

REGULATION OF STREET TRADING ACTIVITIES

Cabinet Member	Cllr Keith Burrows
Cabinet Portfolio	Planning and Transportation
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Papers with report	Appendix A - The designation of the pedestrianised areas as licence streets for the purpose of Street Trading Appendix B - The designation of the public footway in front of shops and restaurants throughout the Borough for the purpose of shop front displays and tables and chairs licences Appendix C - Prohibition Of Mobile (Itinerant) Ice Cream Trading Appendix D - Amendments To The Terms And Conditions Of Licences Issued Under Part III Of The London Local Authorities Act 1990 (As Amended)

HEADLINE INFORMATION

Purpose of report	To advise the Cabinet of the outcome of a recent consultation concerning a revision of the Street Trading Regulations, to recommend amendments therein and approval for implementation.
Contribution to our plans and strategies	This report contributes to the Council's priorities for a Clean and Attractive borough, its Sustainable Community Strategy and for Opportunities Open to All.;
Financial Cost	There are no further financial costs proposed at this time.
Relevant Policy Overview Committee	Residents' and Environmental Services Policy Overview Committee
Ward(s) affected	All

RECOMMENDATION

That Cabinet approve:

1. The designation of the pedestrianised areas as licence streets for the purpose of Street Trading as set out in Appendix A;
2. The designation of the public footway in front of shops and restaurants throughout the Borough for the purposes of shop-front displays and table and chairs licences as set out in Appendix B
3. The prohibition of itinerant ice cream trading as set out in Appendix C
4. The introduction of the amended Street Trading Terms and Conditions as set out in Appendix D

INFORMATION

Reasons for recommendation

The recommendations will ensure that Street Trading activity is effectively licensed and regulated in a manner that complies with the London Local Authorities Act 1990 (as amended) in a manner that is fair and equitable to traders and the London Borough of Hillingdon. Recommendation 5 will ensure the lawful, properly authorised use of enforcement powers with regard to street trading.

Alternative options considered / risk management

Not to implement the recommendations. This will result in the Council enforcing a policy which does not comply with the legislation. A further result is that Street Scene Enforcement Officers will not be able to make use of powers to tackle nuisance trading in town centres.

Supporting Information

In 1993, the London Borough of Hillingdon implemented Part III of the London Local Authorities Act 1990 (as amended) in order to effectively control and regulate street trading activities in the borough. As part of the programme of implementation, street trading in designated streets would have to be licensed, with the Council being awarded powers to consult and introduce street trading licence terms and conditions. To date, the terms and conditions introduced in 1993 have not been updated or amended.

The following areas were not included in the implementation of Part III of the London Local Authorities Act 1990(as amended):

1. Station Road, Hayes between Pump Lane and Crown Close;
2. High Street, Uxbridge between Vine Street and Belmont Road

To date, enforcement action in the two above-mentioned areas has been undertaken in line with powers available under the Highways Act 1980.

Various amendments to the London Local Authorities Act approved by the Council require or permit the London Borough of Hillingdon to exercise the following powers with regard to street trading activities:

1. A requirement to set up a ring-fenced street trading account to be utilised solely for activities in connection with street trading;
2. The authority to licence shop-front displays and the placing of tables and chairs on the public highway;
3. The authority to prohibit mobile (itinerant) ice cream trading from vehicles in designated areas;
4. The authority to issue fixed penalty notices for certain street trading offences;
5. The authority to licence all persons, including assistants, who engage in street trading in exchange for payment of a licence fee
6. The power to take enforcement action against illegal or unlicensed street trading including the confiscation of vehicles, trading receptacles and goods and/or perishable items;
7. The power to issue permanent or temporary licences; with holders of permanent licences being afforded a statutory right of appeal.

There are currently in excess of 100 traders engaged in licensed street trading throughout the London Borough of Hillingdon. This figure comprises the licensing of traditional street traders, shop displays on the public highway in front of shops and the placing of tables and chairs on the public highway.

The recommendations have been proposed following consultation with responsible authorities, street traders and businesses within the London Borough of Hillingdon. Details of this consultation are included below in this report.

The approval of the recommendations will result in the London Borough of Hillingdon being able to effectively and fairly issue street trading licences whilst at the same time making use of the added enforcement powers to regulate licensed and unlicensed street trading activities.

The following appendices provide greater information related to the various recommendations:

1. Proposal to designate certain additional streets as licence streets for the purposes of street trading – Appendix A
2. Proposal to designate the public footway in front of any shop or restaurant within the London Borough of Hillingdon as a licence street - Appendix B
3. Proposal to prohibit mobile (itinerant) ice cream trading in certain areas – Appendix C
4. Suggested amendments to the terms and conditions of licences issued under Part III of the London Local Authorities Act 1990 (as amended) – Appendix D

Financial Implications

Section 32 of the London Local Authorities Act 1990(as amended) requires that a ring-fenced street trading account be set up to separately account for and fund the management of street trading activities. Revenue from street trading charges must only be spent on street trading activities, administration and enforcement.

The Act permits the Council to recover all reasonable costs in providing street trading licences and regulating the activities of licensed traders. The Act does not permit street trading charges to amount to profit making. Section 32 of the London Local Authorities Act 1990 (as amended) sets out the financial implications of, and procedures for, the licensing of Street Trading activities.

There are no plans to amend the existing fees structure in this financial year. Although an increase in administration and enforcement action is expected, it is anticipated that this can be accommodated within existing budgets. There are therefore no financial implications related to the recommendations of this report.

EFFECT ON RESIDENTS, SERVICE USERS & COMMUNITIES

What will be the effect of the recommendation?

By improving the Council's ability to take enforcement action against illegal street trading, and providing a more comprehensive framework within which licensed street traders may engage in street trading, the recommendation will contribute to creating a clean and attractive borough that provides a better service to residents, traders and local businesses.

The proposal to prohibit mobile ice cream trading in the vicinity of schools will contribute to policies encouraging healthy eating habits at school and control mobile ice cream trading in other sensitive locations.

Consultation Carried Out or Required

Sections 24 and 27 of the London Local Authorities Act places a statutory duty on the London Borough of Hillingdon to consult for a minimum period of 28 days with stakeholders and named responsible authorities prior to taking any decision to designate streets as licence streets and/or amend the terms and conditions of street trading licences. There is a further requirement that the consultation and proposals be advertised in the local print media for two consecutive weeks during the consultation process.

The consultation into street trading began on 16 October 2009 and was scheduled to end on 16 November 2009. Owing to the postal strike, it was decided to extend the consultation period for written responses until 25 November 2009 in order to accommodate any delays. The subject matter of the consultation was:

1. A proposed Notice to designate additional streets as licensed streets for the purposes of street trading;
2. A proposed Notice to designate the public footway in front of any shop or restaurant in the entire Borough for the purposes of tables and chairs licensing and shop front display licensing;
3. A proposed Notice to prohibit mobile (itinerant) ice cream trading in the vicinity of any school in the Borough, within the Uxbridge Town Centre, any major retail centre in the Borough;
4. Proposed amendments to the terms and conditions of street trading licences.

As part of the consultation, documents related to the above consultation were sent to all street traders currently licensed by the Council, and other named persons including the Metropolitan Police and Transport for London. The consultation documents were also advertised on the Council website, the Uxbridge Leader and London Gazette. Additionally, a public meeting was advertised and held on 30 October 2009 to discuss the various proposals which are the subject of this report.

Traders raised a number of concerns at the public meeting on 30 October 2009. This resulted in The Street Scene Enforcement Team receiving 2 written responses to the consultation from street traders in the Uxbridge Town Centre. No objections have been received with regards to recommendations 1-3.

The concerns raised at the meeting, in writing, as well as the officer response with regard to recommendation 4, have been tabulated below:

CONCERNS	RESPONSE
1. Dissatisfaction with proposal to increase the level of public liability insurance to £5,000,000.00	1. Public Liability Insurance will be required at the existing rate of £2,000,000.00
2. Concern that this consultation would result in increasing the number of street traders in Uxbridge Town Centre	2. Currently, there are no applications for trading licences for Uxbridge Town Centre and therefore no increase in the number of street traders is anticipated.

3. Concern and suspicion that the consultation process is a means of introducing specialist markets, such as French markets, into Uxbridge Town Centre	3. There are currently no plans or licence applications to hold specialist markets and/or French markets within the London Borough of Hillingdon. It is open to the organisers of such markets to apply for licences to trade.
4. Clarification of the licence period for Permanent Street Trading Licences	4. It is confirmed that Permanent Licences will be issued annually to street traders only. Additionally, to gain a permanent licence new street traders will be required to satisfactorily trade within the London Borough of Hillingdon on a Temporary Street Trading Licence for a minimum period of 3 years. All existing street traders will retain permanent status.
5. Dissatisfaction with the requirement that traders be interviewed annually prior to issue or renewal of a licence	5. The requirement of an interview is a method recommended by the Department of Works and Pension and Border Agency to prevent identity theft and benefit fraud. It supports policies of lawful employment by ensuring that only those persons entitled to work in the United Kingdom are issued with licences to trade.
6. Concerns about illegal street trading over the weekends	6. This is an enforcement issue and is being tackled jointly by the Metropolitan Police and Street Scene Enforcement Team. Recommendation 4 will increase the range of enforcement options available to officers.
7. Health and Safety concerns about the locations of trading pitches	7. The Street Scene Enforcement Team will carry out site inspections and ensure trading pitches are safely sited and maintained. There are plans to mark out licensed trading pitches so that pitch locations are not moved.
8. Concerns that provisions for the awnings / overhangings of the pitches were too small	8. Premises awnings are controlled by Planning Regulations. Regulation 2.2 permits a trader to apply for a variation regarding overhangs from licensed pitch area. If agreed, the variation will be recorded on the Street Trading Licence for record purposes.
9. No provision for overhangings / awnings for shop-front displays	9. As above.
10. Complaints related to the free distribution of refreshments and printed material	10. These complaints will be addressed in the next amendment of the London Local Authorities Act.
11. Traders suggested that the town centre CCTV cameras be utilised to take enforcement action to stop illegal street trading	11. This suggestion is already utilised by the Street Scene Enforcement Team and will be further progressed where possible
12. There was a request for late night street trading, especially with regard to take away food.	12. There are no current plans for late night street trading. If such an application is received, it will be considered taking into account all relevant concerns. The Street Scene Enforcement Team does support extended trading hours during festival times eg. Christmas.

13. Suggestion to hold markets outside the Uxbridge Civic Centre	13. This is a security sensitive location and any such decision will require careful consideration.
14. Traders object to having to remove all waste lying 5 metres in any direction of the pitch.	14. The 5 metre clear up rule is designed specifically to ensure that areas around trading pitches, tables and chairs licensed pitches and shop front displays are kept clean, particularly in windy conditions. This will contribute to a cleaner, more pleasant environment. It will help ensure that waste removal remains manageable to the Council.
15. Unhappiness about requirement to register assistants who work on street trading pitches.	15. Section 23 of the London Local Authorities Act 1990(as amended) requires the licensing of any person who engages in street trading on a licence street. This includes assistants. An appeal to the Secretary of State against the registration on assistants in 2006 was unsuccessful and the requirement was found to be reasonable
16. Unhappiness about the need to register assistants who are on probation.	16. The proposed Regulations have been amended to make clear the differentiation between Assistants, who would be responsible for the pitch or business in the absence of the Licensed Street Trader, and general or casual staff, who would not have such responsibility. Only the former will require registration..
17. Suggestion that separate licences be issued to assistants	17. The cost of producing such separate licences will be prohibitive. It is envisaged that a single licence for each trading pitch will be issued, including the names and photographs of traders and assistants, trading days and times, trading commodity and pitch location. Apart from the name of the trader or assistant, no personal details will be included on the licence.
18. Concerns that clauses to prevent noise nuisance would prevent traders from playing music for personal enjoyment	18. Clause 12.4 has been re-drafted to ensure that listening to music for personal enjoyment is not a contravention of the terms and conditions of this licence unless it amounts to a statutory noise nuisance.
19. Specific concern as to whether a trading stall will be required to cease trading and be fully dismantled by the closing time stated on the licence.	19. It is clarified that trading activity is expected to cease at the closing time. Traders will not be required to have dismantled or closed their trading stalls at the closing time stated on the licence.
20. Specific concern as to whether a trader is permitted to use his vehicle in the pedestrianised area when setting up / dismantling the roundabout ride	20. All shops in the pedestrianised area currently have an entitlement whereby 20 minutes is allowed for loading & unloading of vehicles under Road Traffic Act 1988 s5, 8 & 19. The trader will continue to benefit from this entitlement.

CORPORATE IMPLICATIONS

Corporate Finance

Corporate Finance has reviewed this report and is satisfied that any financial implications arising from an expected increase in administration and enforcement action will be accommodated within existing budgets. Corporate Finance is therefore satisfied that there are no wider direct financial implications to the Authority arising from the recommendations of this report. There is also a requirement under the London Local Authorities Act to set up a ring-fenced street trading account to be utilised solely for activities in connection with street trading.

Legal

Relevant legal comments relating to the licensing of Street Trading activities have been included in this report and its appendices.

Cabinet is advised that Article 7.08(3) of the Constitution authorises the Cabinet to decide on matters which affect two or more wards where the outcome will have a significant impact on the wellbeing of the community or the quality of service provided to a significant number of people living or working in an area.

Cabinet is further advised that Sections 24(10) and (11) of the London Local Authorities Act 1990(as amended) requires that a notification period of 28 days must be observed before the decision taken by Cabinet comes into force. During the notification period, the decision taken by Cabinet must be published in a local newspaper on two consecutive weeks;

BACKGROUND PAPERS

Attached:

- **Appendix A** - The designation of the pedestrianised areas as licence streets for the purpose of Street Trading
- **Appendix B** - The designation of the public footway in front of shops and restaurants throughout the Borough for the purpose of shop front displays and tables and chairs licences
- **Appendix C** - Prohibition Of Mobile (Itinerant) Ice Cream Trading
- **Appendix D** - Amendments To The Terms And Conditions Of Licences Issued Under Part III Of The London Local Authorities Act 1990 (As Amended)

The designation of the pedestrianised areas as licence streets for the purpose of Street Trading as set out in Appendix A;

Under the provisions of section 24 of the London Local Authorities Act 1990 (as amended), if a borough council consider that street trading should be licensed in their area they may from time to time pass any of the following resolutions a resolution (in this Part of this Act referred to as a “designating resolution”) designating any street within the borough as a “licence street”;

Prior to passing a designating resolution, the Borough Council is required to consult with the Commissioner of Police of the Metropolis on their proposal. Before rescinding or varying a designating resolution, the Borough Council must consult with the licence holders trading in the street in question, or a body or bodies representative of them, on their proposal.

Any notice to designate a street as a licence street shall take effect on the day specified in the resolution (which must not be before the expiration of the period of one month beginning with the day on which the resolution is passed).

The pedestrianised areas in Uxbridge and Hayes have experienced a significant increase in complaints about illegal street trading. The London Local Authorities Act provides the Council with greater powers of enforcement against unlicensed and illegal street trading in areas designated as licensed streets.

The Street Scene Enforcement Team, as the party responsible for Street Trading within the London Borough of Hillingdon therefore proposes to designate as licence streets:

- (1) Station Road Hayes, between Pump Lane and Crown Close;
- (2) High Street, Uxbridge between Vine Street and Belmont Road.

Results of consultation

In accordance with the London Local Authorities Act Section 24 (4), a public notice appeared in the London Gazette and Uxbridge Leader in October and November 2009 stating the council intends to pass a resolution. In line with the legislative guidelines in the Act, Transport for London, Hillingdon’s Highways team, and the Metropolitan Police and all traders licensed by the London Borough of Hillingdon were also consulted.

The Street Scene Enforcement Team received no representation against the designation of any of the proposed sites as licence streets.

It is therefore recommended that the Designating Notice, attached at Schedule 1 be approved by Cabinet.

Proposed Implementation

If the resolution is passed by Cabinet, its effect will be that only licensed traders may engage in street trading in the pedestrianised areas. A trader without a licence will be subject to immediate enforcement action in the form of a fixed penalty notice. There is also the additional prospect of prosecution action.

If the resolution is passed, notice of its passing will be published in a local newspaper for two consecutive weeks (a copy of which can be found in Schedule 2), a period of at least twenty

eight days must be given from the date of publication of the first notice to the date the designation comes into effect. The resolution will come into force on 1 February 2010

SCHEDULE 1

LONDON BOROUGH OF HILLINGDON

LONDON LOCAL AUTHORITIES ACT 1990 (AS AMENDED) PART III – STREET TRADING

DESIGNATION OF LICENCE STREETS

In pursuance of Section 24 (10) of the above Act, NOTICE IS HEREBY GIVEN that at a meeting of the Cabinet of the London Borough of Hillingdon held on Thursday 17 December 2009 at the Civic Centre, Uxbridge, the Cabinet after considering all relevant information following the publication of the Street Trading Consultation documents and notices, agreed the Designation Order to operate from 1 February 2010 to permit the following streets and locations within the London Borough of Hillingdon to be designated as “Licence Streets” within the meaning of the Act:

1. Station Road Hayes, between Pump Lane and Crown Close;
2. High Street, Uxbridge between Vine Street and Belmont Road.

Copies of the “Designation Order” can be inspected at the offices of the Street Scene Enforcement Team during normal working hours.

The effect of the Order is that from 1 February 2010 only persons who have applied to the Council and been GRANTED a “Street Traders Licence” may lawfully trade from the public highway in such designated areas covered by the Order and previous Orders. All other forms of street trading are illegal and offenders may be prosecuted.

As a consequence of this Order, a schedule of all streets designated as “Licence Streets” is attached at Schedule *i*.

DATED

CABINET MEMBER

LIST OF LICENCE STREETS AS AT 1 FEBRUARY 2010

Pursuant to Section 24(10) of the London Local Authorities Act 1990 (as amended) the following streets are designated as “licence streets” for the purposes of Street Trading as defined in the above-mentioned Act:

Bakers Road, Uxbridge
Barra Hall Circus, Hayes
Belmont Road, Uxbridge
Betam Road
Botwell Lane, Hayes
Bourne Avenue, Gloucester Parade, Hayes
Byron Way, West Drayton
Cocks Yard, Uxbridge
Coldharbour Lane, Hayes
Coleridge Way, West Drayton
Cowley Road 100-118, Uxbridge
Cowley Road 18-20, Uxbridge
Dawley Road 1-19, Hayes
Dawley Road, Dawley Parade, Hayes
East Lane, Hayes
Eastcote High Road, Black Horse Parade, Eastcote
Falling Lane, Yiewsley
Field End Road, Eastcote
Field End Road 702-724, South Ruislip
Green Lane, Northwood
Harlington Road 305-315, Hillingdon
Harmondsworth Road, West Drayton
Harlington Road 305-315, Hayes
Harvil Road, Harefield
Hayes By-Pass (The Parkway)
Hercies Road, Hillingdon
High Road 28-34, Cowley
High Road 81-97, Ickenham
High Road, Ickenham
High Street, Cowley
High Street, Dellfield Parade, Cowley
High Street, Harefield
High Street, Harlington
High Street, The Parade, Cowley
High Street, Uxbridge
High Street, Uxbridge – pedestrianised area between Vine Street and Belmont Road.
High Street, Ruislip
High Street, Yiewsley
High Street 110-118, Northwood
High Street 2-88, Northwood
Hillingdon Hill, Hillingdon
Horton Road, Yiewsley
Howletts Lane, Ruislip

Ickenham Road, Station Parade, West Ruislip
Ickenham Road, Ruislip
Joel Street, Northwood Hills
Kingshill Avenue, Hayes
Lansbury Drive, Hayes
Laurel Lane, West Drayton
Long Lane 1-12, Ickenham
Long Lane 305-321, Hillingdon
Long Lane 370-396, Hillingdon
Long Lane, Crescent Parade, Hillingdon
Long Drive, South Ruislip
Manor Way, Ruislip Manor
Maxwell Road, Northwood
Moorfield Road, Cowley
Moorhall Road, Harefield
Mulberry Crescent, West Drayton
North Hyde Road 141-171, Hayes
Old Stockley Road
Park Way, Ruislip Manor
Park Lane, Harefield
Pasadena Close
Pembroke Road, Ruislip Manor
Pield Heath Road, Cowley
Pinner Road, Northwood
Pinner Road, Northwood Hills
Pump Lane, Hayes
Pump Lane (Eastern end)
Redmead Road, Hayes
Rickmansworth Road, Harefield
Romney Road, Romney Parade, Hayes
Royal Lane, Yiewsley
Ryefield Avenue, Hillingdon
Salisbury Road, Eastcote
Silverdale Road
Sipson Road, West Drayton
Skyport Drive
Springfield Road
Station Approach, South Ruislip
Station Road, West Drayton
Station Road, Cowley
Station Road, Hayes (NOT pedestrianised)
Station Road Hayes, pedestrianised area between Pump Lane and Crown Close;
St Dunstons Road, Hayes
Sutton Court Road, Hillingdon
Swakeleys Road 1-31, Ickenham
Swallowfield Way
Swan Road 58-66 and 81, West Drayton
The Green 1-16, West Drayton
Victoria Road, South Ruislip
Victoria Road, Ruislip Manor
Victoria Road 439-445 and 490, South Ruislip
Violet Avenue 53-65, Yiewsley
West Drayton Road 177-183, Yiewsley

West End Road, Ruislip Gardens
Whitby Road 143-163 and 208-218, South Ruislip
Windmill Hill, Ruislip Manor
Uxbridge Road 1172-1380, Hayes End
Uxbridge Road 124-152, Hayes
Uxbridge Road 641-693, Hayes
Uxbridge Road 759-849, Hayes End
Uxbridge Road, Blenheim Parade, Hillingdon
Uxbridge Road, Byron Parade, Hillingdon
Uxbridge Road, Crescent Parade, Hillingdon
Uxbridge Road, Heathside Parade, Hillingdon
Uxbridge Road, Marlborough Parade, Hillingdon
Uxbridge Road, Westbourne Parade, Hillingdon
Uxbridge Road, Whiteleys Parade, Hillingdon
Vine Street, Uxbridge
Welbeck Avenue, Yeading
Willow Tree Lane, Hayes
Windsor Street, Uxbridge
Yeading Lane, Yeading

The designation of the public footway in front of shops and restaurants throughout the Borough for the purpose of shop front displays and tables and chairs licences

The Street Scene Enforcement Team has received complaints about the public footway being obstructed by shops displaying goods and restaurants placing tables and chairs on the public highway. This has resulted in pedestrians, parents with child buggies and toddlers being forced to use the road to get past the obstructions. This situation creates health and safety concerns particularly for parents with young children.

In 2004, the definition of “street trading” in London Local Authorities Act was amended specifically to give London boroughs the power to licence, as street trading, the placing of shop front displays and tables and chairs on the highway. As a result of such activity falling within the scope of street trading, Section 27(3) of the London Local Authorities Act gives a London borough the power to make regulations prescribing licence conditions, and consequently giving local authorities greater enforcement powers. To date, the London Borough of Hillingdon authorised the placement of obstructions on the public highway by utilising powers under the Highways Act 1980.

In order to make use of the greater control and enforcement powers available to London boroughs under the London Local Authorities act, the Street Scene Enforcement Team proposes that Cabinet designate all the public footways in front of shops and restaurants throughout the Borough for the purpose of shop front displays and tables and chairs licences.

Trading from ‘private land’ adjacent to the shop is not street trading and therefore cannot be licensed. This exception applies only if the trading on the private land forms part of the business and if the trading is carried out during the same hours of the business. To date, there is no definition of private land in the LLAA 1990. However, it is likely that the courts will take the view that a business wishing to rely on this exception would need to satisfy the Council that the business has a legal right to occupy that land. It is not proposed that private land be licensed.

The terms and conditions related to the issue of such shop front and tables and chairs licences can be found at Appendix D.

Results of Consultation

In accordance with the London Local Authorities Act Section 24 (4), a public notice appeared in the London Gazette and Uxbridge Leader in October and November 2009 stating the council intends to pass a resolution. In line with the legislative guidelines in the Act, Transport for London, Hillingdon’s Highways team, and the Metropolitan Police and all traders licensed by the London Borough of Hillingdon were also consulted.

The Street Scene Enforcement Team received no representation against the proposed designation. It is therefore recommended that the Designating Notice, attached at Schedule 2 be approved by Cabinet.

Proposed Implementation

If the resolution is passed by Cabinet, its effect will be that the Street Trading Section can apply the tables and chairs and shop front display licensing scheme to the entire borough. This will enable the scheme to be applied fairly to all shops and restaurants. One of the

additional benefits of the adoption of the Designating Notice is that it will support the Clean Streets initiative.

If the resolution is passed, notice of its passing will be published in a local newspaper for two consecutive weeks (a copy of which can be found in Schedule 2), a period of at least twenty eight days must be given from the date of publication of the first notice to the date the designation comes into effect. The resolution will come into force on the 1st February 2010.

LONDON BOROUGH OF HILLINGDON

**LONDON LOCAL AUTHORITIES ACT 1990 (AS AMENDED)
PART III – STREET TRADING**

DESIGNATION OF THE PUBLIC FOOTPATH

In pursuance of Section 24 (10) of the above Act, NOTICE IS HEREBY GIVEN that at a meeting of the Cabinet of the London Borough of Hillingdon held on Thursday 17 December 2009 at the Civic Centre, Uxbridge, the Cabinet after considering all relevant information following the publication of the Street Trading Consultation documents and notices, agreed the Designation Order to operate from 1 February 2009 to permit the area of the public footway immediately in front of any shop in the borough to be licensed to enable the proprietor to display goods or place tables and chairs on the public footpath in accordance with the Council's agreed conditions.

Copies of the "Designation Order" can be inspected at the offices of the Street Scene Enforcement Team during normal working hours. A full set of the relevant licence terms and conditions may also be obtained from the Street Scene Enforcement Team.

The effect of the resolution will mean any proprietor wishing to display goods or place tables and chairs on the public footpath immediately in front of their shop or restaurant will have to apply for a licence from the Street Scene Enforcement Team.

Proprietors are advised that the provisions will take effect on 1 February 2010

If a proprietor displays goods on the public footpath outside their shop and/or places tables and chairs on the public footpath without a Licence they shall be guilty of an offence and liable on summary conviction to a fine currently not exceeding level 3 on the standard scale.

DATED

CABINET MEMBER

PROHIBITION OF MOBILE (ITINERANT) ICE CREAM TRADING

“Itinerant ice cream trading” is defined as ice cream trading from a vehicle which goes from place to place remaining in any one location in the course of a trading day for a maximum of 15 minutes only.

During the summer period, the Street Scene Enforcement Team received numerous complaints about itinerant ice cream trading in Uxbridge Town Centre causing a noise nuisance and creating a traffic obstruction by parking and trading from narrow roads in Windsor Streets. Additionally, complaints were received of itinerant ice cream traders parking outside schools and offering children ice cream and confectionary. These activities contradicted dietary recommendations and the aims of the Healthy Hillingdon Schools Scheme and making it difficult for parents to drop off or collect children from schools.

Whilst trading in a licence street without a specific licence from the Council is generally unlawful, a specific exemption under of the London Local Authorities Act 1990 permits itinerant ice cream sellers to trade without licences, provided that they do not remain at any particular location for more than 15 minutes on any given day.

The Council is permitted under Section 37 of the London Local Authorities Act 1990 (as amended) to prohibit itinerant ice-cream traders in any street in the interest of preventing obstruction to traffic, or undue interference or inconvenience to persons using that street by passing a resolution designating the street as prohibited for such days and for such parts of the day as are specified in the resolution. Before passing any such resolution, the Council is required to consult the Commissioner of Police of the Metropolis and any body or bodies that appear to them to be a representative of persons carrying on ice cream trading in the borough.

Because of the vague definition of “itinerant ice cream trading” it is difficult to prove that a van is committing an offence by not being itinerant. It takes a lot of officer time to build up the evidence for a case file. Despite numerous recent complaints, the Street Scene Enforcement Team has not been able to obtain evidence necessary to sustain a successful prosecution.

Prohibiting itinerant ice cream trading in the suggested areas means that any van that is trading in the area will be clearly committing an offence regardless of the amount of time that they are trading for. This will make it possible for clear and effective enforcement action.

Officers will also enjoy additional powers of confiscation of any item used in pursuance of such offence including the seizure of the van and/or perishable goods.

Results of Consultation

In accordance with the London Local Authorities Act Sections 37 (3) and (4), a public notice appeared in the London Gazette and Uxbridge Leader in October and November 2009 stating the council intends to pass a resolution. In line with the legislative guidelines in the Act, Transport for London, Hillingdon’s Highways team, and the Metropolitan Police and all traders licensed by the London Borough of Hillingdon were also consulted.

There are no known bodies which appear to be representative of persons carrying on ice cream trading in the London Borough of Hillingdon. The Street Scene Enforcement Team has therefore not consulted with such a known body. However, this consultation was advertised in the London Gazette with the aim of ensuring that any ice cream trader or representative body became aware of the consultation.

The Street Scene Enforcement Team received no representation against the proposed designation. It is therefore recommended that the Designating Notice, attached at Schedule 3 be approved by Cabinet.

Proposed Implementation

If the resolution is passed by Cabinet, its effect will be that the Street Trading Section can prohibit itinerant ice cream trading outside schools (and their adjacent roads), in the Uxbridge Town Centre and any major retail area.

If the resolution is passed, notice of its passing will be published in a local newspaper for two consecutive weeks (a copy of which can be found in Schedule 3), A period of at least twenty eight days must be given from the date of publication of the first notice to the date the designation comes into effect. The resolution will come into force on the 1st February 2010.

LONDON BOROUGH OF HILLINGDON

LONDON LOCAL AUTHORITIES ACT 1990 (AS AMENDED)
PART III – STREET TRADING

PROHIBITION OF ITINERANT ICE CREAM TRADING

In pursuance of Section 37 (4) of the above Act, NOTICE IS HEREBY GIVEN that at a meeting of the Cabinet of the London Borough of Hillingdon held on Thursday 17 December 2009 at the Civic Centre, Uxbridge, the Cabinet after considering all relevant information following the publication of the Street Trading Consultation documents and notices, and in compliance with Section 37(2) of the above act, agreed the Designation Order to operate from 1 February 2010 to prohibit itinerant ice cream trading in the following areas within the London Borough of Hillingdon:

1. Any Street, or part of streets or side streets within 65 metres of any exit used by children from the following premises:
 - (i) Primary Schools
 - (ii) Under 5 Centres
 - (iii) Day Nurseries
 - (iv) Secondary Schools
 - (v) Special Schools

2. Any street or side street falling within the Uxbridge Town Centre. The Uxbridge Town Centre falls within the area bordered in red on the map attached below.

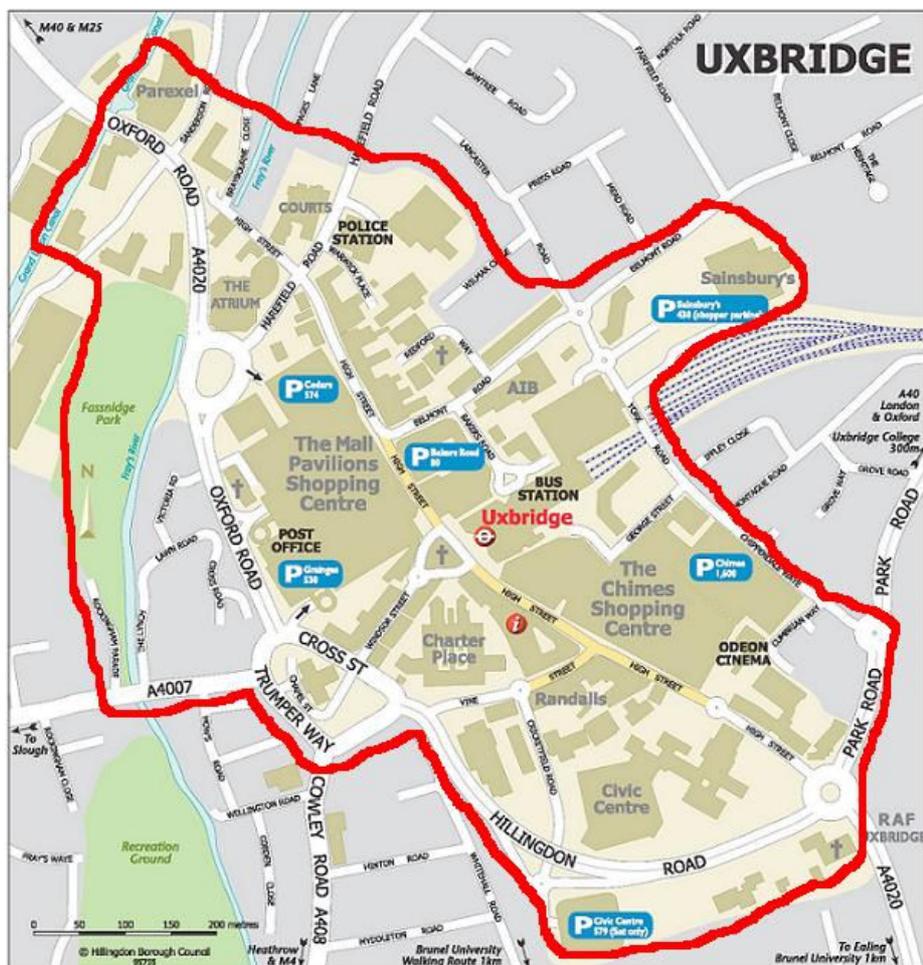
3. All streets, part of streets and side streets falling within major retail areas in
 - (i) Eastcote
 - (ii) Harefield
 - (iii) Harlington
 - (iv) Hayes
 - (v) Hillingdon Circus Area
 - (vi) Ickenham
 - (vii) Northwood
 - (viii) Northwood Hills
 - (ix) Ruislip
 - (x) Ruislip Manor
 - (xi) South Ruislip
 - (xii) Uxbridge
 - (xiii) Uxbridge Road Hayes
 - (xiv) Yiewsley and West Drayton

Copies of the “Designation Order” can be inspected at the offices of the Street Scene Enforcement Team during normal working hours.

The effect of the resolution will mean that any person engaging in itinerant ice cream trading in the above mentioned areas will be subject to enforcement action.

Traders are advised that the provisions will take effect on 1 February 2010.

If a trader engages in itinerant ice cream trading in a prohibited area they shall be guilty of an offence and liable on summary conviction to a fine currently not exceeding level 3 on the standard scale.



DATED

CABINET MEMBER

APPENDIX D

AMENDMENTS TO THE TERMS AND CONDITIONS OF LICENCES ISSUED UNDER PART III OF THE LONDON LOCAL AUTHORITIES ACT 1990 (AS AMENDED)

Since the implementation of Part III of the London Local Authorities Act 1990(as amended) in 1993, the terms and conditions of the licence have not been varied or amended. The legislation, however, has been amended on numerous occasions to improve the regulation and enforcement of street trading in London boroughs. Consequently the existing terms and conditions do not assist with proper and fair regulation of street trading activity.

The Street Scene Enforcement Team has reviewed street trading operations and identified areas where improvement and clarity can be introduced. Consequently, it is now necessary to vary the street trading licence terms and conditions in order to ensure that the proposed improvements can be successfully implemented.

The variation to the street trading licence proposes:

1. General terms to apply to the holder of all licences viz. street traders, shop front display licences and tables and chairs licences;
2. Separate conditions relevant only to each type of licence being issued;
3. Applications for the grant of licences, renewal or variation of licences to be decided by the Street Scene Enforcement Team;
4. Provision for the revocation of a licence where licence terms and conditions have been repeatedly breached;
5. Clarification that only street traders with 3 consecutive years trading experience within the London Borough of Hillingdon will be eligible for permanent licences;
6. Clarification that tables and chairs licences and shop-front licences will follow a temporary licensing scheme;
7. Clarification that only holders of permanent licences enjoy the right of appeal to the Registrations and Appeals Committee for decisions relating to the grant, renewal, revocation and variation of permanent licences;
8. Provision for the registration of a named person employed by and acting under the directions of the Licensed Street Trader, who is formally responsible for the operation of the business in the Traders absence from the pitch or premise and whose name and address has been notified to the Council in writing by the trader.
9. Provision for waste and refuse removal by all licensed traders;
10. Provision of greater control of licencing applications to discourage identity fraud and ensure that only those persons entitled to work in the United Kingdom are granted a licence;
11. Greater clarity of trading commodity, days, time, location and conduct;
12. Ensuring that the Street Scene Enforcement Team has the flexibility to vary licence conditions when and as necessary.

These proposed terms and conditions, if breached, may result in the trader facing prosecution and/or a fixed penalty notice.

It is vital that the variation to the terms and conditions of licences is introduced so as to afford officers a chance to effectively regulate street trading activity in Hillingdon.

Results of Consultation

In accordance with the London Local Authorities Act Sections 27 (3), a public

notice appeared in the London Gazette and Uxbridge Leader in October and November 2009 stating the council intends to vary existing street trading licence terms and conditions. In line with the legislative guidelines in the Act, Transport for London, Hillingdon's Highways team, and the Metropolitan Police and all traders licensed by the London Borough of Hillingdon were also consulted.

A public meeting was held with traders as part of the consultation process to discuss the proposed amendments. A number of queries were raised at the meeting and two written representations from traders in Uxbridge were received.

The concerns and their suggested amendments have been tabled in the main body of this report. It is therefore recommended that Cabinet approve the amended terms and conditions for licences issued under Part III of the London Local Authorities Act 1990 (as amended). A copy of the proposed new terms and conditions is attached at Schedule 5.

Proposed Implementation

If the resolution is passed by Cabinet, its effect will be that terms and conditions relating to licences issued under Part III of the London Local Authorities Act 1990 (as amended) will be varied.

If the resolution is passed, notice of its passing will be published in a local newspaper for two consecutive weeks (a copy of which can be found in Schedule 4), a period of at least twenty eight days must be given from the date of publication of the first notice to the date the designation comes into effect. The resolution will come into force on 1 February 2010.

LONDON BOROUGH OF HILLINGDON

**LONDON LOCAL AUTHORITIES ACT 1990 (AS AMENDED)
PART III – STREET TRADING**

**VARIATION OF STREET TRADING LICENCE
TERMS AND CONDITIONS**

In pursuance of Section 27 (3) of the above Act, NOTICE IS HEREBY GIVEN that at a meeting of the Cabinet of the London Borough of Hillingdon held on Thursday 17 December 2009 at the Civic Centre, Uxbridge, the Cabinet, after considering all relevant information following the publication of the Street Trading Consultation documents and notices, agreed the variation of licence terms and conditions for licences issues under Part III of the London Local Authorities Act 1990(as amended) to operate from 1 February 2010.

Copies of the “Designation Order” and a full copy of the terms and conditions of licence can be inspected at the offices of the Street Scene Enforcement Team during normal working hours.

The effect of the Order is that from 1 February 2010 all traders who are licenced under Part III of the above-mentioned Act are required to comply with the new varied terms of their licence. Failure to do so may result in the issue of a fixed penalty or enforcement action.

If a trader repeatedly fails to comply with the terms and conditions of their licence, they may be guilty of an offence and liable on summary conviction to a fine currently not exceeding level 3 on the standard scale.

DATED

CABINET MEMBER



HILLINGDON

LONDON

STREET TRADING

LICENCE TERMS AND CONDITIONS

Street Trading Regulations
Effective from 1 February 2010
Made by the London Borough of Hillingdon
Pursuant to Section 27(3) of
The London Local Authorities Act 1990 (as amended)

These Regulations have been made by the Council of the London Borough of Hillingdon under Part III of The London Local Authorities Act 1990 (as amended). These regulations prescribe the standard conditions which apply to Street Trading within the London Borough of Hillingdon

The Regulations came into force on 1 February 2010.

1. DEFINITIONS

In the regulations, unless the context otherwise requires, the following expressions shall have the following meanings:

- 1.1 **“Act”** means Part III of the London Local Authorities Act 1990 as amended by the London Local Authorities Acts 1994, 1999, 2004 & 2007”.
- 1.2 **“Advertisement”** means any word, letter, model, sign, placard, board, notice, whether illuminated or not, in the nature, and employed wholly or partly for the purposes of advertisement, announcement or direction and includes any hoarding or similar structure or any balloon used, or adapted for use for the display of advertisements, and references to the display of advertisement shall be constructed accordingly.
- 1.3 **“Assistant”** means a named person employed by and acting under the directions of the Licensed Street Trader, who is formally responsible for the operation of the business in the Traders absence from the pitch or premise and whose name and address has been notified to the Council in writing by the trader.
- 1.4 **“Awning”** means a sheet of canvas or other material, which projects beyond the pitch limits.
- 1.5 **“Authorised Officer”** means an officer of the Street Scene Enforcement Team duly authorised as required by the Act.
- 1.6 **“Child”** means a child who has not reached school leaving age.
- 1.7 **“Commodities”** means any goods, wares or merchandise for sale or on display at a Licensed Street Trader Pitch.
- 1.8 **“Highway”** means a route or area which all persons can use to pass and repass along as often and whenever they wish without let or hindrance and without charge; this includes carriageway, footway and any part of that area where the public have access and which may be in public or private ownership.
- 1.9 **“Ice Cream Trading”** means the selling, exposing or offering for sale of goods consisting wholly or mainly of ice cream, frozen confectionery or other similar commodities from a vehicle.
- 1.10 **“Itinerant Ice Cream Trading”** means ice cream trading from a vehicle which goes 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 the same location or any other location in the same street on the same day;
- 1.11 **“Licensed Street Trader”** means any person who is licensed for a Street Trading under Part III of the Act
- 1.12 **“Licensed Street Trading Pitch”** means an area in any authorised street or place at which Street Trading may be conducted in by a Licensed Street Trader, and includes any temporary alternative place approved by the Council.
- 1.13 **“Premises”** means any land, building or part of a building and includes any commercial premises adjacent to a Licensed Street Trading Pitch.
- 1.14 **“Receptacle”** includes a box, vessel, table, chair or stand, vehicle or thing which is used (whether or not constructed or adapted for such use) as a container for the display of any article or thing or equipment used in the provision of any service or sale or offer or display of goods for sale.

- 1.15 **"Refuse"** means waste which has been generated in the course of a Licensed Street Trader's business activity including fruit and vegetable waste, cardboard, paper, small plastic items and other non-perishable waste.
- 1.16 **"Registration and Appeals Committee"** refers to the Committee of the London Borough of Hillingdon duly delegated to hear and determine opposed or contentious applications and revocations in relation to the Act.
- 1.17 **"Regulations"** refers to the contents of this document.
- 1.18 **"Shop Front Trading"** refers to a licence which permits the display of shop goods on a street in a manner permitted by the Act.
- 1.19 **"Special conditions"** are such conditions as it is deemed reasonable by the council to apply / not to apply to any Street Trading Licence in addition to the standard conditions.
- 1.20 **"Standard conditions"** means those matters set out in paragraph 27 (7) of the London Local Authorities Act 1990 (as amended) and as stated on a Street Trading Licence together with the conditions set out in these Regulations
- 1.21 **"Street Trading"** shall have the meaning described in Section 21 (1) of the Act.
- 1.22 **"Street Trading Licence"** refers to a Permanent or Temporary Licence, Shop Front Licence and or Tables and Chairs Licence granted under the Act.
- 1.23 **"Permanent Licence"** means a Street Trading licence granted under the Act and valid for the period specified therein being not less than six months and not more than three years. For the avoidance of doubt, street trading includes trading from a mobile van or vehicle.
- 1.24 **"Pitch Limits"** means the authorised ground markings defining the area within which a Street Trading Receptacle is to be contained.
- 1.25 **"Tables and Chairs Licence"** refers to a licence authorising the placement of tables and chairs on a street.
- 1.26 **"Temporary Licence"** means a Street Trading licence granted under the Act valid for a single day or for such period as may be specified in the licence not exceeding six months. For the avoidance of doubt, street trading includes trading from a mobile van or vehicle.
- 1.27 **"The Council"** means the London Borough of Hillingdon.
- 1.28 **"Trader"** means a person or that person's Assistant in whose name a current Street Trading Licence is held authorising street trading from a licensed street trading pitch. The Street Trading Licence may be a Permanent or Temporary Licence.

PART I: GENERAL CONDITIONS APPLICABLE TO ALL STREET TRADING LICENCES

2. GENERAL

- 2.1 The grant of a Street Trading Licence shall not be deemed to give any approval or consent which may be needed under any Bye-Law, enactment or regulation other than Part III of the London Local Authorities Act 1990.
- 2.2 These Regulations may be dispensed with or modified by the Council in any individual case by means of a Street Trading Licence variation.
 - 2.2.2 If a Licensed Street Trader wishes any of the terms or conditions of a Street Trading Licence to be varied, application must be made in writing to the Council in accordance with the statutory requirements. Any variation shall not take effect until the consent of the Council has been received in writing by the licence holder.
- 2.3 Licensed Street Traders shall ensure that they comply with all relevant legislation including the following:

- 2.3.1 Food Safety Act 1990;
- 2.3.2 Health and Safety at Work Act 1974;
- 2.3.3 Weights and Measures Act 1985;
- 2.3.4 Trade Descriptions Act 1968;
- 2.3.5 Consumer Protection Act 1987;
- 2.3.6 Children and Young Persons Act 1933;
- 2.3.7 Children and Young Persons Act (Protection from Tobacco) Act 1991;
- 2.3.8 Mock Auctions Act 1961;
- 2.3.9 Prices Act 1974;
- 2.3.10 Video Recordings Acts 1984 & 1993;
- 2.3.11 Consumer Credit Act 1974;
- 2.3.12 Trade Marks Act 1994;
- 2.3.13 Copyright Designs and Patents Act 1988;
- 2.3.14 Environmental Protection Act 1990;
- 2.3.15 Clean Neighbourhoods and Environment Act 2005;
- 2.3.16 London Local Authorities Act 1990;
- 2.3.17 Health Act 2006
- 2.3.18 Highways Act 1980;
- 2.3.19 Licensing Act 2003;
- 2.3.20 European Communities Act 1972

Together with all associated legislation including orders and regulations including any amendment or replacement of such legislation. Failure to comply with such legislation may result in the revocation of the Street Trading Licence.

3. STREET TRADING LICENCES

- 3.1. Licensed Street Traders are required to provide two full face passport-size photographs of themselves on applying for or renewing a Street Trading Licence. One of the photographs will be attached to the Street Trading Licence which must be displayed by the licensed street trader at all times whilst trade takes place; the other photograph, which must be signed on the reverse by the trader, will be for official use only. It is the Licensed Street Trader's responsibility to ensure that all documents requested for any application for a grant, renewal or variation of a licence is provided (a copy of a valid UK passport, proof of address and national insurance number, as well as evidence of £2m Public Liability insurance cover).
- 3.2. An application fee is payable for consideration of the grant, renewal or variation of a Street Trading Licence. The appropriate rates can be found on the Fees and Charges Sheet which is available on the Council's website. Application fees must be paid at the time of application for the application to be accepted as duly made.
- 3.3. All applications for the grant, renewal or variation of a Street Trading Licence will be determined by the Street Scene Enforcement Team (SSET) Manager or his deputy. An interview with the applicant or Trader will be held prior to a determination being made.
- 3.4. Any applicant for a Street Trading Licence to sell foodstuffs must at the time of application present to the Council evidence that all staff who will work at the Licensed Street Trading Pitch have completed an approved course of food hygiene training dated not more than three years prior to the date of application.
- 3.5. All Traders wishing to sell foodstuffs must provide evidence of being a registered food business with the appropriate authority for the area in which their business is based.
- 3.6. A Street Trading Licence shall cease to have effect on being surrendered to the Council by the Licensed Street Trader to whom it was granted. A receipt shall be provided in writing by the SSET Manager confirming same. All fees and charges shall be payable up

to and including the day accepted by the Council in writing as the day of surrender of the Street Trading Licence.

4. POSITION

- 4.1. The Trader shall engage in Street Trading only from the position which is indicated on the licence, unless otherwise directed by an Authorised Officer. The Council reserves the right to suspend any Licensed Street Pitch on the grounds of obstruction to the Highway and/or health and safety concerns. An alternative Street Trading Pitch may be allocated if one is available.
- 4.2. When no alternative Street Trading Pitch is available the Trader will cease Street Trading and remove his Receptacle and Commodities immediately if / when directed to do so by an Authorised Officer of the Council or a police officer.
- 4.3. The Council's decision on the position and extent of a Licensed Street Trading Pitch shall be final.
- 4.4. Any Receptacle or part of a Receptacle of goods or services sold or offered that is located on or adjacent to a Highway shall require a Street Trading Licence if the display is placed within 7 metres of the boundary at the rear of the Highway delineating the private property and the road and / or footway, as may be evidenced by deeds of the property and / or the highway register.

5. PITCH SIZE

- 5.1. The Street Trading area shall not exceed the dimensions specified on the Street Trading Licence and any Licensed Street Trading Pitch limits marked on the ground. An Awning may be permitted to extend 30cm (12inches) at the front of the Licensed Street Trading Pitch but no articles are to be suspended from the Awning beyond the permitted area.
- 5.2. A Trader shall not cause or permit any receptacle, part of a receptacle, goods or other articles whatsoever to project beyond the Licensed Street Trading Pitch.
- 5.3. Traders shall not cause or permit Receptacles, vehicles, commodities or other articles to be placed or to stand anywhere on the street otherwise than within the limits a Licensed Street Trading Pitch.

6. COMMODITIES

- 6.1. Only those commodities specified on the Street Trading Licence may be sold from the Licensed Street Trading Pitch and Traders shall be limited to the group of Commodities listed on the licence.
- 6.2. No advertisement shall be displayed on the licensed pitch which relates to any goods, Commodities or services other than the goods offered for sale or provided on that pitch.

7. DAYS AND TIMES

- 7.1. Licensed Street Trading may only take place on the days and during the times specified on the Street Trading Licence.
- 7.2. The Street Scene Enforcement Team shall advise traders of any extension of trading times for specified trading periods when and as relevant.
- 7.3. Traders or their Assistants shall remove their Receptacles and Commodities by the closing time stated on the Street Trading Licence.
- 7.4. Except where specifically authorised by the Authorised Officer, no Receptacle shall be left in the street after the closing time stated on the Street Trading Licence.
- 7.5. Any Receptacle left on the Licensed Street Trading Pitch after the closing time stated on the Street Trading licence may be removed by the Council and taken to a place of

storage. A Receptacle so removed shall not be returned to the owner until all costs and charges for the removal and storage of same have been paid in full by the owner or Trader. Any Receptacle so removed may be destroyed if not claimed by the owner within 28 days.

- 7.6. Street Trading times shall be the same as trading times applicable to shops in the vicinity of the Licensed Street Trading Pitch. For purposes of clarity, Traders may trade only during the times stated on the Street Trading Licence.
- 7.7. Vehicles are not permitted into the Street Trading area when prohibited by a road traffic Order.
- 7.8. Nothing in this section permits or purports to permit a Trader to contravene the terms of any parking restriction or order that applies to the street in question.

8. REFUSE

- 8.1. It shall be the Trader's responsibility to ensure that all litter and waste generated by their Street Trading activity is moved to a place from where it will be collected for transport to an authorised place of disposal. This may be by storage in suitable containers within the Licensed Street Trading Pitch until its collection by an authorised collector of waste.
- 8.2. The Trader shall keep the pitch area (and its environs up to 5 metres in any direction from the pitch) clean and swept free of any remaining debris throughout the Street Trading day. In particular it shall be the duty of every Trader to pick up all litter, debris, packaging and detritus that has been produced in the course of Street Trading or could reasonably be assumed to have been so produced or from any other source.
- 8.3. Where relevant, Traders are required to have in place a commercial waste agreement with a registered carrier of waste. Any commercial waste agreement shall be sufficient in quantity and frequency of collection to cover all the waste produced by the Trader at the Street Trading Pitch or in the market environs as a result of Street Trading.
- 8.4. Any Refuse considered by law to be an animal by-product shall be stored in an approved sealable container. For these purposes animal by product from a market stall shall include all waste water or water contaminated with material of animal origin or blood or other like fluid and no such liquid shall be allowed to drain onto the street or into the public street drainage system. All such refuse shall be stored and disposed of in accordance with the relevant legal requirements.
- 8.5. Traders shall keep waste 'Duty of Care' transfer notes or any such proof of proper disposal of commercial waste as may be required by law. All proof of proper disposal should be available for inspection at the Street Trading Licensed Pitch during trading day for inspection by Authorised Officers upon request. Obtaining of any such proof shall be the absolute liability of the Trader irrespective of the body or company removing the waste.

9. DISPLAY OF LICENCE

- 9.1. Traders shall at all times display in a prominent position the Street Trading Licence supplied by the Council indicating: the Trader's name, names of Assistants, Commodity, licence number, pitch Licensed Street Trading Pitch, Street Trading Licence issue date and expiry date. This Licence shall include the Trader's photograph and those of the Assistants registered to trade on the Street Trading Licence Pitch with the Council. This information (save for the photographs) shall also be supplied in writing immediately to any person who requests it.

10. SAFETY OF EQUIPMENT

- 10.1. Any electrical equipment must receive prior approval from the Council before being used on a Licensed Street Trading Pitch. Equipment must be tested annually by a suitably qualified electrician at the trader's expense and copies of electrical safety test certificates must be deposited with the Council before approval will be given by the Council. Traders will be required to retain and produce the original safety certificate for electrical equipment approved for use on the stall to an authorised officer of the Council on request. All equipment will require a safety tag to be displayed recording that the equipment has passed the necessary test and the date on which it was last tested.
- 10.2. All traders using an electric supply must have consent from the Council before seeking installation from an electricity supplier. Where relevant, the Trader and the supplier will be required to provide the Council with an indemnity for the safety of the supply of electricity.
- 10.3. Traders will disconnect from the supply when directed to do so by an authorised officer of the Council.
- 10.4. Where mobile electrical generators are used their use and position must be approved by the Council. They shall be so positioned as to ensure that:
 - 10.4.1 They do not present a danger to the passing public.
 - 10.4.2 They do not present a fire or similar hazard risk to the stall or goods displayed thereon.
 - 10.4.3 They do not cause any noise or fume nuisance.
 - 10.4.4 Any inflammable fuel is stored away from the stall in a London Fire Authority approved location and an approved container.A generator shall be turned off at the request of an authorised Council officer or police officer.
- 10.5 A Trader will be subject to automatic suspension of a Street Trading Licence if they tamper with, or use an electricity supply of the Council without payment. Any Trader causing damage to any Council installation or equipment will be required to pay the full cost of any repair or replacement. Any Trader responsible for such acts may be subject to a separate prosecution or civil proceedings.

11. RECEPTACLES

- 11.1. Receptacles shall be easily and immediately assembled and removed. The Council reserves the right to inspect Receptacles for health and safety compliance and to ensure that they are fit for purpose. Any Receptacle deemed to present a risk or hazard shall be immediately removed at the request of an authorised Council officer. It shall be and shall remain the responsibility and liability of the Trader to ensure that any Receptacle is safe in its construction, sighting, erection and use and will not cause injury to any person.
- 11.2. Traders or their Assistants shall remove the Receptacles and Commodities for so long as may be necessary in the event of extreme circumstances and when required to do so by a police officer or a duly authorised officer of the Council.
- 11.3. All Receptacles shall be of an approved type and shall be kept in clean condition and good repair. A Receptacle shall be repaired or repainted within one month of a written request from the Council.
- 11.4. A Trader shall not be permitted to engage in Street Trading until such time as a Receptacle that is unsafe or becomes unfit for purpose or beyond repair in the opinion of the Council is replaced with one fit for purpose.

12. CONDUCT

- 12.1. A Licensed Street Trader and any Assistants employed by them shall ensure that all members of the community are fairly treated with courtesy and respect. Traders and their Assistants shall not use any form of racist, sexist, homophobic or abusive language or

- display any materials that can cause offence to a person's race, religion or sexual orientation. Traders must not behave in an aggressive manner or commit any acts of aggression or harassment (whether racial, sexual or otherwise) against any person.
- 12.2. In order to protect the community, any Trader or Assistant who commits one of the offences listed below will be liable for immediate suspension of their Street Trading Licence whilst the matter is investigated and until the Council determines if their licence should be permanently revoked:
- 12.2.1 Possession or supply of any controlled drugs,
 - 12.2.2 Supply of counterfeit goods or offensive weapons,
 - 12.2.3 sale and supply of alcohol unless permitted by licence.
 - 12.2.4 trading under the influence of drugs or alcohol.
- 12.3. All Licensed Street Traders shall produce their Street Trading Licence when requested to do so by an authorised officer of the Council or police officer.
- 12.4. Traders shall not use or be permitted to use on the Licensed Street Trading Pitch or within the immediate vicinity any radio, cassette player or other equipment or apparatus to produce music or other sound, except in connection with the sale of their Commodity and then either through ear phones or at a volume level that allows a face to face conversation at normal speech level from the traders stall. Any Trader must reduce the level of sound from any device when required to do so by an authorised officer. Traders are permitted to listen to music for personal enjoyment and at a volume that does not create a noise nuisance for the general public,

13. INSURANCE

- 13.1. The Licensed Street Trader 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 or presence of the trader, their Assistant, their stall, receptacle or goods and any other object or thing they bring with them or produce in the course of their business and for this purpose must take out at the Traders expense a policy of Public Liability insurance approved by the council in the minimum sum of £2,000,000 (two million pounds) in respect of any one event and must produce to the Council on request the current receipts for the premium payment and confirmation of the renewals of the policy. The Council reserves the right to vary this amount from time to time and to notify Traders of any increase required by letter. A copy of the certificate of insurance shall be handed to the Council on request.
- 13.2. Satisfactory evidence of such insurance must be produced to the Council before a Street Trading Licence will be granted or renewed. Failure to produce insurance certificates when requested by an authorised office of the Council will lead to temporary suspension from trading until the certificate is produced and the Council is satisfied with the level of cover.
- 13.3. The Council reserves the right to contact insurance companies for the purposes of verifying the authenticity of the cover. Any Trader who does not have full insurance for the period specified within their licence and for the value stated by the Council will be suspended from trading until suitable insurance is in place and the cover note or policy presented to the Council.
- 13.4. Traders must inform the Council in writing and provide an updated copy of the certificate of insurance where there are any changes to their insurance cover. The Council may use the information provided to contact the Trader's insurer to confirm the details of any policy held or purported to be held and the applicable level of cover and indemnity provided.

14. STORAGE

- 14.1. Traders in foodstuffs shall notify the Council in writing of any change of address or addresses at which the Receptacle and any Commodities are stored. Such notice shall be given within 7 days of the change and the Council reserves the right to conduct an inspection to confirm occupancy and to ensure the storage space is compliant relevant standards.
15. EMPLOYED ASSISTANTS
 - 15.1. Traders shall notify the Council in writing on the relevant forms of the name, address and national insurance number of each and every Assistant who may be responsible for the Licensed Street Trading Pitch in the absence of the Trader. Details of any subsequent change of Assistant or any other relevant information regarding Assistants shall be given in writing to the Council.
 - 15.2. Assistants are required to provide the Street Scene Enforcement Team with two passport size photographs of themselves; a copy of a valid UK passport, (or overseas passport with Work Permit), proof of address and national insurance number. Only Assistants lawfully authorised to work in this Country and registered with the Council may work on a Licensed Street Trading Pitch whether the trader is present or not.
 - 15.3. A Licensed Street Trader shall not employ a Child in any capacity in the course of his trade or business.
 - 15.4. General or casual employees should not be confused with Assistants, as they do not have any responsibility for the business operation in the absence of the Trader.
16. ASSISTANCE TO COUNCIL OFFICERS
 - 16.1. A Trader shall give immediate assistance to Council officers when requested so to do in the exercise of their official duties.
 - 16.2. A Trader shall not use rude or offensive language or behave in an aggressive manner when dealing with any agent, officer or elected member of the Council.
 - 16.3. Any allegations made by Traders or their Assistants against other Traders or officers or members of the Council will be investigated. Should any such allegations be found to be without basis of fact or to have been made in a malicious or disingenuous manner, then the suitability of the Trader as a licence holder may be called into question pursuant to section 28(d) of the London Local Authorities Act 1990 (as amended). Additionally, the offering of bribes or inducements or any fraudulent acts will also be deemed as a breach of these Regulations under the terms of the Act.
17. PAYMENT OF CHARGES
 - 17.1. A Trader shall pay all charges in connection with Street Trading to the Council, on the dates and intervals advised by the Council upon the issue and/or renewal of the Street Trading Licence and in the manner agreed as appropriate for payment by the Council.
 - 17.2. Failure to make payment may result in the suspension of the Street Trading Licence and will result in a determination being made as to whether the Street Trading Licence will be revoked or not.
 - 17.3. An administration charge in the amount published in the scale of fees and charges will be made for administration costs in relation to any letters sent out pursuing arrears, giving notice of possible revocation of a licence or calling for a Trader to appear before Registration and Appeal Committee. The Council reserves the right to vary its charges from time to time and shall notify changes in the manner prescribed by the Act.
18. CHANGE OF ADDRESS AND CIRCUMSTANCES

18.1 A Trader shall give notice in writing to the Council of the change of any of the addresses and circumstances including the Trader's health. Notice of a change of address shall be given within seven days of the said change. Proof of new address will need to be submitted to the Council. The Council reserves the right to conduct a home visit to confirm occupancy.

19. LICENCE REVOCATION / VARIATION

19.1. Any Trader who contravenes any of the conditions of their licence shall be subject to the variation, suspension and or revocation of the Street Trading Licence.

19.2 Where a decision is taken to consider the revocation of a Permanent Licence, a recommendation shall be made to the Registration and Appeals Committee for a decision.

19.3. Any Permanent Licence holder who is convicted of an offence contrary to the Act or Regulations made in pursuance of it may be requested to appear before the Registration and Appeals Committee when the determination of the recommendation to revoke the licence will be made.

19.4. Any contravention of these Regulations by an Assistant shall be deemed to be a contravention by the Trader whether the Trader was present at the time of the contravention or not.

PART II – TRADER LICENCES

This section refers to Street Trading Activity as defined above but specifically excludes Tables and Chairs Licences and Shop front Licences.

20. TEMPORARY LICENCES

20.1. All applicants licensed as temporary traders under the provisions of section 31 of the London Local Authorities Act 1990 as amended shall be deemed to be subject to the same conditions applicable to permanent street trading licences. However, the Act does not permit Traders who hold a Temporary Licence a right of appeal against a decision not to grant a licence, to revoke or vary a licence.

20.3. The issue of a Temporary Licence is without prejudice to the Council's application process for a Permanent Licences and does not infer a legal right to the grant of a Permanent Licence.

20.4. The Council reserves the right to issue licences to Traders who offer commodities which will enhance the shopping area before any other Trader or applicant.

20.5. The Council reserves the right, where appropriate, to suspend the licence of any Trader holding a Temporary Licence without notice and without any reason having been given in writing. A Trader who holds a Temporary Licence shall cease trading when requested to do so by an authorised officer of the council or police officer

21. PERMANENT LICENCES

21.1 A Trader must have traded under a Temporary Licence for a minimum of three years within the London Borough of Hillingdon prior to applying for a Permanent Licence.

21.2 Permanent Licences must be renewed once annually. Authorised Officers will advise on the period of renewals and applications for Permanent Licences. However, responsibility for ensuring renewals occurs before the expiry of Permanent Licence will strictly be the responsibility of the Licensed Street Trader. The non receipt of a written reminder from the Council will not in any circumstance be accepted as a reason for late or non renewal.

- 21.3. A Permanent Licence Trader may appeal against a decision not to grant; to renew or vary his/her Permanent Licence. Such an appeal shall be decided by the Registrations and Appeals Committee.
- 21.4. Succession of a Street Trading Licence may only be granted to a specified person if it falls into one of the following categories specified in the Act:
 - 21.4.1 When the Permanent Licence holder dies; or
 - 21.4.2 When the Permanent Licence holder retires having reached the normal age for retirement; or
 - 21.4.3 When the Permanent Licence holder advises the Council that owing to ill-health, he is unable to continue to engage in the Street Trading permitted by the Council, and submits evidence to satisfy the Council as to his ill-health.

Permanent Licence Traders will be required to produce evidence relating to the relevant category where the Permanent Licence is to be transferred under this Act.

22. PERMANENT LICENCE REVOCATION / VARIATION

- 22.1. Any Trader who contravenes any of the conditions of their licence shall be subject to the variation and/or revocation of the Street Trading Licence.
- 22.2. Where a decision is taken to consider the revocation of a Permanent Licence, a recommendation shall be made to the Appeals and Registration Committee for a decision.
- 22.3. Any Permanent Licence holder who is convicted of an offence contrary to the Act or Regulations made in pursuance of it may be requested to appear before the Appeals and Registration Committee when the determination of the recommendation to revoke the licence will be made.
- 22.4. Any contravention of these Regulations by an Assistant shall be deemed to be a contravention by the Trader whether the Trader was present at the time of the contravention or not.

PART III - ADDITIONAL CONDITIONS SPECIFIC TO TABLES AND CHAIRS LICENCES

The Regulations below shall apply to Tables and Chairs Licences Only

23. The grant of a Tables and Chairs trading licence shall not be deemed to give any approval or consent which may be needed under any Bye-law, enactment, or Regulation other than under the Act(s).
24. A Tables and Chairs Licence shall be a Temporary Licence. A Permanent Licence may not be issued to a Trader who applies for a Tables and Chairs Licence.
25. A copy of the Tables and Chairs 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.
26. Only those commodities sold in shop premises can be served under the Tables and Chairs Licence.
27. Only those services provided within the premises can be provided in the licensed area where a licence permits tables and chairs to be placed on the street.
28. It is a specific condition of a Tables and Chairs Licence that monetary exchange or payment can be made in the Licensed Street Trading Pitch.
29. 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.

30. No receptacle, 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 Temporary licence applies that is under separate occupation
31. Temporary barriers of an approved type must be in situ during licensed hours and the same must be removed outside of the hours permitted by the licence
32. A Tables and Chairs Licence is not transferable.
33. On submitting an application for a Licence or an application to renew a licence, the applicant must provide the following:
 - 33.1 Two passport sized photographs of the Licence Holder with the Licence Holder's signature on the back.
 - 33.2 Two proofs of Licence Holder's home address and business premises address which is no older than 3 months
 - 33.3 Documentary proof of the Licence Holder's National Insurance Number
 - 33.4 Documentary proof of a commercial trade waste agreement.
 - 33.5 The requisite application fee
 - 33.6 Proof of Planning consent where necessary
 - 33.7 Proof of ownership or other right to occupy the premises to which the shop front trading application relates
 - 33.8 Such proof of having carried out consultation as may be required by the council
 - 33.9 The Licence fee notified to the applicant in writing
 - 33.10 A map and planned layout of the area covered by the Street

PART IV - ADDITIONAL CONDITIONS SPECIFIC TO SHOP FRONT LICENCES

The Regulations below shall apply to Shop Front Licences Only

34. The grant of a Shop front trading licence shall not be deemed to give any approval or consent which may be needed under any Bye-law, enactment, or Regulation other than under the Act(s).
35. 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.
36. 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.
37. A Shop Front Trading Licence is not transferable.
38. A Shop Front Trading Licence authorises the display of goods. No payment or monetary exchange may take within the Licensed Street Trading Pitch.
39. A Shop Front Licence shall be a Temporary Licence. A Permanent Licence may not be issued to a Trader who applies for a Shop Front Licence.
40. Only those commodities sold in shop premises can be displayed outside premises provided they are not excluded items as defined in these regulations.
41. A separate Street Trading Licence shall be required in the event that a commodity that is not sold in the shop is displayed or offered for sale on the Licensed Street Trading Pitch.
42. Only those receptacles and containers which are 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. Displays shall not be formed by the use of unsuitable items such as milk crates and the like.
43. The following items may not form part of the Commodities displayed under a Shop Front Licence:

- 43.1 Alcoholic beverages, tobacco and tobacco products;
 - 43.2 Lottery tickets, phone cards, raffles, tombola and/or other games of chance;
 - 43.3 Medicines, drugs and other prescribed substances
 - 43.4 Uncooked meat or fish
 - 43.5 New and used cars and motorcycles
 - 43.6 Pets and livestock
 - 43.7 Containers of Liquid Petroleum Gas (LPG) including any which are fully or partly discharged
 - 43.8 Explosives including fireworks;
 - 43.9 Goods considered by the London Borough of Hillingdon to pose a Health and Safety risk to the public.
44. 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.
45. A display, receptacle, table or chair shall not be used if it is likely to damage the street.
46. The display/stand must be of a construction that will cause minimal damage if there is a collision. There must be no sharp edges or protruding parts.
47. On submitting an application for a Licence or registration of an Assistant, the applicant must provide the following:
- 47.1 Two passport sized photographs of the Licence Holder with the Licence Holder's signature on the back.
 - 47.2 Two proofs of Licence Holder's home address and business premises address which is no older than 3 months
 - 47.3 Documentary proof of the Licence Holder's National Insurance Number
 - 47.4 Documentary proof of a commercial trade waste agreement.
 - 47.5 The requisite application fee
 - 47.6 Proof of Planning consent where necessary
 - 47.7 Proof of ownership or other right to occupy the premises to which the shop front trading application relates
 - 47.8 Such proof of having carried out consultation as may be required by the council
 - 47.9 The Licence fee notified to the applicant in writing
 - 47.10 Details of the shop front display proposed
48. An awning may be permitted to extend up to a maximum of 30cm (12inches) 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 repass by pedestrian traffic. Proof of planning consent must be provided where relevant