

Appendix A:

Restricted Items

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1. All Live animals
2. Second-hand electrical goods
3. Medicines or treatments
4. Sex articles as defined by the Local Government (Miscellaneous Provisions) Act 1982
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6. Cigarettes/tobacco/vaping products
7. Any form of gambling
8. Firearms (including replicas) and ammunition
9. Fireworks
10. Services that require a tattoo, piercing and electrolysis licence and services such as Botox
11. Energy drinks sold to young people aged 16 or under
12. Fortune telling and similar practices

This list will be reviewed annually and those applying should check the current list. If we are informed of any specific product that needs to be withdrawn with short notice, the relevant trader will be contacted, and the addition made to the list.

Street trading licences will not normally be issued in respect of catering vendors, ice cream, hot dogs, etc. The reason for this is because there is already adequate provision of diverse and good quality catering outlets throughout our borough.

Appendix B:

Street Trading Times

Standard hours of trading on Portobello and Golborne Road:

- Set up from 6am
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Special Times:

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Standard hours of trading for Isolated trading sites:

- Hours prescribed as on street trading licence
- Bank Holidays can apply to trade except for Christmas Day

Appendix C:

Balance of Trade Policy

Overview

1. Kensington and Chelsea Council recognises the valuable contribution that street trading and markets provide to the residents of the borough. The Council seeks to create a street trading and market environment that compliments local business and provide a sustainable, affordable offer to the local community.

2. Street trading provides valuable employment opportunities for local people, allowing new traders to set up their own business at a low cost with minimal overheads.

Purpose of Policy

3. Successful markets add to the character and vibrancy of Kensington and Chelsea, attracting residents and visitors to the borough. The Council recognises that Portobello and Golborne Road Market is unique in its diversity and vulnerability, requiring a distinct set of measures.
4. Street trading has long been an integral part of life in the borough. Portobello and Golborne Road Market celebrates 160 years of trading in 2025.
5. Balance of Trade policies are industry standard documents and a useful tool by which members of the National Association of British Market Authorities who trade at Portobello and Golborne Road Market can clearly and transparently demonstrate a commitment to the creation of a diverse, prosperous and fair market economy.

Product Mix Factors

6. Portobello and Golborne Road Market runs from Chepstow Villas in the south to Golborne Road in the north and comprises four sections: antiques; fruit and vegetable and unique sole trader; fashion tent and vintage stores; vintage, flea market and ethnic trading.
7. The Council must be careful to strike a balance between ensuring high levels of consumer service, trading opportunities and existing business sustainability, in such a way as to avoid product or service exclusivity, whilst creating an environment within which businesses can not only survive in but also can thrive.
8. When considering an ideal mix of market stalls, several influencing factors are considered, primarily consisting of:
 - Levels of customer demand for a particular type of product or service
 - Frequency and consistency of trading activity
 - Location of trading activity within market site
 - Generic vs niche product status
 - Day and time of trading activity
 - The produce offered by shops in the locality

9. These factors will be taken into consideration when considering “Expressions of Interests” received from new potential street traders.

Appendix D:

Waiting List Policy

1. Policy for Permanent Trading Sites on Portobello and Golborne Road Market

1.1 The Council is always on the lookout for independent street traders who are passionate about selling goods in a sustainable way. The Street Trading Office welcomes street traders who care about people as well as products, pay fair prices to their suppliers and fair wages to their staff, are committed to equality and diversity throughout their teams, will assist the Council to delivery on the promise made by the Council to be a net zero organisation by 2030 and for the borough to be carbon neutral by 2040.

1.2 This policy is not a set of rules and regulations. It is a document that lays out the fundamental principles related to the Street Trading Office Waiting List that underpin the implementation of the Council’s Five Year Markets Plan 2022 – 2027.

2. Reason for the Policy

2.1 A new system of advertising vacancies for permanent pitches on Portobello and Golborne Road Market has been established. This system replaces previous waiting lists (or expressions of interest lists) in order that the Council may select the most suitable applicants for vacant pitches, taking into account the breadth of considerations set out. In some cases, this policy will remove the need for lengthy waiting lists. It provides applicants with a much greater degree of clarity over what is on offer when it becomes available.

2.2 The Council considers it important to support young entrepreneurial traders and start-up business, particularly as part of enterprise schemes run in conjunction with others including Morley College, Youth Action Alliance, Portobello Business Forum and others. So special provision has been made.

2.3 In many circumstances the licensing authority is the organisation that operates markets. However, provision is made for the Council to enlist third party operators in suitable circumstances. In this sort of arrangement, the licensing authority regulates all the pitches that have been designated and which operate pursuant to a street trading licence whilst a third party operator is given a temporary licence which enables them to hire out individual pitches or stalls to traders who are not themselves licensed.

3. Markets Plan 2022 to 2027

3.1 Three Key Areas:

3.2 These key areas have been further sub divided into action plan headings:

- A Activating space
- B Enterprise support
- C Sustainability and environmental improvements
- D Attracting new customers
- E Operational improvements
- F Identifying new trading sites and markets
- G Portobello and Golborne Road markets
- H Education and engagement with the community

I Safety and security

4. Filling Vacancies

4.1 The Street Trading Office will fill vacancies according to the following criteria to maximise the occupancy of street trading pitches and provide opportunities for start-up businesses.

4.2 The licensing authority will advertise all vacancies for street market pitches in Portobello and Golborne Road Markets on the Council's website and select the most suitable applicant (see Section 4.5) from those applications received. A sample application form can be found in Appendix B.

4.3 The Council will not consider any application received before the date upon which the vacancy was advertised.

4.4 Portobello and Golborne Market is divided into different trading sections. Available pitches in one location may be advertised more frequently than in another location due to the nature of the market and the current permanent traders.

4.5 The licensing authority will take into account the following matters when selecting the most suitable applicant:

A: Mandatory grounds

- a) The applicant needs to be aged 18 years or over;
- b) The applicant cannot hold a street trading licence in any other licenced street granted under this Act, or a street trading licence in the area of another local authority granted under the [1990 c. vii.] London Local Authorities Act 1990 which, in either case, enables the trader to carry on street trading during the period stated in their application;
- c) An application will be turned down where the Council is satisfied that there is not enough space in the street for the applicant to engage in the street trading in which they desire to trade without causing a safety hazard or undue interference or inconvenience to persons or vehicular traffic using the street;
- d) An application will be turned down where the application includes goods for sale that are prohibited;

e) An application will be turned down where the application is not to trade according to the terms set out in the Council's Standard Terms and Conditions, including a request to trade from a mobile or static trailer or vehicle of any kind;

f) Where the applicant has previously had a permanent licence revoked by the Council, applications may not be granted where:

a. Enforcement action is pending, or has previously been taken, against the licence holder/applicant. Enforcement action includes points issued under the Penalty Point Scheme

b. The licence holder is currently in arrears with any charges

g) Applications will not be considered from owners/operators of adjacent or nearby retail premises who wish to extend their offer out onto an existing designated pitch or onto a designated pitch within the footprint on Portobello Road and/or Golborne Road

h) Applications will not be considered where there is a material relationship between the applicant and a retail premises in Portobello Road or Golborne Road

B. Discretionary Grounds

a) The quality of the product range, previous trading activity, ability to generate sales and footfall;

b) Whether there are current permanent pitches selling a similar type of goods on Portobello and Golborne Road Market;

c) Whether the type of product proposed for sale is in direct competition with owners/operators of adjacent or nearby retail premises;

d) Any relevant strategy or plan which has been adopted by the Council;

e) The days for which the applicant has applied. Preference will be given to applicants applying for a greater number of trading days, particularly where market occupancy is lower on certain days of the week;

f) Where a street market or other street trading pitch is subject to improvement plans, development strategies, public realm/infrastructure works or other restrictions, the licensing authority may refuse to grant permanent licences until the completion of such works or the lifting of such restrictions;

g) Applications will be encouraged from care leavers/adults who are care experienced, students, apprentices or entrepreneurs wishing to start up a market business or who are part of a local enterprise scheme. The Council may in some instances make special provisions for such individuals including discounted fees and charges for a set or extended period of time on completion of the street trading course offered in partnership with Morley College, previous trading through New YouthQuake or similar local initiatives;

h) Consideration of applications will take into account the previous behaviour of the applicant by way of actions related to residents, shoppers, other traders and officers of the Council, where issues have been raised and investigated;

i) The Council may, at its discretion, issue licences to market operators or other such bodies, to manage a group of licensed pitches or operate markets, fairs and seasonal events at street markets. The Council may, at its discretion, issue licences to market operators or other such bodies, to manage a group of licensed pitches or operate markets, fairs and seasonal events at street markets.

3.3 Additional Discretionary Grounds – Produce and Hot Food Applications

- a) The Council will prioritise food produced by small, specialist businesses that are too small to run a full-time stall themselves;
- b) Trader selection will be weighted towards small businesses;
- c) A consideration will be applied weighing up value for money v's quality of goods

Please note, there is a limit on the number of Hot Street Food traders on Portobello and Golborne Road Market and these pitches are rarely available.

3.4 What Traders Applying for Stalls Can Expect

- 1. Adverts for Street Market Pitches are advertised on Council Website
- 2. Applicants can apply for a pitch using the on-line form and sending it to us within the deadline advertised
- 3. Trader applicants will receive notification that their application has been received
- 4. All applications for the advertised pitches will be reviewed within the timeframe set out in the advert
- 5. All applicants will be informed whether they have been successful or not. If not successful, the reasons why will be given
- 6. If successful, the Street Trading Office will arrange to meet with the street trader to discuss the trading offer, terms and conditions and agree next steps.
- 7. The next steps usually consist of:
 - a. A temporary 3 month street trading licence is issued
 - b. The quality and operational standard of trading is reviewed during this period.
 - c. After two months, a decision is made by the Street Trading Office if a permanent licence is issued or not. This period can be extended where concerns have been flagged with the trader in writing
 - d. If a permanent licence is not issued, feedback is given, and the trader will not be issued a permanent licence and will need to stop trading after the 3 month temporary licence has expired, or after the period of extension (whichever is first)

Please Note: Before a permanent Street Trading licence is issued all new traders will first be issued with a temporary 3 month Street Trading Licence to ensure the required quality and operational standard is met.

4. Schedule Of Relevant Directives, Statutes & Other Documents

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Appendix E:

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Appendix E:

Two sections of the market along Portobello Road, have been identified as having pinchpoints and limited pavement space. At these sites traders will need to operate specifically to smaller gazebo measurements of 2.75m by 2.75m.

Section 1

Sites: 38 to 42, 42A to 51

Location: From Gails 138 Portobello Road W10 to Poppies 152 Portobello Road W10

Section 2

Sites: 98 to 105, 106 to 112

Location: From 220 Portobello Road W10 to Greggs 238 Portobello Road W10