

Royal Borough of Greenwich

Street Trading Policy

1.0 Introduction

- 1.1 This policy relates to applications for trading on the highway and covers shop forecourt displays, miscellaneous designated trading sites and tables and chairs on the highway. This policy is separate from the application process in place for the markets in Woolwich.
- 1.2 This 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.
- 1.3 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.
- 1.4 This policy also highlights the Royal Borough's undertaking to avoid duplication with other statutory provisions and our commitment to work in partnership with other enforcement agencies.
- 1.5 Under the Act the Royal Borough is responsible for granting, renewing, varying or revoking all street trading licences. This function is generally undertaken by officers within the Trading Standards & Licensing team under delegation from the Licensing Committee.
- 1.6 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.
 - trading from a private forecourt
- 1.7 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.
- 1.8 The vision for Royal Borough of Greenwich's street trading is:
- 'To create a street trading environment that compliments premises-based trading, is sensitive to the needs of residents and provides diversity and consumer choice. In recognising that street trading has a history of being a low cost start for successful retailers, the Royal Borough wishes to encourage such enterprise. The Royal Borough believes that street trading can generate vitality in*

the street scene and increase visits by the public. The Royal Borough seeks to ensure that street trading both enhances the character and ambience of local environments and is provided safely avoiding public nuisance for Greenwich's residents and visitors.'

2.0 Making an application for street trading (Non market)

- 2.1 New applications for any type of street trading licence (shop/forecourt displays, miscellaneous designated trading sites, tables and chairs) can be made to the Royal Borough at any time by completing the application form downloadable from the street trading pages of the Royal Greenwich website www.royalgreenwich.gov.uk and returning the completed form with a non-refundable administration fee. Applications can also be made electronically either from the Royal Greenwich website or through "GOV.UK"
- 2.2 Completed forms will then be reviewed by the Markets and Street Trading Manager against the standard conditions (see below) for street trading in Greenwich.
- 2.3 Consultation will be carried out locally and with other relevant stakeholders within the Royal Borough of Greenwich, dependent upon the application being made.
- 2.4 The street trading team will fully consult with all interested parties before granting a street trading licence with particular care in cases such as:
 - Tables and chairs where alcohol is consumed because of the potential for noise disturbance
 - Miscellaneous trading sites with hot food because of the potential for smells and concerns over health and safety
 - Any newly created miscellaneous trading sites
- 2.5 The street trading team will always consult with the Highways and Planning teams (except where the trading is for a period of less than 28 days where planning permission is not required) and the Police along with other bodies as appropriate to the application which may include one or more of the following:
 - Local businesses
 - Local residents
 - Economic development
 - Chamber of commerce
 - Town Centre Manager
 - Transport for London
 - Other Royal Borough services such as Environmental Health Commercial (Food/Health and Safety) and Pollution Teams, Trading Standards and Licensing
 - Traders and residents associations
- 2.6 If there are sustainable objections to the application from the Police, Highways or Planning then the application will be rejected.

3.0 Enforcement of unlicensed street trading and street trading licence contraventions

3.1 Enforcement of street trading contraventions will be by means of:

- Verbal warnings – e.g. where contraventions are easily resolved
- Written warning
- Fixed Penalty Notices
- Revocation of licence
- Simple caution
- Prosecution

3.2 All enforcement actions in relation to street trading will be taken in accordance with the Environmental Health and Trading Standards Enforcement Policy or the Performance Quality & Enforcement Team Enforcement Policy.

3.3 Decisions on revocations of licences will be made by the Trading Standards and Licensing Manager assisted by a member of the legal services team.

4.0 Royal Borough of Greenwich Street Trading Standard Conditions

4.1 Introduction

4.1.1 Street-trading licences for forecourt and tables and chairs are granted as ‘temporary’ licences under Part 3 of the licensing regime in the London Local Authorities Act 1990 (the ‘Act’) and are renewable after 6 months. In the case of miscellaneous trading sites, annually renewable ‘permanent’ licences will only be granted in designated streets (see section 8 of this policy). The legislation allows the local authority to charge a reasonable fee to cover cleansing, waste collection, administration and enforcement. The Police must be consulted under the governing legislation and a licence will not be granted where the Police object. If approval is needed for any activity under any other byelaw, enactment, or regulation, that approval must be sought separately.

4.1.2 The Royal Borough may change the conditions on a licence, attach extra conditions, or revoke a street trading licence if it is in the interests of public health and safety to do so. The Royal Borough may review a licence if there have been complaints about the street trading from that site or if there is a change in the surrounding area, e.g. footfall has increased or if the Royal Borough has put in a permanent fixture which would cause it to review any temporary fixtures such as street trading.

4.1.3 If there is any difference between the standard conditions and amended or extra conditions on a licence, the amended or extra conditions will apply. The Royal Borough will always confirm the amended or extra conditions in writing.

- 4.1.4 If a licence holder wishes to amend any of the terms of a licence, s/he must apply in writing to the Royal Borough. The Royal Borough will always respond in writing.
- 4.1.5 As well as complying with the Act and any future laws amending the Act, the licence holder must comply with other laws, including trading standards and consumer protection laws relating to their goods. If the licence holder is convicted of any criminal offence, the street trading and markets manager may decide to revoke the street trading licence.

4.2 *General Conditions for all Street Trading Licences*

- 4.2.1 Goods which are not authorised on the street trading licence must not be sold, offered for sale or advertised in the trading area or designated site.
- 4.2.2 The trading area to which the licence applies is to be used solely by the licence holder and any assistant and is not to be let, hired or loaned or used in any other way by another person.
- 4.2.3 At all times the name of the trader on the street trading licence must be prominently displayed.
- 4.2.4 Street trading fees must be paid in advance every month or also may be paid in advance for a six month period in the case of shop forecourts and tables and chairs licences.
- 4.2.5 Licence holders must notify the Royal Borough of any permanent change of address as soon as it occurs.
- 4.2.6 Trader's pets and other animals, other than registered assistance dogs, are not allowed at a street trading site.
- 4.2.7 The licence holder must not trade in food unless they have registered with the Royal Borough Environmental Health Team under the Food Safety Act 1990. The Royal Borough may ask the licence holder to produce evidence of registration before issuing any licence to trade in food.
- 4.2.8 In the event of an emergency, all goods, displays, tables and chairs must be removed immediately upon the direction of a Royal Borough officer or the police.

4.3 *Requirements before obtaining a licence*

- 4.3.1 Applicants must provide evidence of current Third Party Liability Insurance to cover the requirements of the Royal Borough. The level of indemnity afforded by the policy should be up to £5 million. A licence will not be issued or renewed before presentation of a copy of the insurance certificates.

4.4 *Trading Times*

4.4.1 Trading may only occur during the times and dates shown in the licence. For shop forecourt displays this will be the same as the times and dates of the shop opening hours.

4.5 *Courtesy with the Public*

4.5.1 At all times the licence holder must make sure that trading does not cause an inconvenience, danger or obstruction to members of the public or neighbouring premises.

4.5.2 The licence holder must make sure that they and their assistants treat the public, other traders and the Royal Borough officers fairly and reasonably, and not use behaviour which could reasonably be seen as abusive or intimidating.

4.5.3 The licence holder and their assistants must not commit any acts of harassment against any person. Harassment includes (but is not limited to) violence or threats of violence, abusive or insulting words or behaviour, and damage or threats of damage to property belonging to another person.

4.6 *Nuisance to Neighbours*

4.6.1 Audio equipment, public-address systems or radios must not be used if they cause a nuisance or annoy any other person. The volume of such instruments must be turned down or removed upon request by a Royal Borough officer or the police.

4.6.2 Goods must not cause a nuisance because of their smell.

4.7 *Cleaning the Trading Area*

4.7.1 The licence holder will be accountable for the responsible disposal of all refuse from the site and at the end of trading ensure that the site is cleansed and left entirely free of obstruction.

4.7.2 If the licence holder damages or fails to cleanse the highway remedial action will be taken by the Royal Borough and the cost will be charged to the licence holder.

4.8 *Electrical Power and Generators on Licensed Sites*

4.8.1 No electrical cables are allowed to cross the highway.

4.8.2 Licence holders must not use mobile generators, ovens, patio-heaters etc without written authorisation from the Royal Borough.

4.8.3 Where mobile generators, ovens or patio-heaters are authorised the licence holder must ensure that:

- They do not present a danger to the public
- They do not present a fire risk or a similar hazard to the site or to the goods displayed
- They do not cause a noise or fume nuisance
- Any inflammable fuel is stored away from the site in a container which is approved by the London Fire and Civil Defence Authority
- All electrical wiring and components comply with current Health and Safety and Institute of Electrical Engineers regulations and are tested annually for compliance. The Royal Borough may require annual test certificates for all apparatus in use on a licensed site.

4.9 *Use of Liquid Petroleum Gas*

4.9.1 All traders must have a current annual safety certificate from a 'Gas Safe' registered engineer.

4.9.2 All traders must carry out a fire safety risk assessment and ensure that:

- Spare cylinders are stored safely in a secure cupboard remote from the cooker;
- All connections are secure;
- Gas tubes are in good condition (not frayed or kinked);
- Combustible materials are stored away from ignition sources;
- A fire blanket and foam fire extinguisher are provided.

5.0 Structures used for trading (applies to shop forecourt displays, and miscellaneous designated trading sites)

5.1 Goods must be displayed so that they do not pose a public safety risk i.e. not pose a trip hazard on a public footway.

5.2 All structures or stalls are required to be easily removable and should be removed at the end of the trading day to enable cleaning and maintenance of the highway. They must be removed no later than 30 minutes after the time shown on the licence for the end of trading.

6.0 Shop Forecourt Displays

6.1 Private forecourts used for the sale of the same commodities as the main business of the shop do not require a street trading licence.

6.2 Where traders are displaying goods on a private forecourt, they must allow sufficient space for shoppers standing viewing the goods so as not to cause an obstruction on the highway.

- 6.3 As a general guide there must be a distance of at least two metres between the front of the trading area and the kerbside but this is subject to assessment of pedestrian access at the site. This includes an allowance for pedestrians to stand and view the goods and for other pedestrians to pass safely.
- 6.4 A maximum of 1 metre display area from the front of any shop will normally be allowed.
- 6.5 The goods on offer within the trading area must be the same as those on offer within the shop premises, and as entered on the licence.
- 6.6 The width of the trading area shall be contained entirely within the width of the shop frontage.
- 6.7 There must be no obstruction to sight lines, fire hydrants, manholes or other street furniture etc. by goods or equipment within the trading area.
- 6.8 No items may be affixed by any means, to the surface of the highway within or adjacent to the trading area. No dangerous protrusions will be permitted within the trading area, either from the display or the shop premises.
- 6.9 The trading area can be used for display purposes only. No tills or scales are to be employed and no sales to take place on the forecourt site except by written permission of the Royal Borough.

7.0 Tables and Chairs

- 7.1 Street Trading licences for tables and chairs will have many of the same conditions as those for other street trading.
- 7.2 There must be a suitable width of pavement. As a general guide there must be a distance of at least two metres between the front of the trading area and the kerbside but this is subject to assessment of pedestrian access at the site.
- 7.3 All structures, including the tables and chairs themselves, must be easily removable to enable maintenance of the highway and must be removed no later than 30 minutes after the time shown on the licence for the end of trading.
- 7.4 The licence holder will be accountable for the responsible disposal of all refuse from the site and at the end of trading ensure that the site is cleansed and left entirely free of obstruction. This includes cigarette waste. The licence holder should provide extra facilities for the disposal of rubbish if required.
- 7.5 Licence holders must not use mobile generators, ovens, patio-heaters etc without written authorisation from the Royal Borough.

7.6 Where mobile generators, ovens or patio-heaters are authorised the licence holder must ensure that:

- They do not present a danger to the public
- They do not present a fire risk or a similar hazard to the site or goods displayed
- They do not cause a noise or fume nuisance
- Any inflammable fuel is stored away from the site in a container which is approved by the London Fire and Civil Defence Authority
- All electrical wiring and components comply with current Health and Safety and Institute of Electrical Engineers regulations and are tested annually for compliance. The Royal Borough may require presentation of annual test certificates for all apparatus in use on a licensed site.

7.7 Street Trading licences for tables and chairs will differ from forecourt trading in that:

- A trading depth of up to 4 metres may be allowed if there is sufficient width of pavement. Businesses will be required to pay for the additional trading depth.
- If the business does not allow consumption of alcohol on the premises then the hours on the street trading licence will be the same as the times and dates of the business opening.
- If the business does allow the consumption of alcohol on the premises and there is no condition on the Licensing Act 2003 licence that states the permitted outside hours then there will be a consultation with Environmental Health Pollution team along with the Police before the appropriate trading times and days are determined.

8.0 Street trading from miscellaneous trading sites

8.1 On 29 July 2015 the RB Greenwich designated the following streets/sites for street trading within the borough:

- Calderwood Street SE18 (Part) between Powis Street and Thomas Street
- Powis Street SE18 (Part) (North footway outside No.6, Nr DLR)
- Duke Humphrey Road SE3 (Part) J/W Charlton Way (Opposite Park Gates)
- Griffin Manor Way SE28 (Part) (o/s industrial estate)
- Nathan Way SE28 (Part) (o/s industrial estate)
- Straightsmouth Street SE10 (Part) J/W Greenwich High Road/Roan Street
- Harvey Gardens (Part) (opposite Charlton football ground, licences limited to Charlton AFC home match days only)
- Ransom Road Nr J/W Harvey Gardens SE7 (licences limited to Charlton AFC home match days only)
- Harvey Gardens J/W Deer Park Road SE7 (licences limited to Charlton AFC home match days only)
- Valley Grove J/W Deer Park Road SE7 (licences limited to Charlton AFC home match days only)
- Passey Place SE9 (Part) J/W Eltham High Street

- Greenwich High Road J/W Royal Hill (Christmas trees only)
- Tyler Street, SE10, Nr J/W Trafalgar Road SE10
- Colomb Street, SE10 Nr J/W Trafalgar Road SE10
- Earlswood Street, SE10 Nr J/W Trafalgar Road SE10

The street trading designations came into effect on 1 September 2015.

- 8.2 Applications for street trading from miscellaneous trading sites will only be accepted where they relate to designated streets, specified parts of streets or individual sites. Such applications will be for 'permanent' annually renewable licences under part 3 of the London Local Authorities Act 1990.
- 8.3 The only exceptions to the above (8.2) where temporary licences may be issued are:
- For occasional markets/events to allow trading for up to 28 days.
 - Exceptionally for miscellaneous trading sites operated by a charity, non-profit organisation, community organisation or suchlike.
- 8.4 The street trading team will maintain a list of non-designated streets where there has been an expression of interest in street trading. Such streets will only be included on the waiting list if there are no initial objections to street trading taking place there from the Police, Planning or the Highways team. The Markets and Street Trading Manager will determine the appropriate interval to carry out the statutory consultation for potential street trading designations. The outcome of the consultation will be reported to Council to decide whether those streets should be designated for street trading.