 At no time should electric cables be draped across roadway, public footpaths or any other area to which the public have access. If electrical cables are placed on the highway they must be concealed and not cause a trip hazard.

16. Refuse & Waste

- 16.1 The operator/trader shall keep the site clean and tidy and free from litter at all times and provide adequate facilities for the hygienic storage of refuse in the form of dedicated containers that cannot be used for any other purposes. The operator/trader must ensure that the containers do not become overfilled and at the end of each trading day and/or as often as may be necessary during the trading day, properly dispose of all refuse including cooking oils etc. in an authorised manner. All refuse containers must be clearly marked.
- 16.2 The operator/trader must not allow any silage water from washing of food equipment or hand washing to discharge into the ground the consent holder, must satisfy the Council that it has been disposed of appropriately.
- 16.3 No water, oils or waste material shall be discharged on to the highway or any adjacent property or into the drains.**
- 16.4 Where it is identified that waste has been illegally discharged, the operator/trader will be liable for the cost of removal or clearance of the waste, and the market licence for that stall/unit may be revoked with immediate effect
- 16.5 The operator/trader shall comply with all requirements of the Environmental Protection Act 1990 with respect to Duty of Care.
- 16.6 The operator/trader shall collect and similarly dispose of all wrappings and litter within a 5 meter radius of the site (and beyond where it is the result of the trader's activities from the site) at the end of each trading day and as

often as may be necessary during each trading day to keep and leave the street in a clean and tidy condition.

16.7 The operator/trader shall take all reasonable steps to prevent the deposit of anything whatsoever on the highway which would cause damage to the highway. This shall include localised street washing in the event of; spillage of vegetables, cooking oil, oil from vehicles, ice cream or similar materials. Drip trays should also be placed under any part of the trading unit or equipment used as part of the trading unit to prevent spillage and/or staining on the highway.

16.8 The operator/trader shall comply with any reasonable directions given by the Council from time to time regarding the handling, storage and removal of refuse.

17. Revocation and Refusal of a Market Licence

17.1 In the event of any breach or non-compliance with these Terms and Conditions the Council may immediately revoke the market licence without notice and/or refuse to grant further licenses to the individuals concerned.

18. Convictions

19.1 The operator/trader shall inform the Council prior to the market licence application being granted if any person is held on the Disclosure and Barring Service (DBS) Barred list and of any criminal convictions or cautions for any offence of indecency, drugs or theft. The Council has the discretion to refuse to grant a market licence to any Operator or Trader held on the DBS Barred list or with such convictions.

GENERAL CONDITIONS DECLARATION

I (*insert name*).....

of (*insert address*).....

.....

having applied for the grant of a market licence issued by Slough Borough Council (Licensing Authority) acknowledge receipt of a copy of the current MARKET LICENSING STANDARD TERMS AND CONDITIONS and agree to abide by all the attached conditions.

Signed:.....

Print Name:.....

Date:.....