



Haverling

L O N D O N B O R O U G H

Statement of Street Trading Policy 2021-2024

Document Control

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The Statement of Street Trading Policy of London Borough of Havering the Licensing Authority for the London Borough of Havering. Prepared in accordance with the London Local Authorities Act 1990 (amended).

The policy is determined for a three year period commencing(tbc)

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1. Introduction

1.1 Havering adopted the London Local Authorities Act 1990 in 1999 to deal with problems caused by some street vendors.

Local Authorities may regulate street trading activities and apply local controls in their area. For the purposes of controlling street trading in the London Borough of Havering, the Council has previously adopted the relevant provisions of the 'London Local Authorities Act (as amended)'. A Street Trading Policy enables the authority to control various factors such as

- **Economic promotion**
- **Public order and decency**
- **Prevention of crime and disorder**
- **Public safety**
- **Effective traffic and pedestrian progress on the highway.**

1.2 This policy is intended to provide a framework for the Council to administer and regulate street trading to ensure a consistent approach is taken. It also serves as a reference for licence holders, relevant stakeholders and enforcement officers as to the Council's intended vision and approach to street trading activities.

1.3 In the development of this policy, the Council has consulted with licence holders, partner agencies and other stakeholders

1.4 Street trading activities are regulated by Part 3 of the London Local Authorities Act 1990 (as amended) which provides Local Authorities in London with an authorisation process to control the following activities;

- **Street Trading Pitches**
- **Tables and Chairs on the Highway**
- **Shop Front Displays**
- **Advertising Boards**

1.5 The Council has powers to designate a street as a 'licence street' and can prescribe the types of commodities or services which will be authorised by a licence.

2. Alternative Legislation

2.1 This policy relates to street trading. Licence holders should be aware that they may also be required to comply with alternative legislation.

2.2 Licence holders should consider whether their activities are likely to require authorisation and/or compliance with other regulatory regimes, including and not restricted to:

Planning, Building Control, Food Safety, Health & Safety, Control of Waste, Highway Obstruction, Trading Standards, Late Night Refreshment/ Entertainment/ Alcohol Licensing etc.

3. Eligibility and Suitability Criteria for Applicants

3.1 Applicants must be aged seventeen or older.

3.2 The Council will assess the suitability of the applicant on a case-by-case basis and may have regard to any relevant enforcement history concerning the applicant and/or the location of the proposed street trading.

4. Types of Authorisation

4.1 The authority has chosen to licence the following activities:

- **Pitches**
- **Shop Front Displays**
- **Tables and Chairs**
- **A-Boards**

4.1.1 Nothing in the Street Trading Policy will override the right of any person to make an application under the Act and have that application considered on its individual merits. Equally, nothing in the draft Street Trading Policy will undermine the right of any person to make representations to an application, or seek a review of a licence where there is a legal power to do so

4.2 Pitch applications

4.2.1 The Council will require details of the vehicle or stall set up being proposed. There will be an opportunity to give this information within the application form however, it may also be appropriate for the applicant to provide photographs or site plans of the proposed installations.

4.2.2 Applicants should first ensure that their proposed location is included in the list of designated streets, this can be found on the authority's website or available on request.

4.2.3 Applicants must also provide evidence of permission on the location if on private land.

4.2.4 Applicants must also submit a detailed statement of their proposed activities.

4.3 Shop front display applications

4.3.1 The Council may authorise shop front displays in the area directly outside a shop. The applicant will usually make an application in whole metres from the boundary of the shop frontage, however in some circumstances, it may be appropriate to issue licences for a portion of a metre. This will be dependent upon the availability of space and level of footfall in the surrounding area.

4.4 Tables and chairs applications

4.4.1 Licences for tables and chairs will contain standard conditions, this includes requiring the licence holder to create a temporary barrier around the trading area.

4.4.2 The applicant may be asked to provide full details of the barriers and the tables and chairs; this may include photographs.

4.4.3 Details of the type of furniture to be placed on the highway should also be included in the application form.

4.4.4 When applying for a licence applicants may wish to consider limiting the hours during which the licence may be utilised, this may reduce the impact on local residents from noise emanating from the licensed area.

4.4.5 In addition to the above, for applications for shop front and / or tables and chairs licences, consultation and advertisement will take the form of a "Notice of Application" which must be placed in the window of the relevant premises – so that it can be easily seen from outside. The notice will be at least A4 in size and must be in place and easily visible from the outside throughout the consultation period.

4.5 A-Board applications

4.5.1 The council may authorise that a premises may have up to two A-Boards situated directly outside their premises within one metre of the premises. For the purpose of this policy the boundary of the premises may include any area licensed for street trading such as tables and chairs outside a restaurant. A-Boards should be no larger than A1 excluding any frame and legs.

4.6 Permanent and temporary licences

Permanent licences

4.6.1 A permanent licence will usually be issued to applicants for A-Board, Pitch, Shop Front and Tables and Chairs licences and will be valid for up to three years.

4.6.2 In some circumstances, the Council may decide to issue a temporary licence to a new trader, or to a trader renewing a licence where there have been issues with enforcement.

Temporary Licences

4.6.3 Temporary licences will be issued to applicants for pitch licences where the trade is only proposed for one day to six months, or where the trading activity is part of an event or promotion. Temporary Licences will also be available to applicants of A-Board, Pitch, Shop Front and Tables and Chairs licences who may wish to trade seasonally or for short periods of time. For example, where a business is going to be sold and a licence is only required for a short time; a seasonal extension to accommodate trade at specific times of the year.

5. Fees

5.1 Street Trading licence fees will be set and reviewed from time to time by the Council and any changes to those fees will be advertised in accordance with the provisions of the London Local Authorities Act 1990 (as amended).

5.2 The fees are licence fees and are only applicable to licences granted. The fee only becomes payable on **grant or renewal** of the licence. Where a licence is refused for any reason, a full refund will be given to the applicant.

5.3 Where a licence is revoked for reasons beyond the licence holder's control, for example, where the highway has been redeveloped and there is no longer sufficient space for the trading activity to take place or where the Council has introduced a ban on certain commodities that were previously licensed, the Council will offer a partial refund of the licence fee. This will be calculated on a pro-rata basis in whole months. Should the licence have been utilised for a period of six months or more then no refunds shall be issued.

5.4 Where a licence has been revoked for reasons within the control of the licence holder, the Council will not issue a refund of the street trading licence fee.

6. Application Requirements

6.1 The Council will require the following submissions to be made in respect of applications, in line with the legislation:

- a) Full name, home address and date of birth of the applicant;
- b) The location of the proposed street trading activity including the days and times;
- c) The description of goods and/or services offered for sale;
- d) Proof of permission to trade from the landowner or a statement from the applicant if he is the landowner;
- e) One passport style photograph of the applicant;
- f) Proof of public liability insurance (minimum £5 million).

6.2 In addition to those legislative requirements, the Council will also seek the following information from the applicant:

- a) Details of any installations needed to carry out the street trading activity for example, a vehicle, shop front display units, tables and chairs;
- b) The names and addresses of the applicants nominated assistants;
- c) The name and address of a person nominated for succession of the licence.

6.3 Unless there is a specific need to do so, the Council will not routinely require any further submissions from applicants.

6.4 Specific licence types will require the applicant to supply the Council with specific information. Most of this will be contained within the application form.

7. Community/Charity Trading Licences

7.1 Community/Charity trading licences will be issued to organisations that are not carrying out trading activity for the purpose of making a profit on an occasional or temporary basis. Whilst the activity may be legally regarded as Street Trading activity, the overall purpose may be non-commercial, and the Council may apply a 'light touch' to the application process.

7.2 The Council will consider individual applications for Community/Charity trading licences on a case-by-case basis and acceptance will be assessed in the following circumstances:

- Fundraising activities,
- Promotion of charity or other local cause,
- Promotion of community services.

7.3 The licences will be applied for in the same way as Temporary Street Trading Licences.

7.4 The Council may also consider the grant of a waiver or reduction of the licence fee where requested.

8. Consultation

8.1 Upon receipt and acceptance of an application, the Council will carry out a consultation with the Council's Highways Service, the Council's Enforcement Officers, the Council's Planning Department and the local police. The Council's Food Safety team will be consulted where the application is proposing to trade in food items. Applications will also be displayed on the Council's website.

8.2 The purpose of the consultation is to seek assurances that the applicant's proposals satisfy the requirements of the legislation and that they are suitable to be licensed. Through the consultation process, certain discretionary grounds for refusal or modification of applications may be identified.

8.3 For Permanent and Temporary Street Trading Licences, the consultation period will last for twenty-eight consecutive days starting with the day after the application has been received.

8.4 For Community/Charity Trading Licences, the consultation will be for a minimum of five consecutive days starting with the day after the application was received.

9. Assessing consultation feedback and objections

9.1 Where the Council receives feedback or an objection to an application consultation, it will carefully consider whether that feedback/objection may influence the Council's discretionary decision-making powers.

9.2 The Council will not consider any feedback or objections where they are determined to be; frivolous, vexatious or repetitious. Such objections are considered not 'relevant'. This decision in this respect will be delegated to the Deputy Chief Executive and Corporate Director for Residents Services who may sub delegate the matter to an appropriate senior officer.

10. Decision Making

10.1 Each application will be assessed on its merits.

10.2 The Council has powers to consider a wide range of matters on which to refuse street trading licences. Any decisions made upon these grounds will be evidenced and justified after careful investigation into any responses received to the consultation process. The Council's decision-making powers are split between mandatory and discretionary grounds for refusal.

10.3 Certain grounds for refusal may also present themselves through the application process. Where these grounds are identified, the applicant will be offered the opportunity to amend the application before it is determined.

10.4 The mandatory grounds for refusal are:

- a) The applicant is under the age of seventeen.
- b) The proposed trading location is not within a designated licence street.
- c) The applicant is proposing to sell goods or services which the Council has resolved to ban.
- d) There is not enough physical space within the proposed trading location and any trading activity would have an adverse impact on the surrounding area by causing obstructions to persons or vehicles using the street.
- e) The applicant has made an application to trade in a location which does not satisfy the definition of a 'street' for the purposes of the legislation.

10.5 The determination of applications where no relevant adverse feedback has been received during the consultation period, will be made by Officers delegated for the purpose.

10.6 The discretionary grounds for refusal are:

- a) There are enough street traders in the area offering the same or similar goods to those of the applicant.
- b) The applicant is unsuitable to hold a licence.
- c) The applicant has previously demonstrated misconduct or unscrupulous behaviour whilst being the holder of a street trading licence.
- d) The applicant has failed to comply with the terms or failed to pay a fee of a street trading licence.
- e) The applicant has failed to propose suitable measures for the storage of perishable items when street trading is not taking place.
- f) The applicant of a shop front licence is proposing to sell goods or offer services which are not sold or offered for sale within that shop.
- g) The applicant is not the owner/occupier of a shop outside which a shop front trading licence is sought.

10.7 Where relevant adverse feedback has been received within the consultation period and discretionary grounds for refusal have been identified, the Council's Licensing Sub-Committee will be tasked with making determinations. Where applications are heard by the Licensing Sub-Committee, the Sub-Committee may exercise its discretion on accepting late objections if they are relevant and where there are demonstrable mitigating circumstances for being submitted outside the consultation period.

10.8 Where grounds for refusal do exist, the Council may still award a licence, but this could be a modification from what was originally applied for. For example, it may be appropriate to reduce the days/times of trading activity, to reduce the size of the proposed trading area or add conditions.

10.9 In accordance with the EU (Provision of Services) Regulations, tacit consent will apply to street trading licence applications if no grounds for refusal are identified through the consultation process within twenty-eight days following receipt of a valid application. In all cases where a Licensing Sub-Committee hearing is required, the applicant will be notified.

10.10 The planning and licensing regimes are separated to avoid duplication and inefficiency and licensing committees are not bound by the decisions made by a planning committee. In addition, the grant of a licence does not supersede the requirement to obtain planning permission where planning permission is required.

11. Hearings

11.1 Where the Licensing Sub-Committee is to consider grounds for refusal of a licence application, Officers will aim to convene a hearing within twenty working days following the end of the consultation period or as soon as reasonably practicable.

11.2 Where a street trading licence is being considered for revocation, the Council is required to afford the licence holder an opportunity to address the Licensing Sub-Committee. The Council will give at least twenty-one days' notice of any revocation proceedings being brought against the trader.

11.3 The Licensing Sub-Committee constituted for the purpose of determining street trading licences shall be made up from Members of the Licensing Committee as constituted under the Licensing Act 2003.

11.4 Applicants will normally be notified of the decision on the day of the hearing and can expect a written decision within five working days of the decision.

11.5 In certain circumstances, the Licensing Sub-Committee may defer their decision, or they may adjourn a hearing. This will be dependent upon the severity and complexity of the case before them and it may be appropriate to gather additional information to aid the decision-making process.

12. Appeals

12.1 Any person aggrieved by the Council's decision to refuse or revoke a street trading licence may lodge an appeal to the Magistrates Court within twenty-one days of receipt of the written decision notice following the outcome of the Licensing Sub-Committee.

12.2 All decision notices will contain full details of the appeal rights including how to lodge an appeal. Applicants for temporary licences do not have any appeal rights, notwithstanding statutory rights to seek Judicial Review proceedings.

13. Conditions and Standards for Licence Holders

13.1 The Council expects all licence holders to carry out their trading activities in accordance with the conditions imposed upon it.

13.2 When the Council issues a street trading licence, it shall include the following:

- a) The trading address to which the licence relates;
- b) The full name of the licence holder;
- c) The size and location of the licensed trading area;
- d) The commodities/services authorised by the licence;
- e) Any non-standard conditions relating to the licence;

13.3 In addition to the above information, the Council will also impose standard conditions on all street trading licences. Standard conditions will be reviewed from time to time. The standard conditions can be found at Appendix B.

13.4 The Council may add additional conditions or amend standard conditions to a licence. Any additional conditions shall be based on an application submitted and with the written consent of the applicant prior to the grant of any licence.

14. Duration of Licences

14.1 The Council has powers to issue permanent licences for up to three years and temporary licences for up to six months.

14.2 The Council will normally issue permanent licences for three years. Temporary licences are issued for periods from one day to six months.

15. Offences

Sections 34 & 38 of The Act outline the offences, which include:

- a) Failure to comply with the street trading terms and conditions
- b) Making a false statement in connection with an application
- c) Obstruction of an authorised officer of the Council
- d) Failure to produce a valid street trading licence

16. Enforcement and review action

16.1 The decision to use enforcement action will be taken on a case-by-case basis. The action taken, which may be immediate, will be proportionate to the seriousness and nature of the non-compliance.

16.2 Factors that will be taken into consideration include, but are not limited to:

- a. The risk that the non-compliance poses to the safety, health or welfare of the public at large or to individuals;
- b. Evidence suggests that there was pre-meditation in the commission of an alleged offence;
- c. The alleged offence involved a failure to comply in full or in part with the requirements of this policy and / or the terms of the street trading licence;
- d. There is a history of previous warnings or the commission of similar offences;
- e. Aggravated circumstances such as obstruction of an officer or negative conduct;

- f. If the alleged offence, though not serious itself, is widespread in the area in which it is committed;
- g. The gravity of an alleged offence, taken together with the seriousness of any actual or potential harm;
- h. There has been a repetition of a breach that was subject to a formal caution or issue of a Fixed Penalty Notice;
- i. False information has deliberately been supplied and/or intention to deceive.
- j. The local authority enforcement policy.

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

- a) Verbal/written warnings – e.g., a contravention and / or where Officer Contact has not resolved the contravention;
- b) Simple cautions;
- c) Licence revocation e.g. where fees go unpaid, a breach of a licence condition; conduct of the licence holder etc.
- d) Fixed Penalty Notices;
- e) Prosecution.

16.4 Where grounds for revocation have been identified, the case will be considered by a Licensing Sub-Committee in the form of a licence review hearing.

16.5 Any decision to prosecute will be made in accordance with the Code for Crown Prosecutors. Information concerning non-compliance may be shared with other enforcement agencies. Any such action will only be undertaken in the public interest and compliant with General Data Protection Regulations.

16.6 Fixed Penalty fine levels are determined by London Councils by statute.

16.7 Officers will regularly inspect street trading areas to ensure compliance with the licence terms and conditions i.e., the trader is only trading in the licensed pitch area. In addition, complaints of unlicensed street trading will also be investigated.

16.8 The Council will not issue any street trading licence until the requisite fee has been paid. Licensees should note that non-payment of any fees or charges due to the Council in connection with the street trading licence would render any existing licence liable to revocation.

17. Renewals

17.1 When a permanent street trading licence is due to expire, the Council will notify the licence holder three months in advance of this date and invite a renewal application.

17.2 Renewal applications must be submitted to the Council at least two months prior to the date of expiry.

17.3 Licence holders can expect to provide the same information as would be required for a new licence, however, if nothing has changed since the licence was granted, the Council may resolve not to require certain documentation i.e., photograph of the applicant, landowners permission etc.

17.4 In addition to the above, for applications for the renewal of shop front and / or tables and chairs licences, consultation and advertisement will take the form of a "Notice of Application" which must be placed in the window of the relevant premises – so that it can be easily seen from outside. The notice will be at least A4 in size and must be in place and easily visible from the outside throughout the consultation period.

17.5 Renewal applications are also subject to the same consultation requirements as new applications and the Council may identify grounds for refusal during that process.

17.6 Where discretionary grounds for refusal have been identified, the application will be determined by the Licensing Sub-Committee; a hearing will be arranged as soon as reasonably practicable.

17.7 If a licence is due to expire and the Council has not determined the renewal application, the trader may be allowed to continue trading during the interim period. This will usually be allowed save for circumstances where the trader has been subject to enforcement action or other reasons where the Council may not wish for the licence to continue during this period. Each case will be considered on its own merits and on a case-by-case basis.

18. Variations

18.1 Whilst not specifically addressed in the street trading legislation, the Council will allow traders to apply for variations to their licences within the duration of the licence. Variations may include, but not limited to; the size of the trading area; the authorised trading times; the authorised commodities; the conditions imposed upon the licence.

18.2 Variations must be applied for, using the appropriate form and will be subject to the same consultation process as for new and renewal applications.

18.3 A processing fee will be charged and should accompany the application. Where a variation is sought for an increase in a shop front display area, the fee for any additional metres will be charged as well as the processing fee.

18.4 Where the variation is administrative, e.g. change of licence holder's address; change of assistant's details, a lesser processing fee will be charged.

18.5 Where grounds to revoke a licence have been identified, the Council may, instead, choose to vary the licence by imposing additional conditions or making restrictions on the licensed area or times. Any such variations will be imposed by the Licensing Sub-Committee when considering a case for forced revocation/variation.

19. Succession

19.1 The legislation allows 'Succession rights' which allow the licensed trader to nominate a relative whom he desires the licence be granted to under the following circumstances;

- a) When the licence holder dies;
- b) When the licence holder retires, having reached the normal age for retirement;
- c) When the licence holder advises the Council that owing to ill health, he is unable to continue to operate the licence.

19.2 The Council will consider the circumstance of the individual trader when assessing succession rights. Officers can provide advice on these rights and it is advised that the trader seeks their own independent legal advice on the matters involved before any assumptions about the entitlement can be made. Holders of temporary licences are not entitled to succession rights.

20. Lapsing of Street Trading Licences

20.1 A Street trading licence will automatically lapse where permission to trade from the landowner ceases.

20.2 Where the Council is the owner of the land upon which the street trading activity is taking place, the Council may withdraw permission to trade where there are exceptional circumstances to justify a decision for example, street works and or/redesign of a street where it would no longer be possible to maintain the trading area.

21. Designation of Licence Streets

21.1 If the Council considers that street trading should be allowed or licensed in any area, it may pass a resolution designating any further street or part of a street as a licence street under Section 24 of the Act. In deciding if a street or site should be designated for street trading, the following may be considered:

- a. The presence of any existing or planned street furniture;
- b. The proximity and nature of any road junctions and pedestrian crossing points;
- c. The number of street trading sites already licensed in the vicinity;
- d. Whether the proposed site for designation would impact on accessibility for members of the public i.e., pedestrians, pushchairs, wheelchairs etc.
- e. Whether the safety of the public will be put at increased risk;
- f. Whether the proposed site will leave the recommended clearance of two metres clear passage between the trading area and the edge of the kerb or footway;
- g. Whether there will be a negative impact on the character or appearance of the area.

21.2 Before the Council makes a resolution to designate streets for licensed trading it will consult with The Commissioner of Police of the Metropolis, existing licensees and their body representatives as well as those in the streets which are to form part of the new designation resolution.

21.3 The Council will then advertise its intention to make a resolution to designate certain streets in a local newspaper. The notice will contain a draft resolution and indicate that representations should be made within 28 days of the date of publication.

21.4 As soon as practicable after the expiration of the 28 days, the Council will consider the representations and then pass a resolution if it thinks fit. The resolution will make reference to a date when the resolution is to have effect, this being not before 28 days after the resolution is passed.

21.5 After the resolution is passed, the Council will advertise in the local newspaper for two consecutive weeks that the resolution has been passed and when it is to take effect. The first of these advertisements shall appear **not later** than 28 days before the day specified in the resolution for the coming into force of the designation.

21.6 A street does not have to be designated as a licence street for street trading purposes where a temporary street trading licence is issued.

21.7 For traders wishing to trade on a street which is not designated, the Council is open to considering new locations where designation has not previously been made. In these circumstances, the trader will be required to submit full plans of their proposals to the Council for consideration.

21.8 Designation of new streets will not normally be considered for streets with parking restrictions and/or a speed limit of 40mph or more.

21.9 A list of current licence streets can be found on the authority's website or available on request.

22. Exemptions

22.1 The Council recognises that certain trading activities do not constitute street trading and are therefore exempt from the licensing regime. The following exemptions are outlined in the legislation:

- a) A person trading as a 'Pedlar' under the authority of a pedlar's certificate granted under the Pedlars Act 1871, provided that the trading is only carried out 'house to house';
- b) Trading as part of a street market – these are licensed by the Council under a separate statutory regime;
- c) Trading in a trunk road picnic area;

- d) Trading as a news vendor;
- e) Trading by a rounds man delivering milk and/or other perishable goods;
- f) Charity collections;
- g) The selling or offering for sale goods or services on private land adjacent to a shop provided that the trade forms part of the normal business of that shop. For example; a fruit/vegetable display outside a grocers shop or tables and chairs for diners outside a café.

23. Commodities

23.1 Applications for street trading licences must be made in accordance with the Council's approved list of commodities and banned commodities (Included as Appendix A). The Council will consider commodities that are not on the approved list at its own discretion.

23.2 The Council may amend this list in order to ensure fair trading opportunities to all traders in the relevant area. The Council may, from time to time, ban certain commodities in certain areas where there is a need to do so. If the Authority amends the list of banned commodities, a twenty-one day consultation with traders will be held in the affected area prior to a decision being made.

Appendix A

Commodities Category	Commodity
Clothing	<ul style="list-style-type: none"> • Women's clothing • Gents clothing • Children's clothing • Baby wear • Sportswear • Clothing accessories i.e. hats scarves, ties, belts etc • Underwear/Nightwear • Footwear/slippers • Other items (must be specified)
Flowers	<ul style="list-style-type: none"> • Cut flowers and plants • Uncut flowers and plants • Artificial flowers • Flower accessories i.e. pots, food, hanging baskets etc. • Seasonal i.e. Christmas Trees, Holly, Mistletoe etc • Other items (must be specified)
Fruit & Vegetables	<ul style="list-style-type: none"> • Raw fruit/vegetables • Other items (must be specified)
Food	<ul style="list-style-type: none"> • Pre-packed groceries • Dried fruit, seeds, pulses, beans etc • Cheese and dairy • Meat/fish • Bread/cakes • Deli food i.e. olives, pickles, nuts etc • Confectionary • Other items (must be specified)
Household goods	<ul style="list-style-type: none"> • Cleaning products • Laundry products • Cleaning utensils • Plastic storage and accessories e.g. crates, boxes etc • Light bulbs • Other items (must be specified)
Toiletries & Cosmetics	<ul style="list-style-type: none"> • Toiletries • Hair products

	<ul style="list-style-type: none"> • Make-up • Perfume • Other items (must be specified)
Kitchen/Dining	<ul style="list-style-type: none"> • Cookware • Serve ware • Glassware • Table wear • Other items (must be specified)
Soft furnishings	<ul style="list-style-type: none"> • Cushions & throws • Bedding • Curtains & blinds • Rugs & mats • Dining linen • Other items (must be specified)

Appendix B

Standard terms and conditions for licences:

Street trading licences

1. Pitch size

The licensed area must be within the dimensions specified on the licence, or any relevant pitch limits marked out on the ground by the council. An awning may be permitted to extend 30 cm (12 inches) at the front of the trading area, but no articles are to be suspended from the awning beyond the permitted trading area.

2. Commodities / items to be traded or sold

Only those commodities or groups of specified on the licence may be sold from the licensed street trading pitch.

3. Notices and Advertisements

No advertisement shall be displayed on the licensed trading area for goods, commodities or services other than those licensed for sale or provided on that licensed trading area.

All advertisements shall be located within the licensed pitch and shall occupy no more than 10% of the surface area of each side of the stall. Advertisements on low screens, aprons or valances below table top level shall occupy no more than 10% of each panel.

The name of the stall and goods or services on offer shall only be displayed:

- (i) In the case of a kiosk or mobile stall, on a frieze or similar designed high-level place that is equivalent to a fascia sign on a shop front.
- (ii) In the case of a gazebo, tensioned stall roof or umbrella with a valance, on the valance or on a board inside the stall.

No advertisement shall be displayed on the licensed pitch that relates to any goods, commodities or services other than those offered for sale or provided on that pitch.

No advertisements comprising of three-dimensional representations of products (such as, but not limited to, replica ice cream cones, coffee cups or chocolate bars), shall be displayed on the stall

No free-standing advertisements shall be located outside of the pitch area.

No notices shall be displayed in the licensed pitch that would restrict a consumer's statutory rights, such as "No refunds" or "No returns".

4. Days and times of trading or business

Trading may only take place on the days and during the times specified on the licence. The council shall advise traders of any extension of trading times for specified trading periods when and as relevant.

5. Refuse or waste

It is the trader's responsibility to ensure that all litter and waste generated by their licensed activity is collected for recycling or disposal, in ways that are compliant with legislation. This can mean storage in suitable bins or containers within the licensed area until collection can take place by a registered carrier of waste. To prevent blockages, odours or nuisance to others, road gullies or surface water drains may not be used for the disposal of food based liquid wastes or other noxious substances.

6. Street cleanliness

The trader must keep the immediate licensed area and the area within 5 metres in any direction from the licensed area, free of any wastes or spillages resulting from the trading activity, throughout the trading day. When trading is finished or upon leaving the site the trader/market operator must leave it in a clean condition.

7. Display of licence

The licence must be shown at all times, in a prominent position, so that it can be easily read

8. Safety of equipment

Electrical equipment should be tested by a competent person at intervals recommended by the competent person. Records should be kept of all inspections and tests together with any defects and/or remedial works, so as to demonstrate compliance.

9. Using a mains voltage electrical supply

Traders using a mains electrical supply must have consent from the council before seeking installation from an electricity supplier. Where relevant, the trader and the electricity supplier will be required to provide the council with certification for the safety of the electricity supply.

10. Interference with electrical supplies

A trader will be subject to suspension of a licence if they tamper with, or use an electricity supply belonging to the council without a prior arrangement to do so. A trader causing damage to any council installation or equipment will be required to pay the full cost of any repair or replacement.

11. Pitch equipment, or trading stalls

Pitch equipment or stalls should be easily and quickly assembled and removed. The council reserves the right to inspect for stability and safety and to ensure that they are fit for purpose. Any obviously dangerous item must be made safe or immediately removed on request by the council. It is the trader's responsibility to ensure that items and structures are put up and taken down safely, are properly designed, well sited and in a good, clean condition.

12. Nature and Type of Receptacle

The licence holder shall only trade from a receptacle that has been approved by the Licensing Service and that is set-up in accordance with the approved design and layout. The licence holder shall maintain their receptacle to minimise any deterioration in its appearance following the approval by the Licensing Service and shall remove any defacement from their receptacle as soon as is reasonably practicable.

Receptacles used for the sale of food shall be maintained and regularly cleaned to ensure that food is protected from risk of contamination.

13. Size and Set-up of Stall

The trading area shall not exceed the dimensions specified on the licence and where applicable, any pitch limits marked on the ground, except during immediate re-stocking of the stall. The width of the pitch at the Bayswater Road and Green Park Exhibition shall be eighteen inches from the back edge of the footway

All goods, containers and other articles shall be contained within the licensed pitch area and height and shall not project beyond.

The licence holder shall not connect any part of their stall, advertisements or goods for sale to any other stall or to any electricity bollard, socket pillar, lamp post or other street furniture, except for an electric cable connected to an electrical supply point.

No barriers shall be used on or around a licensed pitch unless specific consent for their use has been obtained from the Council

14. General Conduct

Any trader and/or any assistants employed by them shall conduct themselves in a decent manner and ensure that all members of the community and council officers are fairly treated and shown courtesy and respect. Trading activities should not give rise to noise inappropriate to the area or cause other nuisance

The licence holder and their assistants shall not engage in any criminal activity or anti-social behaviour and, in particular, shall not engage in the following at the pitch:

- (i) Indecent behaviour towards the public or other licence holders;
- (ii) Acts of violence against any person (including other licence holders) or property and/or the attempt or threat of such acts;
- (iii) Verbal abuse and/or aggression displayed towards any person;
- (iv) Intimidation of any other licence holder;
- (v) Touching, moving or interfering with another licence holder's stall.

15. Production of licences on request

All licensed traders shall produce their licence when requested to do so by an authorised officer the council or a police officer.

16. Notification of location for storage of food commodities, pitch equipment, or trading stalls etc.

Traders in foodstuffs must notify the council in writing of any change of address or addresses at which the pitch equipment stalls etc (the “receptacles”) and any commodities are stored. Such notice must be given within 7 days of the change. Checks may be made to confirm details and suitability

17. Sale of Food

No trading shall take place that involves the sale of food unless the licence holder is complying with all current food safety and food standards legislation.

If authorised to sell food, the licence holder shall provide a First Aid box on their stall that is readily available for use at all times that they are trading.

16. Employment of children

A licensed trader shall not employ any person under the age of 17 years in any capacity in the course of his trade or business.

17. Portable generators

Generators shall be positioned so that they do not present problems for other street users or traders. Generators shall be checked and certified for safety and shall be erected in a secure location with adequate barriers to prevent interference by members of the public.

17. Assistance to council officers

A trader shall give immediate assistance to council officers when requested to do so. In dealing with an emergency, this might mean moving a stall or equipment away from the area, quickly.

18. Gas cylinders

The use of gas cylinders is permitted only where;

- a) Traders have checked the valves and hoses of gas cylinders for defects before bringing them into the licensed market place, and;
- b) The cylinders are in safe working order

Additional tables & chairs licences

1. The grant of a tables and chairs trading licence does not give any approval or consent which may be needed under any other legislation other than under the Act(s).
2. A copy of the tables and chairs licence must to be displayed in the window of the licensed premises. The copy licence is to be displayed so as to be clearly visible and legible from the street.
3. Only those commodities sold in the relevant shop premises can be served under the tables and chairs licence.
4. 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.
5. Temporary barriers of an approved type must be in place around the trading area during licensed hours and the same must be removed outside of the hours permitted by the licence
6. A tables and chairs licence is not transferable.

Additional Shop front licences

1. A copy of the shop front trading licence must to be displayed in the window of the premises outside which trading is permitted. The copy licence is to be displayed so as to be clearly visible and legible from the street.
2. Monetary exchange or payment cannot be made in the licensed street trading pitch.
3. The dimensions of a licensed street trading pitch shall be such that a minimum of 2m clear of any obstruction shall be maintained on the public highway for the safe pass, re-pass and free flow of pedestrian and vehicular traffic.
4. 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 that is under separate occupation.
5. A shop front trading licence is not transferable.
6. Only those commodities sold in shop premises can be displayed outside premises provided they are not excluded items as defined in these regulations.
7. 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.
8. The following items may not form part of the commodities displayed under a shop front licence:

- A. Alcoholic beverages, tobacco and tobacco products
- B. Lottery tickets, phone cards, raffles, tombola and/or other games of chance
- C. Medicines, drugs and other prescribed substances
- D. Cooked or uncooked meat or fish of any kind
- E. New and used cars and motorcycles
- F. Pets and livestock
- G. Containers of liquid petroleum gas (LPG) including any that are fully or partly discharged or emptied
- H. Explosives, including fireworks
- I. Goods considered by the council to pose a health and safety risk to the public. i.e., cooking

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

10. An awning may be permitted to extend up to a maximum of 30 cm (12 inches) at the front of the licensed shop front 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.

11. Any standalone canopies, such as umbrellas at tables and chairs, must be secured and removed in high winds and be covered by traders liability insurance. Standalone canopies must not protrude beyond the boundary of the licensed area.

A-Board Licences

1. Only the number of A-Boards listed on the licence may be erected outside the premises at any one time.

2. A-Boards must remain within one metre of the boundary wall of the premises or the licensed area of any street trading licence.

3. A-Boards must allow at least two metres clear passage if erected on the public highway.

Appendix C

Definitions of street trading

‘Street trading’ is defined in the legislation as

- a) The selling or the exposure or offering for sale, any article (including living things); and*
- b) The purchasing or offering to purchase any ticket; and*
- c) The supplying or offering to supply any service in a street for gain or reward*

‘Street’ is defined in the legislation as;

- 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*
 - i) Whether or not they need the consent of the owner or occupier and*
 - ii) If they do, whether or not they have obtained it*
- c) Any part of such road, footway or area;*
- d) Any part of housing development provided or maintained by a local authority under part ii of the Housing Act 1985.*