

**Guidance notes for making applications for Temporary Street trading licenses.****1. General**

- a. Before submitting your application you should consider whether you need to obtain planning permission for it. For example, the placing of tables and chairs outside your property may mean a change in use of the land on which they are placed. To confirm whether you need planning permission, please contact the planning department. The Planning Department can be contacted on 020 8359 3000.
- b. The provision of a temporary street trading licence does not absolve you of your responsibilities to ensure you comply with all other rules and legislation.

**2. Space**

- a. To be granted a street trading licence there needs to be adequate space for the public to pass on the footway, we would expect at least 2.5 m of clear, unobstructed passage. We will include street furniture in the measurement, so if a bus stop/telephone box/litter bin etc. narrows the thoroughfare, this will affect the success of any application. On certain streets, due to high pedestrian use or high traffic a larger clearance will be required.
- b. The provision of services must be taken account of in the licensed area. The total area you apply for MUST include adequate space for customers to view goods displays or for members of staff to serve customers
- c. The maximum permitted height of any item placed on the highway is 3 metres

**3. Application Process**

- a. Applications can be made for a temporary licence for street trading for up to 6 months
- b. To apply for a licence a completed application form and 1 passport sized photo should be submitted to the licensing department (this may be done electronically). This photo must be
  - recent
  - 45 millimetres (mm) high x 35 millimetres (mm) wide
  - taken against an off-white, cream or light grey plain background so that your features are clearly distinguishable against the background;

- of you on your own (no other people visible);
  - a close-up of your head and shoulders
- c. You must submit a scale plan of the licensed area, and this plan must have marked on it every object you wish to place in the licensed area. This includes any tables, chairs, umbrellas, gazebos, menu displays etc.
- d. The application must also include
- a 1:100 scale drawing of the area that you are applying in regard to
  - a photograph of the plot you are applying in regard to
  - a copy of your public liability insurance document (Liability insurance must be for at least £5 million ),
  - If your plot is adjoined to your business premises, proof of ownership, possession or right to the business premises
  - Proof of identity (passport, driving licence).
- e. Please note that all land outside of your property will be assumed to be council land and therefore use of it will be chargeable. It will be up to you to prove that land is yours by producing a copy of your deeds.
- f. Once receipt of the application has been confirmed then you must within 24 hours display a copy of your application form in a prominent position on or near the premise, clearly visible to the general public. This notice shall be at least A4 size on pale blue card or paper, written in font size 16.
- g. This notice shall give interested parties a chance to make representations in regard to the application. This notice must be displayed for 14 days.
- h. The application and any representations received by us in a 14 day period following the day of receipt of application will then be considered and the licensing department will then determine whether the application can be granted.
- i. If you are unhappy with the decision made or special conditions applied then you may appeal this decision to the Director of Corporate Governance within 21 days of the decision being notified to you.

#### **4. Conditions**

- a. Every licence will have a number of standard conditions attached to it.
- b. Any application may have further special conditions attached to it as appropriate.

## **5. Applications**

- a. The maximum period that can be applied for is 7am -11pm. Before 7am and after 11am no street trading shall occur on the public footpath.
- b. The setting up and dismantling of your stall must be done within these hours.
- c. The applicant will need to address the issue of storage of the items outside of these hours.
- d. Large benches and picnic tables with seating combined in the design are unlikely to be easily moved and stored as we require.
- e. Justified complaints may cause us to attach conditions restricting your hours of trading.

## **6. Nuisance**

- a. The likelihood of any nuisance that may be caused by the application will be a decisive factor in the decision to grant an application.
- b. The type of product to be placed in the area, either to display goods on, or for people to use (i.e. tables and chairs) needs to be specified (including materials of construction) in the application. We will expect these to be stable, robust and suitable for the use they will receive.
- c. We will expect the applicant to address what arrangements they will put in to place to minimise the noise that will be caused by the moving of the objects contained within the pitch.

## **7. Other equipment**

- a. In the case of free standing umbrellas, menu displays, etc we will need to be satisfied that these do not present any safety hazards and it is generally unlikely permission will be given for these.
- b. Permanent barriers of any type are not permitted; the licensed area is and remains a public footway.
- c. Heaters which generate emissions are a health and safety risk and also are contrary to the Councils environmental principles, therefore these will not be allowed in the licensed area in ANY circumstances.
- d. "A" boards and advertising materials such as banners are not permitted in any circumstances.

## **8. Breach of Conditions**

- a. Breach of conditions will result in penalty points recorded against the licence. If you receive 12 penalty points in any 6 month period then the licence will be revoked or renewal refused. This does not limit the council in taking other appropriate steps to deal with actions which breach these conditions.
- b. Some breaches will result in immediate revocation of the licence. These are failure to comply with an officer's request in an emergency, and any proven complaint of harassment, abuse, violence or threats.

## **9. Appeals**

- a. Should your application be refused or your licence revoked or should you be unhappy about a non standard condition that has been applied to your licence then you have a right of appeal.
- b. Applications for appeals must be made in writing within 21 days of the refusal/revocation/change of conditions being notified to you.
- c. The appeal will be heard by the Director of the Corporate Governance or by any other persons appointed by him. This appeal will be heard within 14 days of your application for appeal.
- d. Where the council have decided to revoke the licence the revocation will not have effect until the period for appeal has passed. Or where an appeal is sought, until that appeal is heard.
- e. Where the Council have decided to apply a non standard condition to an EXISTING licence this condition will not have effect until the period for appeal has passed. Or where an appeal is sought, until the appeal is heard.