



HILLINGDON

LONDON

London Borough of Hillingdon

Street Trading & Markets Policy

Effective from 7th September 2011
Made by the London Borough of Hillingdon
Pursuant to: Section 27(3) of
London Local Authorities Act 1990 (as amended) and
Food Act 1984 (Part III)

Contents

Paragraph

1.0	Introduction	Page 2
2.0	Intention of the Policy	Page 2
3.0	Street Trading Licences	Page 3
4.0	Eligibility Criteria and Suitability of Applicants	Page 3
5.0	Making an Application – the documents needed	Page 3
6.0	Fees	Page 3
7.0	Temporary Applications - Pitches	Page 4
8.0	Permanent Applications - Pitches	Page 4
9.0	Succession of Licences	Page 4
10.0	Renewals	Page 5
11.0	Variation	Page 5
12.0	Licensing of Markets and Occasional Street Markets	Page 5
13.0	A Single Licence for Markets	Page 5
14.0	Occasional Street Markets	Page 6
15.0	Charity & Community Markets	Page 6
16.0	“Approval in Principle”	Page 7
17.0	Applications and supporting information	Page 7
18.0	Fees	Page 7
19.0	Consultation and advertisement	Page 8
20.0	Objections	Page 8
21.0	Consideration of applications	Page 8
22.0	Hearings	Page 9
23.0	Decision-Making & Grounds for Refusal	Page 9
24.0	Appeals	Page 10
25.0	Duration of licences	Page 11
26.0	Enforcement Action	Page 11
27.0	Designation of Licence Streets	Page 12
28.0	Other legislative considerations	Page 13
29.0	Policy review	Page 13
30.0	Exemptions	Page 13
31.0	Commodities	Page 13
32.0	Ice Cream Traders	Page 14
33.0	Definitions	Page 14
34.0	Licence Conditions	Page 14
Appendix 1	Schedule of licence streets	Page 16
Appendix 2	Commodities	Page 18
Appendix 3	Schedule of streets where mobile or “itinerant” ice cream trading is prohibited.	Page 21
Appendix 4	Terms and Conditions for all Street Trading and Market Licences	Page 23
Appendix 5	Conditions specific to Tables & Chairs Licences	Page 26
Appendix 6	Conditions specific to Shop Front Licences	Page 27
Appendix 7	Conditions for Market Operators	Page 29
Appendix 8	Conditions for Market Traders	Page 30

1.0 Introduction

This document sets out Council policy on the regulation of street trading and markets, and a procedure for applications for street trading licences. The policy proposes a simplified process for licensing of street markets and community events and offers a simple prior approval process to support applicants so that their proposals have the greatest chance of success when a final application is made.

2.0 Intention of this policy

The development of a street trading policy presents an opportunity to encourage small independent businesses and traders and increase employment opportunities, by minimising bureaucratic licensing burdens, but at the same time maintaining sensible levels of public protection and complimenting trading from permanent businesses.

The policy will be reviewed in light of developing practice, guidance and changing legislation as necessary, replaces all previous Terms & Conditions and covers the regulation of:

- o Street trading pitches
- o Tables & chairs
- o Shop fronts
- o Markets
- o Community trading events

The policy sets out the Council's approach and requirements clearly, to help applicants and operators. It also aims to guide and re-assure the public, and other public authorities, ensuring transparency and consistency in decision making. This policy is meant as a guide to the Council's decision making process; all relevant factors will be taken into consideration in determining any application.

The grant of a licence for street trading does not override the need for licensees to comply with planning, building control, environmental, consumer protection, health and safety and other legislation. If necessary, the policy will be amended to prevent conflict with other legislation.

3.0 Street Trading Licences

Unless in respect of a market (see para 12.0), street trading licences will be determined under Part III of the London Local Authorities Act 1990 (as amended), referred to as "the Act" in this policy.

- a) Applications can be for permanent or temporary licences.
- b) The term "street trading" covers "pitches" (a defined or licensed area where a stall may be set up), "tables and chairs" – for example serving a café, and "shop fronts" – where there may be a display of goods outside a shop, directly concerned with that shop.
- c) "Street trading" means the sale, and exposing or offering for sale of any article (including a living thing) in a street. A display of goods or services within seven metres of the Highway will require a street trading licence.

Street trading without a licence is an offence under licensing and highways legislation.

4.0 Eligibility criteria & suitability of applicants

- a) Applicants must be aged 17 years or older.
- b) Suitability will be assessed on a case by case basis and information about an applicant's enforcement history with the Council may be referred to.

5.0 Making an application – the documentation needed

Applications for street trading licences must be made in writing or online, using the Council's application form, and must include the following;

- a) Two standard full face passport photographs;
- b) Evidence of public liability insurance for a minimum of £2 million cover;
- c) Proof of address;
- d) Identification that includes a photograph of the applicant; (such as a new style photo driving licence)

Sometimes, the Council may be able to accept alternative supporting documents, but by individual agreement.

6.0 Street Trading fees

Fees may be reviewed on an annual basis, and will be advertised in accordance with the legislation. Fees must be paid in full when the application for the grant, renewal, variation or transfer of a street trading licence is made. There will be no refund of licence fees should a licence for any reason become revoked or surrendered.

A list of current street trading and market licence fees can be found on the Council's website www.hillingdon.gov.uk/licensing or by contacting the Licensing Service on 01895 277524

7.0 Temporary applications - pitches

All applicants licensed as temporary traders under the London Local Authorities Act 1990 will have the same conditions as those for permanent street trading licences. However, the legislation does not give temporary licence holders the right of appeal to the Council or the relevant committee against a decision not to grant a licence, or to revoke or vary a licence.

The issue of a temporary licence is without prejudice to the Council's application process for a permanent licences – this means that if a trader is issued with a temporary licence, it does not guarantee that permanent licence will be issued.

The Council reserves the right to issue licences to traders who offer things for sale or goods ("commodities") which will enhance a shopping area or locale, before any other trader or applicant offering other commodities.

The Council reserves the right, *but only when 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 street trading licence must therefore stop trading straight away, when asked to do so by the Council, or a police officer.

8.0 Permanent applications - pitches

A pitch trader must have traded continuously under a temporary licence for a minimum of three years within the London Borough of Hillingdon prior to applying for a permanent licence.

Permanent licences must be renewed annually. Officers will advise licensees on the period of renewals and applications for permanent licences. However, responsibility for ensuring that a renewal occurs before the expiry of permanent licence lies with the licensee.

9.0 Succession of licences

“Succession” means when a permanent licence is transferred or “passed on” to a relation. There are rules about this in the legislation.

Succession of the street trading licence may only be granted to a relation of the licence holder specified in the legislation and under the following circumstances, listed in the legislation:

- a) When the licensee dies; or
- b) When the licensee retires, having reached the normal age for retirement; or
- c) When the licensee advises the Council that owing to ill-health, he is unable to continue to operate the licence, and submits evidence to satisfy the Council as to his ill-health.

Licensing officers can provide more detail on the subject of succession and it is always best to clarify what may be involved before any assumptions about any entitlement are made.

10.0 Renewals

The licensee must apply to the Council for a renewal, at least 28 days before the current licence's expiry. If an application for renewal is not granted by the expiry date, then licence lapses, and the trader will have to cease trading.

The licensing service will aim to send renewal reminder notices to licensees up to 8 weeks before the date of expiry. No renewals should be accepted after the expiry date and in such cases any application should be treated as a new application, undergoing the full application process. No trading will be permitted unless a renewed licence has been issued.

11.0 Variation

Licensees may apply to the Council to vary their licence at any time during the licence period. Applications may be made to vary the commodities traded, the pitch size and any assistants.

12.0 Licensing of Markets and Occasional Street Markets

The Council is “invoking its market rights” under the Food Act 1984 (as amended) in the Borough.

The Food Act 1984 allows a local authority to establish a market within its area, and may designate a market place within its area and the days and hours during which markets may be held.

13.0 A Single Licence for Markets

The Authority will consider market applications on a case by case basis for markets proposed within the borough boundary to which there is a free public access, and which may have multiple stalls or pitches to sell commodities,

The Council will regulate markets under a single licence, as per Part III of The Food Act 1984. Markets held in the following locations are exempt from the market provisions of the Food Act 1984;

- a) Any Council park or green space
- b) Any private building
- c) Enclosed shopping centres
- d) Any school / community / church hall or similar

The licence issued will authorise a number of traders in a particular area, on predetermined days or dates (a market), or where trading takes place from a stall, a series of stalls or pitches, on an occasional basis.

The market licences may be granted to a private market operator(s), resident's associations or similar, or community/charitable groups. The Council does need to enforce its market rights in the interests of public safety, and so will determine the area, size of stalls etc and their general layout as well as relevant timings for trading to take place. Efforts will always be made to work with operators or groups, to agree and explain matters.

14.0 Occasional Street Markets

Occasional street markets can encourage economic activity and enhance shopping areas by offering variety and by increasing visitor numbers.

A market operator or a group of traders may apply to the market authority for a licence to hold an occasional street market, for commercial trading purposes. This is a market which takes place on specified dates or days.

15.0 Charity & Community Markets

It is recognised that regulation can sometimes have unwanted impacts on residents, businesses and community groups based in the borough. To minimise these burdens, specific arrangements for local community and charitable group events are outlined below.

- a) A charity or community group may apply for a licence to hold a market for the purpose of supporting a community event e.g. a fun day, or Christmas event.
- b) Applicants for a charity or community market must identify community or charitable benefit, or provide evidence of charitable status and intention.
- c) Charity or community applicants should apply to the Council for a waiver of market application fees. The Council will consider any applications for waivers on a case by case basis, and in light of the paragraph immediately above.

- d) Where a charity or community event market includes trading by commercial enterprises, a waiver of fees should also be applied for. Applications will be assessed on a case by case basis, but such events should mainly be community based, benefiting the social and economic wellbeing of an area.
- e) Licensees must ensure that the terms and conditions that come with the market licence are kept to by the individual traders, that they have adequate insurances, and sensible, that they have the required food hygiene training and registration certificates.
- f) Charity or community market operators will be required to make their market applications at least three months prior to the market event taking place.
- g) Where road closures are required, any initial approval in principle will be entirely subject to subsequent approval by the Highway Authority before the market application is made. Evidence of the approval will be required as part of the market application.

16.0 “Approval in Principle”

The Council wants good well promoted markets or events to go ahead. To save wasted effort, increase convenience and to ensure that applications have the smoothest possible journey to approval, the Licensing Service will give support in the form of “approval in principle”.

- a) Where early applications are made, not including full details of traders and their commodities, the Council may approve the application in principle, pending full details of the traders and their commodities being submitted, at least two weeks prior to the market event.
- b) Operators or organisers will be able to hold early meetings with licensing officers to encourage general dialogue, discuss proposals and the Council's requirements, and agree layouts etc, before a full application is made. No fee is to be charged for these meetings. However, it is anticipated that most events will need one, or perhaps two meetings to agree matters.

Any approval in principle issued by the Council will be subject to other legislative requirements i.e. road closures, parking suspension, alcohol licensing etc.

17.0 Applications and supporting information

The Council will expect applicants for Market Licences to be of a good standard and competence. The Council may seek references from boroughs in which the Market has previously operated prior to the determination of the licence.

Market operators must make applications using the Council's own form or online and should provide the following information and documents as part of the application;

- a) Two standard full face passport photographs;
- b) Evidence of public liability insurance for a minimum of £2 million cover;
- c) Proof of address;
- d) Identification that includes a photograph of the applicant; (such as a new style photo driving licence)
- e) Plan of the proposed market showing location, sizes and layout of stalls/pitches;

- f) Evidence of or proposals for a trade waste disposal agreement or similar;
- g) Photos/images showing the appearance and style of stall / pitch;
- h) A list of stall / pitch traders and what they want to sell - the commodities – this may be given a minimum of two weeks before the event in the “approval in principle” process.

Sometimes the Council may be able to accept alternative supporting documents, by agreement.

18.0 Market Fees

Market operators for occasional street markets are required to pay a fee in line with the current fee schedule.

Applicants for charity / community markets should apply to the market authority for a waiver of market licence fees. Information on current street trading fees is on www.hillingdon.gov.uk/licensing or can be obtained from the Licensing Service on 01895 277524.

19.0 Consultation and advertisement

On receipt and acceptance of any application for a new or renewal street trading licence, or application for a variation to an existing one, the Licensing Service will carry out consultation with relevant ward members, town centre management, traders or businesses in the area, and any others in the area that the Council sees as appropriate. The consultation period will be 21 days beginning on the day after receipt of the application.

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.

Where market applications are received, the Licensing Service will carry out consultation with ward members, town centre management, traders / businesses in the area and any others in the area that the Council sees as appropriate. The consultation period will be 21 days beginning on the day after receipt of the application.

20.0 Objections

Objections must be made in writing and made by those persons, bodies, or their representatives, who are likely to be affected (in the “vicinity”, or area) by the operation of the licence. Frivolous, vexatious, repetitious and competition based representations will not be accepted.

E.g. “Vicinity” has the common sense meaning of the word and is taken to mean the area in which objectors who are likely to be affected by the operation of the licence are located. E.g. “Frivolous” objections may be based on a one off issue concerning a licence that has previously been managed well. E.g. “Repetitious” means the objection is identical or substantially similar to an objection already discounted E.g. “Vexatious” means the objection is not genuine – ie. It could have been made as a result of a dispute between neighbouring residents or businesses.

21.0 Consideration of Applications

Applications which have not been objected to will be considered by the Deputy Chief Executive and Corporate Director of Planning, Environment and Education Services or by officers authorised for the purpose of determining street trading applications.

If relevant objections are received during the consultation period for a licence application, a Licensing Sub-Committee will determine the application. Where applications are heard by a Licensing Sub-Committee, the Committee may exercise its discretion on accepting late representations where they have been received outside of the consultation period.

22.0 Hearings

Where the Licensing Sub Committee is to determine an application for the grant, variation or revocation of a street trading licence, the hearing will be held as soon as is reasonably practicable.

Where a permanent trader wishes to appeal a decision to grant/vary or revoke his/her licence, an appeal, and the reasons for the appeal, must be made in writing to the Licensing Service within 21 days of the decision being made. The appeal will be heard by a Licensing Sub-Committee as soon as reasonably practicable.

23.0 Decision-Making & Grounds for Refusal

All uncontested applications will be considered by the Deputy Chief Executive and Corporate Director of Planning, Environment and Education Services or by officers authorised for the purpose of determining street trading applications. Where valid objections are received to an application, a Licensing Sub-Committee will determine the application.

The complete application process may take up to three months and this is to take into account the 21 day consultation period, and also, if required, the arrangement of hearings of the relevant Licensing Sub-Committee.

Where there are no objections to an application, the Council aims to determine applications within one month of receipt of a fully completed application.

Standard conditions will be attached to every street trading licence and these may be varied by the Council at any time. Where relevant, specific trading conditions may be attached to a street trading licence by a Licensing Sub-Committee.

In considering applications for the grant or renewal of a street trading licence the following factors will be considered, and may be grounds for refusal, when the authority may refuse a street trading licence application.

- (a) Public safety - Whether the street trading activity represents, or is likely to represent, a substantial risk to the public from the point of view of obstruction of the highway to emergency vehicles, or otherwise, a fire hazard, unhygienic conditions or other danger that may occur when a trader is using the site.

- (b) Prevention of crime and disorder - whether the street trading activity represents, or is likely to represent, a substantial risk to public order. This is potentially more of a problem for licences operating late in the evening.
- (c) Prevention of public nuisance or environmental damage - whether the street trading activity represents, or is likely to represent, a substantial risk of problems from damage to street surfaces, or from noise, litter, refuse, vermin, fumes, odours or antisocial behaviour, particularly in residential areas.
- (d) For markets licensed under the Food Act 1984, appearance and suitability of the stall or vehicle from which trading takes place - the stall or vehicle must be of a good quality design, of good appearance and meet the criteria, including size, laid down in the standard licence conditions. It is advised that applicants provide photographs or sketches including dimensions of the stall with all new applications.
- (e) Needs of the area – amongst other things, the Council will consider the demand for the articles for sale, and the geographical location of the proposed site.
- (f) History of the applicant - the suitability of the applicant must be considered. Previous failures, without reasonable excuse, to comply with licence conditions or failure or neglect in paying licence fees may result in a licence being refused, revoked or not renewed.
- (g) Pedestrian or vehicular access – whether there is sufficient space for pedestrians and vehicles (including pedestrians using mobility aids and parents with pushchairs/buggies) to continue to use the public highway safely and unhindered.

In addition to the considerations listed above, the Council may refuse or revoke a licence if any of the following statutory grounds exist:

- h) the applicant wishes to trade for less days than any minimum required trading days;
- i) the applicant has been determined unsuitable to hold a licence due to any previous convictions or for other reasons;
- j) the licence holder has failed to pay fees due under another street trading licence or have failed to use a previous street trading licence.

Occasionally, if some grounds for refusal do exist, the Council may still decide to award a licence – but this could be for a shorter period than required, or to allow trading only in certain commodities.

24.0 Appeals

A Licensing Sub-Committee will determine appeals from permanent licence holders unhappy with a decision to grant / revoke / vary their street trading licence. In the event that a permanent licence holder is unhappy with the decision of the Licensing Sub-Committee, an appeal may be lodged with the Magistrates Court within 21 days of the date of the decision of the Licensing Sub Committee.

In the case of temporary licences, the legislation gives no right of appeal. Temporary licence holders may apply for a judicial review of decisions, though.

25.0 Duration of licences

Permanent licences will last for one year. Temporary pitch licence holders may apply for permanent licences after 3 years of continuous trading within the London Borough of Hillingdon.

Temporary licences are issued for six months, or a shorter period if the Licensing Committee / Applicant specifies otherwise. A shop front or tables and chairs licence shall be a temporary licence, and a permanent licence may not be issued to a trader who applies for a shop front or tables and chairs licence.

Market licences will be issued for a period in accordance with the application and / or any Licensing Sub-Committee decision made to alter the licence period.

26.0 Enforcement Action

The decision to use enforcement action will be taken on a case by case basis and, to ensure consistency of approach, in accordance with this and any other more specific policies which may be applicable. The action taken, which may be immediate, will be proportionate to the seriousness and nature of the non-compliance.

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 economic 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 aggressive behaviour towards the public;
- f) If the alleged offence, though not serious itself, is widespread in the area where 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.

The Council may take any of 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 review or application for licence revocation e.g. when fees go unpaid, a breach of a licence condition;
- d) Fixed Penalty Notices;
- e) Prosecution.

Any decision to prosecute will be taken as a last resort and such a decision will be made in accordance with the Code for Crown Prosecutors. Council enforcement services will carry out their

enforcement-related work with due regard to the Enforcement Concordat. Information concerning non-compliance may be shared with other enforcement agencies. Any such action will only be undertaken in the public interest and in compliance with the Data Protection Act 1998.

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, all complaints of unlicensed street trading will be investigated.

The Licensing Sub-Committee will hear all applications for the revocation, variation, or suspension of a street trading licence in the event that a trader significantly or persistently breaches such a licence.

Any trader who is convicted of an offence that is contrary to the Act or regulations made in pursuance of it may be requested to appear before the Licensing Committee or a Licensing Sub committee, when the determination of the recommendation to revoke the licence will be made.

Any contravention of licence terms and conditions by an assistant to the licensee will be viewed as a contravention by the licensee whether present or not.

Any breach of the conditions relating to Market Licences will be investigated and enforcement action taken where necessary. Any history of enforcement action may be considered as part of the application process.

27.0 Designation of Licence Streets

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) If the safety of the public will be put at increased risk;
- f) Whether the proposed site will leave the recommended clearance of 2 metres clear passage between the trading area and the edge of the kerb or footway;
- g) If there will be a negative impact on the character or appearance of the area.

For designation, there is a consultation period of 28 days, when the Council consults with the Police and Highways Authority, and any other relevant body. The Council may also pass a resolution to rescind or vary the designation of a licence street, and must consult on any intentions to do so in a notice published in a local paper. After publishing the consultation notice, the Council will consider any representations received, before making a decision.

A street does not have to be designated as a licence street for street trading purposes where a temporary street trading licence is issued. A list of current licence streets may be found in **Appendix 1**

28.0 Other legislative considerations

Apart from the legislative requirements of the London Government Act 1990 (as amended) and the Food Act 1984, the Council will take into account its duties under other legislation including, but not limited to;

- a) Section 17 of the Crime & Disorder Act 1998, which places the Council under a duty to exercise its functions with due regard to the likely effect on, and the need to do all it reasonably can to prevent crime and/or disorder in the Borough.
- b) The Regulator's Compliance Code (set out in the Regulatory Reform Act 2006) which requires the Council not to impede economic progress by its regulations, and particularly to consider the impact on small businesses.
- c) The Provision of Services Regulations 2009 which requires the Council to ensure that its requirements are non-discriminatory; proportionate to the public interest; objective; clear and unambiguous; made public in advance; transparent and accessible.
- d) The Disability Discrimination Act 1995 which makes it unlawful to treat disabled persons less favourably than other people, for a reason related to their disability.

EU Services Directive

Tacit consent will apply to street trading licence applications if no objections are received and the applicant is not notified of the determination process within 28 days after receipt of a valid application.

29.0 Policy review

This Policy may be reviewed by Cabinet. Minor changes to this Policy may be made by the Deputy Chief Executive and Corporate Director of Planning, Environment, Education & Community Services, acting in consultation with the Leader of Council.

30.0 Commodities

Applications for street trading licences must be made in accordance with the Council's approved list of commodities and banned commodities (Included as Appendix 2). The Licensing Service will consider commodities that are not on the approved list at its own discretion.

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 21 day consultation with traders will be held in the affected area prior to a decision being made.

31.0 Ice Cream Traders

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.

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.

The Council may, from time to time, ban ice cream traders in certain areas where there is a need to do so. The Council will carry out the statutory consultation and advertisement before any decision is made. A full list of areas where a ban on ice cream traders is currently in force can be found in **Appendix 3**.

32.0 Licence Conditions

The various licences in this policy are issued under the terms and conditions below. These are effectively the rules by which licensees must operate. They are meant to allow trading to be carried out safely, responsibly and in harmony with the surroundings, other traders and residents.

Full schedules of conditions relating to street trading and market licences can be found in the following appendices;

Appendix 4 – Conditions applicable to all street trading and market licences

Appendix 5 – Additional conditions applicable to tables & chairs licences

Appendix 6 – Additional conditions applicable to shop front licences

Appendix 7 – Additional conditions applicable to market operators

Appendix 8 – Additional conditions applicable to market traders

33.0 Definitions

The definitions used in the conditions and elsewhere are from the legislation that the Council is given to manage licensing in the borough. Some of the meanings may not be clear – Licensing officers will try to answer any queries from residents, organisers or licence holders.

- a) "The Act" means Part III of the London Local Authorities Act 1990 as amended by the London Local Authorities Acts 1994, 1999, 2004 & 2007";
- b) "Assistant" means a named person, or persons, under the direction of the licensee, who is in control of the trading activities when the licensee is not present. Details of this person(s) must be formally notified in writing to the Council;
- c) "Licensed Street Trader" means any person who is licensed for a street trading under Part III of the Act;
- d) "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.
- e) "Market" means a concourse of buyers and sellers to trade commodities.
- f) "Premises" means any land, building or part of a building and includes any commercial premises adjacent to a licensed street trading pitch.
- g) "Shop Front Trading" refers to a licence which permits the display of shop goods on a street in a manner permitted by the Act.
- h) "Street trading" shall have the meaning described in Section 21 (1) of the Act.
- i) "Tables and Chairs Licence" refers to a licence authorising the placement of tables and chairs on a street.
- j) "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.

Appendix 1

SCHEDULE OF LICENCE STREETS

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.

Bakers Road, Uxbridge	High Street 2-88, Northwood
Barra Hall Circus, Hayes	Hillingdon Hill, Hillingdon
Belmont Road, Uxbridge	Horton Road, Yiewsley
Betam Road	Howletts Lane, Ruislip
Botwell Lane, Hayes	Ickenham Road, Station Parade, West Ruislip
Bourne Avenue, Gloucester Parade, Hayes	Ickenham Road, Ruislip
Byron Way, West Drayton	Joel Street, Northwood Hills
Cocks Yard, Uxbridge	Kingshill Avenue, Hayes
Coldharbour Lane, Hayes	Lansbury Drive, Hayes
Coleridge Way, West Drayton	Laurel Lane, West Drayton
Cowley Road 100-118, Uxbridge	Long Lane 1-12, Ickenham
Cowley Road 18-20, Uxbridge	Long Lane 305-321, Hillingdon
Dawley Road 1-19, Hayes	Long Lane 370-396, Hillingdon
Dawley Road, Dawley P arade, Hayes	Long Lane, Crescent Parade, Hillingdon
East Lane, Hayes	Long Drive, South Ruislip
Eastcote High Road, Black Horse Parade, Eastcote	Manor Way, Ruislip Manor
Falling Lane, Yiewsley	Maxwell Road, Northwood
Field End Road, Eastcote	Moorfield Road, Cowley
Field End Road 702-724, South Ruislip	Moorhall Road, Harefield
Green Lane, Northwood	Mulberry Crescent, West Drayton
Harlington Road 305-315, Hillingdon	North Hyde Road 141-171, Hayes
Harmondsworth Road, West Drayton	Old Stockley Road
Harlington Road 305-315, Hayes	Park Way, Ruislip Manor
Harvil Road, Harefield	Park Lane, Harefield
Hayes By-Pass (The Parkway)	Pasadena Close
Hercies Road, Hillingdon	Pembroke Road, Ruislip Manor
High Road 28-34, Cowley	Pield Heath Road, Cowley
High Road 81-97, Ickenham	Pinner Road, Northwood
High Road, Ickenham	Pinner Road, Northwood Hills
High Street, Cowley	Pump Lane, Hayes
High Street, Dellfield Parade, Cowley	Pump Lane (Eastern end)
High Street, Harefield	Redmead Road, Hayes
High Street, Harlington	Rickmansworth Road, Harefield
High Street, The Parade, Cowley	Romney Road, Romney Parade, Hayes
High Street, Uxbridge	Royal Lane, Yiewsley
High Street, Uxbridge – <i>pedestrianised area between Vine Street and Belmont Road.</i>	Ryefield Avenue, Hillingdon
High Street, Ruislip	Salisbury Road, Eastcote
High Street, Yiewsley	Silverdale Road
High Street 110-118, Northwood	Sipson Road, West Drayton
	Skypoint Drive
	Springfield Road
	Station Approach, South Ruislip
	Station Road, West Drayton

Appendix 1 (Cont)

Station Road, Cowley	Uxbridge Road 124-152, Hayes
Station Road, Hayes (<i>NOT pedestrianised</i>)	Uxbridge Road 641-693, Hayes
Station Road Hayes, <i>pedestrianised area between Pump Lane and Crown Close;</i>	Uxbridge Road 759-849, Hayes End
St Dunstans Road, Hayes	Uxbridge Road, Blenheim Parade, Hillingdon
Sutton Court Road, Hillingdon	Uxbridge Road, Byron Parade, Hillingdon
Swakeleys Road 1-31, Ickenham	Uxbridge Road, Crescent Parade, Hillingdon
Swallowfield Way	Uxbridge Road, Heathside Parade, Hillingdon
Swan Road 58-66 and 81, West Drayton	Uxbridge Road, Marlborough Parade, Hillingdon
The Green 1-16, West Drayton	Uxbridge Road, Westbourne Parade, Hillingdon
Victoria Road, South Ruislip	Uxbridge Road, Whiteleys Parade, Hillingdon
Victoria Road, Ruislip Manor	Vine Street, Uxbridge
Victoria Road 439-445 and 490, South Ruislip	Welbeck Avenue, Yeading
Violet Avenue 53-65, Yiewsley	Willow Tree Lane, Hayes
West Drayton Road 177-183, Yiewsley	Windsor Street, Uxbridge
West End Road, Ruislip Gardens	Yeading Lane, Yeading
Whitby Road 143-163 and 208-218, South Ruislip	
Windmill Hill, Ruislip Manor	
Uxbridge Road 1172-1380, Hayes End	

Appendix 2

Commodities

Category	Commodity
Clothing	<ul style="list-style-type: none"> • Womens clothing • Gents clothing • Childrens clothing • Babywear • 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 • Lightbulbs • Other items (must be specified)
Toiletries & Cosmetics	<ul style="list-style-type: none"> • Toiletries • Hair products • Make-up • Perfume • Other items (must be specified)

Appendix 2 (Cont)

Soft furnishings	<ul style="list-style-type: none"> • Cushions & throws • Bedding • Curtains & blinds • Rugs & mats • Dining linen • Other items (must be specified)
Kitchen/Dining	<ul style="list-style-type: none"> • Cookware • Serveware • Glassware • Tablewear • Other items (must be specified)
Electrical & Audio/Visual	<ul style="list-style-type: none"> • Audio/amplification equipment • Visual/display equipment • Computer hardware and accessories • Games consoles • Musical Instruments • Cameras • Electrical accessories • Other items (must be specified)
Travel Accessories	<ul style="list-style-type: none"> • Luggage • Sports bags • Handbags • Other items (must be specified)
Jewellery and accessories	<ul style="list-style-type: none"> • Costume jewellery • Precious jewellery • Hair accessories • Sunglasses • Watches • Other items (must be specified)
Stationery	<ul style="list-style-type: none"> • Office supplies • Paper • Greetings cards • Wrapping supplies/giftbags • Other items (must be specified)
Toys	<ul style="list-style-type: none"> • Childrens toys • Outdoor games and toys • Baby/nursery equipment • Other items (must be specified)
Textiles	<ul style="list-style-type: none"> • Fabric • Haberdashery • Yarn/Wool • Knitting/Sewing supplies • Other items (must be specified)

Appendix 2 (Cont)

Tools, DIY & Gardening	<ul style="list-style-type: none"> Tools Garden tools DIY supplies Other items (must be specified)
Furniture	<ul style="list-style-type: none"> Furniture including antiques Other items (must be specified)
Sports equipment	<ul style="list-style-type: none"> Exercise equipment Track & Field Golf Sports equipment Other items (must be specified)
Pet supplies	<ul style="list-style-type: none"> Pet food Pet beds Pet cages/hutches/tanks/carriers Grooming and care supplies Other items (must be specified)
Arts & Crafts (original handmade goods)	<ul style="list-style-type: none"> Art Sculpture Craft items Handmade textiles Other items (must be specified)
Miscellaneous	<ul style="list-style-type: none"> Other items not in any category above (must be specified by the applicant)

Banned Commodities

Commodity	Ward/Area of ban
Continuous or regular street trading of food (e.g. Mobile food traders)	Uxbridge Town Centre (as agreed by Cabinet 17 th March 2011)

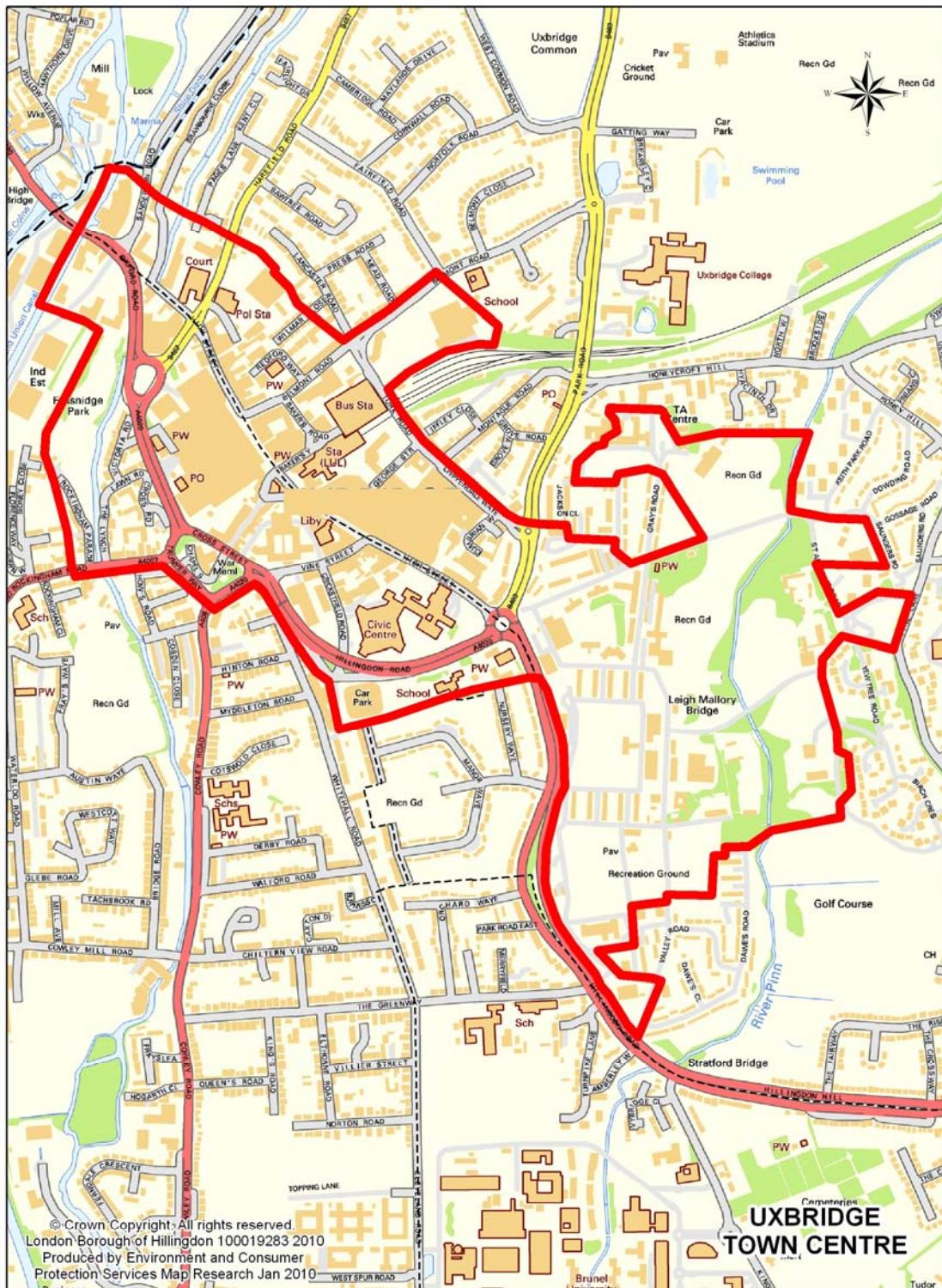
Appendix 3

Prohibition of mobile or “itinerant” ice cream trading.

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 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

Appendix 3 (Cont)

Area of Uxbridge town centre.



Appendix 4

Terms and Conditions for all Street Trading Licences & Market Licences

1. FEES

A fee is payable to the Council for consideration of the grant, renewal or variation of a licence. The prevailing fees can be found on the Council's website. Fees must be paid at the time of application for the application to be accepted as "duly made".

2. SURRENDER OF LICENCES

A licence shall cease to have effect when it is returned to the Council by the licence holder. A receipt shall be provided by the Council confirming this. All fees and charges are due, up to and including the day accepted as the day of surrender of the licence.

3. TRADING LOCATION OR POSITION

The trader shall trade only from the position indicated on the licence, unless otherwise directed by an authorised officer. The Council reserves the right to suspend any licensed street pitch/market place if the highway is obstructed or if health and safety concerns emerge. If this happens, another street trading pitch/market place may be allocated by the Licensing Service, if one is available.

4. PITCH SIZE

The licensed area must be within the dimensions shown 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 pitch/market area, but no articles are to be suspended from the awning beyond the permitted pitch/market area.

5. 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/market place.

6. ADVERTISEMENTS

No advertisement shall be displayed on the licensed pitch/market place for goods, commodities or services other than those licensed for sale or provided on that pitch/market place.

7. 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/market operators of any extension of trading times for specified trading periods when and as relevant.

8. TRADING ALONGSIDE PERMANENT BUSINESSES

Licence times shall be the same as trading times applicable to shops in the vicinity of the licensed street trading pitch/market place. However, traders may trade only during the times stated on the licence.

9. REFUSE OR WASTE

It is the trader's/market operators 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.

10. PORTABLE GENERATORS

Generators shall be positioned so that they do not present problems for other street users or traders. Flammable fuel must be used safely and stored in suitable containers.

11. STREET CLEANLINESS

The trader/market operator 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.

12. DISPLAY OF LICENCE

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

13. SAFETY OF EQUIPMENT

Electrical equipment must be approved by the Council before being used on a trading pitch. Regular testing may be required.

14. USING A MAINS VOLTAGE ELECTRICAL SUPPLY

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

15. INTERFERENCE WITH ELECTRICAL SUPPLIES

A trader/market operator 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/market operator causing damage to any Council installation or equipment will be required to pay the full cost of any repair or replacement.

16. 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. It is the trader's/market operators 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.

17. GENERAL CONDUCT

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

18. PRODUCTION OF LICENCES ON REQUEST

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

19. 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.

20. EMPLOYED ASSISTANTS

Traders shall notify the Council in writing of the name, address of every assistant who may be given responsibility for the pitch in the absence of the trader. Details of any subsequent change of assistant or any other relevant information regarding assistants should be given in writing to the Council.

21. 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.

22. 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.

23. CHANGE OF ADDRESS AND CIRCUMSTANCES

A trader shall give notice in writing to the Council of the change of any of the addresses and circumstances. Unless a trader is unable to do so for good reason, notice of a change of address should be given within seven days of any change. Proof of new address will need to be submitted to the Council.

24. FOOD RELATED TRADING

Food traders shall comply with the necessary food hygiene, food hygiene training and food registration requirements as required by the Council's Food, Health & Safety Team.

Appendix 5

Conditions Specific to Tables & Chairs Licences

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

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. A tables and chairs licence is not transferable.

Appendix 6

Conditions Specific To Shop Front Licences

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

1. 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.
2. 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.
3. Food Traders shall comply with the necessary food hygiene and food registration requirements as required by the Councils Food, Health & Safety Team.
4. Monetary exchange or payment cannot be made in the licensed street trading pitch.
5. 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.
6. 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.
7. Temporary barriers of an approved type must be in place during licensed hours and the same must be removed outside of the hours permitted by the licence
8. A shop front trading licence is not transferable.
9. Only those commodities sold in shop premises can be displayed outside premises provided they are not excluded items as defined in these regulations.
10. 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.
11. 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.
12. 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. Uncooked meat or fish

- e. New and used cars and motorcycles
- f. Pets and livestock
- g. Containers of Liquid Petroleum Gas (LPG) including any which 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.

13. 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.

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

15. 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.

Appendix 7

Standard licence conditions for market operators

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

The licensed market operator must ensure that the following conditions are adhered to;

- 1) No person shall sell goods in a market place other than during market hours;
- 2) No person shall bring a vehicle into the market place during market hours unless in case of emergency;
- 3) No stall shall cover or obstruct a fire hydrant. Clear access must be maintained at all times.
- 4) No person in charge of a vehicle shall, during market hours, allow it to stop in the market place, or in its immediate approaches, for longer than is reasonably necessary for the loading or unloading of goods;
- 5) No person shall place any goods on, or occupy any stall or pitch without the permission of the licensed market operator;
- 6) No person shall light a fire in the market place;
- 7) No person shall keep or sell any explosive or highly flammable substance in the market place;
- 8) No person shall bring a petrol generator into the market place. NB. Diesel generators are permitted.
- 9) No person shall post or display any bill, placard or poster, other than a description of goods advertised for sale, in any part of the market place, except with the prior permission of the market authority;
- 10) No person in the market place or in its immediate approaches shall, except by way of sale, distribute or attempt to distribute to the public any printed matter unless prior consent has been obtained from the market authority;
- 11) No person shall bring into or allow to remain in the market place any animal;
- 12) Food traders shall comply with the necessary food hygiene and food registration requirements as required by the Council’s Food and Health & Safety Team.
- 13) The market operator shall ensure that each trader is able to demonstrate adequate public liability insurance cover of £2million minimum.

Appendix 8

Standard Licence Conditions for Market Traders

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

- 1) Every Market Trader:
 - a. Ensure that the stall/pitch is properly cleansed before and after market hours as often as may be necessary during those hours;
 - b. Ensure that all refuse accumulated in connection with the stall is placed in a bin or container provided or approved by the Council for that purpose;
 - c. As often as is necessary, ensure that the contents of the bin or receptacle are removed to an area designated by the Council for that purpose
- 2) Traders shall have in place the following documentation at the time of trade and must produce them if requested to do so by an Authorised Officer of the Council:
 - a. Food hygiene documentation (where the traders commodity is food)
 - b. Valid public liability insurance of £2million minimum
- 3) Traders shall not bring petrol generators into the market place. *NB. Diesel generators are permitted.*
- 4) The use of gas cylinders is permitted only where:
 - traders have checked the valves and hoses of gas cylinders for defects before bringing them into the licensed market place, and;
 - the cylinders are in safe working order