

# Street and Shop Front Trading Policy

Community Directorate  
Harrow Council  
Civic Centre  
Station Road  
Harrow  
HA1 2XA

Tel: 020 8863 5611

## Contents

<b>Contents</b> .....	<b>3</b>
<b>1 Introduction</b> .....	<b>4</b>
<b>2 Background</b> .....	<b>5</b>
<b>3 Legislation</b> .....	<b>5</b>
<b>4 Street Categories</b> .....	<b>6</b>
4.1 <i>Licence Streets</i> .....	6
4.2 <i>Unlicensed Streets</i> .....	6
<b>5 New applications</b> .....	<b>6</b>
5.1 <i>Market Operator</i> .....	6
5.2 <i>Sites that attract applications from more than one Applicant</i> .....	6
5.3 <i>Mobile Traders</i> .....	6
5.4 <i>Ice Cream Trading</i> .....	7
5.5 <i>Forecourts</i> .....	7
<b>6 Renewal Applications</b> .....	<b>8</b>
<b>7 Consultation</b> .....	<b>8</b>
<b>8 After Submitting an Application</b> .....	<b>8</b>
<b>9 Making a Decision</b> .....	<b>8</b>
<b>10 Conditions</b> .....	<b>9</b>
<b>11 Duration of Licences</b> .....	<b>9</b>
<b>12 Enforcement</b> .....	<b>10</b>
<b>13 Complaints and Appeals</b> .....	<b>11</b>
<b>14 Fees and Charges</b> .....	<b>11</b>
<b>15 Partnership working</b> .....	<b>11</b>
<b>16 The Storing and Disclosure of Information</b> .....	<b>11</b>
<b>17 Monitoring and Review</b> .....	<b>12</b>
<b>18 Amendments to this Policy</b> .....	<b>12</b>
<b>19 Definitions</b> .....	<b>13</b>
<b>Appendix A - List of prohibited goods and services</b> .....	<b>15</b>
<b>Note 1 - Standard Conditions that will normally be attached to street trading licences</b> .....	<b>16</b>
<b>Note 2 - Motor Vehicle Conditions</b> .....	<b>18</b>
<b>Note 3 - Fixed Site Conditions</b> .....	<b>19</b>
<b>Note 4 - Food Related Conditions</b> .....	<b>19</b>
<b>Note 5 - Mobile Traders Conditions</b> .....	<b>19</b>
<b>Note 6 - Additional conditions applicable to tables &amp; chairs licences</b> .....	<b>20</b>
<b>Note 7 - Conditions Specific to Shop Front Licences</b> .....	<b>21</b>
<b>Note 8 - Additional conditions applicable to markets</b> .....	<b>22</b>
<b>Appendix B - Amendment Document</b> .....	<b>23</b>



# 1 Introduction

Harrow Council is committed to maintaining a vibrant economy for the benefit of those who live, work and conduct business in the borough. Local authorities may regulate street trading in their area if they adopt Part III provisions under the London Local Authorities Act 1990 (the Act). If they adopt these provisions they can apply street trading licensing controls in any area of the borough. This policy recognises the importance of licensed businesses to the local economy and the character of the area whilst trying to ensure that the activities do not cause nuisance or annoyance to the people in the area. This policy sets out the council's approach to the licensing of street trading. It informs applicants of the parameters in which the council will make decisions and how their needs will be addressed. It also highlights the council's intention to avoid duplication with other statutory provisions and its commitment to work in partnership with other enforcement agencies. The council aims to provide a clear, consistent service for users. At the same time, it aims to protect the safety of highway users, to prevent nuisance and to regulate the location and number of street traders.

This policy will be reviewed in light of developing practice, guidance and changing legislation as necessary, and in any event every three years

The policy aims to support economic growth and regeneration initiatives to better meet the needs of the residents and businesses in the borough, and support the council's vision of working together to make a difference for Harrow.

The policy enables the council to:

- Take leadership in supporting and promoting economic activity in the Borough;
- Demonstrate transparency and integrity when dealing with street market matters;
- Ensure that there is consistency when making decisions; providing equal chance of fair trade to all residents and businesses;
- Deliver high quality services by responding to changing needs through constant evolution and innovation; and
- Introduce operating efficiency in carrying out the council's duties

The policy covers the regulation of:

- Markets
- Stalls and Pitches
- Mobile Traders
- Tables and chairs
- Shop fronts

## **2 Background**

Street trading has always formed part of life in Harrow. It provides valuable employment opportunities for local people as well as providing convenience for customers to the borough. Markets can help reinforce the economic strength of the areas in which they are located, increasing footfall and drawing in custom for other retailers. The development of this policy presents an opportunity to encourage small independent businesses and traders and increase employment opportunities, and at the same time maintaining sensible levels of public protection and complimenting trading from permanent businesses.

The policy sets out the council's approach and requirements for street trading and provides transparency and consistency of approach. The grant of a licence for street trading does not override the need for licensees to comply with other legal requirements such as planning permission etc.

The policy also links directly to two of the Council's priorities. These are:

1. Making a difference for communities: by improving an area for its residents, visitors and businesses.
2. Making a difference for local businesses: by supporting economic development.

## **3 Legislation**

The London Local Authorities Act 1990 ("the Act") (as amended) provides a regime for the licensing of street trading in the London area. The regime applies to London boroughs who are participating councils. It is an offence to carry out street trading in a Licence Street without a licence.

Street-trading without the required licence is an offence under section 38 of the Act and carries a maximum fine not exceeding level 3 on the standard scale, which is currently £1000.

Street trading licences are granted pursuant to the provision of the act but if the applicant need to gain any other approvals, those approvals must be sought separately.

The Council is permitted to charge fees and charges under s32 of the London Act in respect of street trading licences and related costs.

Other legislation also impacts on street trading and this includes the Highways Act 1980, and the London Local Authorities Act 2004 which provides for fixed penalty notices.

## **4 Street Categories**

Under the Act, streets may be designated as “Licence Street” for street trading purposes.

A “street” is defined under the act to include

- a) any road or footway;
- b) any other area, not being within permanently enclosed premises, within 7 metres of any road or footway to which the public obtain access without payment,
- c) any part of such road, footway or area;,,
- d) any part of any housing development provided or maintained by a local authority under Part II of the Housing Act 1985.

### **4.1 Licence Streets**

If a street is designated as a “licence street” then an application can be made by persons over 17 for a licence to trade on that street. To trade without a street trading licence is an offence as noted earlier. Licence streets are designated by the council following a statutory procedure under the Act.

### **4.2 Unlicensed Streets**

If a street has not been designated, it is an offence to carry out street trading within it. The Local Authority can grant a temporary licence for such trade, and such licences will be subject to the same terms and conditions as those operating within a designated area.

## **5 New applications**

The application form needs to be completed for all applications including renewals. Temporary licences can also be applied for.

These forms are also available from the Public Protection team or can be downloaded from the council’s website – [www.harrow.gov.uk](http://www.harrow.gov.uk). Please read the associated guidance before completing your application. Applications for street trading licences must take into account the council’s list of prohibited goods and services in Appendix A.

### **5.1 Market Operator**

A Market Operator selected to provide a market can provide a collated single document that captures the necessary information for all the proposed market traders.

### **5.2 Sites that attract applications from more than one Applicant**

Multiple street trading licences may be granted to different applicants for the same site provided specific trading days/periods are applied for. At any one time only one Licence Holder will be permitted to trade on a site and in its immediate vicinity.

### **5.3 Mobile Traders**

Some applicants may wish to engage in street trading from a number of locations across the borough of Harrow rather than from a fixed location. In such cases, applicants must, when submitting the application, clearly identify all of the locations they wish to trade from.

## 5.4 Ice Cream Trading

Harrow Council does not issue street trading licences in respect of Ice Cream trading unless on a designated street for more than 15 minutes. "Ice Cream" includes goods that are wholly or mainly ice cream, frozen confectionary or other similar commodities. People who own ice cream vans may trade as "itinerant traders" going from place to place remaining in any one location in the course of trading for periods of 15 minutes or less and not returning to that location or any other location in the same street on the same day. People trading from the traditional stop-me-and-buy-one tricycle or the like are also subject to the same conditions. If you leave the vehicle parked and travel on foot with, for example, a small frozen cabinet, you would still infringe the law. If you are delivering house-to-house or by order by phone or the internet then you do not infringe the law if you deliver to the door and take the cash or cheque payment on the householder's property.

## 5.5 Forecourts

A shopkeeper who is selling goods which forms part of the business (of his/her shop) on his private forecourt, and the exposure for sale of those goods during the shop opening hours does not need a street trading licence. If however the trade does not form part of the business then a street trading licence will be necessary.

Examples:

1. Coffee Shop selling coffee from its own private forecourt, then no licence is needed (unless the shop is closed for business and trade continues from the forecourt)
2. Coffee Shop selling sweet corn from its own private forecourt, then a licence is needed
3. Coffee Shop letting out its private forecourt to a sweet corn seller, the sweet corn seller needs to have a licence

If a shopkeeper wants to place goods for sale outside of his/her shop on the footway (council land), then a street trading licence is required to cover this shop front sale. It is important to note that a number of factors will be taken into consideration when determining such applications including, accessibility of the footway, footfall and the type of goods to be sold. There are basic requirements in terms of the type of product, which either must be a continuation of the business or a separate business completely.

Examples:

1. Fruit & Veg shop wanting to sell fruit and veg at its shop front can apply for a licence
2. Butcher wanting to sell fruit and veg at its shop front won't get a licence
3. Fruit and Veg seller wanting to sell outside a butchers, can apply for a licence (in this case the butcher would have the right to put in a representation if they were not in agreement)

In the case of forecourts, the same principals would apply to any private land, including car parks, if within 7 metres of any road or footway. Where there is an established right of way over a private forecourt then it is deemed highway.

Section 31 of the Highways Act 1980 adds to the Common Law by introducing a rebuttable presumption that, if the public at large have been using a way as of right for 20 years, the way will be deemed to have been dedicated as highway. If the 20 year rule applies, it is for the land owner to provide evidence that they did not intend to dedicate the land as highway – this will usually take the form of overt acts making it clear to users of the highway that there was no intention to dedicate.

## **5.6 Private Land**

If someone trades within 7 metres of any road or footway to which the public can obtain access without payment, then this would also be liable for a street trading licence. In the case of domestic dwellings, where the front area is being used for trade, planning permission is likely to be required as will a street trading licence as there is no continuation of business.

## **5.7 Tables and Chairs**

Any table and chair position on the “street”, as defined under Section 4 above, will require a licence.

## **6 Renewal Applications**

The application form needs to be completed for all applications including renewals. These forms are also available from the public protection team or can be downloaded from the council’s website – [www.harrow.gov.uk](http://www.harrow.gov.uk). Please read the associated guidance before completing your application. Any renewal must be made no later than 2 months or earlier than 3 months from the end of the current licence

## **7 Consultation**

Consultation will take place with any appropriate party as deemed appropriate, and through a public notice that must be displayed on application by the applicant. A period of 28 days will be allowed for comments to be received which will then be considered.

## **8 After Submitting an Application**

Once a valid application has been received the applicant will display a site notice at the proposed site for 28 consecutive days.

The Council reserves the right to seek further reasonable information on receipt of an application, and failure to provide can lead to delay / rejection of the application

It is the responsibility of the applicant to ensure that all other permissions and requirements set out under other legislation (e.g. Planning Permission) is met prior to the application being received. On signing the declaration, the applicant is agreeing this. Any false statement or provision of false information is an offence.

The council will also maintain a register of applications on its website which will be updated regularly.

## **9 Making a Decision**

The licence will be granted by officers authorised to do so provided that the necessary preconditions / requirements are met.

For those applications where it is proposed to refuse the application or revoke the licence, the applicant will be given the opportunity to make representations to the licensing panel. Such representations should be made within 28 days of being notified of the intention to refuse the licence. Where no representations are made within the notified timescale the council will proceed to make a decision on the application and will notify the applicant of this in due course.



Where the application is to go before the licensing panel, the applicant will be expected to present the case and assist the panel with any questions. To facilitate this, the applicant will be advised in writing of the date, time and place when the application will be heard. The applicant can be represented if they wish, whether or not the person is legally qualified. The Public Protection team will prepare a report for the licensing panel regarding the application. The report will be made available to the applicant at least five days before the date of the meeting together with any relevant hearing procedure.

An application may be refused on statutory grounds and / or criteria as outlined in this policy. A Licence may be revoked on statutory grounds and / or criteria as outlined in this policy..

Harrow Council cannot be held liable for any costs incurred and lost as a result of a refusal to issue a licence.

## 10 Conditions

Standard conditions will be attached to all licences which will include the holder’s responsibility to maintain public safety, prevent nuisance and generally preserve the amenity of the locality. Additional conditions may also be attached which are specific to certain types of street trading/market activities. Failure to comply with conditions may lead to revocation or non-renewal of licence. Persons engaging in street trading without licence or who fail to comply with the licence conditions will be committing an offence and may be liable to prosecution. Decisions regarding enforcement action will be made in accordance with the council’s enforcement policy for regulatory services.

The conditions that will attach to street trading and market licences can be found in the following notes (at the end of this policy);

- Note 1 – General conditions that will normally be attached to street trading licences
- Note 2 – Additional conditions applicable to motor vehicles
- Note 3 – Additional conditions applicable to fixed sites
- Note 4 – Additional conditions applicable to food related activity
- Note 5 – Additional conditions applicable to mobile traders
- Note 6 – Additional conditions applicable to tables and chairs licences
- Note 7 – Additional conditions applicable to shop front licences
- Note 8 – Additional conditions applicable to markets

## 11 Duration of Licences

Street trading licences will normally be issued for one of the following periods:

<p>Stalls / Market (including mobile units):</p> <ul style="list-style-type: none"> <li>• 1-7 days</li> <li>• 2 months</li> <li>• 6 monthly</li> <li>• Annual</li> </ul>	<p>Shop Front:</p> <ul style="list-style-type: none"> <li>• 3 month</li> <li>• Annually</li> </ul>
--	--

Any period of less than 6 months shall result in the issuing of a temporary licence in line with Part III, Section 21(1) of the London Local Authorities Act 1990 as amended.

Any street trading that takes place outside of a designated area, and therefore on an unlicensed street, shall only receive a temporary licence of up to 6 months as per 4.2 above.

## **12 Enforcement**

The council is committed to enforcing the provisions contained within the relevant legislation and to work in partnership with all enforcement agencies, to provide consistent enforcement on licencing issues. The decision to use enforcement action will be taken on a case by case basis, and, to ensure consistency of approach, in accordance with this and any more specific policies which may be applicable. The action taken, which may be immediate, will be proportionate to the seriousness and nature of the non-compliance. Licences can be revoked or varied.

Once a licence has been granted, it is the responsibility of the licence holder to ensure that the requirements of the licence are managed in accordance with the conditions of the permission and guidelines. The licence holder is wholly responsible to ensure that any items are located at the approved location and must ensure it is inspected and maintained on a regular basis. This must be conveyed to staff that are involved in the business.

All complaints of un-licensed street trading will be investigated. Enforcement action in relation to un-licensed street trading will be undertaken where appropriate by the Public Protection Team.

Officers will regularly inspect Street Trading areas to ensure compliance with the Licence terms and conditions and enforcement action will be taken if appropriate.

The council may take the following types of enforcement action (in no particular order):

- Verbal/written warnings – e.g. a contravention and/or where officer contact has not resolved the contravention usually relating to a first offence (verbal warning), second offence/major obstruction (written warning);
- Simple cautions by authorised officers (Environmental Compliance Officer/ Licencing Officer);
- Licence review or application for licence revocation e.g. when fees go unpaid, a breach of licence condition;
- Fixed Penalty Notices;
- Prosecution.

Any decision to prosecute will be made in accordance with the council enforcement policy and the Code for Crown Prosecutors issued by the Director of Public Prosecutions

Additionally, any receptacle as defined under the London Local Authorities Act 1990, Section 21(1) as amended, can be removed and stored by the Local Authority if in breach of street trading, at a cost to be borne by the licence holder. A receipt will be given, and the cost of storage recovered from the licence holder.

## **13 Complaints and Appeals**

If a complaint relates to the conduct of an officer, rather than the actual street trading licence, the complaint will be dealt with through Harrow Council's complaints procedure.

The London Local Authorities Act 1990 sets out the circumstances in which an appeal can be made to the Magistrates Court.

## **14 Fees and Charges**

The Council has power to charge fees and other charges under s32 of the London Act.

Fees will be set and reviewed annually on a full cost recovery basis. Fees must be paid in advance. There is right to a refund of a fee if the application to renew is refused. Under the Act, if the licence is revoked a refund can be made for part of the fee paid for grant or renewal. If the licence is revoked other than under the Act or is surrendered a refund of whole or part of any fee can be paid.

Applicants for charity/community markets may apply to the council for a reduction or waiver of market licence fees.

All applications (renewal, new and variations) are subject to an administration fee

## **15 Partnership working**

This policy relies on strong partnership working. We aim to work with the following partners in delivering the policy:

- Retailers
- The Police
- Harrow Town Centre Business Improvement District (BID)
- Employment groups both locally and regionally
- Community Champions
- Resident Groups
- Traders Associations
- Business Friends of Harrow
- Local business and community groups

## **16 The Storing and Disclosure of Information**

Information collected or recorded as part of the council's street trading activities will be securely retained in a paper and/or electronic format for a period defined by legislation or required for future reference by the service. This information will include decisions taken about the choice of enforcement options.

The identity of a person providing the council with information about other people committing crime, will remain confidential unless prior agreement by the person is obtained, or its disclosure is authorised by law or by a Court Order.

Personal data held manually or as computer records will be handled in accordance with the Data Protection Act 1998 (DPA). This information will be used in accordance with the council's DPA registration. Exemptions to this include where information is disclosed to other agencies or used for another reason for the purposes of detecting or preventing crime. This will include the sharing of information between council services and with the police and other enforcement agencies. Sharing of information relating to the Crime and Disorder Act will be undertaken in accordance with the appropriate information sharing protocol.

Right of access to information held by the council will be given on request, in accordance with the Freedom of Information Act 2000 and Environmental Information Regulations 2004 unless the information is already publically available (as described in the council's publication scheme). Some exemptions to the council can be found in the Act, Regulations and the council's publication scheme.

## **17 Monitoring and Review**

This policy will be reviewed in light of developing practice, guidance and changing legislation as necessary and in any event every three years. At the time of review consultation will take place with appropriate parties.

Monitoring the effectiveness of the policy will include measures such as:

- Number of applications received and considered
- Footfall in markets being maintained or improved
- Markets and stalls continuously improving (e.g. appearance, quality of goods on offer, ability to meet local need or particular demand)
- Reduction in levels of complaints

The Public Protection Team will be responsible for monitoring this policy.

## **18 Amendments to this Policy**

As may be necessary, for instance with the issuing of new guidance by Government, amendments will be made to this street trading policy. Should such amendments be minor, for example change of complaints process, or to reflect updated guidance etc., such amendments will be attached through an amendment document rather than the re-issuing of the street trading Policy as a whole, until the next full review takes place.

Any matters of legal doubt will be assessed by the Councils Legal Section, prior to coming into place, where there is no clear-cut guidance, case law or precedent.

## 19 Definitions

Within the terms of this policy in respect of street trading the following definitions apply, and are in addition to those defined under Section 21(1) of the London Local Authorities Act 1990 as amended:

- 1 **Authorised Officer** An officer employed and authorised by the Council to act in accordance with the provisions of the London Local Authorities Act 1990 (as amended).
- 2 **Permanent Street Trading Licence** A licence given by the Council to trade on a Licensed Street
- 3 **Temporary Street Trading Licence** A short term/provisional licence given by the Council to trade on a street. Usually issued for table and chairs and shop front displays outside of an established premises
- 4 **Licence** The term used when this policy applies equally to both a Street Trading Licence and Temporary Street Trading Licence.
- 5 **Licence Holder** The person or company to whom the licence to trade has been granted.
- 6 **Market** An outdoor space where three or more stalls are situated together for the purpose of allowing people to street trade.
- 7 **Street Trader** A trader granted permission by the Council to trade from a specified position.
- 8 **Street** Shall have the meaning ascribed in Section 21(1) of the London Local Authorities Act 1990 (as amended).
- 9 **Street Trading:** Shall have the meaning ascribed in Section 21(1) of the London Local Authorities Act 1990 (as amended) and includes the use of tables and chairs on situated the highway for business purposes.
- 10 **Street Trading Pitch/Location** The area in any street authorised as a place at which street trading may be engaged in by a street trader, and includes any temporary alternative place approved by the Council.
- 11 **Advertisement** 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.
- 12 **Assistant** A person employed by and acting under the directions of a street trader to assist him/her about the business

		of the stall and whose name and address has been notified to the Council.
13	<b>Awning</b>	A sheet of canvas or other material, used as a protection against the weather, which projects as an extension of the roof beyond the structure of the Stall.
14	<b>Goods</b>	Any goods, wares or merchandise displayed for sale at a Stall.
15	<b>Pitch Limits</b>	The agreed area within which street trading is permitted.
16	<b>Refuse</b>	Any waste material.
17	<b>Stall</b>	Any structure used by a trader for the display of goods, or in connection with his or her business, and which occupies a licensed street trading pitch; and includes all goods offered or to be offered for sale and any additional structure or equipment used as part of the stall or business. On "isolated pitches" this also includes all rubbish created as a result of the business.
18	<b>Premises</b>	Any shop, house or block of flats or other building.
19	<b>Enforcement Concordat</b>	Introduced in 1998 the Concordat aims to promote good enforcement that brings benefits to business, enforcers and consumers.
20	<b>Licence Street</b>	Application can be made by persons over 17 for a licence to trade on certain days on that street.
21	<b>Mobile Trader</b>	Applicants who engage in street trading from a number of locations across the Borough rather than from a fixed location
22	<b>Itinerant Traders</b>	Traders going from place to place remaining in any one location in the course of trading for periods of 15 minutes or less and not returning to that location or any other location in the same street on the same day

## Appendix A – List of prohibited goods and services

Some goods and services are not permitted to be sold from street trading pitches because they are unsuitable, dangerous and/or subject to additional licensing regimes.

No	Goods and services description
1	Live animals
2	Second-hand electrical goods
3	Medicines or treatments
4	Sex articles as defined by the Local Government (Miscellaneous Provisions) Act 1982
5	Alcohol
6	Cigarettes/tobacco
7	Any form of gambling
8	Firearms (including replicas) and ammunition
9	Fireworks

## **Note 1 – Standard Conditions that will normally be attached to street trading licences**

The licence holder shall only trade on the days and between the times stated on the licence.

The licence holder shall only trade in the description of articles stated on the licence.

The licence holder shall not carry on business on any street so as to cause obstruction or cause danger to people using the street.

The licence holder shall not carry on business from any vehicle or erect or place any stall or other structure in any street except in the area mentioned in the licence.

The licence holder shall on all occasions, when carrying on business, be strictly sober, and conduct him/herself in a proper, civil and courteous manner, and he/she shall not carry on his/her business in such a way as to cause annoyance to the occupier or person in charge of any shop, business, resident, or any person using the street.

The licence holder shall at all times conduct his/her business and position any vehicle used by him/her in connection with his/her business in such a manner that no danger is likely to arise to persons trading or intending to trade.

The licence holder shall at all times conduct his/her business in a clean and tidy manner.

The licence holder shall make no fixtures to or excavations of any kind in the surface of the highway, which shall be left entirely undisturbed.

The licence holder shall ensure that a copy of the licence is clearly visible to the public and made available upon request to an authorised officer of the council or the police.

The licence holder shall not permit any person to assist him/her in his/her trading unless the details of that person have been supplied to the Licensing Authority.

If, during the life of a licence any change occur in the facts of that were supplied with the original application the holder of the licence shall report such changes to the Council within 72 hours of that change.

Neither the licence holder nor any assistant shall display merchandise which is likely to cause offence or distress to any other person or which would be deemed an offence under any other legislation.

The licence does not permit the playing of music, singing or performance of entertainments, or the use of an external public address system or speakers, on the highway, including within the licensed area. The licensee is to ensure that any noise disturbance to the neighbourhood, including noise from patrons, is kept to a minimum and does not cause offence.

The licence holder shall make no claim or charge against the Council in the event of any item being displayed or used being lost, stolen or damaged in any way from whatever cause.

Advertisements or other notices shall not be placed in the immediate area of the premises without approval of the council. No displays will be affixed to the highway or to the street furniture.



The licence holder shall not place any furniture or equipment in the immediate area of the premises other than as permitted by the licence. All goods or equipment on display under the terms of the licence shall be kept within the area specified in the licence. All displays, stands, etc. are to be removed from the highway outside of licensed hours.

Waste from the licence holders operations must not be disposed of in the permanent litter bins provided by the Council. Any commercial premise must have a trade waste agreement in place and waste receptacles kept within the boundaries of the premises apart from on the day of collection.

The council reserves the right to alter or amend these conditions at any time.

Licenses are not transferable and the subletting of any licence is prohibited. The Licensee shall be responsible for any rates, taxes and other outgoings which may be charged

The licence holder shall be responsible for the temporary storage of refuse, liquid and other material accumulated or created whilst trading and its subsequent removal from the site. The removal and disposal must be to the satisfaction of the council.

No articles of firearms, replica firearms, knives, tobacco or fireworks shall be sold.

The Licensee shall indemnify the Council against all actions, proceedings, claims, demands and liability which may at any time be taken, made or incurred in consequence of the use of the chairs and tables and other objects and for this purpose must take out at the Licensee's expense a policy of insurance approved by the Council in the sum of at least £5,000,000 in respect of any one event and produce to the Council on request the current receipts for premium payments and confirmation of the annual renewals of the policy. A valid Third Party Public liability Insurance certificate shall be held by the licence holder at all times to the satisfaction of the council.

The licence holder must comply with any reasonable request of an authorised officer of the Council or a police officer, providing such request does not require excessive additional expenditure

The granting of a licence by the Council does not give any approval other than the permission which the Council is authorised to give under the London Local Authorities Act 1990 as amended.

Licenses are not transferable

## **Note 2 - Motor Vehicle Conditions**

Any trailers used for the purpose of street trading shall be removed from the highway when the licence is not in operation.

Any motor vehicle used for the purpose of street trading shall at all times be in a roadworthy condition and have the relevant documents i.e. insurance, tax and MOT to make the use of that vehicle on a road legal. These documents will be produced by the licence holder to any police officer or authorised officer of the council.

Any vehicle used for the purpose of street trading, or in connection with the street trading, must be parked in accordance with parking regulations and so not to cause nuisance, obstruction or issue.

### **Note 3 - Fixed Site Conditions**

The licence holder shall ensure that sufficient sanitary accommodation is available for both the licence holder and assistants when operating at a static site.

### **Note 4 - Food Related Conditions**

The licence holder, if intending to sell food from a stationary vehicle/stall shall operate from a purpose made vehicle/stall constructed and managed so as to comply with the relevant hygiene regulations currently in force, and any subsequent changes to those regulations.

All hot food vans/trailers are required to comply with current legislation on fire safety. Where gas cylinders are used an annual gas safety certificate (from an approved body) shall be required to ensure the safety of all gas cooking and heating equipment. A fire blanket and a foam fire extinguisher shall be provided in all vehicles selling hot food.

All hot food vans/trailers are required to carry a basic first aid kit.

The licence holder shall ensure that litter checks are carried out regularly in the vicinity of the premises.

A licence holder selling food shall at all times comply with any food hygiene regulations in force at that time, and when required by the Licensing Authority, shall produce appropriate food handling certificates for relevant food handlers.

The licence holder shall provide and maintain at his/her own expense adequate refuse receptacles for litter.

The licence holder shall ensure that measures shall be put in place to remove litter or waste arising from customers and to prevent such litter from accumulating in the immediate vicinity of the site or neighbouring premises.

Odour from any flue used for the dispersal of cooking smells serving the site shall not cause nuisance to the occupants of any properties in the vicinity.

### **Note 5 – Mobile Traders Conditions**

The maximum stop time for any site is 15 minutes. After which the vehicle/cart/wagon must move at least 200 metres further from the previous location.

There shall be no return to a site within 24 hours.

Ice Cream vans must comply with the requirements of the Code of Practice on Noise from Ice-Cream Van Chimes Etc. in England 2013, and any amendments / replacement to this document

## **Note 6 - Additional conditions applicable to tables & chairs licences**

In addition to the conditions relating to all street trading and market licences, these conditions apply specifically to “tables and chairs” licences only

The holder of a licence for table and chairs will need to ensure that s/he obtains any other approval/permission required by legislation in order to locate tables and chairs on the authorised space. The granting of a tables and chairs licence does not give any approval which may be needed under any other legislation other than under the Act(s).

A copy of the tables and chairs licence must to be displayed in the window of the licensed premises outside which the tables and chairs will be located.

Only those commodities sold in the relevant shop premises can be served, and the area so permitted is to be used solely for the purpose of consuming refreshments.

Any furniture used in the licensed area must be of sufficient high quality and appearance as not to be detrimental to the area. The use of garden furniture (e.g. plastic patio type chairs and tables) will not be suitable. Any furniture or associated item must be in a good state of cleanliness and repair at all times, and uniform in appearance for the premise.

Only those services provided within the relevant shop premises can be provided in the licensed area where a licence permits tables and chairs to be placed on the street.

The licensed premises should ensure that the trading area is kept clean and tidy by periodic litter picking.

The licensee will be responsible for the cleansing of the trading area. Any food debris, packaging, wrapping or similar material must be removed at once from the trading area and placed in a suitable bin. If a licensee damages or fails to cleanse the highway or remove refuse from within the trading area, the Council will take remedial action and the cost charged to the licensee.

The licensee shall take measures to discourage the feeding of vermin by patrons and put in place appropriate measures. More specific advice can be obtained from Environmental Health.

The licensed areas should be physically defined, during hours of operation, and removed outside trading hours. Enclosures should have a minimum top rail height of 800mm but no taller than 1000mm. Rope or chain barriers are not considered suitable, and the means to enclose must be sufficiently robust to withstand wind or accidental contact.

Any furniture or equipment must not overhang the designated tables and chairs areas, and be stable enough (e.g. weighted down) to withstand wind or accidental contact. No advertising should be on them apart from that related directly to the name of the company / premise, and this must be pre-approved as part of the application.

If heaters are proposed the heaters must meet BS Standards BS EN 60529:1992 (electric heaters) and BS EN 14543:2005 (gas heaters). Any non-furniture item ((e.g. menu boards,

heaters etc.) must be approved as part of the enclosed permitted area, and any that cause unacceptable clutter or intrusion of sight lines will need to be removed if deemed to be causing an issue or hazard.

An awning may be permitted (dependant on planning permission) to extend up to a maximum of 30 cm (12 inches) at the front of the street trading pitch but no articles are to be suspended from the awning beyond the permitted area. Additionally, the placement of the awning must permit safe pass and re-pass by pedestrian traffic (minimum 8ft in height). Planning consent must be in place and must be provided where relevant.

The licence holder shall remove tables and chairs from the highway outside trading hours and immediately if required to do so to permit works in or the use of the highway by the Council, the Police, fire and ambulance services, any statutory undertaker or telecommunications code operator.

No alcohol shall be consumed on the highway unless a licence has been issued by the Local Authority Licensing Team

There must be adequate toilet provision relating to the occupancy levels due to having additional tables and chairs. These must be available at all times the tables and chairs are in operation.

There must be a minimum clear footway of 2 metres between the trading area and the kerb line. If the width of the footway is temporarily reduced to less than 2 metres then the depth of the trading area must also be reduced accordingly

## **Note 7 - Conditions Specific to Shop Front Licences**

In addition to the conditions relating to all street trading and market licences, these conditions apply specifically to "Shop Front" licences only.

Any display or part of a display of goods or services sold or offered within a shop and that is located on a public forecourt adjacent to the shop shall require a shop front licence, if the display is placed within 7 metres of the boundary at the rear of the footway delineating between the private property and the public highway, as may be evidenced by deeds of the property and / or the highway register.

A copy of the shop front trading licence must be clearly displayed in the window of the premises outside which trading is permitted.

Food traders shall comply with the necessary food hygiene and food registration requirements as required by the council's Public Protection Team.

The licence holder shall keep his trading location and the immediate area in a clean and tidy condition during the permitted hours and at the end of each daily period of use. The licence holder will ensure that appropriate precautions are taken to prevent the highway from becoming littered as a result of trading activity and shall provide a litter bin for their customers where necessary

The licence holder's pitch cannot exceed the dimensions specified in the licence.

There must be a minimum clear footway of 2m between the trading area and the kerb line. If the width of the footway is temporarily reduced to less than 2m (i.e. due to road works) the

depth of the trading area must also be reduced accordingly. Any display must protrude to a maximum 1 metre from the premise.

No equipment, stall, container, or display or tables(s) or chair(s) shall at any time be permitted to obstruct an entrance or exit to any adjacent premises or to any part of the building to which the licence applies.

Only that equipment, stall, container, or display or tables(s) or chair(s) and containers which is suitable and fit for purpose and approved by the council shall be used by the licence holder and assistants for shop front trading or ancillary to shop front trading.

Any equipment, stall, container, or display or tables(s) or chair(s) and containers must be of sufficient high quality and appearance as not to be detrimental to the area. The use of temporary equipment (e.g. uncovered bread trays) will not be permitted.

The following items may not form part of the commodities displayed under a shop front licence:

- Alcoholic beverages, tobacco and tobacco products;
- Lottery tickets, phone cards, raffles, tombola and/or other games of chance;
- Medicines, drugs and other prescribed substances
- Uncooked meat or fish
- New and used cars and motorcycles
- Pets and livestock Containers of Liquid Petroleum Gas (LPG) including any which are fully or partly discharged or emptied;
- Explosives, including fireworks;
- Goods considered by the council to pose a Health and Safety risk to the public.

Items that are likely to cause damage the street or street furniture may not be used.

An awning may be permitted (dependant on planning permission) to extend up to a maximum of 30 cm (12 inches) at the front of the street trading pitch but no articles are to be suspended from the awning beyond the permitted area. Additionally, the placement of the awning must permit safe pass and re-pass by pedestrian traffic (minimum 8ft in height). Planning consent must be in place and must be provided where relevant.

There must be no obstruction to the line of sight fire hydrants, manholes or other street furniture etc. by goods or equipment within the trading area.

## **Note 8 - Additional conditions applicable to markets**

In addition to the conditions relating to all street trading and market licences, these conditions apply specifically to "Market" licences only.

No person shall sell in a market place any goods other than during market hours.

No person shall bring a vehicle into the market place during market hours unless in case of emergency, or for loading or unloading of goods during permitted loading/unloading times.

No person shall bring any goods into the market place more than three hours before the market hours begin or allow them to remain there more than two hours after the market hours end.

No person shall erect, occupy or deposit any goods on any stall or pitch without the permission of the licensed market operator.

Every tenant or occupier of a stall / pitch shall;

- Ensure that the stall/pitch is properly cleansed before and after market hours as often as may be necessary during those hours;
- Ensure that all refuse accumulated in connection with the stall is placed in a bin or container provided or approved by the council for that purpose;
- As often as is necessary, ensure that the contents of the bin or receptacle are removed to an area designated by the council for that purpose.

No person shall light a fire in the market place.

No person shall keep or sell any explosive or highly flammable substance in the market place.

No person shall post or display any bill, placard or poster, other than a description of goods advertised for sale, in any part of the market place except with the prior permission of the council.

No person in the market place or in its immediate approaches shall, except by way of sale, distribute or attempt to distribute to the public any printed matter unless prior consent has been obtained from the council.

No person shall bring into or allow to remain in the market place any animal (save for guide dogs).

Food traders shall comply with the necessary food hygiene and food registration requirements as required by the Council's Public Protection Team.

## Appendix B – Amendment Document

Any changes, in line with Section 18 of the Street Trading Policy, shall be recorded below. Such changes shall be in line with the spirit of the policy, and not require the policy to obtain approval.

### August 2016

Section 4	Unlicensed street element added in line with London Local Authorities Act 1990 as amended
Section 5	Clarification of licensing a private forecourt and private land
Section 6	Addition of renewal period in line with London Local Authorities Act 1990 as amended
Section 8	Addition of right of Council to seek further information
Section 11	Addition of “temporary licence” element, and clarification of durations
Section 12	Addition of receptacle removal, in line with London Local Authorities Act 1990 as amended
Section 14	Clarification of administration fee
Notes	Updated to include previous table and chairs conditions and requirements. Addition of appropriate requirements