

STREET TRADING POLICY

Contents

1.0	Purpose
2.0	Legislation
3.0	Who will be expected to apply for a Licence
4.0	Types of Authorisation
5.0	Determination
6.0	Fees
7.0	Conditions and Enforcement
8.0	Fixed Penalty Notices
9.0	Appeals
10.0	Review
11.0	Access by Council and Police Officer
12.0	Price List
13.0	Insurance
14.0	Renewal
15.0	Miscellaneous Activities
Appendix i	Fixed penalty Charges
Appendix ii	Pre-Licensing Conditions
Appendix iii	Street Trading Conditions

Introduction

For the purposes of controlling street trading in the borough, the London Borough of Hounslow (the “Council”) has previously adopted the relevant provisions of the London Local Authorities Act 1990 (as amended).

This policy is intended to provide a framework for the Council’s approach to the licensing of street trading throughout the borough. It should be read in conjunction with any specific policies that the Council may agree from time to time, for particular areas in the borough.

In the development of this policy local traders, partner agencies and other stakeholders were consulted.

1.0 Purpose

- 1.1 This policy will complement and inform other Council initiatives, policies and visions.
- 1.2 This policy will be the subject of periodic monitoring and review.
- 1.3 This policy will inform the detailed conditions attached to every Street Trading Licence.
- 1.4 This policy will be applied in a manner which is consistent with the Council’s equalities and enforcement policies.
- 1.5 The aim of this Policy is to set out the general approach of the Council when considering:
 -) Applications for street designation orders;
 -) Applications for street trading licences;
 -) Applications for temporary licences;
 -) The revocation or prosecution for breach, of a licence.
 -) Enforcement of the legislation
 -) Conditions attached to licences.
- 1.6 The street trading policy is intended to create a street trading environment which is sensitive to the needs of residents, provides diversity and consumer choice, and seeks to enhance the character, ambience and safety of the environment.
- 1.7 The policy sets out the framework by which Street Trading will be controlled across the Borough.
- 1.8 The Street Trading conditions attached to the licence (as illustrated in appendix A) are designed to protect public health and safety and are clearly set out in the Application and Guidance Pack given to applicants and attached to any Street Trading Licence awarded.

- 1.9 The Street Trading policy aims to regulate the location and number of street traders. It aims to prevent the obstruction of the public highway by regulating Street Trading activities.
- 1.10 This document will guide the Licensing Authority when it considers applications for Street Trading Licences. It will inform applicants of the parameters in which the authority will make decisions and how their needs will be addressed.
- 1.11 This policy also highlights the Council's undertaking to avoid duplication with other statutory provisions and our commitment to work in partnership with other enforcement agencies.

2.0 **Legislation**

- 2.1 Definitions for 'Street Trading' and 'Streets' can be found in section 21 of the London Local Authorities Act 1990 (as amended) ("the Act").
- 2.2 'Street' is defined as any road or footway or any other area not being within permanently enclosed premises, within seven metres of any road or footway to which the public have access without payment.
- 2.3 'Street trading' is defined as the selling or exposing or the offering for sale of any article (including a living thing) or the supplying or offering to supply any service in a street for gain or reward.
- 2.4 'Licence street' means a street designated under section 24 (Designation of licence streets) of the Act, for which the Council may from time to time pass resolution to designate the street or area for the purpose of street trading.
- 2.5 'Street Trading Licence' means a licence granted in a 'Licence Street' which is valid for the period specified on the licence, being not less than six months and not more than three years. Licences in this borough would normally be issued for a period of one year.
- 2.6 'Temporary Licence' means a licence that is valid for a single day or for such period as may be specified in the licence not exceeding six months. This will include Occasional Licences as outlined in paragraph 4 of this policy.
- 2.7 Under the Act the Council is responsible for granting, renewing, varying or revoking all street trading licences. This function is generally undertaken by the Licensing Panel and officers within the Business Regulation Group under delegation from the Licensing Committee (the Committee).

- 2.8 Street trading without the required licence is an offence under section 38 of the London Local Authorities Act 1990 and carries a maximum fine of £1,000 upon conviction. The trader's goods may be seized and where appropriate an application made to Magistrates for a forfeiture order. Additionally prosecutions may be taken for obstruction of the highway under section 137 of the Highways Act 1980.
- 2.9 Food traders selling hot food and/or drink operating after 11 pm and before 5 am on any day will be required to obtain the appropriate Premises Licence under the Licensing Act 2003. This will be in addition to any licence in respect of street trading.
- 2.10 Hounslow Council may refuse an application under the Act (Discretionary grounds for refusing an application) if
- (a) The location at which the applicant wishes to trade as a stationary trader is unsuitable;
 - (b) The space in the designated street in which the applicant wishes to trade as a stationary trader is inadequate for the applicant to do so without causing undue interference or inconvenience to persons or vehicles using the street;
 - (c) The area or areas of the district in which the applicant wishes to trade as a mobile trader are unsuitable for the applicant to do so without causing undue interference or inconvenience to persons or vehicles in the area or areas;
 - (d) There are sufficient traders trading in the street, or at premises adjoining it, in the articles, things or services in which the applicant wishes to trade; or
 - (e) The nature of the articles, things or services in which the applicant wishes to trade is such that their sale or supply, or their preparation for sale or supply, would adversely affect the general amenity of the area in which the applicant wishes to trade;
 - (f) That the applicant has, in connection with the application, made a statement which he knows to be false in a material particular;
 - (g) That the applicant is, on account of misconduct or some other reason relating to trading activities, unsuitable to hold a street trading licence;
 - (h) That the applicant has, without reasonable excuse, failed to avail himself to a reasonable extent of a previous street trading licence;
 - (i) That the applicant has at any time been granted a street trading licence by the council, which was revoked or could have been revoked on the grounds that he had refused or neglected to pay fees or other charges due to the council in respect of the licence;
 - (j) That the applicant has failed to provide the particulars required by the council to deal with the application;
 - (k) That the applicant has failed to provide or identify suitable or adequate arrangements for storing any articles, things or receptacles in or with which he proposes to trade.

- 2.11 Without prejudice to its right to take account of any relevant consideration in determining the suitability of each Street Trading Licence, the Council will take into account:
- (a) The safety of the public and any risks which may arise.
 - (c) The appropriateness and suitability of the street or part thereof and commodities in relation to the location.
 - (d) The potential adverse impact that Street Trading may have upon the character and appearance of the area in question
 - (e) The extent to which the sale of the commodity will provide a useful service to the event or occasion not otherwise provided in the area;
 - (f) The potential environmental effects such as additional litter, cleansing requirements, odour and noise.
 - (g) The potential for the proposed said Street Trading Licence to have an adverse effect in terms of anti-social behaviour and public disorder.
 - (h) Any other Statutory provision which would be appropriate to consider;
 - (i) Previous complaints arising from any Street Trading activities in that street or part thereof.

3.0 **Who will be expected to apply for a Licence**

- 3.1 Some types of trade are legally exempt from the need to obtain a Street Trading Licence. These include:
-) a person trading under the authority of a Pedlars Certificate granted under the Pedlars Act 1871;
 -) trading as a news vendor within a defined area;
 -) trade carried out by roundsmen e.g. milkmen.
- 3.2 Any person wishing to engage in any activity as defined in paragraph 2.3 of this policy on any street under the definition in paragraph 2.2 may only do so under provision of the appropriate authorisation as granted by the Council.
- 3.3 Appropriate authorisation to conduct any street trading activity would be a Street Trading Licence, a Temporary Licence or an Occasional Temporary Licence as defined in paragraph 4.0 of this policy.

- 3.4 The following activities require an authorisation from the Council:
-) a street market;
 -) items for sale displayed on the public footway immediately outside a shop;
 -) tables and chairs on the public footway immediately outside their food and drink premises;
 -) trading activities on private land adjacent to a street to which the public have access e.g. burger van in pub car park, flower seller outside cemetery, phone accessories outside grocers;
 -) trading from a mobile vehicle e.g. burger van
 -) 'A' boards.

4.0 **Types of Authorisation**

Street Trading Licence

- 4.1 The Council has few suitable permanent pitches for street trading. Details of these pitches can be obtained via the Council's website or by contacting the Council's licensing team.
- 4.2 From time to time the Council may establish new pitches based on various criteria including the following:
-) any effect on road safety, either arising from the siting of the pitch or from customers visiting or leaving;
 -) any loss of amenity caused by noise, traffic or smell;
 -) existing Traffic Orders e.g. waiting restrictions;
 -) any potential obstruction of pedestrian or vehicular access; any obstruction to the safe passage of pedestrians;
 -) the safe access and egress of customers and staff from the pitch and immediate vicinity;
 -) any land owners permission. This may be required from a private land owner or the relevant Council Service
 -) the sale of goods or services which conflict with those provided by nearby shops or existing trading pitches.
 -) Previous trading history of the applicant
- 4.3 When an existing or new pitch becomes available, the Council will publish details inviting applications on the Council's website and by notice at on the vacant pitch.

- 4.4 The nature of goods which may be sold from any pitch and trading hours will be specified in the consultation process.
- 4.5 Applications for a new or vacant pitch will be assessed using the following criteria:
- a) the goods to be sold must not replicate those of neighbouring stalls or shops (within a distance of 200 metres)
 - b) consideration of any health/food safety concerns
 - c) previous trading history
 - d) preference will be given to persons who do not occupy any other pitches in the Borough
 - e) character of the applicant (this may require completion of a criminal records (CRB) check)

Applicants for a Street trading Licence must be at least 17 years of age.

- 4.6 If no suitable application is received the pitch will be re-advertised.
- 4.7 Once issued a Street Trading Licence must be operated by the Licence holder and cannot be transferred. A Street Trading Licence carries a right of succession to close family members only such as Husband/Wife, Brother/Sister, Son/Daughter. Other than under the right of succession, if the Licence holder cannot or no longer wishes to trade the Licence will be terminated and the pitch will be re-advertised.

Temporary Licences

- 4.8 There are a number of activities which will require a temporary licence. These include:
-) Buskers and street entertainers
 -) Companies promoting their services or a new product
 -) Individual stalls e.g. fairground ride, hot dog seller
 -) Organised multiple stalls forming a street market e.g. farmers market, Christmas market.
 -) Applications for licences where the authority has not designated the street or area as a 'Licence Street' and where, therefore a Street Trading Licence may not be granted. Such applications will include Pavement Cafe's, Shop Front Display's and some Stalls.
- 4.9 Applications for Temporary Licences will be considered in respect of any suitable place, subject to compliance with the pre licensing and licensing conditions.
- 4.10 There are no succession rights with a Temporary Licence and transfer is not permitted under any circumstances. If a licence holder cannot or no longer wishes to trade the Licence will be terminated.

- 4.11 The Council cannot guarantee that pitches will be available every day, and accepts no liability for loss of earnings in relation to Street Trading Licence holders or their employees. In the event of road works, utility or service repairs and other genuine circumstances that affect the use of any pitch, the Licensing Manager and Head of Business Regulation will consider appropriate refunds on a case by case basis, provided a request has been made in writing from the licence holder.

Occasional Licences

- 4.12 The Director of Environment, or officers as designated by him for the purpose, may consider issuing Street Trading Licences to organisers of events such as Christmas Markets, Farmers Markets, car boot sales etc. The organiser will thereby become a Principal Licence Holder, which will allow them to be responsible for numerous traders operating in certain areas and/or for a limited time.
- 4.13 Both Principal Licence Holders and individual traders will be subject to the Council's Street Trading Policy and Standard Conditions in relation to street trading.
- 4.14 Any application granted in respect of an occasional licence will be granted on a temporary basis for specified days and/or for a maximum of 6 months.

Additional Conditions that are applicable to Special Events or markets operating under Occasional Licences

- 4.15 All stalls to be issued with a number that must be displayed on the stall.
- 4.16 The licence holder should keep records of each stallholder present on the market, to include the stallholder's pitch number, name and company name, their address, vehicle registration and a contact telephone number. This must be produced on request to an authorised officer.
- 4.17 The licence holder must not allow the sale of offensive weapons (including Imitation fire-arms, firearms, airguns, swords and crossbows).
- 4.18 If additional Street Cleaning is required as a result of the event, a charge will be levied in accordance with the Council's fees and charges.

All Licences

- 4.19 An applicant for the grant of a new Street Trading Licence, Temporary Licence or Occasional Licence shall provide with the application a map showing the exact location of the trading area, to include the location of any obstacles such as bus stops, street furniture etc and all streets and public areas within a radius of 200 metres from the proposed location of the Street Trading site.

The map shall be accurate and to a scale of 1:2500 (or other scale as by prior consent in writing by the licensing department) and clearly indicate the location of the site in the centre of the map. Applicants may also be requested to submit photographs of the location to clarify the position of the trading site.

- 4.20 In all cases, two full face photographs (passport style) of the applicant without head gear (save for religious purposes) or sunglasses must accompany the application and the name of the applicant must be clearly written on the back of each photograph.
- 4.21 Assistants may be employed, however, the names of all assistants must be provided at time of application (or as soon as employed if this is after the application has been granted). In respect of all such assistants, two full face photographs must be submitted as indicated in 4.15.
- 4.22 The conditions attached to all Street Trading Licences stipulate that a Licence Holder cannot assign, let, sell, rent or otherwise part with his interest or possession of a Street Trading Licence.

5.0 Determination

- 5.1 All applications will be considered by the Director of Environment or by officers authorised for that purpose by him.
- 5.2 The complete application process may take up to three months in order to take into account the consultation period and if required, hearings before the relevant Licensing Panel. The Council will however aim to determine applications within 2 months.
- 5.3 In considering applications for the grant or renewal of a Street Trading Licence the following factors will be considered:

- (a) Public Safety

Whether the street trading activity represents, or is likely to represent, a substantial risk to the public from the point of view of obstruction, fire hazard, unhygienic conditions or danger that may occur when a trader is accessing the site.

(b) Prevention of Crime and Disorder

Whether the street trading activity represents, or is likely to represent, a substantial risk to public order. This is potentially more of a problem for licences late in the evening.

(c) The Prevention of Public Nuisance

Whether the street trading activity represents, or is likely to represent, a substantial risk of nuisance to the public from noise, refuse, vermin, fumes, odours or misbehaviour, particularly in residential areas.

(d) Appearance and suitability of the stall or vehicle

The stall or vehicle must be of a good quality design, of smart appearance and meet criteria, including size, laid down in the standard licence conditions. Photographs or sketches including dimensions must be provided with all new applications and requests for approval of changes to or replacement of a stall or vehicle.

The trading unit must be suitable and safe for the use for which it is intended. It must be of good quality design, safe construction and add to the quality of the street scene. The unit shall comply in all respects with any legal requirement relating to the trading activity proposed and in particular with the following legislation and any consequential amendments:

-) The Food Safety Act 1990
-) The Food Hygiene (England) Regulations 2006 and Regulation (EU) No 853/2004
-) Food safety requirements made under the European Communities Act 1972
-) Health and Safety at Work etc Act 1974 and any regulations made under it
-) Environmental Protection Act 1990
-) Licensing Act 2003.

This is not an exhaustive list and traders are reminded that they need to comply with all statutory legislation.

(e) Needs of the Area

The Council will consider the demand for the articles for sale, and the geographical location of the proposed site.

(f) Environmental Credentials

The impact of the proposed operation on the local environment including street surfaces and materials, power supply, carbon footprint, supply chain, packaging, waste minimisation, waste disposal and waste created by customers.

(g) Food Traders

Applicants to trade in hot or cold food must hold a current Level 2 Food Hygiene Certificate accredited by The Chartered Institute of Environmental Health, The Royal Society of Health, or The Royal Institute of Public Health and Hygiene.

(h) Highway

The location and operating times will be such that the highway can be maintained in accordance with the Council's requirements and that there are no dangers to those who have a right to use the highway and no obstruction for emergency access.

(i) History

The suitability of the applicant must be considered. Previous failures without reasonable excuse to comply with the above legislation or failure or neglect in paying Licence fees may result in a Licence being refused, revoked or not renewed.

6.0 Fees

- 6.1 Fees will be set from time to time and advertised in accordance with the provisions of the Act. These must be paid in full at the time of making application.
- 6.2 The fee structure will primarily reflect pitch location, trading days and hours.
- 6.3 There will be no refund of licence fees should a licence for any reason become revoked or surrendered.
- 6.4 In the event of a licence application not being granted, the Council will retain the application fee however, the enforcement portion of the fee will be refunded.

Street Trading Licences for which fees are not payable

- 6.5 The Director of Environment or any officer designated by him for the purpose, may consider reducing or exempting fees for the following street trading activities:
-) fetes, carnivals or similar community based and run events;
 -) non-commercial or charitable events;
 -) farmers markets (producer-managed market place for local producers to sell their own produce direct to local people);
 -) Sales of articles by householders on land contiguous with their homes (this means within the confines of their own property e.g. a garage sale).

6.6 Such exemptions or reductions will be considered taking into account a number of factors, including the appropriation of any profits collected, the purpose of the event/market, charitable considerations (proof would be required) and the area to be used for trading.

7.0 Conditions and Enforcement

7.1 This section of the Licensing Policy details the Council's commitment to enforcing the provisions contained within the relevant legislation.

7.2 It also highlights the Council's commitment to work in partnership with all enforcement agencies, to provide consistent enforcement on licensing issues.

7.3 Enforcement commences with the issue of clear terms and conditions at the time an application for a street trading licence is made. Council officers will provide advice with respect to any issues surrounding the interpretation of licence conditions or other matters.

7.4 What action can the council take against licence contraventions?

-) verbal warnings – e.g., where contraventions are easily resolved
-) written warnings – a more serious contravention and/or where the verbal warning has not resolved contravention
-) revocation e.g. the space available in the street is insufficient; fees unpaid
-) Fixed Penalty Notices
-) Prosecutions
-) Simple cautions

7.5 The Licensing Team aims to work closely with other enforcement authorities when dealing with issues on the street.

7.6 If the Council considers that there is an issue of public order or threat to public safety in any particular instance, it will call for assistance from the Metropolitan Police.

7.7 The Council may call for assistance from the Councils' CCTV control centre when dealing with such issues.

7.8 Standard conditions will be attached to every Street Trading Licence and these may be varied by the Council at any time.

7.10 Specific conditions may also be attached such as the days and hours when street trading is permitted, the goods which may be sold and the size of the pitch.

7.11 The following are offences under the Act and will be considered for prosecution or a fixed penalty notice as appropriate and in line with the enforcement policy:

1. Street trading in a prohibited street,
2. Street trading in a Licence street without a relevant Licence to Trade,
3. Contravening any of the terms or conditions pertaining to a licence.

In addition to the formal action outlined above a Licence may be revoked, suspended or, upon renewal, refused.

7.12 Any decision to prosecute an offence under this Act will be made in accordance with the Crown Prosecution Service Code for crown Prosecutors.

8.0 Fixed Penalty Notices

Recently introduced powers allow enforcement officers to issue fixed penalty notices for a range of street trading offences. These include contravention of street trading licence conditions and unlicensed street trading. This provides an opportunity for the trader to discharge liability to conviction by payment of a fixed sum of money. Where a trader chooses not to pay the fixed penalty a prosecution may be taken in the magistrates' court for the original offence.

8.1 The level of fixed penalty charge will be determined by the Licensing Committee from time to time and will reflect the cost of enforcement in relation to the offence committed.

8.2 Any further offences by the same individual may result in a prosecution rather than the offer of a fixed penalty. In addition to any penalty imposed by the court the offender may be ordered to pay all or part of the council's costs in bringing the case.

9.0 Appeals

9.1 Under the provisions of section 30 of the Act, any person aggrieved by a refusal to grant or revocation of a licence may appeal to a Magistrates Court. In the case of temporary licences however, there are no rights of appeal.

10.0 Review

10.1 This Policy may be reviewed by the Licensing Committee or minor changes made to it by the Head of Business Regulation and Licensing Manager, in consultation with the Chair of Licensing Committee, where circumstances require it and there is not sufficient time to convene a meeting of the Licensing Committee.

11.0 Access by Council and Police Officers

- 11.1 Licence Holders must allow access to the trading area for Authorised Officers of the Council and Police Officers at all reasonable times.

12.0 Price List

- 12.1 All Licence Holders must clearly display a price list for goods on offer for sale.

13.0 Insurance

- 13.1 All Licence Holders shall have and maintain an insurance policy against public liability and third party risks. A minimum insurance cover of £2 million shall be obtained by the Licence Holder and shall cover the operator's vehicle or stall and any additional equipment under his control such as generators etc. If food is sold, the insurance shall specifically cover against food poisoning to the same amount. The insurance certificate or cover note shall be produced to the Licensing Team before the Street Trading Licence is issued and at any other time on demand during the currency of the Licence. This applies to both permanent and temporary licences.

14.0 Renewal

- 14.1 The licence holder must apply to the Council for a renewal at least 14 days prior to the date of the current licence's expiry. If an application for renewal is not received by the expiry date, the licence will lapse.
- 14.2 Reminders will be sent out approximately 3 weeks prior to the expiry of a licence. It will be the duty of the licence holder to ensure that any renewal is made at least one week prior to expiry to ensure that the licence is continuous. No renewals will be accepted after the expiry date and in such cases any application will be treated as a new application and will undergo the full application process. No trading will be permitted unless a renewed licence has been issued.
- 14.3 In addition, a new application will be required which will include a renewed consultation period of 28 days plus a potential panel hearing before the licence may be granted.
- 14.4 Prospective applicants are most strongly advised to seek the necessary permissions, licences and, where appropriate, planning permissions before making a commitment to any financial outlay and before applying for the Street Trading Licence.

15.0 Miscellaneous Activities

Introduction

15.1 There are a number of other activities that take place in the streets of Hounslow that cannot be controlled by licence, permits or licences. These activities are listed below.

15.2 Street Collections

A permit is required by anyone collecting money or selling articles for charitable purposes in a public place and it is an offence to hold a collection without one. Permits are issued in London by the Commissioner of Police. The rules governing their issue and the conduct of collections are contained in regulations made by the Secretary of State.

15.3 House to House Collections

A licence is required by anyone collecting money or selling articles from door to door, shop to shop, pub to pub, etc. for charitable purposes and it is an offence to hold a collection without one.

15.4 In the Metropolitan Police District licences are issued by Charities, TP HQ Room 443, Victoria Embankment, Westminster, London SW1A 2JL. Telephone: 0207-321-7129.

15.5 The rules governing the issue of house to house collection licences are contained within the House to House Collection Act 1939 and the House to House Regulations 1947, copies of which may be available from your local library. The Act and the regulations should be read carefully.

15.6 They MUST be fully complied with by anyone promoting or taking part in a house to house collection as failure to do so is an offence which may result in prosecution.

15.7 Petitions

People or organisations may ask members of the public to support their cause, such as political groups, welfare or ecological groups. Every person enjoys the right to freedom of speech and the Council will only take action if it receives complaints about disorder or threat to public safety. In such cases the Police will be notified.

15.8 Leaflet Distribution

If as part of an event there is a consideration in handing out leaflets, then the applicant should consider that every piece of dropped litter could receive an individual fine and additionally prosecution in extreme cases.

- 15.9 Arrangements should be in place for any dropped leaflets to be picked up. One of the best ways to avoid this is to make leaflets worth retaining by attaching special offers or making leaflets available for the public to pick one up if they wish rather than placing them in their hands directly.
- 15.10 Failure to clear up after an event may impact negatively on any future applications.
- 15.11 **Market Research**
This type of activity includes mail order companies, insurance companies and national questionnaires.
- 15.12 **Pedlars**
They are required to hold a certificate issued by the police force in the area that they reside. They are able to travel to trade within the area. They must only stop to trade when approached by a customer. They must not remain stationary after the sale has been made.
- 15.13 **Busking**
If a busker or a group of buskers act in such a way as to cause a nuisance to Passers by, then they will be asked to cease and leave the area.
- 15.14 The Council may call for assistance from the Metropolitan Police when dealing with such issues.

Appendix i

FIXED PENALTIES UNDER THE LONDON LOCAL AUTHORITIES ACT 2004 RELATING TO STREET TRADING

Legislation	Section	Description of Offence	Amount of Fixed Penalty
London Local Authorities Act 1990	34(1)	Contravention of condition of street trading licence or temporary licence	£300
	34(2)	Making false statement in connection with application for street trading licence or temporary licence	£200
	34(3)	Resisting or obstructing authorised officer	£300
	34(4)	Failure to produce street trading licence on demand	£100
	38(1)	Unlicensed street trading	£300

Appendix ii

Pre – Licensing Conditions

1. All applicants for a new street trading licence must submit at time of application proof of either ownership of the land, site or premises or written proof that they have obtained the permission of the owner of the land, site or premises to trade from that location.
2. Applicants are required to submit three passport size photographs (one endorsed with the printed name and signature of the applicant)
3. In relation to stalls a further set of three photographs (endorsed as above) along with the names and addresses of all persons to be employed or otherwise engaged at the stall shall be submitted with the application
4. In relation to shops (including pavement cafes) a list of the names of all persons to be employed or engaged at the premises must be provided at time of application
5. If planning permission is required, this must be sought and obtained prior to submission of any application.
6. In relation to shops and cafes, a notice of application for a new or renewal of a street trading licence must be displayed in the window of the premises to which it relates, in such a manner so as to be clearly visible from the outside. Such notice must be at least A4 in size and will be displayed for a period of not less than 28 days from the date of application.
7. Licence Holders shall have and maintain a proper insurance policy against public liability and third party risks. The minimum insurance cover shall be £2,000,000 and shall cover the operator's vehicle, or stall and any additional equipment under their control. If food is sold the insurance shall specifically include cover against food poisoning to the same amount. The insurance certificate or cover note shall be produced to the Licensing Team before the Street Trading Licence is issued. The policy is not required to be established prior to determination of the application, however, proof of cover must be produced to an officer of Hounslow Council as required and in any event prior to issue of any licence that is granted.
8. A Licence does not relieve the holder, or any person employed to work on the stall, of any obligation to comply with all other general and local legislation, and in particular the Road Traffic Acts; the Food Safety Act 1990; the Town and Country Planning Acts; the Control of Pollution Act 1974; the Environmental Protection Act 1990; the Licensing Act 2003; any Orders or Regulations made there under; and local Byelaws. It shall be the obligation of the holder to familiarise themselves and their employees with any such legislation.

9. An applicant for the new grant of a street trading licence site shall provide a copy of a map showing all streets and other public areas within a radius of half a mile from the proposed location of the Street Trading site. The maps should be proper ordnance survey maps, or of equivalent or similar standard, of A4 size to a scale of 1:2500, and shall clearly indicate the location of the proposed street trading site in the centre of the map.
10. The map must also indicate the locations of other street traders and outlets trading in similar commodities to those proposed.
11. Any use of electricity and water supply must be notified to the licensing authority at time of application providing full details of the source of the supply and any safety areas to be incorporated.
12. A suitable commercial waste contract must be entered into for the clearance of any waste or refuse from the trading site. Details of this contract must be provided at time of application and it shall be maintained throughout the period of the licence. Applicants will not be expected to finalise such contract prior to determination of their application, however, proof will be required prior to the issuing of any licence that is granted to them.
13. If any applicant believes that a trade waste contract is not required, this must be stated at the time of application, with written reason as to why it is not required. The licensing authority will make determination on an individual basis.
14. There is a requirement that any business engaged in the sale of food must register with the food safety team in the authority area where the food is usually stored.
15. Any person engaged in running a business that involves the sale of food must provide a certificate to show that they have completed a food hygiene training course equivalent to level 2 award in Food Safety and Catering.
16. The land from which you intend to trade may require planning permission for such use. It is your responsibility to check with the Council's planning department prior to applying for a Licence.

Appendix iii

STREET TRADING CONDITIONS

STANDARD CONDITIONS FOR TEMPORARY STREET TRADING LICENCES

1. For streets with footways and carriageways, the maximum width of any licensed area shall not exceed one third of the useable width of the footpath.
2. A minimum unobstructed footpath width of 1.8 metres must be left clear and available and free from obstruction to allow for safe and convenient pedestrian movement. The distance in this respect is to be measured from the edge of the licensed area to any significant amount of street furniture (such as lamp posts, bollards, parking meters, fences etc) or to the kerbside or edge of the road in the absence of any street furniture as described. Where there is heavy pedestrian flow, additional footpath space may be required.
3. In respect of fully pedestrianised streets, a minimum width of 1.8 metres or two thirds of the total width of the public highway (whichever is the greater) must remain free and unobstructed to facilitate pedestrian movement. Where there is heavy pedestrian flow, additional footpath space may be required. The unobstructed route shall fall equally either side of the centre line of the footway to ensure the space available for any permitted display, or in the case of pavement café licences, tables and chairs, is shared equally between premises on either side of the street.
4. Only the licensed and designated area shall be used for any form of display, tables and chairs or trading at any time.
5. In respect of pavement café licences, only tables, chairs and umbrellas associated with those tables and chairs shall be placed within the designated area. No other furniture of any description, other than litter receptacles shall be placed within the designated area.
6. In respect of all street trading licences other than pavement café licences, only those tables, stalls, items or displays specifically applied for and authorised on this licence shall be permitted within the designated area. No other furniture of any description, other than litter receptacles shall be placed within the designated area.
7. The licence holder shall keep his trading location and the immediate area in a clean and tidy condition during the permitted hours and at the end of each daily period of use. The holder will ensure that appropriate precautions are taken to prevent the highway from becoming littered as a result of trading activity and shall provide a litter bin for their customers where necessary.

8. The Licence Holder's vehicle/stall shall be kept in a clean, safe and well maintained condition and be of a presentable appearance. The street trading licence holder shall maintain the stall or vehicle in a clean state and its structure shall be kept in good order, repair and condition to the satisfaction of an Officer of the Council.
9. All displays, tables, chairs and any other structures associated with this licence shall be removed at the end of each trading day.
10. Suitable storage for tables, chairs, stalls or any other items associated with the display or pavement café shall be identified by the applicant at the time of application and must be utilised for safe storage of those items at all times when not in use.
11. In the case of pavement café's all tables and chairs shall be durable and suitable for outside use. No damaged furniture shall be used at any time.
12. In respect of all licences other than for a pavement café all items associated with the display shall be of sufficient quality and strength to be placed outside and shall be capable of withstanding the size, weight and shape of any items placed thereon. There shall be no sharp or jagged edges associated with any part of the display furniture.
13. No display items, tables, chairs, structures or goods associated with the display or pavement café shall be positioned in any way so as to obstruct the sight line of drivers of vehicles in and around the vicinity of the display or pavement café.
14. There shall be no playing of music or any amplified sound to any extent that may be perceived as causing a nuisance to neighbouring premises or any other person in the vicinity. The holder shall not use or permit any music playing, music reproducing or sound amplification apparatus or any musical instruments, radio or television receiving sets whilst trading under this Licence, unless varied by a special condition of this Licence.
15. No licence holder shall cause or permit a nuisance to be created by noise, smell or any other unreasonable form to be emitted or associated with the licensed pitch or display area in any way.
16. No electrical cables, wiring or any other like obstruction, shall be permitted to run along the ground in such a way as to create a trip hazard or which may be susceptible to mechanical damage.
17. A Clear pathway of at least 1.1 metres in width shall be maintained at all times, which will allow reasonable egress and access to the shop premises
18. In respect of pavement café's, only the provision of refreshments shall be provided at any time, unless otherwise specifically authorised by the licence.

19. In respect of all other street trading licences, the display, storage and offer for sale of goods and/or services are only permitted in respect of the item, items or category of merchandise specifically authorised by the licence.
20. In the event of a request by a Police Officer, an authorised Officer of the Council or an Officer of a relevant public utility, any tables, chairs, display equipment or goods, shall be removed immediately for whatever period is so required.
21. The holder(s) of this Licence (the holder), or any person employed to work on the stall must produce the Licence when required to do so by a Police Officer or a duly authorised officer of Hounslow Council (the Council).
22. Planning permission must be obtained prior to the making of any structural alterations to the building or its appearance. This will include the fitting of any electrical signs, canopies or similar
23. No fencing walls or boundary markers of any kind shall be installed or erected at any time either in or around the designated trading area, without specific appropriate written authority from the local planning authority or relevant department/organisation.
24. No overhanging structures whether temporary or permanent, shall be permitted to be lower than a height of 2 metres and must at all times be adequately secured. Any such items are subject to permission under condition 19 above.
25. The term of the licence shall not exceed 6 months from the date of issue.
26. The issue of this licence does not give or imply any permission to supply or sell intoxicating liquor on the street
27. Only the goods and/or services agreed by members of the licensing panel at the time of licensing and which are listed on the licence shall be displayed or offered for sale in the outside licensed area at any time. The Licence Holder can only sell goods identified in the Licence to Trade. If he/she wishes to sell different or additional goods, he/she must apply for a new Licence to trade.
28. All goods shall be maintained in a reasonable and safe condition at all times.
29. Notice of application for a new or renewal of a street trading licence (including pavement café's) must be displayed in the window of the premises to which it relates, in such a manner so as to be clearly visible from the outside. Such notice must be at least A4 in size and will be displayed for a period of not less than 28 days from the date of application.

30. If possible, this Licence as issued must be displayed in a clearly visible position where it can be read by prospective customers. If this is not possible the Licence must be available for inspection when requested to do so by a Police Officer or authorised Officer of the Council.
31. This licence is not transferable and as such will cease to have effect should the licence holder cease to own or to be employed by the establishment. Unless acting as a Principal Licence Holder, the holder shall not transfer, assign or sublet this Licence, but he may surrender it at any time.
32. The granting of this licence, does not remove the right of the Local Authority to consider and if deemed appropriate, enforce any breaches of Highway Law, particularly that legislation relating to the obstruction of the public highway
33. The holder shall return this Licence to the Council's Licensing Services immediately on revocation or surrender.
34. The holder shall trade strictly in accordance with this Licence.
35. The holder shall notify Licensing Services immediately of any convictions or proceedings arising out of the use of this Licence.
36. The holder shall not cause any obstruction of the street or danger to persons using it. The holder shall not permit persons to gather around him or any van, cart, barrow, other vehicle or stall included in this Licence so as to cause a nuisance, annoyance or danger to any persons lawfully using the street. Trading at the site defined in the Licence to Trade must not cause any risk to public safety and must comply with the conditions detailed in the section of this guide called "Site Assessment".
37. The holder shall not place on the street, or affix to any equipment placed on the street, any advertising material, unless varied by a special condition of this Licence.
38. The holder shall not fix any equipment, nor make any excavations or indentations in the surface of the street.
39. The holder shall not use the street for any trading purpose other than as permitted by this Licence.
40. The holder shall not place on the street any furniture or equipment other than that permitted by this Licence. All such furniture or equipment must be maintained in a clean and tidy condition, and must not obstruct the entrance to, or exit from, any premises.
41. The holder shall not do anything in the street which may cause danger, nuisance or annoyance, damage or inconvenience to the Council, any adjacent/neighbouring premises, or to members of the public.

42. The holder shall not deposit any water or waste product into any street drain or channel, but shall dispose of it in an appropriate place. The Environmental Protection Act 1990 places a duty of care on businesses to dispose of waste originating from their trade in a certain manner.
43. The Licence holder shall ensure refuse originating from their trade is disposed of by a licensed waste carrier and shall leave the site clear of refuse at the completion of trading. No water or waste material shall be discharged on to the highway or any adjacent property. The Licence Holder shall ensure that the area in the vicinity of the stall/vehicle is kept clear of all refuse at all times. Refuse storage must be provided adjacent to the sale area. The storage must be of a substantial construction, waterproof and animal proof. The trade waste must be removed at the end of each working day or if the amount of refuse warrants it, when the container is full, whichever is the sooner.
44. The holder shall indemnify the Council and their agents, servants, workmen etc. from and against all proceedings, damages, claims or expenses in respect of an injury (including personal injury) which may be sustained in connection with the trading pitch and the provision of facilities under this Licence.
45. Licence Holders shall have and maintain a proper insurance policy against public liability and third party risks. The minimum insurance cover shall be £2,000,000 and shall cover the operator's vehicle, or stall and any additional equipment under their control. If food is sold the insurance shall specifically include cover against food poisoning to the same amount. The insurance certificate or cover note shall be produced to the City Environmental Health Officer before the Street Trading Licence is issued. Proof of cover must be produced to an officer of Hounslow Council as required.
46. The holder must obtain permission from the appropriate authority (where relevant) or the Council's Highways Department and Licensing Manager or Head of Business Regulation, if they wish to utilise electrical power taken from the mains or a generator.
47. The Council may revoke this Licence at any time and shall not be liable to pay any compensation to the holder in respect of such revocation.
48. The holder, or any person employed to work on the stall, shall **at all times carry with them** the identification card issued by Hounslow whilst trading from the pitch.
49. The holder shall return any Council issued identification badges and licences to Licensing Services immediately on revocation or surrender of this Licence.
50. The holder shall pay the street trading fees in advance unless an agreement is sought to enable payments to be paid by direct debit.

51. This Licence does not relieve the holder, or any person employed to work on the stall, of any obligation to comply with all other general and local legislation, and in particular the Road Traffic Acts; the Food Safety Act 1990; the Town and Country Planning Acts; the Control of Pollution Act 1974; the Environmental Protection Act 1990; the Licensing Act 2003; any Orders or Regulations made thereunder; and local Byelaws. It shall be the obligation of the holder to familiarise themselves and their employees with any such legislation. The Council may revoke this Licence upon any breach.
52. The Council will not grant a Street Trading Licence to persons under the age of 17 years and no person employed by a Licence Holder to assist him/her in the street trading shall be under the age of 16 years.
53. No trading stall, vehicle etc. is permitted to remain at the locality in question outside the permitted hours unless specified by the terms of the licence. It must be removed at the end of each trading day and not returned until the agreed trading commencement hours the following day. Where a structure is not removed at the end of the trading day, no additional permanent or semi-permanent additions or paving shall be erected or constructed adjacent to the structure for which licence has been granted.
54. Trading units/stalls must not be sited in any area other than the site defined by the Licence to Trade. If the Licence Holder wishes to move the trading unit to another site he/she must apply for a new Licence to Trade.
55. The Licence Holder shall ensure that the stall/vehicle is positioned only in the allocated space (which may be marked on the ground) in the Licence Street for which the Street Trading Licence is issued. All goods shall be displayed on the stall and no freestanding racks or displays are permitted. If a Licence Holder or operator/assistant is requested to move the vehicle/stall by an authorised Council Officer or Police Officer they shall immediately comply with that request.
56. Street trading can only be carried out from the stall or vehicle authorised under the conditions of the licence. Any changes to or replacement of the stall or vehicle must be approved by the Head of Business Regulation or Licensing Manager.
57. The Licence Holder shall not drive or park a vehicle on any part of a footway. (It is an offence to drive other than on a road)
58. Any vehicle used by the licence holder for trading purposes shall be maintained in a roadworthy condition, taxed, insured and with a current MOT Certificate.
59. The Licence Holder must take adequate precautions to prevent the risk of fire at the stall or vehicle. All hot food vans/trailers are required to comply with current legislation on fire safety. Where gas cylinders are used an annual gas safety certificate must be kept on site to ensure the safety of all gas cooking and heating equipment.

60. A serviceable fire blanket and a foam fire extinguisher shall be provided in all vehicles selling hot food. The Licence Holder must take adequate precautions to prevent the risk of fire at the stall. The use of any portable gas powered equipment is prohibited. The use of generators powered by internal combustion or compression ignition engines is also prohibited.
61. All hot food vans/trailers are required to carry a basic first aid kit. The Licence Holder and others operators should know how to give first aid to treat victims of burns and cuts. All hot food vans should have access to a minimum of one mobile phone that must be serviceable at all times.
62. All staff involved in the preparation of food shall hold a current Level 2 food safety certificate that is accredited by the Chartered Institute of Environmental Health, or the Royal Society of Health, or the Royal institute of Public Health and Hygiene.
63. A Street Trading Licence cannot be transferred or sold to another person except that the Licence may be transferred to a member of the Licence Holder's immediate family in the event of the Licence Holder's death or incapacity on payment of a fee. The sub letting of a pitch is prohibited. Discuss in relation to permanent stalls.
64. The Licence Holder must be the principal operator and have day to day control of the stall/vehicle. The Licence Holder may employ any other person to assist in operating the stall/vehicle and shall notify the Head of Business Regulation/Licensing Manager of the name and address of that person.
65. Anyone who operates a stall/vehicle other than the Licence Holder must be authorised by the Head of Business Regulation/Licensing Manager.
66. Licence holders shall ensure that disabled people and wheelchair users can be adequately served. This may involve serving persons from outside the vehicle, stool or trading area.
67. All Licence Holders shall take such precautions as necessary to ensure the safety of the public and themselves when carrying out their business. It is advisable to carry out a simple risk assessment to assess any possible risks and take steps to mitigate or eliminate the identified risk. It may be something as simple as a poorly assembled stall or something placed by the stall that someone may trip over. It is advisable to have in your possession a basic first aid kit and one serviceable mobile phone if the emergency services need to be contacted quickly.
68. The Licence holder must be the principal operator of the stall and must be physically present at that stall the majority of the time. Occasional help is permissible with prior approval of the Licensing Manager or head of Business Regulation.

69. Where LPG fuelled appliances are used the complete gas installation should be examined for soundness at least once per year and the correct operation of each gas appliance, including any safety devices fitted should be checked annually by a competent person who is a member of an organisation approved by the H.S.E. e.g. is registered with the Council for Registered Gas Installers – CORGI. A copy of the competent persons report must be forwarded with the application.
70. WC facilities must be made available for staff and members of the public if seating is made available for consumption of food on site. The Licence Holder when operating on a static site shall have access to suitable and sufficient sanitary (toilet) facilities for both the Licence Holder, and any persons employed in the street trading activity. If you are intending to use sanitary facilities belonging to a local business or domestic residence, you must provide written confirmation of that permission with your application form.
71. No poster, advertisement, signage or decoration of an unsuitable material or nature shall be displayed, sold or distributed on or about the vehicle or premises. For the purpose of this condition, material is unsuitable if in the opinion of an Officer of the Council authorised under the appropriate legislation, it is indecent, scandalous, offensive or likely to be harmful to any person likely to apprehend it. Material may also be considered to be unsuitable if it is of such a nature as to distract motorists driving on the highway.
72. All persons selling food shall in addition comply with all relevant Food Safety legislation.
73. The licence holder must inform the Council of a change in his/her home address during the period of the licence within seven days of such a change taking place.