



# HILLINGDON

LONDON

Street Trading Policy  
The London Local Authorities Act 1990  
(As amended)

***Draft***

## **Contents:**

|  |                |
|--|----------------|
| <b>1. Introduction and Intention</b>   | <b>Page 2</b>  |
| <b>2. Other Legislative Consideration</b>                                      | <b>Page 3</b>  |
| <b>3. Eligibility and Suitability Criteria</b>                                 | <b>Page 3</b>  |
| <b>4. Types of Authorisations</b>  | <b>Page 3</b>  |
| <b>5. Fees</b>   | <b>Page 3</b>  |
| <b>6. Application Requirements</b>   | <b>Page 4</b>  |
| <b>7. Special Provision for Community/Charity Licences</b>                     | <b>Page 5</b>  |
| <b>8. Consultation</b>   | <b>Page 6</b>  |
| <b>9. Decision Making</b>  | <b>Page 6</b>  |
| <b>10. Assessing Consultation Feedback and Objections</b>                      | <b>Page 6</b>  |
| <b>11. Decision Making</b>   | <b>Page 6</b>  |
| <b>12. Hearings</b>  | <b>Page 8</b>  |
| <b>13. Appeals</b>   | <b>Page 9</b>  |
| <b>14. Conditions</b>  | <b>Page 9</b>  |
| <b>15. Special provisions relating to certain geographical locations</b>       | <b>Page 10</b> |
| <b>16. Delineation</b>   | <b>Page 10</b> |
| <b>17. Duration of Licences</b>  | <b>Page 11</b> |
| <b>18. Offences</b>  | <b>Page 11</b> |
| <b>19. Enforcement and Review Action</b>                                       | <b>Page 11</b> |
| <b>20. Renewals</b>  | <b>Page 12</b> |
| <b>21. Variations</b>  | <b>Page 13</b> |
| <b>22. Succession</b>  | <b>Page 14</b> |
| <b>23. Lapsing of Street Trading Licences</b>                                  | <b>Page 14</b> |
| <b>24. Designation of Licence Streets</b>                                      | <b>Page 14</b> |
| <b>25. Exemptions</b>  | <b>Page 15</b> |
| <b>26. Commodities</b>   | <b>Page 16</b> |
| <b>27. Motor Vehicles</b>  | <b>Page 16</b> |
| <b>28. Ice Cream Traders</b>   | <b>Page 16</b> |
| <br>   |                |
| <b>Appendix 1 - List of Designated Licence Streets</b>                         | <b>Page 17</b> |
| <b>Appendix 2 - Commodities</b>  | <b>Page 19</b> |
| <b>Appendix 3 - Terms and Conditions for Street Traders</b>                    | <b>Page 22</b> |
| <b>Appendix 4 - Special Provisions (Tables &amp; Chairs &amp; Shop Fronts)</b> | <b>Page 24</b> |
| <b>Appendix 5 - Prohibition of Ice Cream Traders</b>                           | <b>Page 26</b> |
| <b>Appendix 6 - Definitions of Street Trading</b>                              | <b>Page 28</b> |

## 1. Introduction and intention

- 1.1 Local Authorities may regulate street trading activities and apply local controls in their area. For the purposes of controlling street trading in the London Borough of Hillingdon, the Council has previously adopted the relevant provisions of the 'London Local Authorities Act (as amended)'.
- 1.2 This policy is intended to provide a framework for the Council to administer and regulate street trading to ensure a consistent approach is taken. It also serves as a reference for licence holders, relevant stakeholders and enforcement officers as to the Councils intended vision and approach to street trading activities.
- 1.3 The Council is keen to create a thriving street trading environment which is sensitive to the needs of traders and residents and one which promotes consumer choice and enhances the trading and business opportunities in the borough.
- 1.4 In regulating street trading activities, the Council aims to reduce the administrative burdens on applicants and licence holders by reducing administrative burdens from the application process and also creating a clear and transparent guide for traders.
- 1.5 The Council will not deviate from this policy unless there is an unavoidable reason to do so.
- 1.6 In the development of this policy, the Council has consulted with licence holders, partner agencies and other stakeholders
- 1.7 Street trading activities are regulated by Part 3 of the London Local Authorities Act 1990 (as amended) which provides Local Authorities in London with an authorisation process to control the following activities;
  - Street Trading Pitches
  - Tables and Chairs on the Highway
  - Shop Front Displays
- 1.8 The Council has powers to designate a street as a 'licence street' and can prescribe the types of commodities or services which will be authorised by a licence.
- 1.9 Licences may be granted to persons aged seventeen or over and last for up to three years or a shorter period as determined by the Council.

## 2. Other Legislative Considerations

- 2.1 Traders should be aware that this policy relates only to street trading activities and it is the responsibility of the trader to ensure that they are compliant with other legislation. Traders should consider whether their activities are likely to require authorisation and/or compliance with other regulatory regimes. For example; Planning, Building Control, Food Safety, Health & Safety, Control of Waste, Highway Obstruction, Trading Standards, Late Night Refreshment/Entertainment/Alcohol Licensing etc.

## 3. Eligibility and Suitability Criteria for Applicants

- 3.1 Applicants wishing to be granted a street trading licence may apply to the Council provided that they are aged seventeen or older.
- 3.2 The Council will assess the suitability of the applicant on a case by case basis and may have regard to any relevant enforcement history concerning the applicant and/or the location of the proposed street trading.

## 4. Types of Authorisation

### 4.1 *Permanent licences*

A permanent licence will usually be issued to applicants for pitch, shop front and tables and chairs licences and will be valid for one year. In some circumstances, the Council may decide to issue a temporary licence to a new trader, or to a trader renewing a licence where there have been issues with enforcement.

### 4.2 *Temporary Licences*

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

## 5. Fees

- 5.1 Street Trading licence fees will be set and reviewed from time to time by the Council and any changes to those fees will be advertised in accordance with the provisions of the London Local Authorities Act 1990 (as amended).
- 5.2 The fees are licence fees and are only applicable to licences granted. The Council respectfully requests that payment is made at the time of application

and where a licence is refused for any reason, a full refund will be given to the applicant.

- 5.3 Where a licence is revoked for reasons beyond the licence holders control, for example, where the highway has been redeveloped and there is no longer sufficient space for the trading activity to take place or where the Council has introduced a ban on certain commodities that were previously licensed, the Council will offer a partial refund of the licence fee. This will be calculated on a pro-rata basis in whole months.
- 5.4 Where a licence has been revoked for reasons within the control of the licence holder, the Council will not issue a refund of the street trading licence fee.

## 6. Application Requirements

- 6.1 The Council will require the following submissions to be made in respect of applications, in line with the legislation;
- a) Full name, home address and date of birth of applicants;
  - b) The location of the proposed street trading activity including the days and times;
  - c) The description of goods and/or services offered for sale;
  - d) Proof of permission to trade from the landowner or a statement from the applicant if he is the landowner;
  - e) One passport style photograph of the applicant;
  - f) Proof of public liability insurance (minimum £2million).
- 6.2 In addition to those legislative requirements, the Council will also seek the following information from the applicant;
- a) Details of any installations needed to carry out the street trading activity for example, a vehicle, shop front display units, tables and chairs;
  - b) The names and addresses of the applicants nominated assistants;
  - c) The name and address of a person nominated for succession of the licence.
- 6.3 Unless there is a specific need to do so, the Council will not routinely require any further submissions from applicants.
- 6.4 Specific licence types will require the applicant to supply the Council with specific information. Most of this will be contained within the application form. Some examples of what information the Council will be seeking are outlined below;

## 6.5 Pitch applications

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

## 6.6 Shop front display applications

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

## 6.7 Tables and chairs applications

Licences for tables and chairs will contain a standard condition requiring the licence holder to create a temporary barrier around the trading area. The applicant may be asked to provide full details of the barriers and the tables and chairs, this may include photographs. Details of the type of furniture to be placed on the highway should also be included in the application form.

6.8 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.

## 7. Special Provisions for Community/Charity Trading Licences

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

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

- fundraising activities,
- promotion of charity or other local cause,
- promotion of community services.

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

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

## 8. Consultation

8.1 Upon receipt and acceptance of an application, the Council will carry out a consultation with the relevant Ward Councillors, the Council's Highways Service, the Council's Enforcement Officers and any trade representative i.e. Chamber of Commerce or Town Centre Management. The Council's Food Safety team will be consulted where the application is proposing to trade in food items. Applications will also be displayed on the Council's website.

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

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

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

## 9. Assessing consultation feedback and objections

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

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

## 10. Decision Making

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

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

10.3 The mandatory grounds for refusal are:

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

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

10.5 The discretionary grounds for refusal are:

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

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

10.7 The Council may also have regard to the other following factors when considering the impact on the local area of the proposed trading activity. This may result in additional conditions being imposed upon any licence granted.

- a) Public Safety – whether the street trading activity represents, or is likely to represent, a substantial risk to members of the public from the point of view of obstruction of the highway for emergency vehicles, or otherwise, a fire hazard, unhygienic conditions or other danger that can be reasonably foreseen, 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 an issue for traders wishing to operate as part of the night time economy.
- c) Prevention of public nuisance or environmental damage – whether the street trading activity represents, or is likely to represent, a substantial risk of nuisance or environmental issues. Examples include; damage to street surfaces; noise; litter; refuse; vermin; fumes/odours etc.
- d) Appearance of trading area – Whether the street trading area is properly constructed and presented and enhances the aesthetics of the street scene of an area. Guidance will be given to applicants regarding the standard expected by the Council.
- 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.

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

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

## 11. Hearings

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

- 11.2 Where a street trading licence is being considered for revocation, the Council is required to afford the licence holder an opportunity to address the Licensing Sub-Committee. The Council will give at least twenty one days notice of any revocation proceedings being brought against the trader.
- 11.3 The Licensing Sub-Committee constituted for the purpose of determining street trading licences shall be made up from Members of the Licensing Committee as constituted under the Licensing Act 2003.
- 11.4 Applicants will normally be notified of the decision on the day of the hearing and can expect a written decision within five working days of the decision.
- 11.5 In certain circumstances, the Licensing Sub-Committee may defer their decision or they may adjourn a hearing. This will be dependent upon the severity and complexity of the case before them and it may be appropriate to gather additional information to aid the decision making process.

## 12. Appeals

- 12.1 Any person aggrieved by the Council's decision to refuse or revoke a street trading licence may lodge an appeal to the Magistrates Court within twenty one days of receipt of the written decision notice following the outcome of the Licensing Sub-Committee.
- 12.2 All decision notices will contain full details of the appeal rights including how to lodge an appeal. Applicants for temporary licences do not have any appeal rights, notwithstanding statutory rights to seek Judicial Review proceedings.

## 13. Conditions and Standards for Licence Holders

- 13.1 The Council expects all licence holders to carry out their trading activities in accordance with the conditions imposed upon it.
- 13.2 When the Council issues a street trading licence, it shall include the following:
  - a) The trading address to which the licence relates;
  - b) The full name of the licence holder and any named assistants;
  - c) The size and location of the licensed trading area;
  - d) The commodities/services authorised by the licence;
  - e) A photograph of the licence holder;
  - f) Any non-standard conditions relating to the licence;
- 13.3 In addition to the above information, the Council will also impose standard conditions on all street trading licences. Standard conditions will be reviewed from time to time. The standard conditions can be found at Appendix 3.

13.4 The Council expects all licence holders to maintain their trading area in a proper manner and to ensure that any trading/display equipment is of a good quality and tidy appearance. The Council will provide traders and applicants with examples of the standards expected and will offer assistance and advice to traders and applicants on how to improve the look and quality of their trading/display equipment.

13.5 The intention of the Council is to create a vibrant and thriving shopping environment for residents and also to add to the aesthetics of a shopping area.

#### 14. Special Provisions for certain geographical locations

14.1 From time to time, the Council may consider imposing certain trading restrictions in certain geographical locations. For example, it may be appropriate to standardise trading times or maximum trading areas within very busy areas with a high concentration of traders. The Council may also determine to grant only Temporary Licences in a geographical area.

14.2 The Council will consider this action as part of town centre regeneration or as part of other town centre incentives.

14.3 Details of these special provisions are detailed in Appendix 4

14.4 Where the Council is minded to impose new restrictions, it will consult with those traders affected.

#### 15. Delineation

15.1 Where the Council issues a licence, it may be appropriate to define the trading area by delineating with studs or similar.

15.2 The Council will consider the following factors when deciding to delineate in certain areas:

- a) Whether there is a need to define the trading area to assist traders in keeping within their licensed trading area.
- b) Where licence holders of pitch licences, and the Council's enforcement officers, need to easily identify a specified trading area.
- c) Where there is a high concentration of traders in a particular area and trading boundaries need to be defined.

15.3 Delineation will be considered in consultation with the Council's Highways Service to ensure the appropriate materials are used. The cost for delineating trading areas will be borne by the Council.

16. Duration of Licences

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

16.2 The Council will normally issue permanent licences for one year. Temporary licences are issued for periods from one day to six months.

17. Offences

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

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

18. Enforcement and review action

18.1 The decision to use enforcement action will be taken on a case by case basis and, to ensure consistency of approach, in accordance with the Residents Services Enforcement Policy which may be applicable. The action taken, which may be immediate, will be proportionate to the seriousness and nature of the non-compliance.

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

- a. The risk that the non-compliance poses to the safety, health or welfare of the public at large or to individuals;
- b. Evidence suggests that there was pre-meditation in the commission of an alleged offence;
- c. The alleged offence involved a failure to comply in full or in part with the requirements of this policy and / or the terms of the street trading licence;
- d. There is a history of previous warnings or the commission of similar offences;
- e. Aggravated circumstances such as obstruction of an officer or negative conduct;
- f. If the alleged offence, though not serious itself, is widespread in the area 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.
- 18.3 The Council may take the following types of enforcement action (in no particular order):
  - a) Verbal/written warnings – e.g. a contravention and / or where Officer contact has not resolved the contravention;
  - b) Simple cautions;
  - c) Licence revocation e.g. where fees go unpaid, a breach of a licence condition; conduct of the licence holder etc.
  - d) Fixed Penalty Notices;
  - e) Prosecution.
- 18.4 Where grounds for revocation have been identified, the case will be considered by a Licensing Sub-Committee in the form of a licence review hearing.
- 18.5 Any decision to prosecute will be made in accordance with the Residents Services Enforcement Policy and the Code for Crown Prosecutors. Council enforcement officers 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.
- 18.6 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.
- 19. Renewals
- 19.1 When a permanent street trading licence is due to expire, the Council will notify the licence holder three months in advance of this date and invite a renewal application.
- 19.2 Renewal applications must be submitted to the Council at least two months prior to the date of expiry.
- 19.3 Licence holders can expect to provide the same information as would be required for a new licence, however, if nothing has changed since the licence was granted, the Council may resolve not to require certain documentation i.e. photograph of the applicant, landowners permission etc.
- 19.4 In addition to the above, for applications for the renewal of shop front and / or tables and chairs licences, consultation and advertisement will take the form of a “Notice of Application” which must be placed in the window of the relevant

premises – so that it can be easily seen from outside. The notice will be at least A4 in size and must be in place and easily visible from the outside throughout the consultation period.

- 19.5 Renewal applications are also subject to the same consultation requirements as new applications and the Council may identify grounds for refusal during that process.
- 19.6 Where discretionary grounds for refusal have been identified, the application will be determined by the Licensing Sub-Committee; a hearing will be arranged as soon as reasonably practicable.
- 19.7 If a licence is due to expire and the Council has not determined the renewal application, the trader may be allowed to continue trading during the interim period. This will usually be allowed save for circumstances where the trader has been subject to enforcement action or other reasons where the Council may not wish for the licence to continue during this period. Each case will be considered on its own merits and on a case by case basis.

## 20. Variations

- 20.1 Whilst not specifically addressed in the street trading legislation, the Council will allow traders to apply for variations to their licences within the duration of the licence. Variations may include, but not limited to; the size of the trading area; the authorised trading times; the authorised commodities; the conditions imposed upon the licence.
- 20.2 Variations must be applied for, using the appropriate form and will be subject to the same consultation process as for new and renewal applications.
- 20.3 A processing fee will be charged and should accompany the application. Where a variation is sought for an increase in a shop front display area, the fee for any additional metres will be charged as well as the processing fee.
- 20.4 Where the variation is administrative, e.g change of licence holder's address; change of assistant's details, a lesser processing fee will be charged.
- 20.5 Where grounds to revoke a licence have been identified, the Council may, instead, choose to vary the licence by imposing additional conditions or making restrictions on the licensed area or times. Any such variations will be imposed by the Licensing Sub-Committee when considering a case for forced revocation/variation.

## 21. Succession

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

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

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

## 22. Lapsing of Street Trading Licences

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

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

## 23. Designation of Licence Streets

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

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

23.2 For designation, there is a consultation period of twenty eight days, when the Council consults with the Police, Highways Authority, existing licence holders in the affected area, 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.

- 23.3 A street does not have to be designated as a licence street for street trading purposes where a temporary street trading licence is issued.
- 23.4 For traders wishing to trade on a street which is not designated, the Council is open to considering new locations where designation has not previously been made. In these circumstances, the trader will be required to submit full plans of their proposals to the Council for consideration.
- 23.5 Designation of new streets will not normally be considered for streets with parking restrictions and/or a speed limit of 40mph or more.
- 23.6 A list of current licence streets found in Appendix 1

#### 24. Exemptions

- 24.1 The Council recognises that certain trading activities do not constitute street trading and are therefore exempt from the licensing regime. The following exemptions are outlined in the legislation:
- a) A person trading as a 'Pedlar' under the authority of a pedlars certificate granted under the Pedlars Act 1871, provided that the trading is only carried out 'house to house';
  - b) Trading as part of a street market – these are licensed by the Council under a separate statutory regime;
  - c) Trading in a trunk road picnic area;
  - d) Trading as a news vendor;
  - e) Trading by a rounds man delivering milk and/or other perishable goods;
  - f) Charity collections;
  - g) The selling or offering for sale goods or services on private land adjacent to a shop provided that the trade forms part of the normal business of that shop. For example; a fruit/vegetable display outside a grocers shop or tables and chairs for diners outside a café.

#### 25. Commodities

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

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

## 26. Motor Vehicles

26.1 It is an offence for traders to expose or offer for sale any motor vehicle on a public street.

26.2 Where motor vehicles for sale are displayed on a street, this will be determined as an improper use of the highway for which the seller of the vehicle may be subject to legal action and the vehicle seized.

26.3 Persons operating motor vehicle trading activity from their residential address may only do so if they have planning permission for the trading activity and do not display their vehicles on the public highway.

## 27. Ice Cream Traders

27.1 Ice cream trading means the selling, exposing or offering for sale from a vehicle, goods which consist mainly of ice cream, frozen confectionery or other similar items.

27.2 Itinerant ice cream traders are defined as traders from a vehicle who go from place to place remaining in a particular location for no more than fifteen minutes and who do not return to the same location or the same street on the same day.

27.3 Ice cream traders may not trade from a designated licence street, or in areas where such trade has been prohibited by the Council.

27.4 Where the Council is considering the prohibition of ice cream trading in certain locations, it will pass a resolution under S37 of the Act.

27.5 A current list of prohibited locations can be found in APPENDIX 5.

## Appendix 1

### List of Designated 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.

#### Shop front displays and tables and chairs only;

|  |   |
|--|---|
| Bakers Road, Uxbridge  | Lansbury Drive, Hayes   |
| Barra Hall Circus, Hayes   | Laurel Lane, West Drayton   |
| Belmont Road, Uxbridge   | Long Lane 1-12, Ickenham  |
| Betam Road   | Long Lane 305-321, Hillingdon   |
| Botwell Lane, Hayes  | Long Lane 370-396, Hillingdon   |
| Bourne Avenue, Gloucester Parade, Hayes  | Long Lane, Crescent Parade, Hillingdon  |
| Byron Way, West Drayton  | Long Drive, South Ruislip   |
| Cocks Yard, Uxbridge   | Manor Way, Ruislip Manor  |
| Coldharbour Lane, Hayes  | Maxwell Road, Northwood   |
| Coleridge Way, West Drayton  | Moorfield Road, Cowley  |
| Cowley Road 100-118, Uxbridge  | Moorhall Road, Harefield  |
| Cowley Road 18-20, Uxbridge  | Mulberry Crescent, West Drayton   |
| Dawley Road 1-19, Hayes  | North Hyde Road 141-171, Hayes  |
| Dawley Road, Dawley Parade, Hayes  | Old Stockley Road   |
| East Lane, Hayes   | Park Way, Ruislip Manor   |
| Eastcote High Road, Black Horse Parade, Eastcote   | Park Lane, Harefield  |
| Falling Lane, Yiewsley   | Pembroke Road, Ruislip Manor  |
| Field End Road, Eastcote   | Pield Heath Road, Cowley  |
| Field End Road 702-724, South Ruislip  | Pinner Road, Northwood  |
| Green Lane, Northwood  | Pinner Road, Northwood Hills  |
| Harlington Road 305-315, Hillingdon  | Pump Lane, Hayes  |
| Harmondsworth Road, West Drayton   | Redmead Road, Hayes   |
| Harlington Road 305-315, Hayes   | Rickmansworth Road, Harefield   |
| Harvil Road, Harefield   | Romney Road, Romney Parade, Hayes   |
| Hayes By-Pass (The Parkway)  | Royal Lane, Yiewsley  |
| Hercies Road, Hillingdon   | Ryefield Avenue, Hillingdon   |
| High Road 28-34, Cowley  | Salisbury Road, Eastcote  |
| High Road 81-97, Ickenham  | Sipson Road, West Drayton   |
| High Road, Ickenham  | Station Approach, South Ruislip   |
| High Street, Cowley  | Station Road, West Drayton  |
| High Street, Dellfield Parade, Cowley  | Station Road, Cowley  |
| High Street, Harefield   | Station Road, Hayes ( <i>NOT pedestrianised</i> )                                 |
| High Street, Harlington  | Station Road Hayes, <i>pedestrianised area between Pump Lane and Crown Close;</i> |
| High Street, The Parade, Cowley  | St Dunstons Road, Hayes   |
| High Street, Uxbridge  | Sutton Court Road, Hillingdon   |
| High Street, Uxbridge – <i>pedestrianised area between Vine Street and Belmont Road.</i> | Swakeleys Road 1-31, Ickenham   |
| High Street, Ruislip   | Swan Road 58-66 and 81, West Drayton  |
| High Street, Yiewsley  | The Green 1-16, West Drayton  |
| High Street 110-118, Northwood   | Victoria Road, South Ruislip  |
| High Street 2-88, Northwood  | Victoria Road, Ruislip Manor  |
| Hillingdon Hill, Hillingdon  | Victoria Road 439-445 and 490, South Ruislip                                      |
| Horton Road, Yiewsley  | Violet Avenue 53-65, Yiewsley   |
| Howletts Lane, Ruislip   | West Drayton Road 177-183, Yiewsley   |
| Ickenham Road, Station Parade, West Ruislip  | West End Road, Ruislip Gardens  |
| Ickenham Road, Ruislip   | Whitby Road 143-163 and 208-218, South Ruislip                                    |
| Joel Street, Northwood Hills   | Windmill Hill, Ruislip Manor  |
| Kingshill Avenue, Hayes  | Uxbridge Road 1172-1380, Hayes End  |

## Appendix 1 (cont)

|   |   |
|---|---|
| Uxbridge Road 124-152, Hayes<br>Uxbridge Road 641-693, Hayes<br>Uxbridge Road 759-849, Hayes End<br>Uxbridge Road, Blenheim Parade, Hillingdon<br>Uxbridge Road, Byron Parade, Hillingdon<br>Uxbridge Road, Crescent Parade, Hillingdon<br>Uxbridge Road, Heathside Parade, Hillingdon<br>Uxbridge Road, Marlborough Parade, Hillingdon | Uxbridge Road, Westbourne Parade, Hillingdon<br>Uxbridge Road, Whiteleys Parade, Hillingdon<br>Vine Street, Uxbridge<br>Welbeck Avenue, Yeading<br>Willow Tree Lane, Hayes<br>Windsor Street, Uxbridge<br>Yeading Lane, Yeading |
|---|---|

### Pitch traders only

|   |  |
|---|--|
| Hayes Bypass (The Parkway)<br>High Street, Uxbridge<br>High Street, Uxbridge – <i>pedestrianised area between Vine Street and Belmont Road.</i><br>Moorhall Road, Harefield<br>Pasadena Close, Hayes<br>Pump Lane (Eastern End) | Rickmansworth Road, Harefield<br>Old Stockley Road, West Drayton<br>Silverdale Road, Hayes<br>Skyport Drive,<br>Springfield Road, Hayes<br>Swallowfield Way, Hayes |
|---|--|

## Appendix 2

### Commodities

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

## Appendix 2 (Cont)

|   |   |
|---|---|
| Electrical & Audio/Visual               | <ul style="list-style-type: none"> <li>• Audio/amplification equipment</li> <li>• Visual/display equipment</li> <li>• Computer hardware and accessories</li> <li>• Games consoles</li> <li>• Musical Instruments</li> <li>• Cameras</li> <li>• Electrical accessories</li> <li>• Other items (must be specified)</li> </ul> |
| Travel Accessories                      | <ul style="list-style-type: none"> <li>• Luggage</li> <li>• Sports bags</li> <li>• Handbags</li> <li>• Other items (must be specified)</li> </ul>   |
| Jewellery and accessories               | <ul style="list-style-type: none"> <li>• Costume jewellery</li> <li>• Precious jewellery</li> <li>• Hair accessories</li> <li>• Sunglasses</li> <li>• Watches</li> <li>• Other items (must be specified)</li> </ul>   |
| Stationery                              | <ul style="list-style-type: none"> <li>• Office supplies</li> <li>• Paper</li> <li>• Greetings cards</li> <li>• Wrapping supplies/gift bags</li> <li>• Other items (must be specified)</li> </ul>   |
| Toys                                    | <ul style="list-style-type: none"> <li>• Children's toys</li> <li>• Outdoor games and toys</li> <li>• Baby/nursery equipment</li> <li>• Other items (must be specified)</li> </ul>  |
| Tools, DIY & Gardening                  | <ul style="list-style-type: none"> <li>• Tools</li> <li>• Garden tools</li> <li>• DIY supplies</li> <li>• Other items (must be specified)</li> </ul>  |
| Furniture                               | <ul style="list-style-type: none"> <li>• Furniture including antiques</li> <li>• Other items (must be specified)</li> </ul>   |
| Sports equipment                        | <ul style="list-style-type: none"> <li>• Exercise equipment</li> <li>• Track &amp; Field</li> <li>• Golf</li> <li>• Sports equipment</li> <li>• Other items (must be specified)</li> </ul>  |
| Pet supplies                            | <ul style="list-style-type: none"> <li>• Pet food</li> <li>• Pet beds</li> <li>• Pet cages/hutches/tanks/carriers</li> <li>• Grooming and care supplies</li> <li>• Other items (must be specified)</li> </ul>   |
| Arts & Crafts (original handmade goods) | <ul style="list-style-type: none"> <li>• Art</li> <li>• Sculpture</li> <li>• Craft items</li> <li>• Handmade textiles</li> <li>• Other items (must be specified)</li> </ul>   |
| Textiles                                | <ul style="list-style-type: none"> <li>• Fabric</li> <li>• Haberdashery</li> <li>• Yarn/Wool</li> <li>• Knitting/Sewing supplies</li> <li>• Other items (must be specified)</li> </ul>  |
| Miscellaneous                           | <ul style="list-style-type: none"> <li>• Other items not in any category above (must be specified by the applicant)</li> </ul>  |

## Appendix 2 (Cont)

### Banned Commodities

| Commodity   | Ward/Area of ban     |
|---|----------------------|
| Continuous or regular street trading of food (e.g. Mobile food traders) | Uxbridge Town Centre |

## **Appendix 3**

### **Terms and Conditions for all Street Trading Licences & Market Licences**

#### **1. PITCH SIZE**

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

#### **2. COMMODITIES / ITEMS TO BE TRADED OR SOLD**

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

#### **3. ADVERTISEMENTS**

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

#### **4. DAYS AND TIMES OF TRADING OR BUSINESS**

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

#### **5. 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. However, traders may trade only during the times stated on the licence.

#### **6. REFUSE OR WASTE**

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

#### **7. STREET CLEANLINESS**

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

#### **8. DISPLAY OF LICENCE**

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

#### **9. SAFETY OF EQUIPMENT**

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

#### **10. USING A MAINS VOLTAGE ELECTRICAL SUPPLY**

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

#### 11. INTERFERENCE WITH ELECTRICAL SUPPLIES

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

#### 12. PITCH EQUIPMENT, OR TRADING STALLS

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

#### 13. GENERAL CONDUCT

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

#### 14. PRODUCTION OF LICENCES ON REQUEST

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

#### 15. 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.

#### 16. EMPLOYMENT OF CHILDREN

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

#### 17. PORTABLE GENERATORS

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

#### 18. 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.

#### 19. GAS CYLINDERS

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

## **Appendix 4**

### Special Provisions

#### **Conditions Specific to Tables & Chairs Licences**

In addition to the conditions relating to all street trading 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. Temporary barriers of an approved type must be in place around the trading area during licensed hours and the same must be removed outside of the hours permitted by the licence
6. A tables and chairs licence is not transferable.

## **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

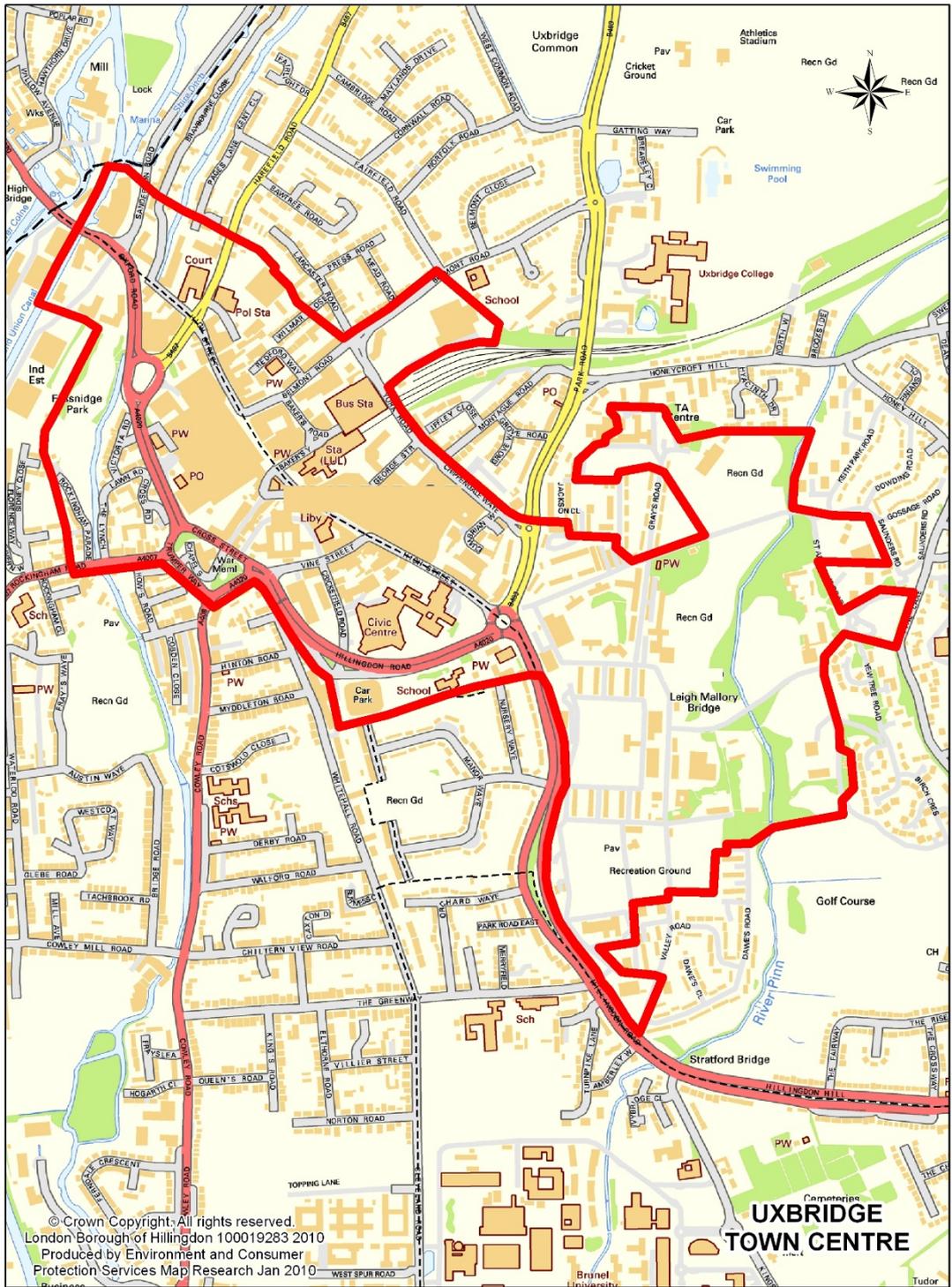
1. A copy of the shop front trading licence must to be displayed in the window of the premises outside which trading is permitted. The copy licence is to be displayed so as to be clearly visible and legible from the street.
2. Monetary exchange or payment cannot be made in the licensed street trading pitch.
3. The dimensions of a licensed street trading pitch shall be such that a minimum of 2m clear of any obstruction shall be maintained on the Public Highway for the safe pass, re-pass and free flow of pedestrian and vehicular traffic.
4. No equipment, stall, container, or display or tables(s) or chair(s) shall at any time be permitted to obstruct an entrance or exit to any adjacent premises or to any part of the building to which the licence applies that is under separate occupation.
5. A shop front trading licence is not transferable.
6. Only those commodities sold in shop premises can be displayed outside premises provided they are not excluded items as defined in these regulations.
7. Only that equipment, stall, container, or display or tables(s) or chair(s) and containers which is suitable and fit for purpose and approved by the Council shall be used by the licence holder and assistants for shop front trading or ancillary to shop front trading.
8. The following items may not form part of the commodities displayed under a shop front licence:
  - a. Alcoholic beverages, tobacco and tobacco products;
  - b. Lottery tickets, phone cards, raffles, tombola and/or other games of chance;
  - c. Medicines, drugs and other prescribed substances
  - d. Cooked or uncooked meat or fish of any kind
  - e. New and used cars and motorcycles
  - f. Pets and livestock
  - g. Containers of Liquid Petroleum Gas (LPG) including any 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. i.e cooking.
9. Items that are likely to cause damage the street or street furniture may not be used.
10. An awning may be permitted to extend up to a maximum of 30 cm (12 inches) at the front of the licensed shop front pitch but no articles are to be suspended from the awning beyond the permitted area. Additionally, the placement of the awning must permit safe pass and re-pass by pedestrian traffic.

## Appendix 5

### 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) Any other similar premises
  
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

Area of Uxbridge town centre



## Appendix 6

### Definitions of Street Trading

*'Street Trading' is defined in the legislation as*

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

*in a street for gain or reward*

*'Street' is defined in the legislation as;*

- a) any road or footway;*
- b) any other area, not being within permanently enclosed premises, within 7 metres of any road or footway to which the public obtain access without payment*
  - i. whether or not they need the consent of the owner or occupier and*
  - ii. if they do, whether or not they have obtained it*
- c) any part of such road, footway or area;*
- d) any part of housing development provided or maintained by a local authority under Part II of the Housing Act 1985.*