

REGULATION OF STREET TRADING OF FOOD IN UXBRIDGE AND STREET TRADING FEES & CHARGES FOR 2011 / 2012

Cabinet Member	Cllr Jonathan Bianco
Cabinet Portfolio	Finance, Property and Business Services
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Papers with report	<p>Appendix 1: Proposed amendments to street trading licence terms and conditions</p> <p>Appendix 2: Copy of public notice notifying commencement of consultation regards proposed amendment.</p> <p>Appendix 3: Response to consultation</p> <p>Appendix 4: Proposed street trading fees & charges for 2011 / 2012</p> <p>Appendix 5: Copy of public notice notifying commencement of consultation regards fees & charges in 2011 / 2012</p> <p>Appendix 6: Response to consultation regards fees & charges</p>

HEADLINE INFORMATION

Purpose of report	This report seeks approval of amendments to the Street Trading Terms & Conditions (Regulations) under the London Local Authorities Act 1990 to accommodate restrictions relating to the street trading of food in Uxbridge town centre and also approval of proposed street trading fees & charges for 2011 / 2012, following a recent public consultation.
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	There are no cost implications relating to the regulation of street trading of food in Uxbridge town centre. Street trading fees & charges for 2011/2012 are proposed to be generally increased in line with inflation.
Relevant Policy Overview Committee	Residents and Environmental Services Policy Overview Committee
Ward(s) affected	All Wards.

RECOMMENDATION

That Cabinet approves:

- 1. The amendment to street trading licence terms & conditions which have the effect of preventing the street trading of food in Uxbridge town centre, as per appendix 1.**
- 2. The introduction of revised street trading licence fees & charges for 2011 / 2012 financial year, as detailed in appendix 4.**

INFORMATION

REGULATION OF STREET TRADING OF FOOD IN UXBRIDGE TOWN CENTRE

New street trading licence terms and conditions under the London Local Authorities Act 1990 ("The Act") were approved by Cabinet in January 2010 and were implemented on 26 February 2010. They introduced new temporary (up to six months) and permanent street trading licensing regulations generally, including further specific arrangements for tables and chairs and shop fronts.

However, the new regulations did not exclude the street trading of food in Uxbridge town centre as had previous regulations. (Members should note that applications for "street trading of food" in a town centre location such as Uxbridge could perhaps involve proposals for the evening sale of fast food items such as burgers or kebabs).

As a consequence, the Council received numerous verbal enquires and three formal applications for street trading of food in Uxbridge town centre. These all required consideration, consultation with stakeholders and reporting to Licensing Sub Committee, for determination. As a consequence of opposition attracted from stakeholders, along with the concerns of Members of the Licensing Sub Committee, all applications have been rejected to date.

The proposed amendment to the current regulations would allow officers to respond to such enquiries clarifying that the Council will not consider any street trading of food in Uxbridge town centre that takes place on a continuous or weekly basis.

The proposed area defining Uxbridge town centre may be seen in the proposed amended regulations in Appendix 1. The area is the same as that approved for the control of leafletting in Uxbridge town centre, and anticipates the proposed expansion of the town centre on the RAF Uxbridge site.

STREET TRADING FEES & CHARGES

Proposed Street Trading Fees & Charges for 2011 / 2012 were reported to Cabinet in December 2010 and February 2011 as part of the Budget Report for consideration, and were given approval by full Council on February 24th. Street trading falls within powers conferred on the Council by the London Local Authorities Act 1990 and this requires Councils to consult stakeholders prior to implementing new fees and charges.

Cabinet in December approved the fees as a basis for consultation with stakeholders and consequently a notice was published in the Uxbridge Leader on 26 January 2011. All street traders were also written to, drawing their attention to the proposed increase in fees; a copy of the advert appears in Appendix 5.

The original proposed increases reflected inflationary pressures on the cost of administration of licensing of general street trading activities, along with the extra time associated with occasional street market applications. Cabinet's attention is drawn to the consultation responses in Appendix 6 relating to occasional street market applications and in view of the concerns expressed, it is proposed to apply a single consistent inflationary increase across all items, as detailed in Appendix 4.

If the recommendations are approved, it will be necessary to advertise the decision in a local paper for 28 days prior to the implementation of the charges.

Alternative options considered / risk management

- Not to implement the recommendations concerning restricting the street trading of food; This would result in the Council continuing to receive enquires and applications for street trading of food in the Uxbridge town centre. This will lead to a continuing requirement to undertake consultation on each application prior to consideration by the Licensing Sub Committee, with the associated costs to the Council.
- Not to implement the recommendations concerning the increase in fees & charges. This will reduce the income already forecast for 2011 / 2012, and given the MTFF assumption of a 2.5% inflationary increase to income derived from fees & charges, this will potentially confer a budgetary pressure on the PECS group.

Comments of Policy Overview Committee(s)

None at this stage

Supporting Information

Appendix 1: Proposed amendments to street trading licence terms and conditions

Appendix 2: Copy of public notice notifying commencement of consultation regards proposed amendment.

Appendix 3: Response to consultation

Appendix 4: Proposed street trading fees & charges for 2011 / 2012

Appendix 5: Copy of public notice notifying commencement of consultation regards fees & charges in 2011 / 2012

Appendix 6: Response to consultation regards fees & charges

Financial Implications

There are no direct budgetary implications relating to restrictions of street trading of fast food in Uxbridge town centre.

The fees & charges proposals for street trading form part of the Council's proposed budget for 2011 / 2012, and are aligned with the MTFF assumption of a 2.5% increase in fees and charges income budgets.

EFFECT ON RESIDENTS, SERVICE USERS & COMMUNITIES

The effect on residents and businesses of the recommendation concerning prohibition of street trading of food in Uxbridge town centre will be to reduce the possibility of additional littering, staining of hard surfaces, anti social behaviour, noise disturbance and the encouragement of pests such as pigeons, in and around the town centre.

The increase in fees & charges will support the administrative costs of the Licensing Service incurred in the regulation of street trading.

Consultation Carried Out or Required

The London Local Authorities Act 1990 requires that before terms or fees can be adjusted or waived, the Council must consult with all licence holders and publish an advert in a local newspaper advising of the proposed variation. Following the end of the consultation period, all responses must be considered before a final decision is made.

These requirements have been undertaken in relation to both the amendments to the terms and conditions and the fees & charges, and responses may be seen in Appendices 3 and 6 respectively.

The final decision must be communicated to all licence holders and advertised in a local newspaper providing the date on which the new terms and fee structure takes effect (28 days from date of publication of the notice).

CORPORATE IMPLICATIONS

Corporate Finance

Corporate finance has reviewed this report and is satisfied that the financial implications properly reflect the direct resource implications for the Council.

Legal

Section 27(3) of the London Local Authorities Act 1990 (as amended) (the "Act") permits the Council to introduce standard conditions for the grant of a licence including the prohibition of certain commodity lines. The proposed prohibition of street trading of food in Uxbridge town centre complies with the requirements of Section 27 of the Act.

Section 32 of the Act authorises the Council to set street trading fees and charges at a level which permits the Council to, inter alia, recover any reasonable administrative and other costs associated with the enforcement, administration, and other costs associated with the service.

Cabinet is advised that if the recommendations are accepted, the final decision must be advertised in a local periodical, with implementation of the decision taking place at least 28 days after the publication of the decision notice.

Appendix 1

Proposed amendments to Street Trading License Terms & Conditions

Identified as underlined italics in red



HILLINGDON

LONDON

PROPOSED STREET TRADING LICENCE TERMS AND CONDITIONS

Street Trading Regulations
Effective from 26 February 2010, *amended xxxxxxxx*
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 **“Highway”** means a route or area which all persons can use to pass and repass along as often and whenever they wish without let or hindrance and without charge; this includes carriageway, footway and any part of that area where the public have access and which may be in public or private ownership.
- 1.9 **“Ice Cream Trading”** means the selling, exposing or offering for sale of goods consisting wholly or mainly of ice cream, frozen confectionery or other similar commodities from a vehicle.
- 1.10 **“Itinerant Ice Cream Trading”** means ice cream trading from a vehicle which goes from place to place remaining in any one location in the course of trading for periods of 15 minutes or less and not returning to the same location or any other location in the same street on the same day;
- 1.11 **“Licensed Street Trader”** means any person who is licensed for a Street Trading under Part III of the Act
- 1.12 **“Licensed Street Trading Pitch”** means an area in any authorised street or place at which Street Trading may be conducted in by a Licensed Street Trader, and includes any temporary alternative place approved by the Council.
- 1.13 **“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.
- 1.14 **“Premises”** means any land, building or part of a building and includes any commercial premises adjacent to a Licensed Street Trading Pitch.
- 1.15 **“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.
- 1.16 **“Pitch Limits”** means the authorised ground markings defining the area within which a Street Trading Receptacle is to be contained.

- 1.17 **“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.
- 1.18 **“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.
- 1.19 **“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.
- 1.20 **“Regulations”** refers to the contents of this document.
- 1.21 **“Shop Front Trading”** refers to a licence which permits the display of shop goods on a street in a manner permitted by the Act.
- 1.22 **“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.
- 1.23 **“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
- 1.24 **“Street Trading”** shall have the meaning described in Section 21 (1) of the Act.
- 1.25 **“Street Trading Licence”** refers to a Permanent or Temporary Licence, Shop Front Licence and or Tables and Chairs Licence granted under the Act.
- 1.26 **“Tables and Chairs Licence”** refers to a licence authorising the placement of tables and chairs on a street.
- 1.27 **“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.
- 1.28 **“The Council”** means the London Borough of Hillingdon.
- 1.29 **“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

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 UK passport, 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.
- 3.2. 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.
- 3.3. 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.
- 3.4. Any applicant for a Street Trading Licence to sell foodstuffs must at the time of application present to the Council evidence that all staff who will work at the Licensed Street Trading Pitch have completed an approved course of food hygiene training dated not more than three years prior to the date of application.
- 3.5. All Traders wishing to sell foodstuffs must provide evidence of being a registered food business with the appropriate authority for the area in which their business is based.
- 3.6. A Street Trading Licence shall cease to have effect on being surrendered to the Council by the Licensed Street Trader to whom it was granted. A receipt shall be provided in

writing by the 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.
- 6.3. *The continuous or weekly sale of fast food as a Commodity in Uxbridge Town Centre is currently prohibited. As a result, Street Trading Licences for the sale of fast food in Uxbridge Town Centre will not be granted. See the defined areas (A & B) in Appendix A*

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 UK passport, (or overseas passport with Work Permit), proof of address and national insurance number. Only Assistants lawfully authorised to work in this Country and registered with the Council may work on a Licensed Street Trading Pitch whether the trader is present or not.
- 15.3. A Licensed Street Trader shall not employ a Child in any capacity in the course of his trade or business.
- 15.4. General or casual employees should not be confused with Assistants, as they do not have any responsibility for the business operation in the absence of the Trader.

16. ASSISTANCE TO COUNCIL OFFICERS

- 16.1. A Trader shall give immediate assistance to 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

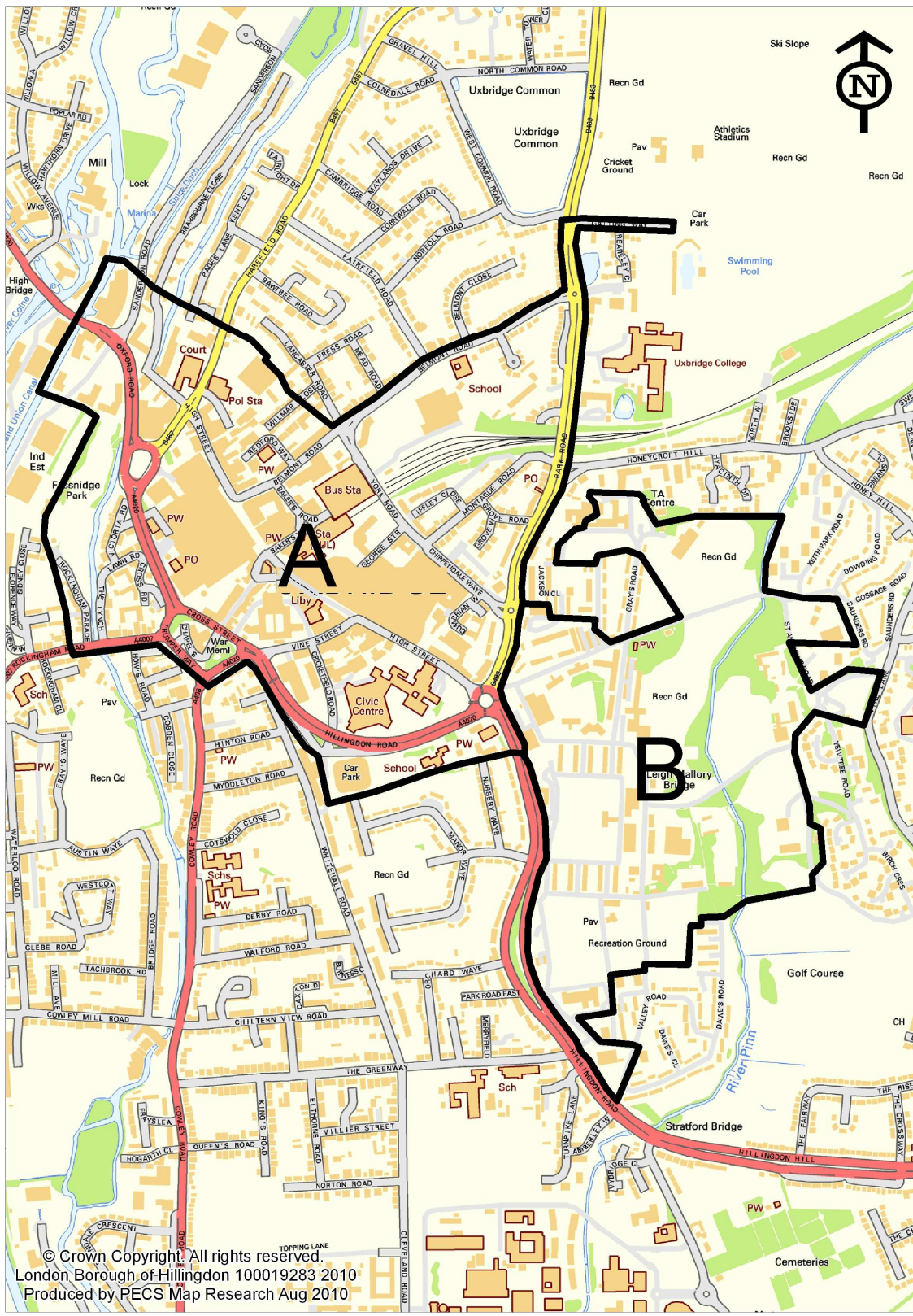
The Regulations below shall apply to Shop Front Licences Only

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 A

Uxbridge Town Centre



Appendix 2

Copy of public Notice that appeared in the Uxbridge Leader on 9th February 2011 notifying the commencement of consultation regards proposed Street Trading Fees & Charges in 2011 / 2012

LONDON BOROUGH OF HILLINGDON.

LONDON LOCAL AUTHORITY ACT 1990 (AS AMENDED) CONSULTATION RE PROPOSED AMENDMENT TO STREET TRADING LICENCE TERMS & CONDITIONS

Notice is hereby given that it is the intention of the London Borough of Hillingdon to apply to the Cabinet to pass a resolution to amend the above Terms & Conditions so as to prohibit the continuous or regular street trading sale of food in Uxbridge Town Centre.

The London Borough of Hillingdon's Cabinet meeting on 17th March 2011 will consider this application. The proposed resolutions, if approved, will take effect from 28th March 2011.

Anyone wishing to object to the proposed resolutions must give notice in writing within 4 weeks of this publication, specifying the grounds of their objection. A copy of the draft amendment to the Street Trading Licence Terms and Conditions can be obtained from the Council's website www.hillingdon.gov.uk/licensing.

Alternatively on request from London Borough of Hillingdon, Licensing Service, A357, Civic Centre, High Street, Uxbridge, Middlesex, UB8 1UW, email licensing@hillingdon.gov.uk

DATED 9th February 2011

CABINET MEMBER: Councillor Jonathan Bianco
Cabinet Member for Finance, Property &
Business Services

Appendix 3

Responses to consultation regarding amendment to Street Trading Licence Terms & Conditions

Email from Uxbridge Station Flowers

>>> uxbridge stationflowers <uxbridgestationflowers@hotmail.co.uk> 09/03/2011 10:43 >>>

Dear Sir/Madam

I am writing to you with regards to the letter I received in accordance with the consultation process for the proposed amendment of the terms and conditions for the continuous or regular sale of food in Uxbridge town centre. My views on this matter are based on my knowledge and experience as a street trader over the last 20yrs and my concerns for keeping Uxbridge a prosperous and pleasant town to be a part of and contributor to. More many years I have seen illegal traders come and go leaving a considerable mess in there wake as a result of food trading and waste issues. Which is why the restrictions of this type of trading were introduced and enforced in the first place. The fact that these restrictions are still in place and enforced so meticulously is why Uxbridge is now one of the cleanest and most aesthetically pleasing towns we have in the borough, I'm sure you'll agree. Without these strict bylaws I'm sure that in no time Uxbridge will regress back to its previous state of debris sodden streets and infestation of waste encouraged vermin. The occasional sight of rats running through the high street was in no way an over exaggeration or fabrication as I'm sure would be confirmed by many long term Uxbridge residents.

The sight of food packaging and serviettes strewn around the street is still a problem now but with the added debris and food mess generated by mobile food trading will increase this problem by a considerable amount. Even with waste management in place, there is no way to ensure that inconsiderate members of the public wont drop waste in the street. This problem will be intensified if the said food vendors apply for late opening licenses which are granted. Visit any town with late license food vendors and witness the absolutely disgusting state of the street around the food outlet. By far one of the biggest problems with food vendors on a public high street is the intense smell of onions (burger vans). All these waste and debris problems occur in food outlets but in a shops premise these issues can be contained and resolved unlike out in the street where there is no control over where the public choose to throw there waste or how far the wind chooses to throw old napkins and takeaway boxes. Surely there are enough struggling food outlets in Uxbridge to provide for the town without adding to the pressure they face from the recent economic downturn. Therefore, I feel that allowing food street trading in Uxbridge can only prove to be detrimental to the town. Obviously this is just my opinion but I would really appreciate my views to be taken into consideration.

Yours sincerely
Glyn Craddock

Dear Mr Craddock,

Many thanks for your response to our consultation, which is in support of our proposals to prohibit mobile food traders from the Town Centre.

We will add your comments to our report to be considered at the next Cabinet meeting.

Kind regards
Stephanie Waterford
London Borough of Hillingdon

Appendix 4

Proposed Fees & Charges for 2011 / 2012

STREET TRADING LICENCES

LICENCE	CURRENT CHARGE 10/11	PROPOSED CHARGE 11/12
Permanent Street Trading Licence	£820.00	£840.50
Temporary Street Trading Licence (6 months)	£410.00	£420.25
Temporary Shop Front / Tables & Chairs Licence (per m)	£66.50	£68.15
Temporary Street Trading Licence (short term event) – 1 st day	£25.63	£26.30
- per day thereafter	£10.25	£10.50

Appendix 5

Copy of public Notice that appeared in the Uxbridge Leader on 26 January 2011 notifying commencement of consultation regards Fees & Charges in 2011 / 2012

LONDON BOROUGH OF HILLINGDON
SECTION 32 OF THE LONDON LOCAL
AUTHORITIES ACT 1990 (AS AMENDED)
PROPOSED CHANGES TO FEES AND CHARGES

Notice is hereby given that, in compliance with Section 32 of the London Local Authorities Act 1990 (as amended), the London Borough of Hillingdon proposes to amend the street trading fees in 2011/2012 to reflect inflationary pressures in connection with the costs of administration of street trading activities within the London Borough of Hillingdon.

STREET TRADING LICENCES

LICENCE	CURRENT CHARGE	PROPOSED CHARGE
Permanent Street Trading Licence	£200.00	£240.50
Temporary Street Trading Licence (6 months)	£110.00	£130.25
Temporary Shop Front / Tables & Chairs Licence (per m)	£55.50	£66.15
Temporary Street Trading Licence (short term event)		
- 1st day	£25.61	£26.30
- per day thereafter	£10.25	£10.50
Temporary Street Trading Licence (Commercial Market per day)	£0.00	£50.00

Written representations regarding the proposed fees may be made to Licensing Services Desk Centre (A117), High St, Uxbridge, UB8 3LW licensing@hillingdon.gov.uk, www.hillingdon.gov.uk/licensing. All written representations must be received by Wednesday 23rd February 2011.

The proposed licence fees shall not become operative until all written representations received by the Council have been considered and a further Notice published setting out the amount of the fees and the date on which it comes into effect.

DATED: Wednesday 26th January 2011
CABINET MEMBER: Councillor Jonathan Dixon
Cabinet Member for Finance, Property and Business Services

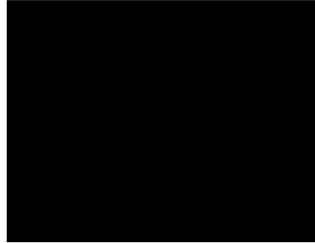
Appendix 6

Response to public consultation regards Fees & Charges

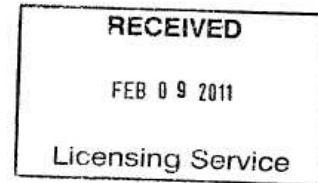
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Miss Lena Archer

World of Flowers



London Borough of Hillingdon
Licensing Service
Planning, Environment & Community Services
Civic Centre
High street
Uxbridge
UB8 1UW
4th February 2011



Dear Sir/Madam

RE: Proposed Changes to Fees and Charges for Street Trading Licences

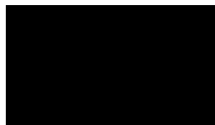
Thank you for your letter of 26th January 2011 in which you state that you propose to increase the fees for licences. Given the current economic climate and the recent VAT increase I think that any increase would have an effect on small businesses. We are already being forced out of the high streets by the large supermarket chains. I would urge you to re-consider any planned increase to help the small businesses who operate in the high streets and who are struggling to keep afloat.

Yours faithfully



Miss L D Archer

Ian Parkinson



Stephanie Waterford
Licensing Service Manager
London Borough of Hillingdon
Civic Centre
High Street
Uxbridge
UB8 1UW

21st February 2011

**Re: SECTION 32 OF THE LONDON LOCAL AUTHORITIES ACT 1990 (AS AMENDED)
CONSULTATION ON PROPOSED CHANGES TO FEES AND CHARGES FOR STREET TRADING LICENCES**

Dear Stephanie

We have today been forwarded a copy of your letter to Mr P Basset the operator of the Continental Market. We understand that you meet with him on Friday and informed him that the proposed new fees would specifically apply to the Eastcote Event.

We have sought opinions from ERA, The Festival organising Team and Eastcote Local Business.

We would ask you to note the following:

- Our primary objectives in organising Events is to promote the area of Eastcote, to bring about community cohesion between the many Voluntary, Charitable and Community Groups which exist locally, the Business & Residential Communities and to organise a safe and well attended event.
- We strongly oppose in principal the introduction of a selective and penal fee rate aimed at one specific Hillingdon Based business (The Continental Market). We take the view that this is discriminatory not only against that business but also Eastcote; Eastcote being the only area within Hillingdon which we believe is planning to host the Continental Market in 2011.
- We are of the opinion that this specific fee proposal may well contravene European Fair Trading legislation.
- We were under the belief that we were trying to move from the very unsatisfactory licensing situation which arose in 2010 and that both the Council and community organisers were working to a common agenda of trying to simplify, facilitate & encourage community events.
- In 2010 in spite of the difficulties the Continental Market supported the Eastcote Event and attendance was the largest achieved in 30 years, Local Businesses benefited with significantly increased trade and the Voluntary and Community Groups raised record levels of awareness and funds for their causes. The Continental Market is unanimously supported by our local traders and was a large contributory factor to the success of our event. The Continental Market is undoubtedly the market leader in its field and significantly adds interest, vibrancy and footfall to an event.
- In 2010 the Licensing Dept unfairly treated the Continental Market by imposing more stringent license conditions on the market than have hitherto been imposed on other markets in Hillingdon, by making the market solely responsible for street cleaning costs; which should be more appropriately levied on Organisers and distributed amongst all attendees at an event; or absorbed by the local authority as a cost associated with a public event. We understand it is proposed to apply these costs again specifically to the Continental Market in addition to the extraordinary fee.

- Hillingdon's insistence on treating "commercial" organisations differently to other applicants for street trading licenses poses genuine safety issues for the public and an administrative nightmare for Event Organisers. The practice of the Council of accepting applications and agreeing stall locations without reference to the Event Organiser results in the Organisers losing overall control over the event and limits their ability to protect local trade by ensuring they don't have competing business located near to permanent shops. This then brings the Organisers in to dispute with traders when presented with several approved licenses for the same location and distorts the pedestrian flow, creates pinch points and increases the danger of crowds spilling into the roads.

Given the strength of opposition to this proposal we would seek your written assurance that this discriminatory proposal will not proceed and the very least we would ask you to layout the rationale behind it; stating how this is compatible with both European Law and the Councils statement that they wish to encourage community events.

On the wider issue of reviewing the licensing procedure, we eagerly await your invitation to engage meaningfully in the consultation process and would urge you not to close the consultation without allowing us the opportunity of having input. We would also flag that an agreed action point from the pre SAG meeting was for David Frost to facilitate a specific meeting with a view to obtaining license approval in principle. In order to adhere to agreed timelines the meeting needs to take place in March allowing a decision in principle prior to the Full SAG on 27th April.

Yours sincerely

Ian Parkinson
for
ERA
Business Liaison Officer
Chair Eastcote Festival Team.

C.C. Hillingdon Cabinet
Rt. Hon Nick Hurd MP
Rt.Hon John Randall MP
Cllrs Eastcote & Cavendish Wards.
Ray Puddifoot



Savoir Fayre Ltd

78 Dene Road, Northwood, Middlesex, HA6 2DF
Tel: 01923829299 email: info@savoir-fayre.com

Stephanie Waterford
Licensing Service Manager
London Borough of Hillingdon
Civic Centre
High Street
Uxbridge
UB8 1UW

Subject Licenses fee review.

I'm in a strong disagreement with the proposal regarding the licensing fee directed specifically to "the continental Market"

- 1) This fee is discriminatory, to continental base company and to UK businesses trading on this events. (50% of the last market in Hillingdon, and generally across the various event we are providing only 10 % of our traders are base outside the UK).
- 2) Comparative prices: Average prices for other London borough council is for the whole market: £300 per day for providing the space for the market, £500 including car-park, rubbish collection and street cleaning. Hillingdon proposal is a fee which will be equivalent to £1250 to 1500 a day with no provision other than a space. For a comparison this is more expensive than Edinburg's Princess Street during the Fringe Festival. For details regarding the reason of industry prices please read * at the end of the document.
- 3) The fee you are proposing for the licenses is approximately the fee we are charging the traders, but includes all the additional services:
 - Planning of the event.
 - Site survey.
 - Risk assessment
 - Management plan
 - Layout.
 - Sourcing the traders and advertising for the traders
 - Managing the bookings
 - Managing and selecting the traders making sure that every stall is in accordance with the UK trading regulation
 - Collection of traders legal document
 - Event management
 - Market attendant
 - Power supply and distribution
 - Rubbish collection
 - Street cleaning
 - Traders car-park
 - Overnight security
 - Advertising campaign for the event.

For all of these services (not including license fee and overnight security) we charge £24 day for a 4 meters stand. If we could charge more we will, but with the insight we have of this industry we know that it is not possible. For more details please read ** at the end of the page.

4) Continental traders:

I understand the feeling and the controversy that arise during a recession time when locals businesses are struggling. Having a traders coming from the continent, set in up in the high street and seeing people queuing in front of the stalls can be very irritating to say the least. But these continental traders are facing very difficult time too. Five years ago, nearly all continental market were exclusively made of traders coming from abroad, at one stage 34 companies were operating in UK. Since the recession there is only 7 left, the economic climate linked with the exchange rate Euro against Pound, has made it too. Simply if they were making so much money why will they stop coming in UK. The truth is that the only operator offering the best market at the most cost effective price have been able to survive. Any additional financial burden will seriously jeopardise their survival. I know!! bad luck...

5) Why speciality markets, what do they really do?

Setting aside the public popularity of speciality markets (French, continental, farmer, flower festival..etc), they are also very popular with local authority across the UK, and for a good reason. At a time when high street businesses are struggling, people watch the penny and shop mostly on line or in supermarket (Tesco isn't affected by the recession). The public tend to stay at home and simply forget the local shops. To bring back the public in their own high street, something has to happen, the public needs to be motivated to do so. This is where event like speciality market are needed. To maximise the success of these events it is important to communicate with the local businesses and explain what the council is trying to achieve in supporting such events.

You have a very good example in Hillingdon with both case of scenario.

In Uxbridge, a major town centre, the communication with local businesses was poor, they were initially ignored by the council and instead of working together to maximise the opportunities in having a visiting continental market some of them opposed to it. If you consider the quality of the location the event was average, even for the continental traders it was good but nothing special. It is my strong belief that this is only due to bad communication.

In Eastcote in an area where businesses are struggling, at first the same concerns were risen by local businesses, but with a good communication and marketing work (thanks to Mr Parkinson) local businesses came on board. The event got support and the result was as expected. The high street was booming and every local businesses are delighted with the initiative.

This is not specific to Eastcote, it happens in nearly every town we visit from Pinner to Bristol, Glasgow, and Edinburgh.... there is substantial documentation available to prove this.

- 6) As operator we are not Barclay's bank, we have to run a very tight ship to survive. Since the recession there is very few town who have any budget for this type of events and all the cost have slowly been passed onto us. We had to be very creative to save money and carry on in providing these events as cost effectively as possible. From administrative, to advertising and operation cost we have to look everywhere to be effective. Under this proposal we could still provide other type of events to the council but it will be impossible to provide any continental, French, Italian market (I suspect this proposal includes all of them)
- 7) The fee is barely legal, it is against the London Local Authority Act 1990 part III. As indicated a council can only charge a street license for services and directed cost related to the issue of the license. I suspect that it is legally discriminatory, it is against government guidance, and against European law in which every European Business have to be given the same opportunity to trade in Europe.

Conclusion:

Rising the fee doesn't help local businesses to the contrary, it will forbid this type of event to visit the borough and it will give no flexibility for the council to hold this type of event in the future. There is no justification or evidence supporting the proposal. I understand that council are struggling too, perhaps the best way to save money will be to simplify the actual licensing process. Which is costly, inappropriate, and unpractical. If you could believe in my experience in this field, despite of my poor English, I will be happy to work for free with the licensing dept, on a proposal that will give control to the council regarding who can trade in the borough, and meet all the legal requirements related to street trading.

Philippe Basset,