

STREET SCENE ENFORCEMENT IMPROVEMENTS

Cabinet Members	Councillor Keith Burrows Councillor Sandra Jenkins
Cabinet Portfolios	Planning and Transportation Environment
Officer Contact	Bill Hickson, David Frost, Planning, Environment and Community Services
Papers with report	<p>Appendix 1a: - Distribution of free printed literature in designated areas of Uxbridge, Brunel University and Hayes location plans.</p> <p>Appendix 1b: - Conditions of consent to distribute free printed literature in designated areas.</p> <p>Appendix 2a: - Community Event Street Trading Application and Guidance.</p> <p>Appendix 2b: - amended Street Trading Licence Terms and Conditions</p> <p>Appendix 3a: - Guidance To Organising A Street Party or Fete (issued by Secretary of State for Communities and Local Government)</p> <p>Appendix 3b: - Local Guidance To Organising A Street Party or Fete In Hillingdon</p>

HEADLINE INFORMATION

Purpose of report	<p>This Report comprises three sections:</p> <ol style="list-style-type: none"> 1. Approval in principle is sought for the introduction of controls and regulations regarding the distribution of free printed matter in designated areas of the borough under section 94B and Schedule 3A of the Environmental Protection Act 1990, and the advertisement of the details of the controls proposed as required by the Act. The designated areas would cover Uxbridge town centre (including Uxbridge College and RAF Uxbridge site), Brunel University and Hayes town centre. 2. Approval in principle is sought for amendments to Street Trading Licence Terms and Conditions to accommodate “light touch” applications for street trading at community events. If so approved, it outlines proposals to undertake consultation, as required under the above Act, regarding the details concerning how these controls may be introduced. 3. Approval is sought for the publishing of local guidance for organising a street party or fete in Hillingdon.
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Contribution to our plans and strategies	This report contributes to the Council's priority of a Clean and Attractive Borough and a Safe Borough.
Financial Cost	<ol style="list-style-type: none"> 1. Schedule 3A of this Act authorises principal litter authorities to charge a fee for issuing a consent to distribute free printed matter. The amount of this fee is to be determined by the Council but must be reasonable to cover the costs of operation and enforcement. The fee may not include potential clean-up costs. 2. There are no further financial costs proposed at this time. 3. There are no further financial costs proposed at this time.
Relevant Policy Overview Committee	Residents' and Environmental Services
Ward(s) affected	All Wards

RECOMMENDATIONS

That Cabinet approves:

- 1 The introduction of controls and regulations concerning the distribution of free printed matter in designated areas of the borough (as detailed in Appendix 1).
- 2 The carrying out of public consultation concerning amendments to the Street Trading Licence Terms and Conditions relating to "light touch" street trading applications for community events (as detailed in Appendix 2b)
- 3 The local guidance to assist in the organisation of a street party or fete in Hillingdon (listed in Appendix 3b) be issued to all interested residents and organisations, and Cabinet agrees that any future minor amendments to the above be approved by the Corporate Director of Planning, Environment & Community Services in consultation with the Leader of the Council.

INFORMATION

The proposals are aimed at ensuring proper control of activity taking place in public space in Hillingdon.

Alternative options considered / risk management

To not put forward these proposals and have less control over the street scene of the borough.

Supporting Information

1. Distribution of Free printed matter

The distribution of free printed literature can create blight on our public spaces. Often, the leaflets and other printed materials that are handed out are dropped by recipients as litter. This

mostly occurs within a short distance of the point of distribution. These flyers are not always collected by the distributor, thus creating an increased level of litter.

Current littering legislation enables the authorised officers to serve a Fixed Penalty Notice on those who drop litter; however the Council currently does not have powers to control distribution activities.

Powers under section 94B read in conjunction with Schedule 3A of the Environmental Protection Act 1990 enables the Council as a principal litter authority to designate certain streets and/or areas of land within the London Borough of Hillingdon where the distribution of free printed literature is prohibited without prior consent and under set conditions. These areas, in essence, must be land which the Council is responsible for. It is proposed that the following areas of land be designated as shown in Appendix 1a:

- Uxbridge Town Centre (including RAF Uxbridge site)
- Brunel University
- Hayes Town Centre

In order to implement this legislation, a 3 stage process needs to be followed which involves:

1. Advertising and Consultation of the Council's intention to amend the manner in which free literature may be distributed in areas specified in the notice;
2. Consideration of any responses received during the consultation or as a result of the advertising;
3. Notifying and advertising the final decision with regard to the proposals.

Items 2 and 3 above will be the subject of a further cabinet report which will outline the outcome of the consultation and present Cabinet with an opportunity to make a final decision with regard to the proposals.

Consultation on the proposal

Initial letters of support for measures to control the distribution of free printed matter have been received from the Town Centre Manager, the Uxbridge Station Flower Sellers and Brunel University. However, the Chairman of Hayes Town Partnership, having consulted Ward Councillors and the local MP, feels that Hayes does not experience anything like the problems in Uxbridge and does not recommend the need to include Hayes on this occasion.

Whilst at this early stage Hayes Town is being proposed for inclusion within this scheme, Cabinet will wish to consider the initial responses and decide which areas to include in the consultation. Naturally, all views will be carefully considered as part of the wider consultation process which will be reported back to Cabinet for a final decision.

In addition to the required wider public consultation, officers will continue to consult with the above organisations / individuals stated above as required and also:

- The Metropolitan Police
- Hillingdon Chamber of Trade and Commerce
- Ward Councillors (in all areas where controls are proposed)
- Uxbridge Town Centre Management
- Uxbridge College

Consultation documents will also be available via the Councils web pages. Cabinet are advised that if adopted, the Council is entitled to charge a reasonable fee for the distribution of free literature. This fee may take into account consultation and administration costs for the scheme.

Members may also wish to note that charitable and party political material is specifically excluded from the national legislation surrounding the distribution of free literature.

2. Amendment of Street Trading Licence Terms and Conditions

New Street Trading Licence Terms and Conditions under the London Local Authorities Act 1990 ("The Act") were approved by the Leader of the Council acting in consultation with the Head of Democratic Services in January 2010. The amendments were implemented on 26 February 2010. However, organisers of community events such as Ruislip Manor Fun Day, Northwood Hills Fun Day and Eastcote Christmas Event have asked for a "lighter touch" application process to be introduced for street traders seeking approval to sell goods on the highway as part of such short term events. These traders are often "cottage industry" or very small business and as such frequently have difficulties providing some of the supporting documentation required with applications from large full time traders.

It is being recommended that the application process be made simpler for community events with the need for certain documentation excluded – as set out in the Appendix. If approved by Cabinet, such applications for street trading at Community Events would still continue to be heard by a Licensing Sub-Committee for determination.

Despite the nature of the minor amendment it is still necessary under Section 27 of the Act to undertake consultation with interested parties prior to implementation. Consequently it is proposed to further amend the terms and conditions of the licences to enable minor amendments to be approved by the Corporate Director of Planning, Environment & Community Services acting in consultation with The Leader.

In order to implement the above amendments, Section 27 of the Act requires that a public consultation is carried out with traders seeking their comments on the proposed amendments. These comments will be the subject of a further cabinet report which will outline the outcome of the consultation and present Cabinet with an opportunity to make a final decision with regard to these proposals.

The consultation into the amended terms and conditions for street trading at Community Events is intended to begin immediately should approval be granted.

All street traders currently licensed by the Council, and other named persons including the Metropolitan Police and Transport for London will be consulted. The consultation documents will also be advertised on the Council website, the Uxbridge Leader and London Gazette.

3 Local Guidance on Organising a Street Party or fete in Hillingdon

Street parties and fetes are a traditional part of community life. In 2012 it will be Her Majesty the Queen's Diamond Jubilee celebrating her 60 years on the throne, including an extra bank holiday. Coupled with the London 2010 Olympic Games, there is an expectation that Hillingdon residents will wish to celebrate the forthcoming months and years in style.

The Department for Communities and Local Government (CLG) has recently issued its own general guidance but it is imprecise in relation to matters such as insurance, road closure, risk assessments etc. (Appendix 3a).

To clarify any uncertainties in the CLG document, local guidance specific for this borough has been drawn up to help residents organise their street party and gain any necessary approvals. (Please see Appendix 3b).

Comments of Policy Overview Committee(s)

None at this stage

Financial Implications

1

It is proposed that a charge of £25.63 (current one day pitch street trading fee) shall be applied to each application for consent. This unit cost is to provide for initial promotion costs of advertising the new regulation of this activity, the staff costs of receiving, checking, and responding to each application, plus the staff costs of any enforcement action following on from any failure to comply with the regulations. Each consent will cover a period of 8 hours, after which, the applicant will need to reapply. Each application can be made for one designated area only. Additional permissions for other designated areas shall be charged at £25.63

2

There are no identified financial implications at this stage.

3

There are no identified financial implications at this stage.

EFFECT ON RESIDENTS, SERVICE USERS & COMMUNITIES

What will be the effect of the recommendation?

1 Reducing litter will help to keep the Borough clean and attractive. It seeks to regulate the distribution of free printed materials in certain areas. Anyone wishing to distribute will be required to apply to London Borough of Hillingdon for a permit. Authorised distributors would be required to display the permit, take responsibility for ensuring any discarded literature is removed and will not be allowed to distribute matter that encourages illegal or irresponsible behaviour or advertise illegal activities thus contributing to a safe Borough.

Consultation Carried Out or Required

Recommendations 1 and 2 require public consultation prior to any decision being made by Cabinet. This report seeks permission to begin the process of public consultation.

No consultation is required with regards to recommendation 3

CORPORATE IMPLICATIONS

Corporate Finance

Corporate Finance has reviewed this report and is satisfied that the proposed charge of £25.63 applied to each application will cover the costs of processing the application. It is also satisfied that there are no additional financial implications at this stage.

Legal

This report was drafted in consultation with the Council's Legal Services section and all legal considerations have been incorporated into the body of the report.

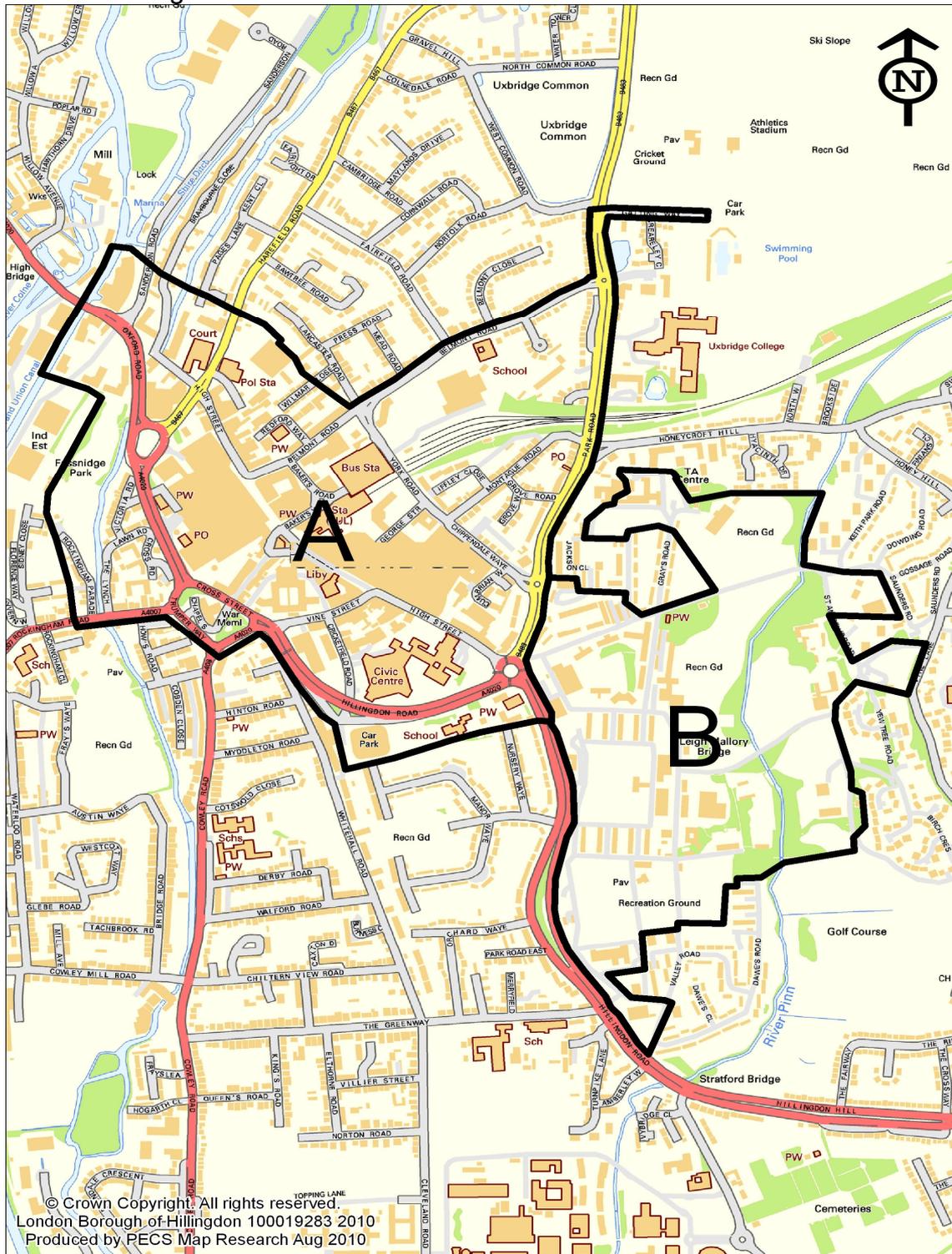
BACKGROUND PAPERS

1. Letter from the Town Centre Manager – 31st August 2010
2. Letter from long standing trader in Uxbridge Town Centre dated 24th January 2010
3. Letter from Brunel University received 2nd August 2010
4. Email from Chairman of Hayes Town Centre Partnership

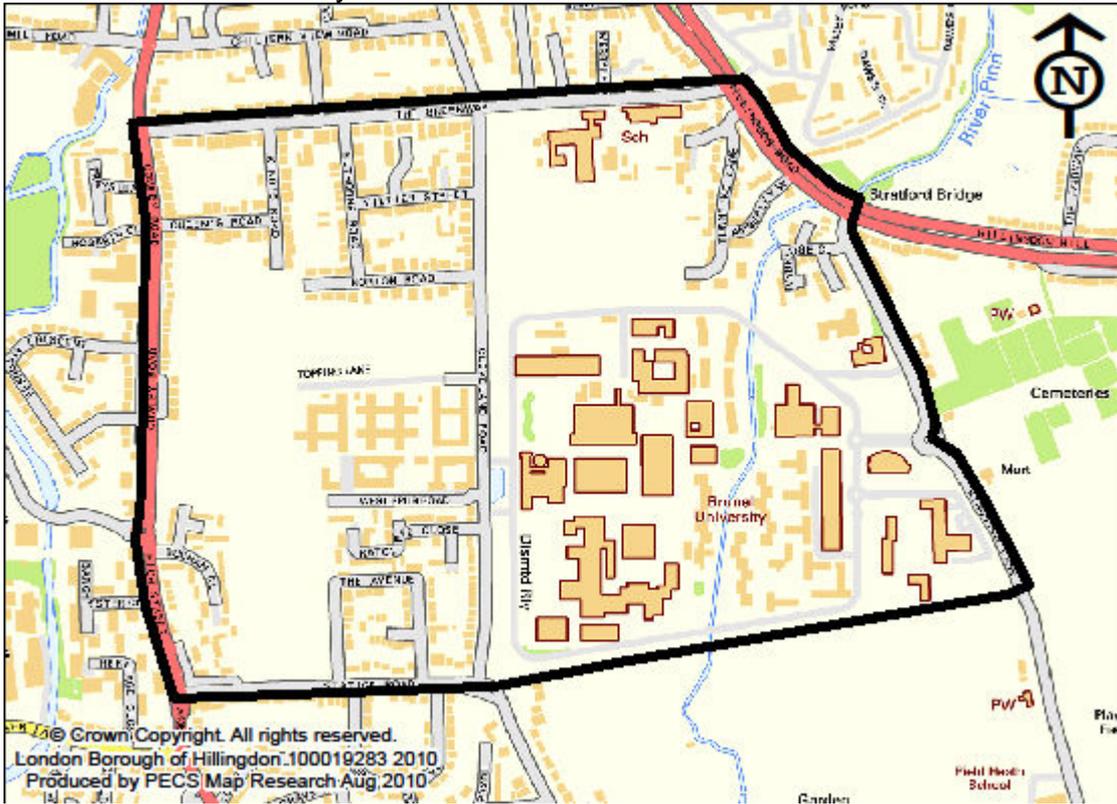
Appendix 1a

Distribution of free printed literature designated areas of Uxbridge and Hayes location plans.

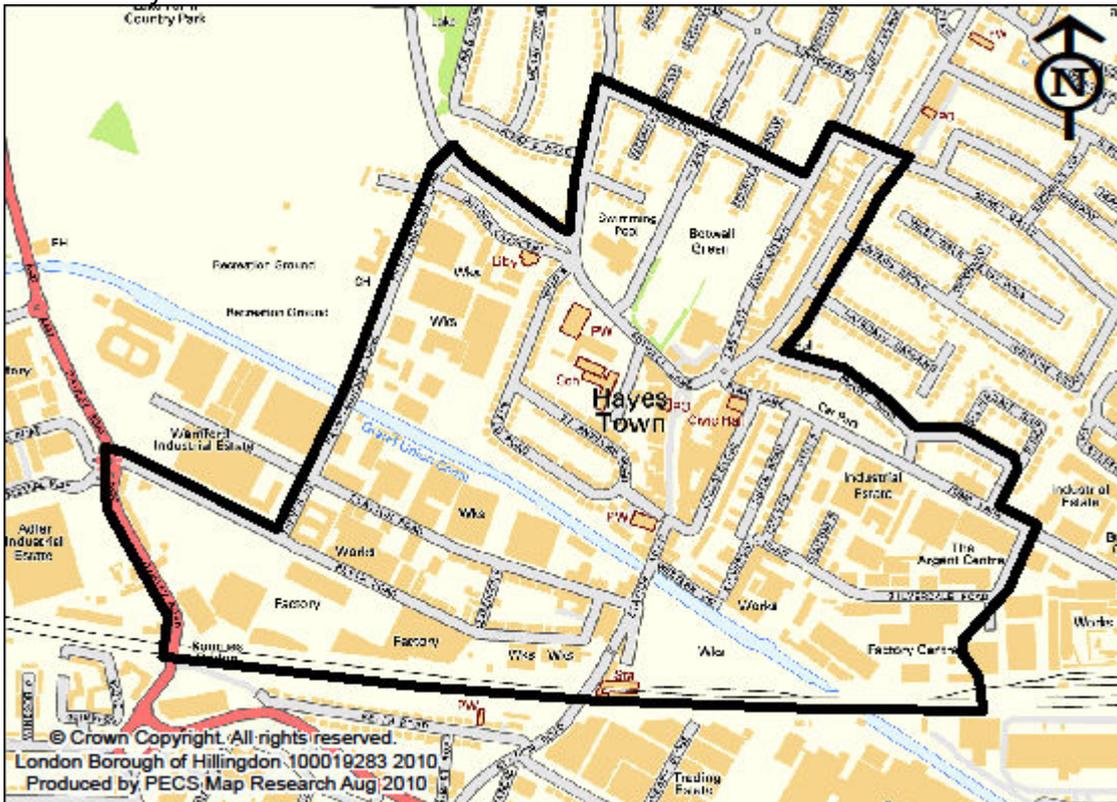
Area 1 Uxbridge Town Centre



Area 2 Brunel University



Area 3 Hayes Town Centre





HILLINGDON

LONDON

DISTRIBUTION OF PRINTED MATTER CONSENT TERMS AND CONDITIONS

Distribution of Printed Matter Regulations

Effective from XX 2010

Made by the London Borough of Hillingdon

Pursuant to Environmental Protection Act 1990 section 94B

Schedule 3A

The Consents and Conditions came into force on XXXXX 2010.

1. DEFINITIONS

In the Consents and Conditions, unless the context otherwise requires, the following expressions shall have the following meanings:

- 1.1 “**Act**” means Environmental Protection Act 1990 section 94B Schedule 3A
- 1.2 “**Authorised Officer**” means an officer of the Street Scene Enforcement Team duly authorised as required by the Act.
- 1.3 “**Charity**” has the meaning of the Charities Act 1993, where the printed matter relates to or is intended for the benefit of the charity.
- 1.4 “**Consent**” means permission granted by the Council to distribute free literature in a designated area.
- 1.5 “**Distribution**” means to give it out, or offer or make it available to, members of the public and includes placing it on or affixing it to vehicles, but does not include putting it inside a building or letterbox.
- 1.6 “**Designated Land**” means (a) relevant land of the authority; (b) all or part of any relevant highway for which the authority is responsible; or (c) both (see attached plans showing designated land).
- 1.7 “**Fee**” means the cost of obtaining consent from the Council.
- 1.8 “**Free**” means if distributed without charge to the persons to whom it is distributed.
- 1.9 “**Highway**” means a route or area which all persons can use to pass and repass along as often and whenever they wish without let or hindrance and without charge; this includes carriageway, footway and any part of that area where the public have access and which may be in public or private ownership.
- 1.10 “**Licensed Street Entertainer**” means any person who is registered and licensed by the Council as a Street Entertainer under Part V of the Act
- 1.11 “**Literature**” includes advertising, promotional or other such printed matter or materials.
- 1.12 “**Litter**” has the meaning of material discarded as a result of the distribution of free literature.
- 1.13 “**Principal Litter Authority**” means The Council of the London Borough of Hillingdon.
- 1.14 “**Regulations**” refers to the contents of this document.
- 1.15 “**The Council**” means the London Borough of Hillingdon.

CONDITIONS APPLICABLE TO ALL CONSENTS DISTRIBUTION OF PRINTED MATTER

- 2.1 Distributors wishing to hand out free literature within restricted areas shall be restricted to two distributors per event to minimise the impact on the local environment and the defacement of the designated areas.
- 2.2 Distributing companies shall only delegate two distributors to distribute their literature in a designated area, on the approved date and between the approved times.
- 2.3 Consent cannot be granted if:
 - The applicant is unsuitable by reason of misconduct;

- The applicant has within the previous five years been convicted of any offence under London Local Authorities Act 1994 section 4 (seizure of literature where no consent has been granted);
 - Consent has already been given to distribute literature in the area and at the time applied for;
 - There is a risk of danger or unreasonable inconvenience to users of highways
- 2.4 Distributions shall only take place between the hours of 07:00 hours and 15:00 hours and shall take place for no more than three hours during this period, either continuously or intermittently.
- 2.5 No consent will be given for the distribution of the following types of literature:
- Racist, sexist or offensive material or literature encouraging criminal behaviour.
 - Literature that promotes the irresponsible use of alcohol (e.g. 'happy-hour advertisements, 'money-off' offers).
 - The Council need not give consent where it is considered that the proposed distribution of free literature is likely to lead to the defacement of the designated area.
- 2.6 All staff engaged in the distribution of free literature shall be in possession of a current consent that has been issued by the Council whilst undertaking or supporting distribution activities.
- 2.7 All staff engaged in the distribution of free literature shall produce, on demand of an Authorised Officer, their consent to distribute within the area they are operating.
- 2.8 No free literature shall be left at any place on the Highway to facilitate the general public to take the literature at their discretion unless by prior agreement by the Council.
- 2.9 All literature shall bear the name and address of the consent holder who is responsible for the distributing the literature unless an agreement has been reached prior to distribution with the Council as part of the application process.
- 2.10 All staff distributing free literature should clear the area (within 25 meters of the allotted point) at the end of the distribution period of all dropped literature and remove the literature for correct disposal. Every effort should be made to recycle all dropped literature.
- 2.11 All staff distributing free literature should remove, at any time, any literature from the Public Highway on demand of an authorised Officer where it is safe to do so.
- 2.12 Consent may be revoked if any of the above conditions are contravened.
- 2.13 Distributors/consent holders should ensure that staff employed in the distribution of free literature have not received a fixed penalty notice under the Environmental Protection Act 1990 section 88 (littering) or Environmental Protection Act 1990 Schedule 3A (unauthorised distribution of free literature). The consent holder may face cancellation of their consent if they do not comply with this requirement.
- 2.14 Consent shall not be given to an applicant that has been subject to prosecution under Environmental Protection Act 1990 section 88 (littering) or Environmental Protection Act 1990 Schedule 3A.
- 2.15 Applications for consent must not be made less than fourteen days prior to the proposed date that distribution is to take place.
- 2.16 Any distributions carried out whilst an application is being processed shall be treated as having no consent to distribute within the area.

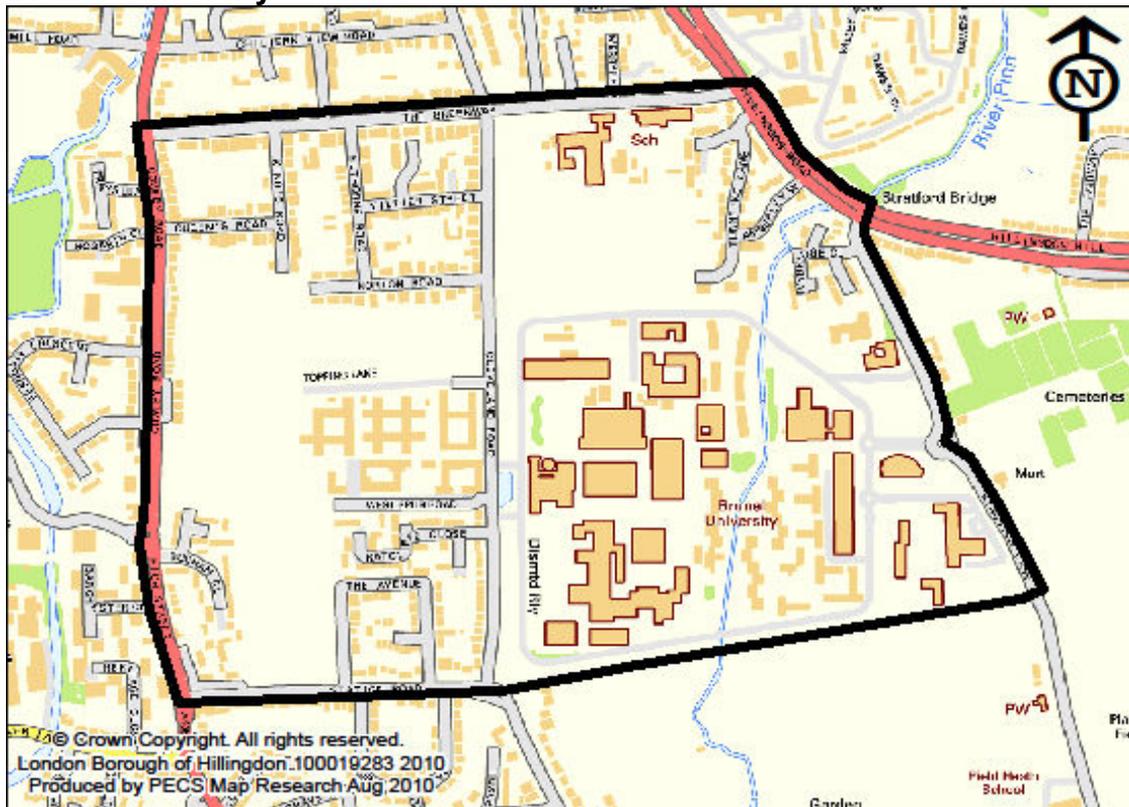
2.17 Consent will only be granted to one distributor in each designated area on each day.

Informatives

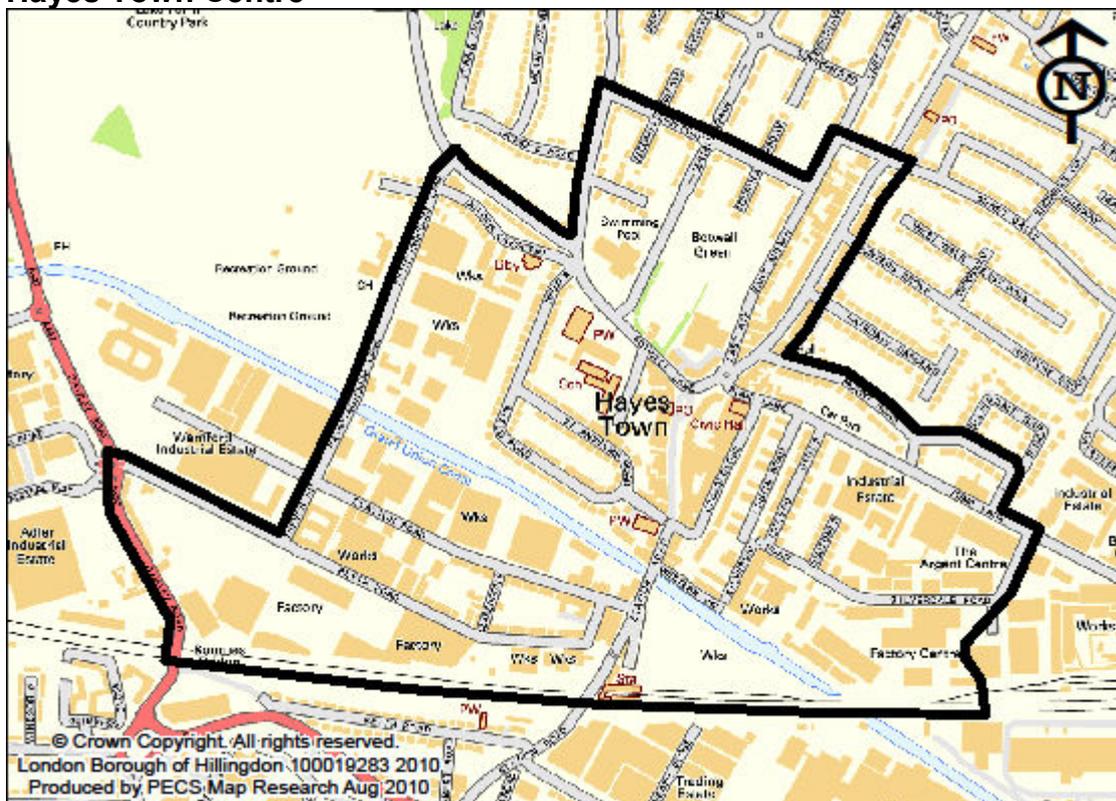
- Applications may be delayed beyond fourteen days should information is not supplied as required on the application form or where the fee is not submitted.
- It is expected that all literature promoting alcohol shall display a responsible drinking strap line
- It is expected that all literature promoting gambling does not contravene the Councils Gambling Policy

DESIGNATED AREAS

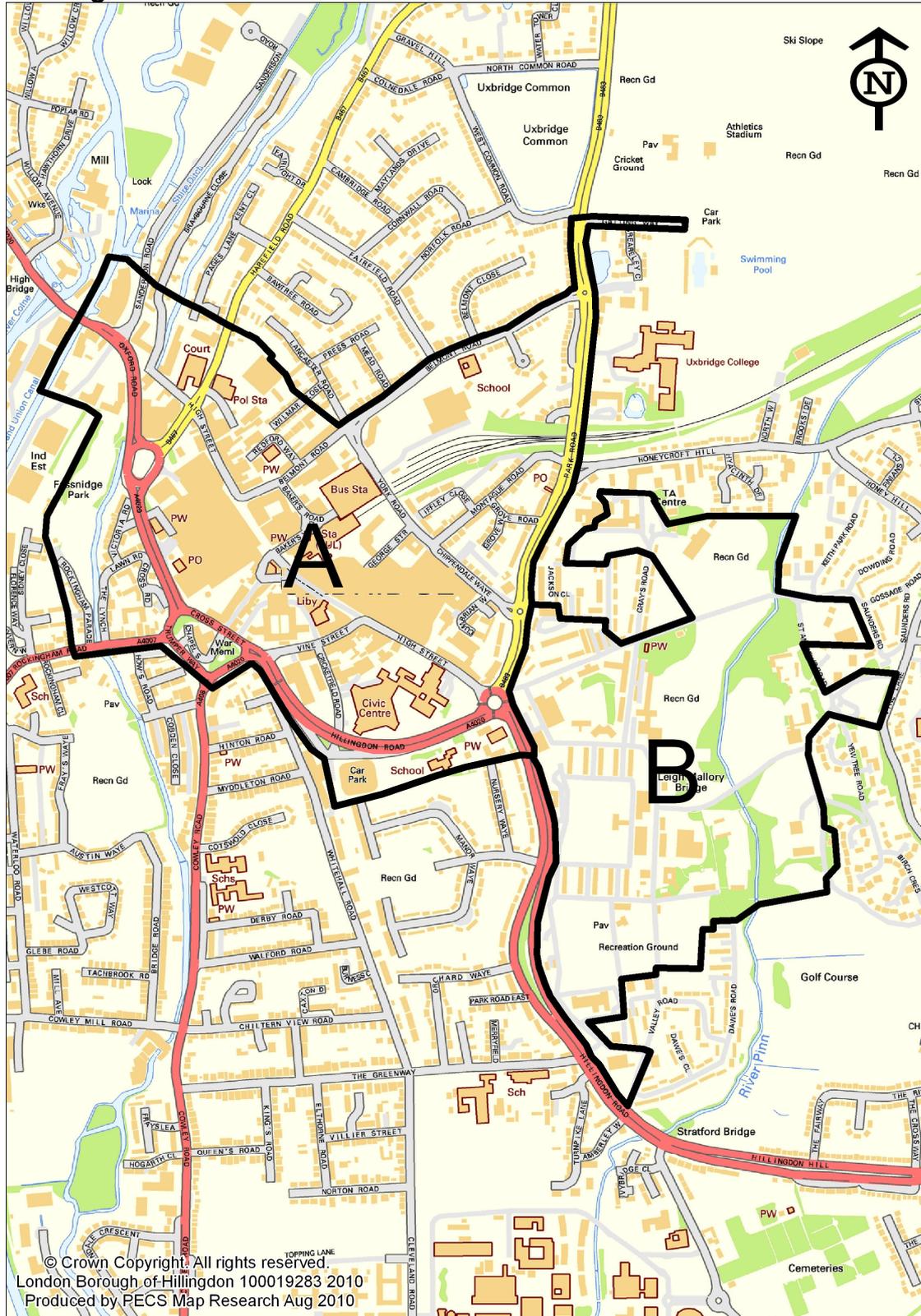
Brunel University



Hayes Town Centre



Uxbridge Town Centre



Appendix 2a

Community Event Street Trading Application and Guidance.



HILLINGDON
LONDON

Street Scene Enforcement Team

Civic Centre, 4W/05, High Street, Uxbridge, Middlesex UB8 1UW

Tel: 01895 556920 Fax: 01895 277082

Email: sset@hillington.gov.uk

Web: www.hillingdon.gov.uk/streetscene

**APPLICATION FOR A COMMUNITY EVENT
TRADING LICENCE**

London Local Authorities Act 1990 (as amended)

APPLICANT'S DETAILS Please print clearly

Full Name

Title	First Name	
	Surname	

Business Name

Business Address

	Post Code	

Home Address

	Post Code	

Telephone Number(s)
(Home & Business)

Email	

ASSISTANT DETAILS (if applicable) Please print clearly

Full Name

Title	First Name	
	Surname	

Home Address

	Post Code	

Telephone Number(s)

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OTHER INFORMATION Please print clearly

Trading Location*
(Attach a plan if possible)

Pitch size* (if possible)

	(Attach photos of display/unit – if possible)
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Commodities, Articles,
Services Offered for Sale*

Public Liability*
Insurance Company
(Attach copy of Policy)

	Policy Number	

Days of Trading*

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Times of Trading*

From		To	
------	--	----	--

DOCUMENTATION

The following documents must be submitted with this application (see guidance below):

- 1. Photographs*
- 2. Licence application fee*
- 3. Evidence of £2m Public Liability Insurance Cover*
- 4. Photos of pitch display* if possible
- 5. Plan/area layout if possible *

* See www.hillingdon.gov.uk/streetscene & Guidance Notes for Making a Community Event Trading Licence for further guidance included with this application

I confirm that I have read the Guidance Notes for Submitting a Community Event Trading Licence application and that the information I have provided is correct and I understand that if any of it is false I may be prosecuted and any Trading Licence issued to me may be cancelled.

Signature of applicant: _____

Date: _____



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Guidance Notes for Submitting a Community Event Trading Licence

1. General principles

- a. The Licensing Sub-Committee will determine all applications for Community Event Trading Licences.
- b. Any display or sale of goods or services within seven metres from the public Highway will require a licence.

2. Application process

- | | |
|--------|--|
| Step 1 | Application received by Street Scene Enforcement Team
(no later than 5 (five) working days ahead of the planned event). |
| Step 2 | Confirmation of Sub-Committee meeting date. |
| Step 3 | Licence Sub-Committee meets. |
| Step 4 | Licence issued to trader. |

3. What is asked for

- a. Trading location: description of location where trading is to take place (e.g.: land adjacent to Kings' Arms, Public House, Alpha Street, Hillingdon).
- b. Commodities, Articles, Services offered for sale: commodities are goods that are being sold for sale (e.g.: fruit & vegetables, clothing, luggage). Remember that some commodities are not allowed to be displayed and/or sold under a street trading licence (e.g.: phone cards, cars, pets).
- c. Public Liability Insurance Company: covers any awards of damages given to a member of the public because of an injury or damage to their property caused by you or your business. It also covers any related legal fees, costs and expenses as well as costs of hospital treatment (including ambulance costs) that the NHS may claim from you. All licences will require a valid Public Liability Insurance Policy that runs for the full term of the licence.
- d. Days of trading (e.g.: Monday to Saturday).
- e. Times of trading (e.g.: 0900 – 1900).

4. What should you provide

- f. Licence application fee: the full fee must be included with the application and can be paid in the following methods: cash, cheque, credit or debit card. Please refer to the fees and charges table for the correct fee (Table of Fees is available for reference).
- g. Details of the display and map/area layout, give details of how the display will be constructed. (Remember that the display must be a safe and secure structure that will adequately support the items on display)
- h. Photographs: to apply for a licence, the applicant and any assistants should submit two passport-sized photographs as part of their application (this may be done electronically).

The photographs should be:

Colour photographs

Recent (Must have been taken in the last three months)

45 millimetres (mm) high x 35 millimetres (mm) wide

Taken against off-white, cream or light grey plain background so that your features are clearly distinguishable against the background.

The name of the person shown should be written on the back of each photograph.

- i. Evidence of £2m Public Liability Insurance Cover: (please refer to the section – What is asked for (c))

5. Disposal of waste - obligations at the event

All traders have a duty to ensure that all waste generated as part of their trading activities is stored and disposed of in a responsible manner by ensuring there is no wind blown litter and waste is contained during the event. At the end of your trading activities at the event, your waste should be taken to a Civic Amenity site that accepts trade waste for disposal, a receipt should be obtained to show this transfer.

For further information see: www.hillingdon.gov.uk/streetscene

Appendix 2b

Amended Street Trading Licence Terms and Conditions (amendments shown in **red bold**)



HILLINGDON

LONDON

STREET TRADING

LICENCE TERMS AND CONDITIONS

Street Trading Regulations

Effective from 26 February 2010 (**amended xxxxxxxx 2010**)

Made by the London Borough of Hillingdon

Pursuant to Section 27(3) of

The London Local Authorities Act 1990 (as amended)

These Regulations have been made by the Council of the London Borough of Hillingdon under Part III of The London Local Authorities Act 1990 (as amended). These regulations prescribe the standard conditions which apply to Street Trading within the London Borough of Hillingdon. The Regulations came into force on 26 February 2010.

1. DEFINITIONS

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

- 1.1 **“Act”** means Part III of the London Local Authorities Act 1990 as amended by the London Local Authorities Acts 1994, 1999, 2004 & 2007”.
- 1.2 **“Advertisement”** means any word, letter, model, sign, placard, board, notice, whether illuminated or not, in the nature, and employed wholly or partly for the purposes of advertisement, announcement or direction and includes any hoarding or similar structure or any balloon used, or adapted for use for the display of advertisements, and references to the display of advertisement shall be constructed accordingly.
- 1.3 **“Assistant”** means a named person employed by and acting under the directions of the Licensed Street Trader, who is formally responsible for the operation of the business in the Traders absence from the pitch or premise and whose name and address has been notified to the Council in writing by the trader.
- 1.4 **“Awning”** means a sheet of canvas or other material, which projects beyond the pitch limits.
- 1.5 **“Authorised Officer”** means an enforcement officer authorised as required by the Act.
- 1.6 **“Child”** means a child who has not reached school leaving age.
- 1.7 **“Commodities”** means any goods, wares or merchandise for sale or on display at a Licensed Street Trader Pitch.
- 1.8 **“Community Event” means a short term event such as a “fun day” organised by community representatives to raise the profile and accessibility of local businesses.**
- 1.9 **“Highway”** means a route or area which all persons can use to pass and repass along as often and whenever they wish without let or hindrance and without charge; this includes carriageway, footway and any part of that area where the public have access and which may be in public or private ownership.
- 1.10 **“Ice Cream Trading”** means the selling, exposing or offering for sale of goods consisting wholly or mainly of ice cream, frozen confectionery or other similar commodities from a vehicle.
- 1.11 **“Itinerant Ice Cream Trading”** means ice cream trading from a vehicle which goes from place to place remaining in any one location in the course of trading for periods of 15 minutes or less and not returning to the same location or any other location in the same street on the same day;
- 1.12 **“Licensed Street Trader”** means any person who is licensed for a Street Trading under Part III of the Act
- 1.13 **“Licensed Street Trading Pitch”** means an area in any authorised street or place at which Street Trading may be conducted in by a Licensed Street Trader, and includes any temporary alternative place approved by the Council.
- 1.14 **“Licensing Committee or Sub Committee”** means the Committee or Sub Committee that will determine all applications for new grant; renewal, variations or revocation of Street Trading Licences.
- 1.15 **“Premises”** means any land, building or part of a building and includes any commercial premises adjacent to a Licensed Street Trading Pitch.

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

PART I: GENERAL CONDITIONS APPLICABLE TO ALL
STREET TRADING LICENCES

2. GENERAL

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

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

2.4 *These regulations may be amended by the Director of Planning, Environment and Community Services, acting in consultation with the Leader of the London Borough of Hillingdon, where circumstances require minor changes to be introduced.*

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

3. STREET TRADING LICENCES

- 3.1. Licensed Street Traders are required to provide the Council with two full face passport-size photographs of themselves on applying for or renewing a Street Trading Licence. One of the photographs will be attached to the Street Trading Licence which must be displayed by the licensed street trader at all times whilst trade takes place; the other photograph, which must be signed on the reverse by the trader, will be for official use only. It is the Licensed Street Trader's responsibility to ensure that all documents requested for any application for a grant, renewal or variation of a licence is provided (a copy of a ***valid passport, with Work Permit if non European citizen***, proof of address and national insurance number, as well as evidence of £2m Public Liability insurance cover).
- 3.2 Applicants for a new Street Trading Licence are required to submit such application and all accompanying documents and payment at least 2 months prior to the anticipated first day of trading. This will ensure that all documents are processed and a Licensing Committee or Sub Committee hearing arranged to consider the application.
- 2.3 *All applications for short term Community Events requiring Shop Front, Table and Chairs and Pitch Licences should be made to the Council using the specific application form for such purpose.***
- 3.4 *All applications for Community Event street trading licence must be received by the Council no later than 5 working days ahead of the planned event.***
- 3.5 *The following documents are not required to support an application for a Community Event street trading licence only:***
 - 3.5.1 *Valid passport.***
 - 3.5.2 *Proof of home and business address.***
 - 3.5.3 *National insurance number.***

3.5.4 Commercial trade waste agreement.

3.5.5 Proof of ownership or other right to occupy premises.

- 3.6. A licence fee is payable to the Council for consideration of the grant, renewal or variation of a Street Trading Licence. The appropriate rates can be found on the Fees and Charges Sheet which is available on the Council's website. Licence fees must be paid at the time of application for the application to be accepted as duly made.
- 3.7. All applications for the grant, renewal or variation of a Street Trading Licence will be determined by the Licensing Committee or its Sub-Committee. A meeting with the applicant or Trader will be held by an Authorised Officer prior to a determination being made by the Licensing Committee or its Sub-Committee.
- 3.8. Any applicant for a Street Trading Licence to sell foodstuffs must at the time of application present to the Council evidence that all staff who will work at the Licensed Street Trading Pitch have completed an approved course of food hygiene training dated not more than three years prior to the date of application.
- 3.9. All Traders wishing to sell foodstuffs must provide evidence of being a registered food business with the appropriate authority for the area in which their business is based.
- 3.10. A Street Trading Licence shall cease to have effect on being surrendered to the Council by the Licensed Street Trader to whom it was granted. A receipt shall be provided in writing by the Council confirming same. All fees and charges shall be payable up to and including the day accepted by the Council in writing as the day of surrender of the Street Trading Licence.

4. POSITION

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

5. PITCH SIZE

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

6. COMMODITIES

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

7. DAYS AND TIMES

- 7.1. Licensed Street Trading may only take place on the days and during the times specified on the Street Trading Licence.
- 7.2. The Council shall advise traders of any extension of trading times for specified trading periods when and as relevant.
- 7.3. Traders or their Assistants shall remove their Receptacles and Commodities by the closing time stated on the Street Trading Licence.
- 7.4. Except where specifically authorised by the Authorised Officer, no Receptacle shall be left in the street after the closing time stated on the Street Trading Licence.
- 7.5. Any Receptacle left on the Licensed Street Trading Pitch after the closing time stated on the Street Trading licence may be removed by the Council and taken to a place of storage. A Receptacle so removed shall not be returned to the owner until all costs and charges for the removal and storage of same have been paid in full by the owner or Trader. Any Receptacle so removed may be destroyed if not claimed by the owner within 28 days.
- 7.6. Street Trading times shall be the same as trading times applicable to shops in the vicinity of the Licensed Street Trading Pitch. For purposes of clarity, Traders may trade only during the times stated on the Street Trading Licence.
- 7.7. Vehicles are not permitted into the Street Trading area when prohibited by a road traffic Order.
- 7.8. Nothing in this section permits or purports to permit a Trader to contravene the terms of any parking restriction or order that applies to the street in question.

8. REFUSE

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

8.5. Traders shall keep waste 'Duty of Care' transfer notes or any such proof of proper disposal of commercial waste as may be required by law. All proof of proper disposal should be available for inspection at the Street Trading Licensed Pitch during trading day for inspection by Authorised Officers upon request. Obtaining of any such proof shall be the absolute liability of the Trader irrespective of the body or company removing the waste.

9. DISPLAY OF LICENCE

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

10. SAFETY OF EQUIPMENT

10.1. Any electrical equipment must receive prior approval from the Council before being used on a Licensed Street Trading Pitch. Equipment must be tested annually by a suitably qualified electrician at the trader's expense and copies of electrical safety test certificates must be deposited with the Council before approval will be given by the Council. Traders will be required to retain and produce the original safety certificate for electrical equipment approved for use on the stall to an authorised officer of the Council on request. All equipment will require a safety tag to be displayed recording that the equipment has passed the necessary test and the date on which it was last tested.

10.2. All traders using an electric supply must have consent from the Council before seeking installation from an electricity supplier. Where relevant, the Trader and the supplier will be required to provide the Council with an indemnity for the safety of the supply of electricity.

10.3. Traders will disconnect from the supply when directed to do so by an Authorised Officer of the Council for example, public emergency or health and safety concerns

10.4. Where mobile electrical generators are used their use and position must be approved by the Council. They shall be so positioned as to ensure that:

10.4.1 They do not present a danger to the passing public.

10.4.2 They do not present a fire or similar hazard risk to the stall or goods displayed thereon.

10.4.3 They do not cause any noise or fume nuisance.

10.4.4 Any inflammable fuel is stored away from the stall in a London Fire Authority approved location and an approved container.

A generator shall be turned off at the request of an Authorised Officer or police officer.

10.5. A Trader will be subject to automatic suspension of a Street Trading Licence if they tamper with, or use an electricity supply of the Council without payment. Any Trader causing damage to any Council installation or equipment will be required to pay the full cost of any repair or replacement. Any Trader responsible for such acts may be subject to a separate prosecution or civil proceedings.

11. RECEPTACLES

11.1. Receptacles shall be easily and immediately assembled and removed. The Council reserves the right to inspect Receptacles for health and safety compliance and to ensure that they are fit for purpose. Any Receptacle deemed to present a risk or hazard shall be immediately removed at the request of an authorised Council officer. It shall be and shall

remain the responsibility and liability of the Trader to ensure that any Receptacle is safe in its construction, sighting, erection and use and will not cause injury to any person.

- 11.2. Traders or their Assistants shall remove the Receptacles and Commodities for so long as may be necessary in the event of extreme circumstances and when required to do so by a police officer or a duly Authorised Officer of the Council.
- 11.3. All Receptacles shall be of an approved type and shall be kept in clean condition and good repair. A Receptacle shall be repaired or repainted within one month of a written request from the Council.
- 11.4. A Trader shall not be permitted to engage in Street Trading until such time as a Receptacle that is unsafe or becomes unfit for purpose or beyond repair in the opinion of the Council is replaced with one fit for purpose.

12. CONDUCT

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

13. INSURANCE

- 13.1. The Licensed Street Trader shall indemnify the Council against all actions, proceedings, claims demands and liability which may at any time be taken, made or incurred in consequence of the use or presence of the trader, their Assistant, their stall, receptacle or goods and any other object or thing they bring with them or produce in the course of their business and for this purpose must take out at the Traders expense a policy of Public Liability insurance approved by the council in the minimum sum of £2,000,000 (two million pounds) in respect of any one event and must produce to the Council on request the current receipts for the premium payment and confirmation of the renewals of the policy. The Council reserves the right to vary this amount from time to time and to notify Traders of any increase required by letter. A copy of the certificate of insurance shall be handed to the Council on request.

- 13.2. Satisfactory evidence of such insurance must be produced to the Council before a Street Trading Licence will be granted or renewed. Failure to produce insurance certificates when requested by an Authorised Officer of the Council will lead to temporary suspension from trading until the certificate is produced and the Council is satisfied with the level of cover.
- 13.3. The Council reserves the right to contact insurance companies for the purposes of verifying the authenticity of the cover. Any Trader who does not have full insurance for the period specified within their licence and for the value stated by the Council will be suspended from trading until suitable insurance is in place and the cover note or policy presented to the Council.
- 13.4. Traders must inform the Council in writing and provide an updated copy of the certificate of insurance where there are any changes to their insurance cover. The Council may use the information provided to contact the Trader's insurer to confirm the details of any policy held or purported to be held and the applicable level of cover and indemnity provided.

14. STORAGE

- 14.1. Traders in foodstuffs shall notify the Council in writing of any change of address or addresses at which the Receptacle and any Commodities are stored. Such notice shall be given within 7 days of the change and the Council reserves the right to conduct an inspection to confirm occupancy and to ensure the storage space is compliant relevant standards.

15. EMPLOYED ASSISTANTS

- 15.1. Traders shall notify the Council in writing on the relevant forms of the name, address and national insurance number of each and every Assistant who may be responsible for the Licensed Street Trading Pitch in the absence of the Trader. Details of any subsequent change of Assistant or any other relevant information regarding Assistants shall be given in writing to the Council.
- 15.2. Assistants are required to provide the Council with two passport size photographs of themselves; a copy of a **valid passport with Work Permit if non European citizen**, proof of address and national insurance number. Only Assistants lawfully authorised to work in this Country and registered with the Council may work on a Licensed Street Trading Pitch whether the trader is present or not.
- 15.3. A Licensed Street Trader shall not employ a Child in any capacity in the course of his trade or business.
- 15.4. General or casual employees should not be confused with Assistants, as they do not have any responsibility for the business operation in the absence of the Trader.

16. ASSISTANCE TO COUNCIL OFFICERS

- 16.1. A Trader shall give immediate assistance to Authorised Officers when requested so to do in the exercise of their official duties.
- 16.2. A Trader shall not use rude or offensive language or behave in an aggressive manner when dealing with any agent, officer or elected member of the Council.
- 16.3. Any allegations made by Traders or their Assistants against other Traders or officers or members of the Council will be investigated and where appropriate reported to the Licensing Committee. Should any such allegations be found to be without basis of fact or to have been made in a malicious or disingenuous manner, then Section 28(1)(d) of the London Local Authorities Act 1990 (as amended) empowers the Licensing Committee to consider the revocation of the Street Trading Licence.. Additionally, the Licensing

Committee may consider the revocation of a Street Trading Licence in situations involving the offering of bribes or inducements or any fraudulent acts.

17. PAYMENT OF CHARGES

- 17.1. A Trader shall pay all charges in connection with Street Trading to the Council, on the dates and intervals advised by the Council upon the issue and/or renewal of the Street Trading Licence and in the manner agreed as appropriate for payment by the Council.
- 17.2 Failure to make payment may result in the suspension of the Street Trading Licence and will result in a determination being made by the Licensing Committee or its Sub-Committee as to whether the Street Trading Licence will be revoked or not.
- 17.3 An administration charge in the amount published in the scale of fees and charges will be made for administration costs in relation to any letters sent out pursuing arrears, giving notice of possible revocation of a licence or calling for a Trader to appear before the Licensing Committee or its Sub-Committee or, where relevant, the Registration and Appeal Committee. The Council reserves the right to vary its charges from time to time and shall notify changes in the manner prescribed by the Act.

18. CHANGE OF ADDRESS AND CIRCUMSTANCES

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

19. LICENCE REVOCATION / VARIATION

- 19.1. The Licensing 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.
- 19.2 Where a decision is taken by the Licensing Committee or its Sub-Committee to revoke a Permanent Licence, the Permanent Licence holder whose licence has been revoked may appeal against this decision to the Registration and Appeals Committee. Temporary traders do not enjoy a statutory right of appeal to the Registrations and Appeals Committee against a decision to vary, revoke or not to grant a Temporary Licence. A temporary trader may instead apply for the judicial review of such a decision.
- 19.3. Any Trader who is convicted of an offence contrary to the Act or Regulations made in pursuance of it may be requested to appear before the Licensing Committee or its Sub committee when the determination of the recommendation to revoke the licence will be made.
- 19.4. Any contravention of these Regulations by an Assistant shall be deemed to be a contravention by the Trader whether the Trader was present at the time of the contravention or not.

PART II – TRADER LICENCES

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

20. TEMPORARY LICENCES

- 20.1. All applicants licensed as temporary traders under the provisions of section 31 of the London Local Authorities Act 1990 as amended shall be deemed to be subject to the same conditions applicable to permanent street trading licences. However, the Act does not permit Traders who hold a Temporary Licence a right of appeal to the Council or the relevant Committee against a decision not to grant a licence, to revoke or vary a licence.
- 20.3. The issue of a Temporary Licence is without prejudice to the Council's application process for a Permanent Licences and does not infer a legal right to the grant of a Permanent Licence.
- 20.4. The Council reserves the right to issue licences to Traders who offer commodities which will enhance the shopping area before any other Trader or applicant.
- 20.5. The Council reserves the right, where appropriate, to suspend the licence of any Trader holding a Temporary Licence without notice and without any reason having been given in writing. A Trader who holds a Temporary Licence shall cease trading when requested to do so by an Authorised Officer of the council or police officer

21. PERMANENT LICENCES

- 21.1 A Trader must have traded under a Temporary Licence for a minimum of three years within the London Borough of Hillingdon prior to applying for a Permanent Licence.
- 21.2 Permanent Licences must be renewed once annually. Authorised Officers will advise on the period of renewals and applications for Permanent Licences. However, responsibility for ensuring renewals occur before the expiry of Permanent Licence will strictly be the responsibility of the Licensed Street Trader. The non receipt of a written reminder from the Council will not in any circumstance be accepted as a reason for late or non renewal.
- 21.3. A Permanent Licence Trader may appeal against a decision by the Licensing Committee or its Sub Committee not to grant; to renew or vary his/her Permanent Licence. Such an appeal shall be decided by the Registrations and Appeals Committee.
- 21.4. Succession of a Street Trading Licence may only be granted by the Licensing Committee to a specified person if it falls into one of the following categories specified in the Act:
 - 21.4.1 When the Permanent Licence holder dies; or
 - 21.4.2 When the Permanent Licence holder retires having reached the normal age for retirement; or
 - 21.4.3 When the Permanent Licence holder advises the Council that owing to ill-health, he is unable to continue to engage in the Street Trading permitted by the Council, and submits evidence to satisfy the Council as to his ill-health.Permanent Licence Traders will be required to produce evidence relating to the relevant category for consideration by the Licensing Committee where the Permanent Licence is to be transferred under this Act.

PART III - ADDITIONAL CONDITIONS SPECIFIC TO TABLES AND CHAIRS LICENCES

The Regulations below shall apply to Tables and Chairs Licences Only

22. The grant of a Tables and Chairs trading licence shall not be deemed to give any approval or consent which may be needed under any Bye-law, enactment, or Regulation other than under the Act(s).
23. A Tables and Chairs Licence shall be a Temporary Licence. A Permanent Licence may not be issued to a Trader who applies for a Tables and Chairs Licence.

24. A copy of the Tables and Chairs licence must to be displayed in the window of the premises outside which trading is permitted. The copy licence is to be displayed so as to be clearly visible and legible from the street.
25. Only those commodities sold in shop premises can be served under the Tables and Chairs Licence.
26. Only those services provided within the premises can be provided in the licensed area where a licence permits tables and chairs to be placed on the street.
27. It is a specific condition of a Tables and Chairs Licence that monetary exchange or payment cannot be made in the Licensed Street Trading Pitch.
28. 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.
29. No receptacle, display or tables(s) or Chair(s) shall at any time be permitted to obstruct an entrance or exit to any adjacent premises or to any part of the building to which the Temporary licence applies that is under separate occupation
30. Temporary barriers of an approved type must be in situ during licensed hours and the same must be removed outside of the hours permitted by the licence
31. A Tables and Chairs Licence is not transferable.
32. On submitting an application for a Licence or an application to renew a licence, the applicant must provide the following to the Council:
 - 32.1 Two passport sized photographs of the Licence Holder with the Licence Holder's signature on the back.
 - 32.2 Two proofs of Licence Holder's home address and business premises address which is no older than 3 months
 - 32.3 Documentary proof of the Licence Holder's National Insurance Number
 - 32.4 Documentary proof of a commercial trade waste agreement.
 - 32.5 The requisite application fee
 - 32.6 Proof of Planning consent where necessary
 - 32.7 Proof of ownership or other right to occupy the premises to which the shop front trading application relates
 - 32.8 Such proof of having carried out consultation as may be required by the council
 - 32.9 The Licence fee notified to the applicant in writing
 - 32.10 A map and planned layout of the area covered by the Street

PART IV - ADDITIONAL CONDITIONS SPECIFIC TO SHOP FRONT LICENCES

The Regulations below shall apply to Shop Front Licences Only

33. The grant of a Shop Front trading licence shall not be deemed to give any approval or consent which may be needed under any Bye-law, enactment, or Regulation other than under the Act(s).
34. 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.
35. 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.
36. A Shop Front Trading Licence is not transferable.
37. A Shop Front Trading Licence authorises the display of goods. No payment or monetary exchange may take within the Licensed Street Trading Pitch.

38. A Shop Front Licence shall be a Temporary Licence. A Permanent Licence may not be issued to a Trader who applies for a Shop Front Licence.
39. Only those commodities sold in shop premises can be displayed outside premises provided they are not excluded items as defined in these regulations.
40. 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.
41. Only those receptacles and containers which are suitable and fit for purpose and approved by the Council shall be used by the licence holder and Assistants for shop front trading or ancillary to shop front trading. Displays shall not be formed by the use of unsuitable items such as milk crates and the like.
42. The following items may not form part of the Commodities displayed under a Shop Front Licence:
 - 42.1 Alcoholic beverages, tobacco and tobacco products;
 - 42.2 Lottery tickets, phone cards, raffles, tombola and/or other games of chance;
 - 42.3 Medicines, drugs and other prescribed substances
 - 42.4 Uncooked meat or fish
 - 42.5 New and used cars and motorcycles
 - 42.6 Pets and livestock
 - 42.7 Containers of Liquid Petroleum Gas (LPG) including any which are fully or partly discharged
 - 42.8 Explosives including fireworks;
 - 42.9 Goods considered by the Council to pose a Health and Safety risk to the public.
43. 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.
44. A display, receptacle, table or chair shall not be used if it is likely to damage the street.
45. The display/stand must be of a construction that will cause minimal damage if there is a collision. There must be no sharp edges or protruding parts.
46. On submitting an application for a Licence or registration of an Assistant, the applicant must provide the following to the Council:
 - 46.1 Two passport sized photographs of the Licence Holder with the Licence Holder's signature on the back.
 - 46.2 Two proofs of Licence Holder's home address and business premises address which is no older than 3 months
 - 46.3 Documentary proof of the Licence Holder's National Insurance Number
 - 46.4 Documentary proof of a commercial trade waste agreement.
 - 46.5 The requisite application fee
 - 46.6 Proof of Planning consent where necessary
 - 46.7 Proof of ownership or other right to occupy the premises to which the shop front trading application relates
 - 46.8 Such proof of having carried out consultation as may be required by the council
 - 46.9 The Licence fee notified to the applicant in writing
 - 46.10 Details of the shop front display proposed
47. An awning may be permitted to extend up to a maximum of 30cm (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. Proof of planning consent must be provided where relevant.

Appendix 3a

Guide to Organising a Street Party or Fete issued by Secretary of State for Communities and Local Government



Your guide to organising a street party or fete

Foreword by Eric Pickles

Secretary of State for Communities and Local Government

Street parties and fetes are a traditional part of community life; they are a simple way for us to get to know our neighbours and meet members of our community. We want to make it easier for you to hold these sorts of local events, without having to plough through mountains of forms and red tape. So we have produced this simple step by step guide to how to hold a community event in your local area. It includes one simple form for you to use to let your local authority know about your plans, so you can get on with the real work of organising a fun event.

Good luck.

Eric Pickles

What sort of events does this apply to?

This is about the sort of street parties and fetes that groups of residents get together to arrange for their neighbours. The main differences between a small street party and fetes and larger public events are listed below:

Street parties and fetes:

For residents/neighbours only
Publicity only to residents
No licences normally necessary if music incidental and no selling is involved
No formal risk assessment needed
Self-organised

Larger public events:

Anyone can attend
External publicity (such as in newspapers)
Licence usually needed
Insurance needed
Risk assessment common
Professional/skilled organisers

Organising small, private street parties and fetes is very simple and generally does not include activities that need a licence, such as selling alcohol or providing certain types of entertainment. If you want to have a pay bar or intend to provide entertainment to the wider public, or charge to raise money for your event, you will need a Temporary Event Notice which is a type of temporary licence and costs £21. Similarly, larger public events attracting more people will require a different process. If you need a Temporary Events Notice or would like to hold a larger public event, please contact your council for further information and advice.

It's that simple

If you would like to hold a street party or fete, you can use the form below to let your council know about your plans. Alternatively you could go to your council's website to see if they have their own form.

The number one tip for holding a party is to plan early, think about what you want to achieve and get in touch with your council at least 4-6 weeks in advance. A good first point of contact will be your council's events or communities team.

More helpful tips, advice and support for organising a successful event can be found on the Streets Alive website www.streetparty.org.uk and The Big Lunch website www.thebiglunch.com. Do check them out, they're great.





Celebrating your community

Application form for a street party or a small community event
Road closure for residential or neighbourhood street parties

Name of person:

Organisation (if applicable):

Contact address (incl. postcode):

Telephone number (daytime):

Telephone number (evening):

Email address:

Name of road(s) to be closed:

Date and time of road closure

If you plan to close only a section of the road(s), where will the closure begin and end?

From:

To:

Give a brief list of properties affected. This means any property, residential or commercial, which is located on or accessed only by the road(s) you wish to close – e.g. Cedar Close numbers 1-20 and numbers 21-98

Are any of the roads to be closed used by through traffic?

YES/NO?

If yes, you will need to send a traffic plan showing the exact extent of the closure and an alternative route for traffic.

Are you planning on closing a road that is part of a bus route?

YES/NO?

If yes, you will need to consult the bus company and attach a copy of their response.





Will access for emergency vehicles (if required) be readily available at all times?

YES/NO?

If no, you will need to discuss this with your council and emergency services. In the interest of safety we highly recommend that roads are accessible for all emergency vehicles.

How will people know the road has been closed off - have you thought about barriers/diversion signs needed?

If yes, can you say what you will be doing?

If no, you can speak to your council or Streets Alive (www.streetparty.org.uk) who will be able to help you with street signs.

Have most residents agreed to this neighbourhood/community event?

YES/NO?

The council will want to ensure most people are happy with this event, so if there are any objections you should let them know. They may be able to help you resolve any objections. It is worth remembering that not everyone will be able to participate so let everyone know what time the party will start and end (you may want to finish by 9pm to minimise noise).

If you are planning a road closure you will also need to consult businesses in the wider area that may be affected. Have you already consulted about the road closure?

YES/NO?

If yes, please attach a copy of your consultation invitation/notice and confirm the date it was sent:

What happens next?

Send your form to your local council (in a two-tier authority this will be the borough or district council).

The council will look at what you are proposing, will process your application for road closure and will let you know if there is anything else you need to consider.

We hope this guidance has made things easier for you. Good luck with your event.





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YES/NO?

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We hope this guidance has made things easier for you. Good luck with your event.





FAQS and checklist

Q. Do we need insurance cover?

A. Most local authorities do not ask for public liability insurance cover for a small residential street party. But where you or your council think insurance would be a good idea you might find it helpful to go on Streets Alive (www.streetparty.org.uk) and The Big Lunch website (www.thebiglunch.com) for further advice. Quotes for insurance start from as little as £50. The costs can always be split between residents, or you could hold a raffle or ask for donations to cover the costs.

Q. Do I need to do a risk assessment?

A. Most local authorities do not ask for a risk plan for small street parties, but you may wish to think about how you can minimise things going wrong and have a back up plan, for example - what would you do if there was bad weather? Can you use plastic plates and cups rather than glass? Have you made sure an adult is in charge of the barbeque etc.

Q. We're serving alcoholic drinks - do we need an alcohol licence?

A. No, licences are only required if alcohol is sold. At a private party, sharing drinks with your neighbours does not require a licence. If you did want to sell alcohol, you will need to contact your council for a Temporary Events Notice form. This form costs £21.

Q. We're playing music - do we need an entertainment licence?

A. No - if your street party is a private party for residents and the music is not advertised in advance to attract people, and you're not making money then there is no need for a licence for your music, whether it's live or recorded.

Q. Do we need a permit to serve food?

A. No - as a private party, you do not need a licence under the Licensing Act 2003 to sell food (unless you wanted to only sell hot food and drink after 11pm). Remember you can always ask your neighbours to bake a cake, make a sandwich or bring food to share with one another. This is also a good way to bring different groups of people together.

Q. We're having a tombola/raffle - do we need permission?

A. Probably not. If the tombola/raffle tickets are sold on the day and the prizes are not worth more than £500 in total then it will be exempt from gambling regulations (however, if tickets are sold in advance of the event, you will need a lottery registration but do speak to your council first). Any proceeds from the tombola/raffle must go to a good cause such as charity or even covering the cost of your party. Alternatively, if you did want to raise some money for your local church or charity, you can always ask people for donations.

Q. Do we need to clean up afterwards?

A. Yes, you will need to clean up after your street party. It's your street, your party, so keep your local area clean and tidy. Let people know in advance what time the party will finish and have a section set aside for bin bags and recycling.



Appendix 3b

Local Guidance to Organising a Street Party or Fete



HILLINGDON
LONDON

Street Scene Enforcement Team

Civic Centre, 4W/05, High Street, Uxbridge, Middx UB81UW

Tel: 01895 556920 Fax: 01895 277082

Email: sset@hillingdon.gov.uk

Web: www.hillingdon.gov.uk/streetscene

YOUR GUIDE TO ORGANISING A STREET PARTY OR FETE ON THE HIGHWAY

Introduction

Street parties and fetes are a traditional part of community life; they are a simple way for us to get to know our neighbours and meet members of our community. Eric Pickles, Secretary of State for Communities and Local Government, has produced a simple step by step guide to how to hold a community event and this document is complementary to the general guidance.

What sort of events does this apply to?

Street parties and fetes that groups of residents get together to arrange with their neighbours. The main differences between a small street party and fetes and larger public events are listed below:

Street parties and fetes:

- For residents/neighbours only
- Publicity only to residents
- No licences normally necessary if music incidental and no selling is involved
- No formal risk assessment needed
- Self-organised

Larger public events:

- Anyone can attend
- External publicity
- Licence usually needed
- Insurance needed
- Risk assessment common
- Professional/skilled organisers

Organising small, private street parties and fetes is very simple and generally does not include activities that need a licence, such as selling alcohol or providing certain types of entertainment. If you want to have a pay bar or intend to provide entertainment to the wider public, or charge to raise money for your event, you will need to provide a Temporary Event Notice. For further information please contact our Licensing Service on 01895 277 433 or email licensing@hillingdon.gov.uk.

Please use the form below if you would like to hold a street party or fete. More helpful tips, advice and support for organising a successful event, particularly relating to Insurance, can be found on the Streets Alive website www.streetparty.org.uk and The Big Lunch website www.thebiglunch.com.



HILLINGDON
LONDON

APPLICATION FOR PERMISSION TO HOLD A STREET PARTY OR FETE ON THE HIGHWAY

This application should be lodged at least ten (10) days prior to the street party/fete before any consideration can be made.

I hereby apply for permission from the London Borough of Hillingdon under Highways Act 1990 section 155 to use a part of the highway to organise a street party/fete:

Applicant _____

Organisation _____
(if applicable)

Address _____

Tel No. _____

Email _____

Location of street party/fete _____

Date of street party/fete _____

Between the hours of _____ and _____

PLEASE NOTE THERE IS NO FEE FOR THE ISSUE OF THIS PERMIT

If you intend to:

- close a section of the road(s) used by through traffic or part of a bus route;
- use barriers/diversion signs to indicate that a road has been closed off.

You will need to apply for a Temporary Closure Order to the Traffic Management Team. For information please contact 01895 277 557 or email roadnetworkmanagement@hillingdon.gov.uk

If your activities will involve:

- selling alcohol and/or
- regulated entertainment (live music; plays; performances of dance etc)

You will need to submit a Temporary Event Notice to the Licensing Service. For information please contact 01895 277 433 or email licensing@hillingdon.gov.uk

- gambling activities (ie: tombolas, lotteries/raffles etc) are subject to registration by the Licensing Service. For information please contact 01895 277 433 or email licensing@hillingdon.gov.uk

PLEASE ENCLOSE A COPY OF YOUR PUBLIC LIABILITY INSURANCE FOR £2,000,000.

I AGREE TO ABIDE BY THE CONDITIONS AS STATED BELOW:

- (1) Fire paths and entrances to premises must be kept clear at all times
- (2) There must be no unnecessary obstruction to pedestrians.
- (3) If congestion becomes too great, due to the number of people, or on the directions of a police officer, the operation will cease, and not recommence until the congestion has been cleared, or the permission of the police officer has been given.
- (4) No advertising boards shall be used - either standing independently or affixed to trees, lamp posts or any other such structure

INDEMNITY CLAUSE – this must be completed

I will on behalf of _____, accept the conditions provided and indemnify and keep indemnified the Council of the London Borough of Hillingdon from, and against, all legal liability in respect of loss, damage, actions, claims, proceedings, suits, demands, costs, damages and expenses in respect of any injury to, or the deaths of any person, damage to any property movable or immovable, the infringements or disturbance of any rights, easement or privilege or otherwise by reason of, or arising in any way directly or indirectly, out of the granting by the Council of the London Borough of Hillingdon of a permit to organise a street party or fete on the highway at the location entered on the application form, or any relevant activities. I will effect or cause to be effected the necessary third party public liability insurance to cover this indemnity. The minimum limit of indemnity, afforded by such policy or policies of insurance, shall be TWO MILLION POUNDS (£2,000,000).

I enclose a copy of the Insurance Policy covering this indemnity and agree to the conditions, which apply to this application.

SIGNATURE _____

NAME (IN CAPITALS) _____

POSITION IN ORGANISATION _____
(IN CAPITALS)

CONTACT TELEPHONE NO. _____

DATE _____

SHOULD YOU NEED ADVICE PLEASE CONTACT US ON 01895 556920

FAQS AND CHECKLIST

Q. Do we need insurance cover?

A. Yes, public liability insurance is necessary and a copy will need to be provided. You may find it helpful to go on Streets Alive (www.streetparty.org.uk) and the Big Lunch website (www.thebiglunch.com) for further information. Quotes for insurance start as little as £50. The costs may be split between residents, or you could hold a raffle or ask for donations to cover the costs.

Q. Do I need to do a risk assessment?

A. We do not ask for a risk plan for small parties, however you may wish to think about how you can minimise things going wrong and have a back up plan, for example – what would you do if there was bad weather? Have you made sure an adult is in charge of the barbeque? Have you ensured that free unobstructed access to fire, police and other emergency services is provided at all times?

Q. We intend to close a section of the highway. What do I need to do?

A. You will need to contact Traffic Management Service on 01895 277 557 or email roadnetworkmanagement@hillingdon.gov.uk to apply for a Temporary Closure Order.

Q. We are serving alcoholic drinks. Do we need an alcohol licence?

A. No. Licences are only required if alcohol is sold. At a private party, sharing drinks with your neighbours does not require a licence. If you did want to sell alcohol, you will need to contact Licensing Service on 01895 277 433 or email licensing@hillingdon.gov.uk for a Temporary Events Notice application form. TEN applications cost £21.

Q. We are playing music. Do we need an entertainment licence?

A. No – if your street party is a private party for residents and the music is not advertised in advance to attract people, and you are not making money then there is no need for a licence for music, whether it's live or recorded.

Q. Do we need a licence to serve free food?

A. No – as a private party, you don't need a licence to serve free food. Remember you can always ask your neighbours to bake a cake, make a sandwich or bring food to share with one other. This is also a good way to bring different groups of people together.

Q. Do we need a licence to sell food?

A. Yes – if you wanted to sell food, you will need to contact the Street Scene Enforcement Team on 01895 556920 or email sset@hillingdon.gov.uk to apply for a Street Trading Event Licence. In addition, if you wanted to sell hot food and drinks after 11pm, you will also need to contact the Licensing Service on 01895 277 433 or email licensing@hillingdon.gov.uk for a Temporary Events Notice application form.

Q. We are having a tombola/raffle – do we need permission?

A. Probably not. If the tombola/raffle tickets are sold on the day and the prices are not worth more than £500 in total, then it will be exempt from gambling regulations; however, if tickets are sold in advance of the event, you will need to contact the Licensing Service on 01895

277 433 or email licensing@hillingdon.gov.uk for further advice. Any proceeds from the tombola/raffle must go to a good cause such as charity or even covering the cost of your party. Alternatively, if you did want to raise some money for your local church or charity, you can always ask people for donations.

Q. Do we need to clean up afterwards?

A. Yes, you will need to clean up after your street party. It's your street, your party, so keep your local area clean and tidy. Let people know in advance what time the party will finish and have a section set aside for bin bags and recycling.