

## NOTICE OF MEETING

# LICENSING SUB COMMITTEE A

**Monday, 17th December, 2018, 7.00 pm - Civic Centre, High Road, Wood Green, N22 8LE**

**Members:** Councillors Vincent Carroll (Chair), Dhiren Basu and Luke Cawley-Harrison

**Co-optees/Non Voting Members:**

Quorum: 3

### 1. **FILMING AT MEETINGS**

Please note this meeting may be filmed or recorded by the Council for live or subsequent broadcast via the Council's internet site or by anyone attending the meeting using any communication method. Although we ask members of the public recording, filming or reporting on the meeting not to include the public seating areas, members of the public attending the meeting should be aware that we cannot guarantee that they will not be filmed or recorded by others attending the meeting. Members of the public participating in the meeting (e.g. making deputations, asking questions, making oral protests) should be aware that they are likely to be filmed, recorded or reported on. By entering the meeting room and using the public seating area, you are consenting to being filmed and to the possible use of those images and sound recordings.

The Chair of the meeting has the discretion to terminate or suspend filming or recording, if in his or her opinion continuation of the filming, recording or reporting would disrupt or prejudice the proceedings, infringe the rights of any individual, or may lead to the breach of a legal obligation by the Council.

### 2. **APOLOGIES FOR ABSENCE**

### 3. **URGENT BUSINESS**

The Chair will consider the admission of any late items of urgent business. (Late items will be considered under the agenda item where they appear. New items will be dealt with at item below).

### 4. **DECLARATIONS OF INTEREST**

A member with a disclosable pecuniary interest or a prejudicial interest in a matter who attends a meeting of the authority at which the matter is considered:

- (i) must disclose the interest at the start of the meeting or when the interest becomes apparent, and
- (ii) may not participate in any discussion or vote on the matter and must withdraw from the meeting room.

A member who discloses at a meeting a disclosable pecuniary interest which is not registered in the Register of Members' Interests or the subject of a pending notification must notify the Monitoring Officer of the interest within 28 days of the disclosure.

Disclosable pecuniary interests, personal interests and prejudicial interests are defined at Paragraphs 5-7 and Appendix A of the Members' Code of Conduct

**5. MINUTES (PAGES 1 - 6)**

To approve the minutes of the previous meeting of the Licensing Sub Committee A held on 12<sup>th</sup> July 2018.

**6. SUMMARY OF PROCEDURE (PAGES 7 - 8)**

The Chair will explain the procedure that the Committee will follow for the hearing considered under the Licensing Act 2003 or Gambling Act 2005. A copy of the procedure is attached.

**7. REVOCATION OF A STREET TRADING LICENSE (PAGES 9 - 60)**

To consider revocation of a street trading license.

**8. EXCLUSION OF THE PRESS AND PUBLIC**

That the press and public be excluded from the meeting for consideration of item 8 as it contains exempt information as defined in Section 100a of the Local Government Act 1972 (as amended by Section 12A of the Local Government Act 1985); para 3; namely information relating to the financial or business affairs of any particular person (including the authority holding that information).

**9. REVOCATION OF A STREET TRADING LICENSE (PAGES 61 - 114)**

As per Item 7.

**10. ITEMS OF URGENT BUSINESS**

To consider any new items of admitted under Item 3 above.

Fax – 020 8881 5218  
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Bernie Ryan  
Assistant Director – Corporate Governance and Monitoring Officer  
River Park House, 225 High Road, Wood Green, N22 8HQ

Monday, 10 December 2018

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**MINUTES OF THE MEETING OF THE LICENSING SUB  
COMMITTEE A HELD ON THURSDAY, 12TH JULY, 2018, 7.00 -  
9.20 pm**

**PRESENT:**

**Councillors: Vincent Carroll (Chair), Dhiren Basu and Luke Cawley-Harrison**

**81. FILMING AT MEETINGS**

Noted.

**82. APOLOGIES FOR ABSENCE**

None.

**83. URGENT BUSINESS**

None.

**84. DECLARATIONS OF INTEREST**

None.

**85. MINUTES**

The minutes of the meeting held on 12 April 2018 were approved as a correct record of the meeting.

**86. SUMMARY OF PROCEDURE**

Noted.

**87. LA TABERNA DEL PAISA, 43 WEST GREEN ROAD, TOTTENHAM LONDON N15**

Daliah Barrett, Licensing Officer, introduced the application for a variation to an existing premises licence at La Taberna del Paisa, 43 West Green Road. Ms Barrett informed the Committee that the hours shown at paragraph 1.3 of the report were incorrect, and the hours of the licence were 0800-2300, Monday-Sunday, with licensable activities ceasing 30 minutes earlier. The Applicant had applied for an extension of the opening hours and licensable activities to 0800-0300 Friday and Saturday, and 0800-0000 Sunday to Thursday. The Applicant, Mr Tobon, had not offered any additional conditions for the panel to consider.

Representations had been received from local residents, the Licensing Authority, and the Metropolitan Police. Mr Tobon had accepted the hours put forward by the Police

and therefore the application would be for an extension to hours on Friday and Saturday only (0800-0000), with licensable activities ceasing 30 minutes earlier. Hours for Sunday to Thursday would remain at 0800-2300, with licensable activities ceasing 30 minutes earlier.

The local resident, Mr Ehrenzweig, made a representation on behalf of his tenants at 60a West Green Road, and tenants at 56-58 West Green Road. He had received a number of complaints from his tenants regarding noise nuisance from the premises at night. The premises did not close their doors at night, resulting in noise escape. Any extension to hours would result in further disturbance to local residents.

The Applicant's Representative, Mr Tobon's daughter, presented the application for a variation to the premises licence. West Green Road was a late night economy, with many premises with similar hours as applied for. Many of the Applicant's customer base was Latin American, where the culture was to socialise late at night. Mr Tobon had found that the business was most viable during the later trading hours and so wished to extend his opening hours to make his business work.

Mr Tobon requested to show some photographs to the Committee, and was advised by the Council's Lawyer that late evidence would only be permitted at the discretion of the Chair. When asked, Mr Ehrenzweig stated that he could not see the relevance of photographs when the issues raised in relation to the premises were about noise. The Chair took the decision not to admit the photographs as late evidence.

The Applicant's Representative advised that there had only been one occasion where live music had been played, and this was when the premises had opened. In response to the representation made by the Metropolitan Police, the Applicant's Representative advised that there had been no reports of any disturbance caused, and following the agreement to the hours posed by the police, the representation had been withdrawn.

In response to questions from the Committee, the Applicant's Representative advised that:

- It was not felt necessary to add conditions to the licence, as the existing ones were satisfactory;
- The complaints log contained details of one incident;
- The CCTV had been brought up to standard, and all speakers were mounted on anti-vibration brackets, although this had not been verified by any officers from the Council, or Police licensing;
- It would not be necessary to have an SIA door supervisor at the premises.

All parties summed up, and the Chair advised that the decision would be provided in writing within five days of the hearing.

## **RESOLVED**

The Committee carefully considered the application for a variation of the premises licence, the representations made by the Licensing Authority, Metropolitan Police,

local residents, the representations made by the Applicant and his representative, the Council's Statement of Licensing Policy and the Licensing Act 2003 and the Licensing Act 2003 s182 guidance.

The Committee noted that the Applicant had agreed to the hours put forward by the Metropolitan Police and would not be seeking the hours as set out on the application. However, after hearing the representations made by all parties, the Committee was satisfied that there was credible evidence before it that the applicant had not adhered to the conditions of his current licence. The Applicant could not satisfy the committee that he had implemented sufficient changes in the way he was running his premises so as to satisfy the licensing objectives. In particular, the applicant could not demonstrate that he had sufficient measures in place to address the effect of noise and anti-social behaviour/nuisance on local residents.

The committee had regard to the statement of licensing policy and its wish to promote the local economy of which the premises is a part, but could not treat this application in isolation from the impact that the premises was having on its neighbours.

The Committee therefore refused to grant the licence.

The committee approached its deliberations with an open mind and only made its decision after hearing the parties' representations. The committee considered its decision to be appropriate and proportionate.

**88. CLARKE AND PARKER FISHMONGERS, 488 MUSWELL HILL BROADWAY LONDON N10**

Daliah Barrett, Licensing Officer, introduced the application for a new premises licence for the sale of alcohol and late night refreshment. Representations had been received from local residents. No representations had been made by any other Responsible Authorities.

John Rodger, local resident, outlined his representation against the application. He lived above the premises, and informed the Committee that previous operations of the premises had not caused any nuisance to him or his neighbours. The business proposed by the Applicants was drastically different to the previous grocers and fishmongers businesses, and he felt that there would be a danger to public safety and an increase in crime and disorder. The premises had opened on 29 June, with 80 customers inside the premises, 30 customers outside, drinking and blocking the entrances to the properties above. Mr Rodgers referred to the Socialite Bar which had previously operated in the area and raised concerns that these premises would operate in a similar manner. He raised concerns over the capacity limits and dispersal policy. Mr Rodgers added that he had already had to contact the noise enforcement team in relation to noise nuisance from building works, and also raised concerns that the building was not suitable for this kind of premises.

Clare Graham, local resident, echoed the comments made by Mr Rodgers, and added her concern that the use of the courtyard would impact on her day to day living. Ms Graham advised that the courtyard was directly below her bedroom, and was

concerned that any use of this area would result in noise disturbance to her. She added that the entrances for the upstairs properties were next to the premises, which could potentially result in safety issues for residents coming in and out of the building.

Ms Barrett advised that the suitability of buildings was not a consideration under the Licensing Act 2003, and that if neighbours experienced any issues with sound travelling then they should contact the Council's noise enforcement team. She also advised that the Applicants had not applied for live or recorded music on the licence, however, the live music exemption meant that when a premises licence was granted, any premises could play live and recorded music between the hours of 0800 and 23.00.

Louis Cawson and Mohammed Said, Applicants, presented their application for a new premises licence. Mr Said informed the Committee that the premises was designed to be a small, family oriented dining space. They were confident that the premises would draw new people to the area. Since taking over the premises, the courtyard had been cleared up and improved, however Mr Said informed the Committee and local residents that the courtyard would not be used by customers, and the door would remain locked and only be used for storage. Mr Said informed the Committee of the test night carried out on 29 June (using Temporary Event Notices), and explained that lessons had been learned, with signage now being displayed, no drinks allowed outside (apart from on the licensed decking area) and no customers allowed outside after 22.00. The venue was not going to be used as a live music venue, and any music played would be at a background level.

Ms Graham raised her concern over noise from the premises into her home. She informed the Committee that she could already hear people talking, and was concerned that the noise would increase when there were 40-80 people inside the premises. Mr Said responded by informing the Committee that he and Mr Cawson had requested access to Ms Graham's property to check the levels, but without being able to do so, they would not be able to take any action to mitigate any potential noise disturbance.

All parties summed up, and the Chair informed them that the decision would be provided in five working days following the hearing.

**RESOLVED**

Friday to Saturday                      2300 to 0000 hours

**Supply of Alcohol**

Monday to Thursday                  1200 to 2300 hours  
Friday to Saturday                    1200 to 0000 hours  
Sunday                                      1200 to 2200 hours

For the consumption **ON** and **OFF** the premises

**Hours open to the public**



Monday to Thursday	1200 to 2330 hours
Friday to Saturday	1200 to 0030 hours
Sunday	1200 to 2230 hours

With an additional condition:

“The courtyard shall solely be used for storage by the premises, and only accessed during daytime operating hours”.

The Committee heard the representations by the local residents in opposition to the application, but felt that the Applicants had demonstrated their commitment to engaging with local residents and attempting to resolve any issues. The committee was only able to have regard to relevant representation and found the applicants proposals with respect to the premises, in particular how they planned to address the licensing objectives to be credible.

The committee approached its deliberations with an open mind and only made its decision after hearing the parties’ representations. The committee considered its decision to appropriate and proportionate.

**89. ITEMS OF URGENT BUSINESS**

None.

CHAIR: Councillor Vincent Carroll

Signed by Chair .....

Date .....

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## LICENSING SUB-COMMITTEE HEARINGS PROCEDURE SUMMARY

### INTRODUCTION

1. The Chair introduces him/herself and invites other Members, Council officers, Police, Applicant and Objectors to do the same.
2. The Chair invites Members to disclose
  - i) any prior contacts (before the hearing) with the parties or representations received by them; and separately
  - ii) any declarations of interest.
3. The Chair explains the procedure to be followed by reference to this summary which will be distributed in advance.

### NON-ATTENDANCE BY PARTY OR PARTIES

4. If one or both of the parties fails to attend, the Chair decides whether to:
  - (i) grant an adjournment to another date, or
  - (ii) proceed in the absence of the non-attending party.
 Normally, an absent party will be given one further opportunity to attend.

### TOPIC HEADINGS

5. The Chair suggests the “topic headings” for the hearing. In the case of the majority of applications for variation of hours, or other terms and conditions, the main topic is:
 

**Whether the extensions of hours etc. applied for would conflict with the four licensing objectives i.e.**

  - (i) the prevention of crime and disorder,
  - (ii) public safety,
  - (iii) the prevention of public nuisance, and
  - (iv) the protection of children from harm.
6. The Chair invites comments from the parties on any other topic headings to be discussed.

### WITNESSES

7. The Chair asks whether there are any requests by a party to call a witness and decides any such request.
8. Only if a witness is to be called, the Chair then asks if there is a request by an opposing party to “cross-examine” the witness. The Chair then decides any such request.

### DOCUMENTARY EVIDENCE

9. The Chair asks whether there are any requests by any party to introduce late documentary evidence.
10. If so, the Chair will ask the other party if they object to the admission of the late documents.
11. If the other party do object to the admission of documents which have only been produced by the first party at the hearing, then the documents shall not generally be admitted.

12.	If the other party object to documents produced late but before the hearing, the following criteria shall be taken into account when the Chair decides whether or not to admit the late documents:
(i)	What is the reason for the documents being late?
(ii)	Will the other party be unfairly taken by surprise by the late documents?
(iii)	Will the party seeking to admit late documents be put at a major disadvantage if admission of the documents is refused?
(iv)	Is the late evidence really important?
(v)	Would it be better and fairer to adjourn to a later date?
<b>THE LICENSING OFFICER'S INTRODUCTION</b>	
13.	The Licensing Officer introduces the report explaining, for example, the existing hours, the hours applied for and the comments of the other Council Services or outside official bodies. This should be as "neutral" as possible between the parties.
14.	The Licensing Officer can be questioned by Members and then by the parties.
<b>THE HEARING</b>	
15.	This takes the form of a discussion led by the Chair. The Chair can vary the order as appropriate but it should include:
(i)	an introduction by the Objectors' main representative
(ii)	an introduction by the Applicant or representative
(iii)	questions put by Members to the Objectors
(iv)	questions put by Members to the Applicant
(v)	questions put by the Objectors to the Applicant
(vi)	questions put by the Applicant to the Objectors
<b>CLOSING ADRESSES</b>	
16.	The Chair asks each party how much time is needed for their closing address, if they need to make one.
17.	Generally, the Objectors make their closing address before the Applicant who has the right to the final closing address.
<b>THE DECISION</b>	
18.	Members retire with the Committee Clerk and legal representative to consider their decision including the imposition of conditions.
19.	The decision is confirmed in writing within five working days of the hearing.

**Report for:** Licensing Sub Committee 17<sup>TH</sup> December 2018

**Item number:**

**Title:** Revocation of a street trading license.

**Report authorised by:** Daliah Barrett-Licensing Team Leader – Regulatory Services.

**Ward(s) affected** NP

**Report for Key/  
Non Key Decision:** Not applicable

**This report is exempt, as defined in Section 100a of the Local Government Act 1972 (as amended by Section 12A of the Local Government Act 1985); para 3 - information relating to the financial or business affairs of any particular person (including the authority holding that information).**

### 1. Describe the issue under consideration

1.1 This report relates to a matter for the revocation of a street trading licence for the following reasons under section 28 of the London Local Authorities Act 1990:

“ (e) – that since the grant or renewal of the licence, the licence holder has for a period of four weeks or more failed to pay fees or charges due to the borough council in connection with the street trading licence”

### 2 Recommendation

2.1 The street trading licence of the reported trader identified in Appendix A (as identified in the closed report) be:

- 1) Revoked on the grounds of non-payment of licence fee. A court summons was issued for payment of the outstanding fees in November 2018.

### 3 Background

3.1 The Act asks that the Council serve on the trader a notice stating that revocation is proposed and offering the opportunity to appear before the LSC. The notice gives the trader 21 days' notice to make any representations, the notice was sent on 6<sup>th</sup> March 2018. A secondary notice was issued on 3rd September 2018. The licence holder has been sent weekly reminders relating to the outstanding fees. The Finance Team have also issued invoices and made numerous attempts to make contact with the licence holder, with no success.

The Finance Team have subsequently referred the bad debt to the court and an order for payment has been made against the licence holder. The licence holder has made no attempt to contact the Council to discuss the debt owed.

The licence holder has had a recent loss in his family but the LSC are advised that the debt has been accruing for a period of time prior to this incident, the two matters are not linked and are separate issues.

3.2 Under the Act revocation is the only sanctions open to the committee, i.e. it cannot suspend the licence.

3.3 If the committee do decide to revoke or vary a licence, the licence holder then has rights of appeal to the magistrates court, and thereafter to the Crown Court. The licence holder is entitled to continue trading until such time as any such appeal has been determined.

3.4 The trader was sent a statutory notice under Section 29 of the London Local Authorities Act 1990 (as amended) notifying him/her of the intention to revoke his/her licence.

#### **4 Policy implications**

4.1 To advise the committee of trader's non-compliance with his/her street trading licence conditions, non-exercising of trading rights and to seek the Committee's authority to revoke his/her street trading licence.

#### **4.2 Effect of proposed changes on those effected**

The Street Trading account is ring fenced, operating on a break even basis. The fees are kept as low as financially possible, but this can only happen if all traders adhere to the licence conditions and pay fees before their monthly trading as specified in the London Local Authorities Act 1990 (as amended 1994).

#### **4.3 Resource implications**

Monitoring accounts, sending reminder letters, meeting with trader(s), confirming contents of meeting in writing being time consuming and costly, which is financed from Street Trading account.

4.4 If a street trading licence is revoked, the resultant vacancy will be advertised and the licence granted in accordance with Council policy. Therefore no adverse impact foreseen on the Street Trading account provided there is no delay in filling the vacancy.

#### **4.5 Equalities Impact**

This decision has been judged to have no or a very small impact on local people and communities. The trader has broken his/her licence conditions and therefore his/her licence is being revoked, the decision has an impact solely on the trader.

#### **4.6 Legal implications**

- i) This report recommends that the street trading licence is revoked on the grounds of persistent non-payment of fees in accordance with Section 28(1)(e) of the London Local Authorities Act 1990 (as amended).
- ii) It is a requirement of the Act that before revoking any licences, the Council shall have given the licence holder not less than 21 days previous notice in writing that revocation is proposed. This notice must also specify the grounds on which such a decision would be based and give the licence holder the opportunity to appear before the committee, sub-committee or officer determining the matter. The decision cannot be taken until after the 21 day period has expired. The Council is also obliged to consider any representations made by the licence holder.
- iii) Section 28 (2) of the Act states that the Council may instead of revoking a licence vary it by attaching further specified conditions; (a) reducing the numbers of days in any week or the period in any one day during which the licence holder is permitted to trade; (b) specifying a different licenced street or position or place at which the licence holder may trade; (c) restricting the items which the licence holder is permitted to sell.
- iv) If the Council should decide to revoke or vary the licence, it must notify the licence holder in writing of this decision, and of the grounds for revocation/variation and notify him/her of his/her right of appeal. As the report states, an appeal may be brought in the first instance, to the magistrates court. This is within a period of 21 days from

notification in writing of the Council's decision to revoke, a further appeal may be brought to the Crown Court. In each case, the appeal would effectively be by way of re-hearing.

- v) The council has a duty in considering this matter to take account of all relevant considerations and disregard any matters of irrelevance. In doing so, it must have regard to the rules of natural justice. This is in addition to complying with procedural requirements set out in the statute.

## 5 Other Considerations

### 5.1 Human Rights

While all Convention Rights must be considered, those which are of particular relevance to the application are:

- Article 8 – Right to respect for private and family life
- Article 1 of the First Protocol – Protection of Property
- Article 6(1) – Right to a fair hearing
- Article 10 – Freedom of Expression

## 6 Use of Appendices

### Appendix 1- Exempt Papers

Court Order for payment of debt

Reminder letters and invoices

Copy of previous LSC hearing minutes.

Copy of licence

Appendix 2- LLA 1990

Appendix 3- Copy of conditions attached to licences

The Street Trading is a ring fenced account outside General Fund and operated on a cost recovery basis.

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Appendix 1- Exempt Papers

Court Order for payment of debt

Reminder letters and invoices

Copy of previous LSC hearing minutes.

Copy of licence

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Appendix 2- LLA 1990

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# London Local Authorities Act 1990

## CHAPTER vii

### ARRANGEMENT OF SECTIONS

#### PART I

##### PRELIMINARY

###### Section

1. Short title.
2. Interpretation.
3. Appointed day.

#### PART II

##### NIGHT CAFÉ LICENSING

4. Interpretation of Part II.
5. Application of Part II.
6. Licensing.
7. Applications.
8. Refusal of licence.
9. Transmission and cancellation of night café licences.
10. Power to prescribe standard terms, conditions and restrictions.
11. Provisional grant of night café licences.
12. Variation of night café licences.
13. Occasional night café licences.

## Section

14. Appeals.
15. Enforcement.
16. Offences by bodies corporate.
17. Powers of entry.
18. Sex establishments.
19. Application to existing premises.
20. Repeal.

## PART III

## STREET TRADING

21. Interpretation of Part III.
22. Application of Part III.
23. Licensing of street traders.
24. Designation of licence streets.
25. Application for street trading licences.
26. Succession.
27. Conditions of street trading licences.
28. Revocation or variation of licences under Part III.
29. Further provisions relating to grant, renewal or revocation of street trading licences.
30. Part III appeals.
31. Temporary licences.
32. Fees and charges.
33. Receptacles and containers.
34. Offences.
35. Power to remove receptacles.
36. Employment of assistants.
37. Ice cream trading.
38. Unlicensed street trading.
39. Savings.
40. Local enactments relating to street trading repealed.
41. Saving for sales in legal markets or fairs.

## PART IV

## MISCELLANEOUS

42. Restoration of gas and electricity services.
43. Shopping or luggage trolleys found in open air.
44. Surrey County Council Act 1958.

## SCHEDULES—

- Schedule 1—Participating councils.
- Schedule 2—Local enactments repealed in Greater London in relation to street trading.
- Schedule 3—Greater London Council (General Powers) Act 1972, section 19 (1) as having effect in accordance with section 42 (Restoration of gas and electricity services) of this Act.
- Schedule 4—Provisions of Surrey County Council Act 1958.

**ELIZABETH II**



**1990 CHAPTER vii**

**An Act to confer further powers upon local authorities  
in London; and for other purposes.**

[22nd February 1990]

**W**HEREAS—

(1) It is expedient that further and better provision should be made for the improvement and development of local government services in London and for the benefit of persons residing therein and that the powers of London borough councils should be extended and amended as provided in this Act:

(2) It is expedient that London borough councils should have improved power to licence and control night cafés:

(3) It is expedient to ensure that London borough councils can exercise more efficient control over street trading:

(4) It is expedient to amend section 19 of the Greater London Council (General Powers) Act 1972 with regard to the restoration of gas and electricity services: 1972 c. xl.

(5) It is expedient to provide for the better control in London of shopping or luggage trolleys found in the open air:

(6) It is expedient to re-enact certain provisions of the Surrey County Council Act 1958 in their application within certain London boroughs: 1958 c. xlii.

2

c. vii

London Local Authorities Act 1990

(7) It is expedient that the other provisions contained in this Act should be enacted:

(8) The purposes of this Act cannot be effected without the authority of Parliament:

1972 c. 70.  
1985 c. 51.

(9) In relation to the promotion of the Bill for this Act the Westminster City Council have complied with the requirements of section 239 of the Local Government Act 1972 and the other participating councils have complied with the requirements of section 87 of the Local Government Act 1985:

May it therefore please Your Majesty that it may be enacted, and be it enacted, by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows, that is to say:—

## PART I

### PRELIMINARY

Short title.

1. This Act may be cited as the London Local Authorities Act 1990.

Interpretation.

2. In this Act, except as otherwise expressly provided or unless the context otherwise requires—

“authorised officer” means an officer of a borough council authorised by the council in writing to act in relation to the relevant provision of this Act;

“borough council” means London borough council but does not include the Common Council of the City of London; and “borough” shall be construed accordingly; and

“participating council” means any of the borough councils mentioned in Schedule 1 to this Act.

Appointed day.

3.—(1) In this Act “the appointed day” means such day as may be fixed in relation to the borough of a participating council by resolution of the borough council, subject to and in accordance with the provisions of this section.

(2) Different days may be fixed under this section for the purpose of the application of different provisions of this Act to a borough.

(3) The borough council shall cause to be published in a local newspaper circulating in the borough notice—

(a) of the passing of any such resolution and of the day fixed thereby; and

(b) of the general effect of the provisions of this Act coming into operation as from that day;

and the day so fixed shall not be earlier than the expiration of three months from the publication of the said notice.

(4) Either a photostatic or other reproduction certified by the officer appointed for that purpose by the borough council to be a true reproduction of a page or part of a page of any such newspaper bearing the date of its publication and containing any such notice shall be evidence of the publication of the notice, and of the date of publication.



## PART II

## NIGHT CAFE LICENSING

## 4. In this Part of this Act—

“the Act of 1964” means the Licensing Act 1964;

“the fire authority” means the London Fire and Civil Defence Authority;

“night café” means—

(a) any premises in a borough which are kept open for public refreshment at any time between the hours of 11 o'clock in the evening and 5 o'clock in the morning; or

(b) any premises in a borough where meals or refreshments are supplied, between the hours of midnight and 5 o'clock in the morning, for consumption exclusively off those premises; or

(c) any premises which are used by a club, organisation or body and which, if they were kept open to the public, would fall within paragraph (a) of this definition;

but does not include any premises—

(i) in respect of which there is in force—

(A) a justices' on-licence within the meaning of section 1 (2) of the Act of 1964;

(B) a licence granted by the council under Schedule 12 to the London Government Act 1963, section 21 (Licensing of public exhibitions, etc.) of the Greater London Council (General Powers) Act 1966 or the Private Places of Entertainment (Licensing) Act 1967;

(C) a licence granted by the council under the Theatres Act 1968 for the public performance of plays;

(D) a licence granted by the council under the Cinemas Act 1985 where the premises are subject to the full requirements of the Cinematograph (Safety) Regulations 1955;

during the hours permitted by such licence or, in the case of premises to which sub-paragraph (A) above applies, until the expiration of 30 minutes after the end of the hours permitted by such licence:

Provided that the premises are in use wholly or mainly and bona fide for the purpose authorised by such licence; or

(ii) which are kept open wholly or mainly as an ancillary amenity to a bona fide hotel, guest house or lodging house; or

(iii) which are being used exclusively and bona fide by a club registered or licensed under the Act of 1964 or a club provided or maintained by the borough council; or

(iv) which are being used exclusively and bona fide by a club, organisation or body—

(A) registered as a charity under section 4 of the Charities Act 1960 or not required to be registered under that section by virtue of the provisions of subsection (4) thereof; or

(B) for the purpose of a gymnasium or swimming bath, or of playing badminton, fives, racquets, squash, bingo, tombola, ten-pin bowling, billiards, chess, dominoes, bridge, whist or any game similar to any of those games;

(v) so long as they are being used exclusively and bona fide as a canteen forming part of a factory or office which is subject to the Health and Safety at Work etc. Act 1974;

Interpretation of  
Part II.  
1964 c. 26.

1963 c. 33.

1966 c. xxviii.  
1967 c. 19.

1968 c. 54.

1985 c. 13.  
S.I. 1955/1129.

1960 c. 58.

1974 c. 37.

PART II  
—cont.

(vi) comprised in the undertaking of the British Railways Board, Heathrow Airport Limited or London Regional Transport;

“occupier” in relation to any premises includes a person with an immediate leasehold interest in the premises or with a licence to occupy the premises.

Application  
of Part II.

5. This Part of this Act applies to the borough of a participating council as from the appointed day.

## Licensing.

6.—(1) No premises shall be used in the borough as a night café except under and in accordance with a night café licence granted under this section by the council.

(2) The council may grant to an applicant and from time to time, renew or transfer a night café licence on such terms and conditions and subject to such restrictions as may be specified.

(3) Without prejudice to the generality of subsection (2) above, such conditions may relate to—

- (a) the maintenance of public order and safety;
- (b) the number of persons who may be allowed to be on the premises at any time;
- (c) the taking of proper precautions against fire, and the maintenance in proper order of means of escape in case of fire, fire-fighting appliances and means of lighting, sanitation and ventilation of the premises;
- (d) the maintenance in safe condition of means of heating the premises;
- (e) the hours of opening and closing the premises for use as a night café to ensure that nuisance is not likely to be caused to residents in the neighbourhood.

(4) Subject to section 13 (Occasional night café licences) of this Act and provided it has not been cancelled or revoked the night café licence shall remain in force for 18 months or such shorter period specified in the night café licence as the council may think fit.

## Applications.

7.—(1) An applicant for the grant, renewal or transfer of a night café licence shall not later than the day the application is made send a copy to the Commissioner of Police of the Metropolis and a copy to the fire authority and, subject to subsection (2) below, no such application shall be considered by the council unless the applicant complies with this subsection.

(2) The council may in such cases as they think fit, after consulting with the Commissioner of Police of the Metropolis and the fire authority, consider an application for the grant, renewal or transfer of a night café licence notwithstanding that the applicant has failed to comply with subsection (1) above.

(3) In considering any application for the grant, renewal or transfer of a night café licence the council shall have regard to any observations submitted to them by the Commissioner of Police of the Metropolis or by the fire authority within 28 days of the making of the application and may have regard to any observations submitted by him or them thereafter.

(4) An applicant for the grant, renewal, transfer or variation of a night café licence shall furnish such particulars and give such other notices, including the public advertisement of the application, as the council may by regulation prescribe.

(5) Regulations under subsection (4) above may, inter alia, prescribe the procedure for determining applications.

PART II  
—cont.

(6) An applicant for the grant, renewal or transfer of a night café licence shall pay a reasonable fee determined by the council.

(7) Where, before the date of expiry of a night café licence, an application has been made for its renewal or transfer, the night café licence shall be deemed to remain in force, or as the case may require, to have effect with any necessary modifications until the determination of the application by the council or the withdrawal of the application.

**8.—**(1) The council may refuse to grant, renew or transfer a night café licence on any of the following grounds:—

Refusal of  
licence.

- (a) the premises are not structurally suitable for the purpose;
- (b) there is a likelihood of nuisance being caused by reason of the conduct, management or situation of the premises or the character of the relevant locality or the use to which any premises in the vicinity are put;
- (c) the persons concerned or intended to be concerned in the conduct or management of the premises as a night café could be reasonably regarded as not being fit and proper persons to hold such a licence;
- (d) the premises are not provided with satisfactory means of lighting, sanitation and ventilation;
- (e) the means of heating the premises are not safe;
- (f) proper precautions against fire on the premises are not being taken;
- (g) satisfactory means of escape in case of fire and suitable fire-fighting appliances are not provided on the premises;
- (h) the applicant has, within the period of five years immediately preceding the application to the council, been convicted of an offence under this Part of this Act; or
- (i) the applicant has failed to comply with the requirements of subsection (4) or (6) of section 7 (Applications) of this Act.

(2) The council shall not refuse an application without giving the applicant an opportunity to appear before the committee, sub-committee or officer determining the application.

**9.—**(1) In the event of the death of the holder of a night café licence, the person carrying on at the place in respect of which the night café licence was granted the function to which the night café licence relates shall be deemed to be the holder of the night café licence unless and until the night café licence is transferred to some other person.

Transmission and  
cancellation of  
night café  
licences.

(2) The council may, at the written request of the holder of a night café licence, cancel the night café licence.

**10.—**(1) The council may make regulations prescribing standard conditions applicable to all, or any class, of night café licences, that is to say terms, conditions and restrictions on or subject to which such night café licences, or night café licences of that class are in general to be granted, renewed or transferred by them.

Power to  
prescribe  
standard terms,  
conditions and  
restrictions.

(2) Where the council have made regulations under this section, every such night café licence granted, renewed or transferred by them shall be deemed to have been so granted, renewed or transferred subject to any standard conditions applicable to it unless those standard conditions have been expressly excluded or amended.

PART II  
—cont.  
Provisional grant  
of night café  
licences.

**11.—(1)** Where application is made to the council for the grant of a night café licence in respect of premises which are to be, or are in the course of being, constructed, extended or altered and the council are satisfied that the premises would, if completed in accordance with plans deposited in pursuance of the requirements of the council be such that they would grant the night café licence, the council may grant the night café licence subject to a condition that it shall be of no effect until confirmed by them.

(2) The council shall, on application being made for the appropriate variation of the night café licence, confirm any night café licence granted by virtue of subsection (1) above if and when they are satisfied that the premises have been completed in accordance with the plans referred to in the said subsection (1) or in accordance with those plans as modified with the approval of the council and that the night café licence is held by a fit and proper person.

Variation of night  
café licences.

**12.—(1)** The holder of a night café licence may at any time apply to the council for a variation in the terms, conditions or restrictions on or subject to which the night café licence is held.

(2) The person making an application for such a variation of licence shall on making the application pay to the council such reasonable fee as the council may fix.

(3) The council may—

- (a) make the variation specified in the application;
- (b) make such variations as they think fit, including the imposition of terms, conditions or restrictions, whether or not specified in the application; or
- (c) refuse the application:

Provided that no variation may be made under this section unless it is specified in the application or consequent upon a variation specified in the application.

Occasional night  
café licences.

**13.—(1)** The council may grant a night café licence in respect of one or more particular occasions only as may be specified in the night café licence.

(2) Save where a shorter period is agreed by the council, an applicant for the grant of an occasional night café licence shall make such application not less than 28 days in advance of the occasion for which the night café licence is sought and shall send a copy of the application to the Commissioner of Police of the Metropolis.

(3) An applicant for the grant of an occasional night café licence shall furnish such particulars and give such other notices as the council may by regulation prescribe and shall pay a reasonable fee determined by the council.

Appeals.

**14.—(1)** Any of the following persons, that is to say:—

- (a) an applicant for the grant, renewal or transfer of a night café licence in respect of any place whose application is refused;
- (b) an applicant for the variation of the terms, conditions or restrictions on or subject to which any such night café licence is held whose application is refused;
- (c) a holder of any such night café licence who is aggrieved by any term, condition or restriction on or subject to which the night café licence is held; or
- (d) a holder of any such night café licence whose night café licence is revoked under section 15 (Enforcement) of this Act;

may at any time before the expiration of the period of 21 days beginning with the relevant date appeal to the magistrates' court acting for the petty sessions area in which the premises are situated by way of complaint for an order.

PART II  
—cont.

(2) In this section "the relevant date" means the date on which the person in question is notified in writing of the refusal of his application, the imposition of the terms, conditions or restrictions by which he is aggrieved or the revocation of his night café licence, as the case may be.

(3) An appeal by either party against the decision of the magistrates' court under this section may be brought to the Crown Court.

(4) On an appeal to the magistrates' court or to the Crown Court under this section the court may make such order as it thinks fit and it shall be the duty of the council to give effect to such order.

(5) Where any night café licence is revoked under section 15 (Enforcement) of this Act or an application for the renewal of such a night café licence is refused, the night café licence shall be deemed to remain in force—

- (a) until the time for bringing an appeal under this section has expired and, if such an appeal is duly brought, until the determination or abandonment of the appeal; and
- (b) where an appeal relating to the refusal of an application for such a renewal is successful until the licence is renewed by the council.

(6) Where any night café licence is renewed under section 6 (Licensing) of this Act and the council specify any term, condition or restriction which was not previously specified in relation to that licence, the night café licence shall be deemed to be free of it until the time for bringing an appeal under this section has expired and, if such an appeal is duly brought, until the determination or abandonment of the appeal.

(7) Where—

- (a) the holder of a night café licence makes an application under section 12 (Variation of night café licences) of this Act; and
- (b) the council impose any term, condition or restriction other than one specified in the application;

the night café licence shall (without prejudice to subsection (8) below) be deemed to be free of it until the time for bringing an appeal under this section has expired.

(8) Where an appeal is brought under this section against the imposition of any such term, condition or restriction, the night café licence shall be deemed to be free of the term, condition or restriction until the determination or abandonment of the appeal.

**15.—**(1) If any occupier or other person concerned in the conduct or management of premises in the borough which are not currently licensed by the council under this Part of this Act—

Enforcement.

- (a) uses them as a night café; or
- (b) permits them to be so used knowing or having reasonable cause to suspect that they are not currently so licensed;

he shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding level 5 on the standard scale or to imprisonment for a term not exceeding three months or to both.

(2) If any premises in respect of which a night café licence is in force are used as a night café otherwise than in accordance with the terms, conditions or restrictions on or subject to which the night café licence is held then the holder

PART II  
—cont.

of the licence or other person concerned in the conduct or management of the premises shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 5 on the standard scale.

(3) Subject to section 14 (Appeals) of this Act, the council may revoke a night café licence if its holder is convicted of an offence under subsection (2) above.

Offences by  
bodies corporate.

**16.—**(1) Where an offence under this Part of this Act committed by a body corporate is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, any director, manager, secretary or other similar officer of the body corporate or any person who was purporting to act in any such capacity, he, as well as the body corporate, shall be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

(2) Where the affairs of a body corporate are managed by its members subsection (1) above shall apply to the acts and defaults of a member in connection with his function of management as if he were a director of the body corporate.

## Powers of entry.

**17.—**(1) (a) Any duly authorised officer (on production, if so required, of a duly authenticated document of his authority) or any police officer, may at all reasonable times enter upon, inspect and examine any premises used, or which he has reasonable cause to believe are—

- (i) used or intended to be used as a night café either without the requisite night café licence; or
- (ii) used in contravention of the terms, conditions or restrictions on or subject to which a night café licence is granted;

and may do all things reasonably necessary for the purpose of ascertaining whether an offence has been committed.

(b) An officer of the fire authority authorised by the fire authority in writing to act in relation to this Part of this Act may at all reasonable times enter upon, inspect and examine premises which are licensed under this Part of this Act to ascertain whether conditions attached to the licence by virtue of section 6 (3) (c) (Licensing) of this Act are being complied with.

## 1936 c. 49.

(2) Subsections (2), (3) and (4) of section 287 of the Public Health Act 1936 shall apply in respect of entry to premises for the purposes of this section as they apply to entry to premises for the purposes of subsection (1) of that section.

(3) Any person who intentionally obstructs any person acting in the exercise of his powers under this section shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale.

Sex  
establishments.  
1982 c. 30.

**18.** In Schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982 (which provides for control of sex establishments), in paragraph 3A, proviso (ii) is hereby repealed.

Application to  
existing premises.  
1969 c. 53.  
1968 c. xxxix.

**19.** In respect of premises licensed under the Late Night Refreshment Houses Act 1969 or registered under Part VIII of the Greater London Council (General Powers) Act 1968 on the date this Part of this Act comes into force in the borough in which the premises are situated—

- (a) section 6 (Licensing) of this Act shall not apply until the expiry of the licence or registration granted under either of those enactments;
- (b) if on the initial grant of a licence under this Part of this Act conditions are imposed additional to those attached to the licence or registration granted under either of those enactments, the licence shall be free of

those conditions until the time for bringing an appeal under section 14 (Appeals) of this Act has expired and where an appeal is brought under the said section 14 against such conditions the licence shall be deemed to be free of them until the determination or abandonment of the appeal.

PART II  
—cont.

20. Part VIII of the Greater London Council (General Powers) Act 1968 and the Late Night Refreshment Houses Act 1969 shall cease to have effect in a borough on the day which the council of that borough resolves to be the appointed day for the purposes of this Part of this Act.

Repeal.  
1968 c. xxxix.  
1969 c. 53.

### PART III

#### STREET TRADING

21.—(1) In this Part of this Act—

Interpretation of  
Part III.

“grant”, unless the context otherwise requires, includes renew and renewal, and cognate words shall be construed accordingly;

“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;

“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 short periods only;

“licence street” means a street designated under section 24 (Designation of licence streets) of this Act;

“receptacle” includes a vehicle or stall and any basket, bag, box, vessel, stand, easel, board, tray or thing which is used (whether or not constructed or adapted for such use) as a container for or for the display of any article or thing or equipment used in the provision of any service;

“street” includes—

(a) any road or footway;

(b) any other area, not being within permanently enclosed premises, within 7 metres of any road or footway, to which the public have access without payment;

(c) any part of such road, footway or area;

(d) any part of any housing development provided or maintained by a local authority under Part II of the Housing Act 1985;

1985 c. 68.

“street trading” means subject to subsection (2) below 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;

“street trading licence” means a licence granted under this Part of this Act and valid for the period specified therein being not less than six months and not more than three years;

“temporary licence” means a licence granted under this Part of this Act valid for a single day or for such period as may be specified in the licence not exceeding six months.

(2) The following are not street trading for the purposes of this Part of this Act:—

(a) trading by a person acting as a pedlar under the authority of a Pedlar’s Certificate granted under the Pedlars Act 1871;

1871 c. 96.

- PART III  
—cont.
- 1980 c. 66.
- (b) anything done in a market or fair the right to hold which was acquired by virtue of a grant (including a presumed grant) or acquired or established by virtue of any enactment or order;
- (c) trading in a trunk road picnic area provided by the Secretary of State under section 112 of the Highways Act 1980;
- (d) trading as a news-vendor provided that the only articles sold or exposed or offered for sale are newspapers or periodicals and they are sold or exposed or offered for sale without a receptacle for them or, if with a receptacle for them such receptacle does not—
- (i) exceed 1 metre in length or width or 2 metres in height;
  - (ii) occupy a ground area exceeding 0.25 square metre; or
  - (iii) stand on the carriageway of a street; or
  - (iv) cause undue interference or inconvenience to persons using the street;
- (e) selling articles or things to occupiers of premises adjoining any street, or offering or exposing them for sale from a vehicle which is used only for the regular delivery of milk or other perishable goods to those persons;
- (f) the use for trading under Part VIIA of the Highways Act 1980 of any object or structure placed on, in or over a highway;
- (g) the operation of facilities for recreation or refreshment under Part VIIA of the Highways Act 1980;
- 1916 c. 31. (h) the doing of anything authorised by regulations made under section 5 of the Police, Factories, &c. (Miscellaneous Provisions) Act 1916;
- 1976 c. 57. (i) trading in a highway in relation to which a control order under section 7 of the Local Government (Miscellaneous Provisions) Act 1976 is in force, other than trading to which the control order does not apply; and
- (j) the sale, exposure or offer for sale or offer or provision of services on any land comprised in a street (not being part of a highway) within the meaning of subsection (1) above by the owner or occupier of the land or by a bona fide employee of the owner or occupier of the land.
- Application of Part III. **22.** This Part of this Act applies to the borough of a participating council as from the appointed day.
- Licensing of street traders. **23.—**(1) Subject to the provisions of this Part of this Act it shall be unlawful for any person to engage in street trading (whether or not in or from a stationary position) in any licence street within a borough unless that person is authorised to do so by a street trading licence or a temporary licence.
- (2) For the purposes of this Part of this Act a person shall be deemed to engage in street trading whether or not he regularly carries on the business of street trading.
- Designation of licence streets. **24.—**(1) If a borough council consider that street trading should be licensed in their area they may from time to time pass any of the following resolutions:—
- (a) a resolution (in this Part of this Act referred to as a “designating resolution”) designating any street within the borough as a “licence street”;
  - (b) a resolution specifying in relation to any such street or any part of a street any class or classes of articles, things or services which they will,



or other than which they will not, prescribe in any street trading licence granted by them in respect of that street; and may from time to time by subsequent resolution rescind or vary any such resolution:

PART III  
—cont.

Provided that before passing a designating resolution, a borough council shall consult with the Commissioner of Police of the Metropolis on their proposal.

(2) At the appointed day for the purposes of this Part of this Act in a borough, the streets prescribed by any licences granted by the council of the borough in pursuance of powers contained in any of the enactments referred to in column (2) of Schedule 2 to this Act and then in force shall be deemed to have been designated as licence streets under a designating resolution.

(3) If a borough council pass a designating resolution the designation of the street shall take effect on the day specified in the resolution (which must not be before the expiration of the period of one month beginning with the day on which the resolution is passed).

(4) A borough council shall not pass a resolution or rescind or vary a resolution under this section unless—

- (a) they have published notice of their intention to do so in a local newspaper circulating in their area;
- (b) they have served a copy of the notice on the highway authority for that street (unless they are that highway authority); and
- (c) where subsection (5) below applies, they have obtained the necessary consent.

(5) This subsection applies—

- (a) where the resolution relates to a street which is owned or maintainable by a relevant corporation; and
- (b) where the resolution designates as a licence street any street maintained by a highway authority;

and in subsection (4) above “necessary consent” means—

- (i) in the case mentioned in paragraph (a) above, the consent of the relevant corporation; and
- (ii) in the case mentioned in paragraph (b) above, the consent of the highway authority.

(6) The following are relevant corporations for the purposes of this section:—

- (a) British Railways Board;
- (b) London Regional Transport; and
- (c) an urban development corporation established under the Local Government, Planning and Land Act 1980.

1980 c. 65.

(7) The notice referred to in subsection (4) above shall—

- (a) contain a draft of the resolution to which it relates; and
- (b) state that representations relating to it may be made in writing to the borough council within such period, not less than 28 days after the publication of the notice, as may be specified in the notice.

(8) As soon as practicable after the expiry of the period specified under subsection (7) above, the borough council shall consider any representations relating to the proposed resolution which they have received before the expiry of that period.

PART III  
—cont.

(9) After the borough council have considered those representations, they may if they think fit, pass such a resolution relating to the street as is mentioned in subsection (1) above.

(10) The borough council shall publish notice of the passing of such a resolution in a local newspaper circulating in their area on two consecutive weeks.

(11) The first publication shall not be later than 28 days before the day specified in the resolution for the coming into force of the designation.

Application for  
street trading  
licences.

25.—(1) An application for a street trading licence or renewal of such a licence shall be made in writing to the borough council, and in the case of an application for the renewal of a licence shall be made not later than two months or earlier than three months before the date on which that licence unless revoked or surrendered will cease to be valid:

Provided that nothing in this section shall prevent a borough council from renewing a licence, other than a temporary licence notwithstanding that application has been made for such renewal at a later date than aforesaid if they consider it reasonable in the circumstances so to do.

(2) In the application, the applicant shall state—

(a) in the case of an application by an individual, his full name and address and date of birth;

(b) in the case of an application for a licence to carry on ice cream trading—

(i) by a company incorporated under the Companies Acts, the name of the company and its registered office;

(ii) by a partnership, the names of its members and the address of its principal office;

(c) the licence street in which, the days on which and the times between which he desires to trade;

(d) the description of articles, things or services in which he desires to trade; and

(e) such other particulars, relevant to street trading, as the borough council may reasonably require;

and may in the case of an individual specify the name and address of a relative of his who is associated with, or dependent upon, the business of street trading in respect of which the application is made and to whom he desires the licence to be granted in any of the events specified in subsection (1) (a) of section 26 (Succession) of this Act.

(3) No later than the date on which he submits his application, the applicant shall hand to an authorised officer two identical full-face photographs of himself, taken within the preceding 12 months, signed by the applicant on the reverse except where the application is made by a company incorporated under the Companies Acts, or by a partnership, for a licence to carry on ice cream trading.

(4) A street trading licence—

(a) shall not be granted—

(i) to a person under the age of 17 years; or

(ii) except where the application is made by a company incorporated under the Companies Acts, or by a partnership, for a licence to carry on ice cream trading to a person, on a corresponding day, days or time, who holds a street trading licence in any other licence street granted under this Part of this Act but nothing in this paragraph shall prevent the renewal of such a licence; or

- (iii) except where the application is made by a company incorporated under the Companies Acts, or by a partnership, for a licence to carry on ice cream trading to a body corporate or to an unincorporated association; or
- (iv) in respect of an application for a licence which is not a temporary licence to trade in a street which is not a licence street; or
- (v) where the street to which the application relates is a street in respect of which the borough council have by resolution passed under subsection (1) (b) of section 24 (Designation of licence streets) of this Act specified a class of articles or things, or services which they will not prescribe in any street trading licence and the grant of the licence would be contrary to any of the terms of that resolution;
- (b) shall not be granted unless the borough council are satisfied that there is enough space in the street for the applicant to engage in the trading in which he desires to engage without causing undue interference or inconvenience to persons or vehicular traffic using the street.
- (5) Subject to subsection (4) above, the borough council shall grant an application for a street trading licence unless they consider that the application ought to be refused on one or more of the grounds specified in subsection (6) below.
- (6) Subject to subsection (8) below the council may refuse an application on any of the following grounds:—
- (a) that there are enough traders trading in the street or in any street adjoining the street in respect of which the application is made in the goods in which the applicant desires to trade;
- (b) that the applicant is on account of misconduct or for any other sufficient reason unsuitable to hold the licence;
- (c) that the applicant is an individual who has without reasonable excuse failed personally to avail himself fully of a previous street trading licence;
- (d) that the applicant has at any time been granted a street trading licence by the borough 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 them in respect of the licence;
- (e) that the applicant has failed to provide or to identify suitable or adequate premises for the storage of any receptacles or perishable goods in which he proposes to trade when street trading is not taking place;
- (f) that—
- (i) the application is for the grant (but not the renewal) of a street trading licence; and
- (ii) the only available position is in that part of the street which is contiguous with the frontage of a shop; and
- (iii) the articles, things or services mentioned in the application are sold or provided at the shop;
- (g) that—
- (i) the application is for the grant (but not the renewal) of a street trading licence; and
- (ii) the only available position in the street is within the curtilage of a shop; and
- (iii) the applicant is not the owner or occupier of the premises comprising the shop.

PART III  
—cont.

(7) If the borough council consider that grounds for refusal exist under subsection (6) (a) or (c) above they may grant the applicant a licence which permits him—

- (a) to trade on fewer days or during a shorter period in each day than is specified in the application; or
- (b) to trade only in one or more of the descriptions of goods specified in the application.

(8) Subject to subsection (4) above if—

- (a) a person is at the appointed day licensed to trade in a street under the provisions of any local enactment; and
- (b) the street becomes a licence street under this Part of this Act; and
- (c) he was trading from a fixed position in the street immediately before it became a licence street; and
- (d) within two months from the appointed day he applies for a street trading licence to trade in the street;

his application shall not be refused.

(9) Subject to subsections (4), (6) and (8) above a borough council when considering applications for licences to trade in licence streets under this Part of this Act shall give preference to applications from persons who immediately before the appointed day were under the provisions of any local enactment authorised to trade in a street in the borough which is not a licence street.

(10) A borough council when considering applications for licences to carry on ice cream trading in a licence street shall treat all applicants, whether companies, partnerships or individuals, on an equal footing and in particular—

- (a) shall not treat individuals less favourably than companies or partnerships; and
- (b) as between applicants who are companies or partnerships, shall not treat any particular company or partnership more favourably than others.

(11) A licence holder may at any time surrender his licence to the borough council and it shall then cease to be valid.

## Succession.

26.—(1) (a) When the holder of a licence who is an individual has specified the name and address of a relative to whom he desires the licence to be granted—

- (i) dies; or
- (ii) retires having reached the normal age for retirement; or
- (iii) notifies the borough council that owing to ill-health he is unable to continue to engage in the street trading permitted by the licence, and submits evidence to satisfy the borough council as to his ill-health;

the borough council shall not (except as provided in paragraph (b) of this subsection) grant a licence in respect of the position or place in a street at which the former licensee was entitled to engage in street trading under the authority of his licence until the expiration of 28 days from the date of the death of the licensee or his retirement or receiving the notification, as the case may be;

(b) If during the said period of 28 days the person specified by the holder of the licence, when making application for the licence, as the relative to whom he desired the licence to be granted in any of the events mentioned in paragraph (a) above makes application for the grant of a licence in respect of the position or place available in the street the borough council shall, save as provided by paragraphs (b) to (e) of subsection (6) of section 25 (Application for street trading licences) of this Act grant a licence to that person.

(2) For the purposes of this section a person shall be treated as being related to another if the latter is the wife, husband, father, mother, grandfather, grandmother, stepfather, stepmother, son, daughter, grandson, granddaughter, stepson, stepdaughter, brother, sister, half-brother or half-sister of the former and shall be deemed to be so related notwithstanding that he is so related only through an illegitimacy or in consequence of an adoption.

PART III  
—cont.

27.—(1) A licence granted under section 25 (Application for street trading licences) of this Act, shall—

Conditions of  
street trading  
licences.

- (a) unless it is revoked or surrendered, be valid for a period of three years from the date on which it is granted, or for such shorter period as the borough council may determine;
- (b) specify the conditions; and
- (c) in the case of an individual incorporate one of the photographs of the licence holder submitted under subsection (3) of the said section 25;

and on any occasion of the renewal of a licence, or at 1st January in any year during the currency thereof, (whether on application by the licence holder or otherwise) or at any time on application by the licence holder, the borough council may vary the conditions.

(2) Where a licence is granted to a company incorporated under the Companies Acts or to a partnership to carry on ice cream trading, any individual carrying on ice cream trading in accordance with that licence shall at all times while he is so trading carry with him a recent photograph of him authenticated by the company or on behalf of the partnership, as the case may be, which holds the licence.

(3) The borough council may make regulations prescribing standard conditions which they may attach to the licence on the occasion of its grant or renewal.

(4) Before making regulations under subsection (3) above, the borough council shall—

- (a) publish notice of their intention to do so in a local newspaper circulating in their area, and such notice shall—
  - (i) contain a draft of the resolution to which it relates; and
  - (ii) state that representations relating to it may be made in writing to the borough council within such period, not less than 28 days after the publication of the notice, as may be specified in the notice; and
- (b) consult the licence holders or a body or bodies representative of them.

(5) As soon as practicable after the expiry of the period specified under subsection (4) above, the borough council shall consider any representations relating to the proposed regulations which they have received before the expiry of that period.

(6) After the borough council have considered those representations they may if they think fit make regulations as mentioned in subsection (3) above.

(7) Without prejudice to the generality of subsection (3) above the standard conditions shall include such conditions as may be reasonable—

- (a) identifying the street or streets in which and the position or place in any such street at which the licence holder may sell or expose or offer for sale articles or things, or offer or provide services under the authority of the licence;

PART III  
—cont.

- (b) identifying the class or classes of articles, things or services which the licence holder may so sell or expose or offer for sale or provide;
- (c) identifying the day or days on which and the time during which the licence holder may sell or expose or offer for sale articles, things or services as aforesaid;
- (d) identifying the nature and type of any receptacle which may be used by the licence holder or in connection with any sale or exposure or offer for sale or provision of services and the number of any such receptacles which may be so used;
- (e) requiring that any receptacle so used shall carry the name of the licence holder and the number of his licence;
- (f) regulating the storage of receptacles or perishable goods;
- (g) regulating the deposit and removal of refuse and the containers to be used for the deposit of such refuse and their location pending its removal;
- (h) requiring that the licence holder shall commence trading or exercising his rights under the licence by a certain time on any day or forfeit his right to trade or exercise his rights under the licence on that day from the fixed position to which his licence refers.

(8) Without prejudice to the standard conditions, the borough council may in addition attach to a licence such further conditions as appear to them to be reasonable in any individual case.

(9) When granting a licence a borough council shall give to the licence holder a copy of the licence which, in the case of an individual, shall bear his photograph.

Revocation or  
variation of  
licences under  
Part III.

28.—(1) Subject to the provisions of this Part of this Act a borough council may at any time revoke a street trading licence if they are satisfied that—

- (a) owing to circumstances which have arisen since the grant or renewal of the licence, there is not enough space in the street in which the licence holder trades for him to engage in the trading permitted by the licence without causing undue interference or inconvenience to persons or vehicular traffic using the street; or
- (b) the licence holder is trading in a class of articles, things or services which the borough council have resolved under subsection (1) (b) of section 24 (Designation of licence streets) of this Act not to prescribe in licences granted for the licence street in which the licence holder trades; or
- (c) the licence holder is an individual who has without reasonable excuse personally failed fully to avail himself of his licence; or
- (d) the licence holder is on account of misconduct or for any other sufficient reason unsuitable to hold the licence; or
- (e) that since the grant or renewal of the licence, the licence holder has for a period of four weeks or more failed to pay fees or charges due to the borough council in connection with the street trading licence or has failed to pay any charges due from him for accommodation provided in pursuance of subsection (2) of section 33 (Receptacles and containers) of this Act; or
- (f) that since the grant or renewal of the licence, the licence holder has failed to make provision for the suitable and adequate storage of the receptacles used by him for trading or for any perishable goods in which he trades when trading is not taking place; or

- (g) that since the grant or renewal of the licence, the licence holder has persistently failed to remove to a place of storage the receptacles used by him for trading; or
- (h) that the licence holder has persistently failed to comply with any condition of his licence.

PART III  
—cont.

(2) If a borough council consider that a licence could be revoked on any of the grounds mentioned in paragraphs (a) to (c) of subsection (1) above they may instead of revoking it, vary its conditions by attaching further conditions—

- (a) reducing the number of days in any week or the period in any one day during which the licence holder is permitted to trade; or
- (b) specifying a different licence street or position or place in any such street at which the licence holder may sell or expose or offer for sale articles or things or offer or provide services; or
- (c) restricting the description of articles, things or services in which the licence holder is permitted to trade.

**29.—**(1) A borough council shall not—

- (a) refuse to grant or renew a licence on any of the grounds mentioned in subsection (6) of section 25 (Application for street trading licences) of this Act; or
- (b) revoke or vary a licence under section 28 (Revocation or variation of licences under Part III) of this Act; or
- (c) vary a licence under subsection (1) of section 27 (Conditions of street trading licences) of this Act;

Further provisions relating to grant, renewal or revocation of street trading licences.

unless they shall have given to the applicant or licence holder not less than 21 days' previous notice in writing that objection has been or will be taken to such grant or renewal or that such revocation or variation is proposed, specifying the ground or grounds on which their decision would be based and giving him an opportunity to appear before the committee, sub-committee or officer determining the matter.

(2) A borough council shall not proceed to determine any of the matters referred to in subsection (1) above until after the expiry of the period specified in the notice given under that subsection; and in determining any of the matters referred to, they shall consider any representations made by an applicant or licence holder in respect of that matter.

(3) A borough council shall not refuse to grant or renew and shall not revoke a licence on the ground only that the applicant or licensee, being an individual, does not reside in the borough.

(4) If the borough council refuse to grant or renew a licence or decide to revoke or vary a licence—

- (a) they shall notify the applicant or licence holder in writing of their decision and of the ground or grounds for such refusal, revocation or variation; and
- (b) they shall notify the applicant or licence holder of his rights of appeal (if any) specified in the next following section.

**30.—**(1) Any person aggrieved—

- (a) by the refusal of a borough council to grant or renew a licence on any of the grounds mentioned in subsection (6) (a) to (e) of section 25 (Application for street trading licences); or

Part III appeals.

PART III  
—cont.

- (b) by a decision of a borough council under subsection (7) of the said section 25 to grant him a licence either on terms mentioned in that subsection different from those on the licence which he previously held or different from those for which he applied; or
- (c) by any further condition attached by a borough council under subsection (8) of section 27 (Conditions of street trading licences) of this Act in addition to the standard conditions; or
- (d) by a decision of the borough council either—
  - (i) to vary the conditions of a licence under subsection (2) of section 28 (Revocation or variation of licences under Part III) of this Act; or
  - (ii) to revoke a licence under subsection (1) of the said section 28; where that decision is based on any of the grounds mentioned in subsection (1) (d) to (h) of the said section 28; or
- (e) by a resolution of a borough council under section 37 (Ice cream trading) of this Act;

may appeal to a magistrates' court acting for the area in which the licence street is situated.

(2) An appeal under subsection (1) above may be brought—

- (a) in the case of an appeal under paragraph (a), (b), (c) or (d) of that subsection, at any time before the expiration of the period of 21 days beginning with the date upon which notification in writing is given of the refusal or decision;
- (b) in the case of an appeal under paragraph (e) of that subsection, at any time before the expiration of the period of 21 days beginning with the date of the second publication of the notice required by subsection (10) of section 24 (Designation of licence streets) as applied by the said section 37.

(3) A person desiring to appeal against such refusal or decision as is mentioned in subsection (1) above shall give a written notice to the magistrates' court and to the borough council specifying the refusal or decision against which he wishes to appeal and the grounds upon which such appeal is made.

(4) An appeal by either party against the decision of the magistrates' court under this section may be brought to the Crown Court.

(5) On an appeal to the magistrates' court or to the Crown Court under this section, the court may make such order as it thinks fit.

(6) Subject to subsections (7) to (9) below, it shall be the duty of the borough council to give effect to the order of the magistrates' court or the Crown Court.

(7) A borough council need not give effect to the order of the magistrates' court until the time for bringing an appeal under subsection (4) above has expired and, if such an appeal is duly brought, until the determination or abandonment of the appeal.

(8) Where a licence holder applies for renewal of his licence, his existing licence shall remain valid—

- (a) until the grant by the borough council of a new licence with the same conditions; or
- (b) if the borough council refuse renewal of the licence or decide to grant a licence with conditions different from those of the existing licence



and he has a right of appeal under this section, until the time for bringing an appeal has expired or where an appeal is duly brought, until the determination or abandonment of the appeal; or

- (c) if he has no right of appeal under this section until the borough council either grant him a new licence with conditions different from those of the existing licence or notify him of their decision to refuse his application.

(9) Where—

- (a) a borough council decide—

(i) to vary the conditions of a licence under subsection (2) of the said section 28; or

(ii) to revoke a licence under subsection (1) of the said section 28; and

(b) a right of appeal is available to the licence holder under this section; the variation or revocation shall not take effect until the time for bringing an appeal has expired or where an appeal is duly brought, until the determination or abandonment of the appeal.

(10) For the avoidance of doubt, it is hereby declared that an application under section 31 of the Supreme Court Act 1981 (application for judicial review) or under the Rules of the Supreme Court 1965 in respect of any matter which is or could be the subject of an appeal to the magistrates' court or to the Crown Court under this section shall not be treated as an appeal for the purposes of subsection (8) or (9) above.

1981 c. 54.

(11) Any person aggrieved—

- (a) by a resolution rescinding or varying a designating resolution;

(b) by a resolution under subsection (1)(b) of section 24 (Designation of licence streets) of this Act;

(c) by a standard condition prescribed by regulations under subsection (3) of section 27 (Conditions of street trading licences) of this Act; or

(d) by the amount of a fee or charge under section 32 (Fees and charges) of this Act;

may appeal to the Secretary of State whose decision shall be final.

**31.—**(1) A borough council may if they think fit on the receipt from any person of an application for that purpose and accompanied by the appropriate fee grant to that person a temporary licence.

Temporary licences.

(2) A temporary licence shall be valid only for the day or period specified in the licence and—

(a) shall be in the like form as a street trading licence with such modifications therein as the circumstances require; and

(b) shall prescribe such conditions as the borough council deem appropriate.

(3) Where the holder of a street trading licence is not for the time being exercising his rights under the licence, a temporary licence authorising street trading in the position or place prescribed by the street trading licence may be granted to any other person but shall be subject to the condition that it shall cease to be valid if during the currency thereof the holder of the licence desires to resume the exercise of his rights and gives the appropriate notice, and for the purposes of this subsection "the appropriate notice" means—

- (a) in the case of a holder of a licence who has not exercised his rights under the licence for a period of at least 14 days, 7 days' notice;

PART III  
—cont.

PART III  
—cont.

(b) in any other case, 24 hours' notice.

(4) In this section "appropriate fee" means such fee as the borough council may have determined under section 32 (Fees and charges) of this Act.

## Fees and charges.

**32.—(1)** A borough council may charge such fees for the grant or renewal of a street trading licence under this Part of this Act, the grant of a temporary licence or for the variation at the request of the licence holder of the conditions of a street trading licence as they may determine and as may be sufficient in the aggregate to cover in whole or in part the reasonable administrative or other costs in connection with their functions under this Part of this Act, not otherwise recovered.

(2) A borough council may recover from licence holders such charges as may be sufficient in the aggregate taking one year with another to cover the reasonable costs, not otherwise recovered, of—

- (a) the collection, removal and disposal of refuse or other services rendered by them to such holders; and
- (b) the cleansing of streets in which street trading takes place in so far as that cleansing is attributable to such trading; and
- (c) any reasonable administrative or other costs incurred in connection with the administration of this Part of this Act; and
- (d) the cost of enforcing the provisions of this Part of this Act.

(3) A borough council may determine—

- (a) that charges under subsection (2) above shall be included in a fee payable under subsection (1) above; or
- (b) that they shall be separately recoverable.

(4) A borough council may—

- (a) require that every application for a licence under this Part of this Act be accompanied by the whole or part of the fee determined under subsection (1) above; and
- (b) determine that the fee may be paid by instalments.

(5) Where a borough council refuse to grant or renew a licence they shall repay to the person who made the application therefor the amount of any fee paid by him as aforesaid.

(6) A borough council may determine the fees to be charged on the grant of a temporary licence under section 31 (Temporary licences) of this Act, and in doing so they shall have regard to the matters specified in subsection (2) above and such fees shall be included in the computation for the purposes of determining the fees and charges under subsections (1) and (2) above.

(7) Before determining charges to be made under subsection (2) above or varying the amount of such charges a borough council—

- (a) shall give notice of the proposed charges to licence holders or to a body or bodies representative of them; and
- (b) shall publish notice of the proposed charges in a newspaper circulating in the area in which the licence street or streets in respect of which the charges will be applied is situated.

(8) A notice under subsection (7) (a) above shall specify a reasonable period being not less than 28 days from the date of publication of the newspaper referred to in subsection (7) (b) above within which written representations concerning the proposed charges may be made to the borough council.

(9) It shall be the duty of a borough council to consider any such representations which are made to them within the period specified in the notice.

PART III  
—cont.

(10) When a borough council have determined charges under subsection (2) above they shall give notice of the charges so fixed or varied and of the date on which those charges are to be brought into effect, in the manner prescribed in subsection (7) above.

(11) Where a licence is revoked under subsection (1) (a) or (b) of section 28 (Revocation or variation of licences under Part III) of this Act, the borough council shall refund the appropriate part of any fee paid for the grant or renewal of the licence.

(12) Where a licence is revoked otherwise than under subsection (1) (a) or (b) of section 28 (Revocation or variation of licences under Part III) or is surrendered, the borough council may remit or refund, as they consider appropriate, the whole or a part—

- (a) of any fee paid for the grant or renewal of the licence; or
- (b) of any charges recoverable under subsection (2) above.

**33.—**(1) A borough council may sell or let on hire or otherwise provide to any person holding a street trading licence or a temporary licence under this Part of this Act receptacles for use by him in street trading.

Receptacles and  
containers.

(2) A borough council may provide and maintain accommodation for the storage of receptacles and containers for the deposit of refuse arising in the course of street trading and for that purpose may—

- (a) adapt any premises or erect any buildings on any land belonging to them but not already appropriated for such purpose; and
- (b) make such charges as they think fit for the use of such accommodation.

**34.** Any person who—

Offences.

- (1) contravenes any of the conditions of a street trading licence or a temporary licence; or
- (2) in connection with an application for a street trading licence or a temporary licence makes a statement which he knows to be false in a material particular; or
- (3) resists or intentionally obstructs any authorised officer of a borough council in the execution of his duties under this Part of this Act; or
- (4) fails on demand without reasonable excuse in the case of an individual licence holder to produce his licence duly signed by him and bearing his photograph, and, in the case of an individual carrying on ice cream trading under a licence granted to a company incorporated under the Companies Acts or to a partnership, to produce the photograph required by subsection (2) of section 27 (Conditions of street trading licences) of this Act to an authorised officer of the borough council or to a constable;

shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale.

**35.—**(1) Where any receptacle used by a licence holder is not removed to a place of storage on the cessation of trading on any day it shall be lawful for the borough council to cause it to be removed to a place of storage and to recover from the licence holder the costs incurred by them in removing and storing the receptacle.

Power to remove  
receptacles.

PART III  
—cont.

(2) Such charges as the borough council may fix as the cost of removing and storing a receptacle in pursuance of subsection (1) above, shall be payable by the licence holder before the return of the receptacle to him.

(3) The provisions of subsection (1) above are without prejudice to the power of the borough council to prosecute the licence holder for any breach of the conditions of his licence arising from the failure to remove the receptacle.

Employment of  
assistants.

**36.** Subject to the provisions of this section a person holding a street trading licence may employ any other person to assist him in the conduct of street trading authorised by the licence but if any person employed by a licence holder during the temporary absence of the licence holder fails to comply with the conditions of the street trading licence held by his employer such failure shall be deemed to be a failure by the licence holder.

Ice cream  
trading.

**37.—(1)** Nothing in this Part of this Act shall apply to itinerant ice cream trading in any street unless—

- (a) that street is a licence street; or
- (b) the street has been designated as a prohibited street under the following provisions of this section.

(2) If at any time it is necessary to prohibit itinerant ice cream trading in any street in the area of a borough council which is not a licence street in the interests of preventing obstruction to traffic, or undue interference or inconvenience to persons using that street, the borough council may by resolution designate the street as a prohibited street and may from time to time by subsequent resolution rescind or vary any such resolution.

(3) Before passing a resolution under this section, a borough council shall consult the Commissioner of Police of the Metropolis and such bodies as appear to them to be representative of persons carrying on ice cream trading in the area of the borough council.

(4) Subsections (3) to (11) of section 24 (Designation of licence streets) of this Act shall apply to a resolution under this section as they apply to a resolution under that section.

Unlicensed street  
trading.

**38.—(1)** Any person who—

- (a) engages in street trading in the borough in a street which is not a licence street; or
- (b) engages in street trading in the borough in a licence street without the authority of a street trading licence or a temporary licence;

shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale.

(2) In any proceedings for an offence under this section or for an offence of aiding, abetting, counselling or procuring the commission of an offence under this section where it is shown that—

- (a) any article or thing was displayed (whether or not in or on any receptacle) in any street; or
- (b) any receptacle or equipment used in the provision of any service was available in any street in such circumstances that a service was being offered;

the article or thing shall be presumed to have been exposed or offered for sale and the receptacle or equipment shall be presumed to have been available for the provision of a service at such time and in such position as it was displayed

or available by the person having care or control or appearing to have care and control thereof unless in either case, it is shown to the satisfaction of the court that the article or thing or receptacle or equipment was brought into that street for some purpose other than for the purpose of selling it or exposing or offering it for sale or using it in the course of the provision of the service in a street.

PART III  
—cont.

(3) Where an offence under this section committed by a body corporate is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, any director, manager, secretary or other similar officer of the body corporate, or any person who was purporting to act in any such capacity, he, as well as the body corporate, shall be guilty of the offence and liable to the same maximum penalty as the body corporate.

(4) If an authorised officer or a constable has reasonable grounds for suspecting that a person has committed an offence under this section he may seize any article or thing being offered or exposed for sale or receptacle being used by that person which may be required to be used in evidence in any proceedings in respect of that offence, provided that no article or thing which is of a perishable nature shall be seized under the provisions of this subsection.

(5) Subject to subsection (6) below the court by or before which a person is convicted of an offence under this section or for an offence of aiding, abetting, counselling or procuring the commission of an offence under this section may order anything produced to the court, and shown to the satisfaction of the court to relate to the offence, to be forfeited and dealt with in such manner as the court may order.

(6) The court shall not order anything to be forfeited under subsection (5) above where a person claiming to be the owner of or otherwise interested in it applies to be heard by the court, unless an opportunity has been given to him to show cause why the order should not be made.

(7) An authorised officer shall produce his authority if required to do so by the person having care or control of the article or thing seized in pursuance of the powers in subsection (4) above.

**39.**—(1) Nothing in this Part of this Act shall affect—

Savings.

(a) section 13 of the Markets and Fairs Clauses Act 1847 (prohibition of sales elsewhere than in a market or in shops etc.) as applied by any other Acts;

1847 c. 14.

(b) section 56 of the Food Act 1984 (prohibition of certain sales during market hours);

1984 c. 30.

(c) the sale or exposure or offer for sale by London Regional Transport or (as the case may be) a designated company (within the meaning of the Transport (London) Act 1969) of refreshments at any shelter or other accommodation provided by either of them under section 65 (Refreshment shelters etc.) of the London Passenger Transport Act 1938.

1969 c. 35.

1938 c. xcii.

(2) Nothing in this Part of this Act shall afford a defence to a charge in respect of any offence at common law or under an enactment other than this Part of this Act.

**40.**—(1) Subject to subsection (2) below, the enactments specified in column (2) of Schedule 2 to this Act, so far as they relate to any part of Greater London, shall cease to have effect in a borough as from the appointed day for that borough to the extent specified in column (3) of that Schedule.

Local enactments  
relating to street  
trading repealed.

(2) Notwithstanding the repeal of the enactments specified in column (2) of Schedule 2 to this Act, any licence granted by a borough council under any of

PART III  
—cont.

those enactments which authorises street trading in the borough and which was in force immediately before the appointed day shall continue in force until three months after the appointed day or until the determination of any application made by the holder of the licence under section 25 (Application for street trading licences) of this Act, whichever is the later.

Saving for sales in legal markets or fairs.

**41.** In the case of any market or fair held in pursuance of any statute, royal licence, royal charter or letters patent, or as of right from time immemorial, nothing in this Part of this Act shall affect the sale or exposure or offer for sale of goods in any such market or fair by any person who has paid a toll to, or is acting under the written authority of, a person holding or entitled to hold such market or fair or entitled to receive tolls in respect of sales made or stalls or stands occupied in such market or fair.

## PART IV

## MISCELLANEOUS

Restoration of gas and electricity services.  
1972 c. xl.

**42.—**(1) As from the appointed day in the borough of a participating council, section 19 (Restoration of gas and electricity services) of the Greater London Council (General Powers) Act 1972 is hereby amended by the substitution, in subsection (1), for the words “pay to the statutory undertakers their reasonable expenses of reconnecting” of the words “make such arrangements as they think fit with the statutory undertakers who provided for”.

(2) Section 19 (1) of the Greater London Council (General Powers) Act 1972, as that subsection has effect as from the appointed day in the borough of a participating council, is set out in Schedule 3 to this Act.

Shopping or luggage trolleys found in open air.

**43.—**(1) In this section—

“excluded land” means—

(a) land in which the owner of the shopping or luggage trolley has an interest; or

(b) where an off-street parking place for vehicles affords facilities for the parking of shopping trolleys after their use by shoppers, the land comprising those facilities; or

(c) where any other place designated by the borough council affords like facilities, the land comprising those facilities; or

(d) operational land of the British Railways Board;

“luggage trolley” means an unpowered trolley provided for travellers’ use by transport undertakers for the carriage of luggage to, from or within their premises by travellers;

“shopping trolley” means an unpowered trolley provided for customers’ use at a shop (within the meaning of the Shops Act 1950) for the carriage of goods purchased at the shop;

“trolley” means a luggage trolley or shopping trolley.

1950 c. 28.

(2) This section shall have effect in the borough of any participating council as from an appointed day and, before fixing the appointed day and from time to time thereafter, the borough council shall consult with transport undertakers within their borough and such persons or organisations as appear to them to represent shops in their borough by which shopping trolleys are provided—

(a) as to the operation of this section;

(b) as to making arrangements for affording suitable places for the parking of shopping or luggage trolleys at off-street parking places

and at other places approved by the borough council following use of the trolleys by travellers or, as the case may be, the customers of shops; and

- (c) as to the places to which trolleys respecting which the powers of subsection (3) below are exercised should be removed and as to arrangements for collection by their owners.

(3) Where any empty trolley is found on any land in the open air in a borough, not being excluded land, or on any other land forming part of a highway, the borough council may if they think fit, subject to subsection (4) below, remove the trolley.

(4) The borough council shall not be entitled to exercise their powers under subsection (3) above as respects a trolley situated on land appearing to the borough council to be occupied by any person without that person's consent unless the borough council have given him notice that they propose to remove the trolley and he has failed to object to the proposal by notice served on the borough council within 14 days from the day when the notice was so given to him.

(5) The borough council shall—

(a) subject to subsection (6) (a) below, deliver up to any person claiming and appearing to the borough council to be its owner any trolley which the council have removed under subsection (3) above;

(b) as respects any trolley which has not been so claimed and delivered, as soon as reasonably practicable and not later than 14 days after removing the trolley under the said subsection (3), give to any person appearing to them to be its owner notice of its removal and of the place to which it has been removed, such notice to be in writing addressed to the last known address of the owner or, in the case of a limited company, to its registered office.

(6) The borough council may—

(a) before delivering up a trolley to any person under subsection (5) (a) above, require payment of the reasonable cost to the borough council of collecting, transporting and storing the trolley;

(b) at any time after the expiry of 28 days following—

(i) the service of the notice under subsection (5) (b) above; or

(ii) where the owner cannot be ascertained after reasonable inquiry, the removal of any trolley under the powers of subsection (3) above;

sell or otherwise dispose of that trolley if it has not been claimed by any person appearing to the borough council to be its owner.

(7) A borough council may agree with the owners of trolleys a scheme for collection, containment or restriction of trolleys, and where such an agreed scheme is in operation the borough council shall not be entitled to require repayment under subsection (6) (a) above in respect of any trolley which complies with the requirements of the scheme.

(8) In the exercise of its powers under this section, a borough council shall exercise all due care in the handling and storage of trolleys.

(9) This section has effect without prejudice to the powers of a borough council under any other enactment.

**44.** The provisions of the Surrey County Council Act 1958 mentioned in Schedule 4 to this Act (which provisions, together with the rest of the said Act of 1958, were repealed by the Surrey Act 1985) are hereby revived in their application to the London boroughs of Croydon, Kingston upon Thames, Merton and Sutton.

PART IV  
—cont.

Surrey County  
Council Act  
1958.  
1958 c. xlii.  
1985 c. iii.

SCHEDULES

Section 2.

SCHEDULE 1

PARTICIPATING COUNCILS

Barking and Dagenham Borough Council  
Barnet Borough Council  
Bexley Borough Council  
Brent Borough Council  
Bromley Borough Council  
Croydon Borough Council  
Ealing Borough Council  
Enfield Borough Council  
Greenwich Borough Council  
Hackney Borough Council  
Hammersmith and Fulham Borough Council  
Haringey Borough Council  
Harrow Borough Council  
Havering Borough Council  
Hillingdon Borough Council  
Hounslow Borough Council  
Islington Borough Council  
Kensington and Chelsea Royal Borough Council  
Kingston upon Thames Royal Borough Council  
Lambeth Borough Council  
Lewisham Borough Council  
Merton Borough Council  
Newham Borough Council  
Redbridge Borough Council  
Richmond upon Thames Borough Council  
Southwark Borough Council  
Sutton Borough Council  
Tower Hamlets Borough Council  
Waltham Forest Borough Council  
Wandsworth Borough Council  
Westminster City Council



## SCHEDULE 2

Sections 24 and 40.

LOCAL ENACTMENTS REPEALED IN GREATER LONDON  
IN RELATION TO STREET TRADING

Chapter (1)	Enactment (2)	Extent of repeal (3)
21 & 22 Geo. 5. c. lx.	West Ham Corporation Act 1931.	Part IV.
21 & 22 Geo. 5. c. xcvi.	Dagenham Urban District Council Act 1931.	Part VI.
23 & 24 Geo. 5. c. lxxvii.	Wimbledon Corporation Act 1933.	Part VIII.
23 & 24 Geo. 5. c. lxxviii.	Barking Corporation Act 1933.	Part IX.
26 Geo. 5 & 1 Edw. 8. c. cxv.	Merton and Morden Urban District Council Act 1936.	Part VI.
1 Edw. 8 & 1 Geo. 6. c. xcvi.	Coulsdon and Purley Urban District Council Act 1937.	Part VI.
7 & 8 Geo. 6. c. xxi.	Middlesex County Council Act 1944.	Part IX.
10 & 11 Geo. 6. c. xlvi.	London County Council (General Powers) Act 1947.	Part IV.
4 & 5 Eliz. 2. c. lxxxiv.	Walthamstow Corporation Act 1956.	Part V.
4 & 5 Eliz. 2. c. xc.	Middlesex County Council Act 1956.	Part V.
5 & 6 Eliz. 2. c. xxxv.	London County Council (General Powers) Act 1957.	Part VII.
6 & 7 Eliz. 2. c. xxi.	London County Council (General Powers) Act 1958.	Section 37.
8 & 9 Eliz. 2. c. xl.	Croydon Corporation Act 1960.	Part XII.
10 & 11 Eliz. 2. c. xlv.	London County Council (General Powers) Act 1962.	Sections 33 and 34.
1974 c. xxiv.	Greater London Council (General Powers) Act 1974.	Sections 17 to 19.
1978 c. xiii.	Greater London Council (General Powers) Act 1978.	Section 10 and Schedules 1 and 2.
1978 c. xvi.	Greater London Council (General Powers) (No. 2) Act 1978.	Section 10 and Part II of Schedule 1.
1981 c. xvii.	Greater London Council (General Powers) Act 1981.	Section 17 and Schedule 1.
1982 c. i.	Greater London Council (General Powers) Act 1982.	Section 6 and Schedule 1.

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c. vii

London Local Authorities Act 1990

Section 42.

## SCHEDULE 3

1972 c. xl.

**GREATER LONDON COUNCIL (GENERAL POWERS) ACT 1972 SECTION 19 (1)  
AS HAVING EFFECT IN ACCORDANCE WITH SECTION 42 (RESTORATION OF  
GAS AND ELECTRICITY SERVICES) OF THIS ACT**

**19.—(1)** Where any building used for human habitation has ceased to be supplied with gas or electricity sufficient for the domestic purposes of any occupier thereof (hereafter in this section referred to as “the occupier”) by reason of the failure of the owner thereof to pay to the statutory undertakers such charges as are properly due from him for the supply of gas or electricity, the borough council may, without prejudice to any action or proceedings which may be taken under any other enactment, make such arrangements as they think fit with the statutory undertakers who provided for the supply of gas or electricity to the building to secure that such supply is restored and shall thereafter, for so long as they consider necessary, pay the statutory undertakers’ charges in respect of the subsequent supply of gas or electricity to the building.

Section 44.

## SCHEDULE 4

1958 c. xliii.

**PROVISIONS OF SURREY COUNTY COUNCIL ACT 1958**

Section 4	(Interpretation);
Section 33	(Metropolitan commons);
Section 44	(Social rehabilitation);
Section 57	(Breach of conditions of consent);
Section 58	(Restriction on right to prosecute);
Section 63	(Appeals);
Section 65	(Application of general provisions of Act of 1936);
Section 67	(Crown rights);
Section 69	(Saving for town and country planning);
Second Schedule	(Sections of Public Health Act 1936 applied).



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Appendix 3- Copy of conditions attached to licences

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Licensing Team Leader Daliah Barrett-Williams

*REGULATIONS MADE BY THE LONDON BOROUGH OF HARINGEY PERSUANT TO SECTION 27(3) OF THE LONDON LOCAL AUTHORITIES ACT 1990 PRESCRIBING STANDARD CONDITIONS APPLICABLE TO STREET TRADING LICENCES.*

**DEFINITIONS**

1. In the Regulations unless the context otherwise requires, the following expressions shall have the same meanings that appear in Section 21(1) of the London Local Authorities Act 1990 as amended.

**'Receptacle'** includes a vehicle or stall and any basket, bag, box, vessel, stand, easel, board, tray or thing which is used (whether or not constructed or adopted for such use) as a container for or for the display or any article or thing or equipment used in the provision of any service.

**'Street'** includes:-

- (a) any road or footway;
- (b) any other area, not being within permanently enclosed premises, within 7 metres of any road or footway, to which the public have access without payment;
- (c) any part of such road, footway or area;
- (d) any part of any housing development provided or maintained by a Local Authority under Part II of the Housing Act 1985:

**'Street Trading'** means 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:

**'Street Trading Licence'** means a Licence granted under the Act and valid for the period specified therein being not less than six months and not more than three years:

**'Temporary Licence'** means a 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.

**2. THE FOLLOWING ARE THOSE DEFINED BY THE COUNCIL**

**'The Act'** means the London Local Authorities Act 1990 Part III as amended.

**'The Council'** means the London Borough of Haringey.

**'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.

**'Assistant'**

- (a) Traders shall notify the London Borough of Haringey in writing on the relevant forms of the name, address and national insurance number of each and every assistant who assists with sales on the licensed street trading pitch. Details of any subsequent change of assistant or any other relevant information regarding assistants shall be given in writing to the London Borough of Haringey.

- (b) The licence holder shall provide the London Borough of Haringey with details of all assistants who may work on the licensed street trading pitch whether the trader is present or not.
- (c) A licensed street trader shall not employ a child in any capacity in the course of his trade or business.
- (d) The licensed trader may employ any other person to assist in the conduct of the business but may not let, assign or part with his interest or possession under this licence, but he may surrender it at any time. The right granted by this licence cannot be sub-let transferred or shared with any other person or party.
- (e) Traders shall notify the London Borough of Haringey of any changes of assistants as soon as the changes occur.
- (f) 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.
- (g) where a Licence is granted outside a catering establishment or shop premises; 'assistant' shall also include any other employee, manager, secretary, director, partner, supervisor or the like who may from time to time or full time be involved in the street trading activity including those engaged in the completion of a transaction within the premises.

**'Awning'** includes a street of canvas or other material, used as a protection against the weather, which projects as an extension of the roof beyond the structure of the stall and includes parasols provided to tables outside catering establishments.

**'Catering Establishment'** means any premises used for the retail sale of food or drink for consumption on the premises, where the Council has licensed a site for tables and chairs to be provided for customers' use on the street.

**'Child'** means a person under 16 years of age.

**'Goods'** means any goods, wares, or merchandise displayed for sale at a stall or Licensed Site.

**'Harassment'** includes but is not limited to:-

- (a) Violence or threats of violence towards any person;
- (b) Abusive or insulting words or behaviour;
- (c) Damage or threats of damage to property belonging to another person;
- (d) Writing threatening, abusive or insulting graffiti;
- (e) Any act or omission calculated to interfere with the peace or comfort of any person or to inconvenience such person;
- (f) Refusal to serve or permit access to a stall, licensed site, premises or services.

**'Licence Holder'** means any person who is licensed for street trading under Part III of the London Local Authorities Act 1990 as amended.

**'Licensed Site'** means a place in any street authorised at which street trading may be engaged in by a Licence Holder, and includes any temporary alternative place approved by the Council or a duly authorised Officer of the Council.

**"Premises"** means any land, building or part of a building and includes any commercial premises adjacent to a Licensed Street Trading Pitch.

**'Loading and Unloading'** includes stocking or replenishing goods at a Licensed Site, vehicle or receptacle.



**'Refuse'** includes empty and discarded receptacles and any waste material. means waste which has been generated in the course of a Licensed Street Trader's business activity including, but not limited to; fruit and vegetable waste, cardboard, paper, small plastic items and other non-perishable waste.

**'Stall'** means the structure for which the Council grants a Licence for goods or services to be displayed thereon or from which services are provided.

**'Street Furniture'** includes seating facilities provided by the Council for public use, bollards, stanchions, railings, the walling of flower beds and any structure owned by a statutory undertaking or the like.

**'Undressing the Stall'** means removing goods and receptacles and any other things thereon in part or in whole or dismantling or adjusting any part of the stalls' structure.

**'Approved Street Festivals'** means those street festivals whereby the Council may issue temporary Street Trading Licences.

**'Displays Outside Shop Premises'** means where the Council has granted a Licence to display goods from a stall or licensed site on the footway immediately outside the shop premises.

**'Refreshment Stalls'** includes coffee stalls and those selling foodstuffs capable of immediate consumption.

**'Spurs Matchday Site'** means a Licence granted for the sale of goods in the vicinity of Tottenham Hotspur Football Ground when any public event is held within the stadium.

**'Traditional Stalls'** includes those licensed to sell garments, hardware and raw foodstuffs.

## **GENERAL**

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 under the Act.

The stall, trade, business, activity etc. shall comply and be conducted in a manner that conforms with other relevant legislation enforced by the Local Authority or other Agencies. These include General Health and Safety, Food Safety, Trading Standards and Fire Prevention and Highways Regulations.

## **INFORMATION**

- (i) Headings inserted in these regulations are for the purpose of convenience only and shall not in any way affect the meaning or construction thereof.
- (ii) Where in these conditions there is reference to the consent or agreement of the Council such consent or agreement may be given on such terms and conditions and subject to such restrictions as may be so specified.
- (iii) These conditions may be dispensed with or modified by the Council in any individual case by means of a Licence Variation in accordance with the statutory requirements.
- (iv) If a trader wishes any of the terms of a Licence to be varied or the Council's agreement under these rules, application must be made in writing to the Council in accordance with the statutory requirements.

### **1. INSURANCE**

- (a) The Licence Holder shall take out third party insurance cover with a minimum liability of at least two million pounds.
- (b) In respect of Licences granted for the display of goods outside shop premises and tables and chairs outside catering establishments this may be incorporated in an insurance policy of the business.
- (c) Satisfactory evidence of such insurance must be produced to the Council before a Licence will be granted or renewed.

- (d) Evidence of such insurance shall also be produced by a Licence Holder on demand to an Authorised Officer of the Council or a Police Officer.

## 2. DAYS AND TIMES

Trading shall only take place during the times specified in the Licence.

## 3. DISPLAY OF NAMES

Licence Holders except in respect of displays of goods outside shop premises and chairs outside catering establishments shall prominently display a sign with their surname or family name and licensed Site or Licence Number on the stall. Additionally they may exhibit a trading name or title.

## 4. INSPECTION OF LICENCE ETC.

- (a) Licence Holders shall produce their Licence for Inspection when requested to do so by an Authorised Officer of the Council or Police Officer.
- (b) In respect of displays outside shop premises and catering establishments the Licence shall be exhibited within the premises in the safe vicinity of the entrance so that it can be seen by an Authorised Officer of the Council or Police Officer.
- (c) Where the Council has issued a Certificate of Variation to a Licence that shall be produced and displayed with the Licence.
- (d) All other Licence Holders in their absence shall ensure that the Licence is retained on the stall so that it can be produced by an assistant on demand to an Authorised Officer of the Council or Police Officer.
- (d) If alcoholic beverages are consumed at a licensed site, the Licence Holder or Assistant shall produce on demand the appropriate Justices Licence to an Authorised Officer of the Council or Police Officer.

## 5. POSITION

- (a) The Licence Holder shall only use the licensed site prescribed in the Licence (which may be marked or denoted on the ground by means of white lines, contrasting paving or other device by the Council) unless the circumstances under 5(e) shall arise.
- (b) The Licence Holder shall not cause or permit stalls, goods, receptacles; (except refuse containers under Regulation 16c) to project whether grounded or suspended beyond the licensed site or to be placed or to stand anywhere else in the street.
- (c) In respect of catering establishments, tables and chairs shall not be placed or used outside of the site defined in the Licence. This may be denoted by the Council marking the boundary by White Lines or other means.
- (d) The Licence Holder or Assistant shall inspect the licensed site whilst in use at least every hour to ensure that tables and chairs are not outside of the licensed area.
- (e) If the licensed site is obstructed by roadwork's or other hazard the Licence Holder may consult an Authorised Officer of the Council or failing that a Police Officer in uniform and produce their Licence. Temporary trading elsewhere whilst the obstruction persists shall be at the discretion of the Officer consulted. The name of the Council Officer or the number of the Police Officer must be noted by the Licence Holder.

## 6. SIZE

- (a) The Licence Holder shall not place or cause to be placed on the street, a stall that exceeds the dimensions prescribed in the Street Trading Licence.
- (b) Stalls shall not exceed the following standards dimensions unless otherwise prescribed in the Street Trading Licence or extended under Regulation 6(d) or 6(e).
- (c) Large Traditional Licensed Sites may be extended up to 0.90 metres in length when trading is being conducted by means of a structure that does not rest on the street and can be easily dismantled or folded in to necessitate the removal of the stall.
- (d) The Council may grant by variation of the Licence an extension or further extension to a stall subject to the proviso in 6(d) and observance of Regulation 9(a) and 9(g).
- (f) The dimensions of all stalls prescribed in Licences shall include any towing bar or bracket or the like that remains projecting from the stall whilst trading is being conducted.
- (g) Displays outside shop premises shall not exceed a depth of 1.05m or a lesser amount if prescribed in the Street Trading Licence. The Council will take into account any private forecourt and the available depth of footway.
- (h) In respect of catering establishments the number of tables and chairs on the street shall not

exceed the numbers prescribed in the Licence. (See also Regulation 14(a)(iv)).

- (i) The sizes of tables and chairs and parasols shall not exceed those prescribed in the Licence.

## **7. PERMITTED GOODS AND SERVICES**

- (a) Only those goods or services specified in the Licence may be displayed, used, provided or offered for sale.
- (b) In respect of displays outside shop premises, cash registers, scales and other measuring devices shall be contained within the shop and not brought onto the street, licensed site or the stall. (See also Regulations 8(j) and (k)).
- (c) No advertisement shall be displayed on a stall or licensed site which relates to any goods or services other than those offered for sale or provided on the stall or licensed site. (See also Appendix A(c)).

## **8. DEALING WITH THE PUBLIC**

- (a) Licence Holders and their assistant shall ensure that the public are treated fairly and with courtesy.
- (b) Licence Holders are responsible to ensure that assistants are competent, courteous and helpful.
- (c) Admission or service shall not be refused to any person on the grounds of gender, race, ethnic origin or the grounds that they are lesbians or gay men.
- (d) Admission or service shall not be refused to a person on the grounds of disability without the written consent of the Council.
- (e) The Licence Holder shall not use or permit any activity, omissions or practice in the conduct of the business which will cause harassment to women, black and ethnic minority people, lesbians, gay men or people with disabilities.
- (f) The serving of customers shall not take place in the road.
- (g) A Licence Holder or assistant offering a service shall make clear the nature and cost of that service by way of a notice on the stall or within the licensed area.
- (h) All goods shall be clearly marked with a price, and where appropriate an indication of the unit quantity in which they are being offered for supply.
- (i) Where the licensed site is in the road or adjacent, scales and cash registers shall be placed on the stall at the furthest point from passing vehicular traffic.
- (j) The customer should clearly be able to view the goods being weighed, measured etc. before they confirm their intention to purchase.
- (k) In respect of goods selected by customers from displays outside shops the requirement in Regulation 8(j) shall be carried out within the shop premises.
- (l) A Licence Holder or assistant shall not use a megaphone or amplification equipment or a loud voice to shout out the price of goods etc. in order to attract customers.
- (m) Radios or other audio equipment shall not be used in or around the licensed site other than agreed with the Council under Regulation 11(a).

## **9. RECEPTACLES & CONSTRUCTION OF STALL**

- (a) Only those receptacles approved by the Council shall be used by the Licence Holder and assistants. Stalls shall not be formed by the use of old milk crates and the like and other receptacles notified to the Licence Holder by letter.
- (b) Goods must not be placed directly on the street unless specified in the Licence.
- (c) Unless otherwise specified in the Licence all stalls shall be on wheels and a suitable braking device shall be maintained.
- (d) Where the Council has licensed the display of bulky furniture or the like outside shop premises on the street and has granted an exemption under 9(b), a suitable trolley to remove the goods shall be maintained within the shop.
- (e) Stalls shall be constructed so as not to become unbalanced or otherwise unstable.
- (f) Stalls shall be free from protruding nails or other hazards likely to cause injury or damage to a person or their clothing.
- (g) Stalls shall be constructed so as to be immediately removable without the necessity of undressing the stall.
- (h) Nothing shall be placed or stored underneath a stall.
- (i) No stall, part of the stall, accessory, table or chair shall be used if it is likely to damage the street.
- (j) A Licence Holder or assistant shall not bolt or otherwise secure temporarily or permanently anything to the street or street furniture.
- (k) Sites licensed for the displays of goods outside shop premises shall not incorporate any form of

seating facility, nor may any seating be used or provided by the Licence Holder or assistant immediately outside the licensed site or elsewhere in the street other than on a private forecourt associated with the business.

- (l) Other Licence Holders shall not provide or use any form of seating facility outside of the licensed site (other than street furniture provided by the Council for public use) unless they have the written consent of the Council. Such permission may restrict their use to the Licence Holder and assistants and prescribe the number of seats, their construction, size and positioning together with other conditions.

**10. ROOFING OF STALLS ETC.**

- (a) The distance between ground level and any support of the roof, awning or supports of the stall or goods suspended from any of these, shall be at least 2.4m unless otherwise specified in the Licence.
- (b) A Licensed Street Trader shall not permit the awning or roof of the stall to project outside the area of the pitch, save as provided in Regulation 10(c).
- (c) The awning or roof of a stall may project over the footway for a distance not exceeding 0.6 metres from the boundary of the pitch unless otherwise specified or restricted by a further condition of the Licence.
- (d) The roof or awning shall be safely constructed and must not shed water over customers or passers by.
- (e) No awning other than a parasol may be used as part of a stall for displays outside catering establishments.

**11. ELECTRICITY SUPPLY ETC.**

- (a) The only connection between stalls in the street and other premises shall be for the purposes of electric lighting and power for the operation of electronic scales, measuring equipment and cash registers and the testing of electrical goods or other agreed services; and any such electrical or other connections shall be readily detachable and the detailed arrangements agreed with the Council. No connection shall be made with any other stall.
- (b) Where the Council provides an electrical supply system to the stall, the trader shall pay to the Council upon demand the installation costs and for the supply and maintenance of the service and equipment.
- (c) All electric power supplies shall have the appropriate consent from the Council before seeking installation from the Electricity Board.
- (d) All electrical wiring and components shall comply with the basic Electricity Board Specification and be earthed and insulated accordingly.
- (e) All electrical cables that are suspended over the public footway shall have a minimum clearance of 2.4 metres from the footway surface, and 5.1 metres from the surface of the roadway.
- (f) Any suspended lighting shall be safely protected and shall not expose the public, Licence Holder or assistants to any form of risk.
- (g) In respect of displays outside shop premises and catering establishments, mains electrical power may be supplied from the permanent premises to the trading area providing that all equipment and wiring shall be placed, installed, maintained and operated in accordance with the provisions of the Health and Safety at Work, etc. Act 1974 and all other relevant Regulations.
- (h) In all such cases an automatic circuit breaker must be installed within the premises between the point of supply and the equipment in the trading area.

**12. ELECTRICITY SUPPLY ETC.**

- (a) Electrical generators shall not be used at displays outside shop premises and catering establishments.
- (b) When mobile electrical generators are permitted they shall be so positioned that:-
  - (i) They do not present a danger to the public, and
  - (ii) They do not present a fire or similar hazard risk to the stall or goods displayed thereon, or to persons engaged on or about the stall, and
  - (iii) They do not cause any noise or fume nuisance, and
  - (iv) Any inflammable fuel is stored away from the stall in a container and position approved by the Council.
- (c) Heat producing equipment shall be so placed within the licensed site as to offer maximum safety to the public. The position of any equipment in relation to other goods and materials shall be

agreed with the Council in writing.

**13. LOADING AND UNLOADING**

- (a) Any cart, barrow, trolley or similar conveyance owned or hired by the Licence Holder or assistant shall not be used except for the purpose of loading, unloading and transporting goods.
- (b) Loading and unloading shall be restricted to twenty minutes and resumption shall not occur until a further hour has elapsed.
- (c) Loading and unloading must not be continually interrupted by the serving of a customer.
- (d) The cart, barrow or trolley or similar conveyance used for replenishing or moving goods shall be stored on the Licence Holder's vehicle or at the storage facilities or in respect of displays outside shop premises within the shop premises and not on the street.
- (e) Loading or unloading shall be abandoned for any duration ordered by an Authorised Officer of the Council or Police Officer if in their opinion the activity obstructs pedestrian flow or causes any other form of obstruction or nuisance.
- (f) The Licensed Street Trader or his assistant shall not use a vehicle for loading or unloading at or near the licensed site unless it can lawfully be there.
- (g) Licence Holders or assistants shall replenish displays outside shop premises from stocks held within the shop premises and not directly from any vehicle.

**(H) VEHICLES**

- (1) The trader shall not leave his vehicle in the street in which he trades apart from approved parking spaces upon full payment of any relevant fee. Where permitted loading and unloading of goods shall be carried out as quickly as possible with the vehicle moved immediately on completion.
- (2) A licensed trader shall not permit vehicles used in connection with his licensed pitch to be in the vicinity of the trading area for loading/unloading or other purposes during trading hours.

**14. REMOVAL OF STALLS ETC.**

- (a) Licence Holders and their assistants shall remove stalls, goods, tables and chairs and anything else under their control as directed for so long as may be necessary.
  - (i) In the event of an emergency and this shall include any public demonstration, congregation or disorder in the area, whether or not instructed by an Authorised Officer of the Council or Police Officer;
  - (ii) In the exercise of the Council's powers and duties which include the maintenance of the licensed site, to enable its re-marking and to check whether the stall is capable of being removed in accordance with these Regulations and
  - (iii) To enable statutory undertakings to maintain their services;
  - (iv) In order to accommodate customers confined to wheelchairs outside catering establishments the Licence Holder or assistants shall remove any surplus chairs, for the time being, to the place of storage. (See regulation 6(h)).
- (b) Stalls, goods, tables and chairs etc. shall be removed from the public highway to the place of storage, as stated on the application form, or such other alternative place subsequently agreed by the Council in writing, within 30 minutes of the time prescribed on the Licence for the end of trading on that day.
- (c) A Licence Holder electing to cease trading before the time denoted in the Licence shall remove the stall, goods, tables and chairs at that time to the place of storage.
- (d) A Licence Holder in respect of shop premises shall remove the stall(s) and goods on the cessation of trading and before closing the shop premises.
- (e) Where at an approved Street Festival the stall is hired or provided by the organiser or the agent, the Licence Holder shall be responsible for its erection, suitability, stability, dismantling and safe and prompt removal.
- (f) A Licence Holder upon production of Proof of Ownership may claim from the Council within 14 days of it coming into the Council's possession and without penalty (providing that it is not otherwise this subject of Legal Proceedings or a Seizure Order) anything that:-
  - (i) Not being within a licensed site, was removed by an Officer of the Council because in their

opinion it was a hazard or the like to the public;

- (ii) Otherwise came into the Council possession and was identified as possibly being associated with the activity of Street Trading.

**15. PROVISION OF STALL BY THE COUNCIL**

- (a) The Licence Holder shall use any stall provided by the Council.
- (b) Where the Council provides, (lends, hires or lets) the stall, the Licence Holder shall be responsible for its care and safe custody and must not wilfully or otherwise cause to it any damage.
- (c) The stall must either be on the licensed site, in the storage unit or in the course of being transported to and fro. It shall not be used for street trading or any other purpose elsewhere.
- (d) The stall when not in use shall be placed within the storage unit provided by the Council.
- (e) The Licence Holder shall secure the unit by the use of padlocks or other locking devices approved by the Council.
- (f) The Licence Holder shall keep the storage unit free from accumulations of refuse.
- (g) The Licence Holder shall make the storage unit available for inspection by an Authorised Officer of the Council and to enable its general maintenance.

**16. REFUSE**

- (a) In respect of traditional sites the Licence Holder and assistants shall ensure that all refuse arising as a result of the activities shall be placed in suitable covered containers provided by the Licence Holder exclusively for that purpose.
- (b) Such refuse containers shall be kept as clean as is reasonably practicable.
- (c) Refuse containers shall be sited in a location agreed with the Council. They shall be emptied whenever necessary into any vehicle, container, compactor, or place provided by the Council for that purpose.
- (d) Licence Holders and their assistants, in respect of footway displays outside shop premises and catering establishments shall ensure that any refuse arising from the external activities is properly stored and disposed of as part of the shop business.
- (e) No refuse shall be allowed to accumulate or be placed in the street.
- (f) No vehicle shall be used for the storage of such refuse.
- (g) The Licence Holder shall produce on demand to an Authorised Officer of the Council, proof of a contract for the disposal of trade refuse.
- (h) Matchday Licence Holders engaged in selling food shall deposit all refuse arising from the activity in easily identifiable refuse sacks provided by the Council.
- (i) The sacks shall be secured and left awaiting collection by the Council or its contractors within the designated site at the end of the trading period.
- (j) In respect of catering establishments, the licence holder when meeting the requirement in Regulation 5(e) shall also remove from tables any used and discarded receptacles.

**17. ATTENDANCE BY LICENCE HOLDER**

- (a) Traditional Licence Holders must be in attendance throughout the whole or part of the day that the stall is set up for trading unless engaged on the following:-
  - (i) A meal break or visit to the toilet.
  - (ii) Sickness of short duration.
  - (iii) Hospital, dental or doctor's appointment.
  - (iv) Occasional attendance at the office of an accountant, tax inspector, bank or Council cash office.
  - (v) On holiday.
  - (vi) Or for any other sufficient reason that may be approved by the Council from time to time.
- (b) (i) Spurs Matchday Licence Holders availing themselves of the right to trade must be in attendance to set up the stall and for the whole two hour period before the scheduled Kick-off time.
  - (ii) The Licence Holder must also be present all of the time that the stall is open for business and dismantled after the game.
- (c) In respect of displays outside shops and catering establishments the Licence Holders usual place of work shall be within the premises.
- (d) At approved Street Festivals the Licence Holder shall be in attendance at the stall throughout the event save that prescribed in 17(a)(i).
- (e) No Licence Holder shall sub-let the stall or any part of the stall or the licensed site, or install a manager to operate the Licence.
- (f) A Licence Holder if required by an Authorised Officer and/or Solicitor to the Council shall furnish the Council with a Medical Certificate obtained at the Licence Holders own expense or other

documentary evidence to support the reasons for any continual or repetitive absences.

**10. NAMES OF ASSISTANTS AND RESTRICTION OF EMPLOYMENT ETC.**

- (a) Traders shall notify the London Borough of Haringey in writing on the relevant forms of the name, address and national insurance number of each and every assistant who assists with sales on the licensed street trading pitch. Details of any subsequent change of assistant or any other relevant information regarding assistants shall be given in writing to the London Borough of Haringey.
- (b) The licence holder shall provide the London Borough of Haringey with details of all assistants who may work on the licensed street trading pitch whether the trader is present or not.
- (c) A licensed street trader shall not employ a child in any capacity in the course of his trade or business.
- (d) The licensed trader may employ any other person to assist in the conduct of the business but may not let, assign or part with his interest or possession under this licence, but he may surrender it at any time. The right granted by this licence cannot be sub-let transferred or shared with any other person or party.
- (e) Traders shall notify the London Borough of Haringey of any changes of assistants as soon as the changes occur.
- (f) 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.

**19. ADMINISTRATION**

- (a) Licence Holders and assistants must give every reasonable assistance to Council Officers and their contractors in carrying out their duties.
- (b) A Licence shall cease to have effect (*other than being revoked or having expired or on the death of the trader*) only upon it being surrendered by the Licence Holder in exchange for a written receipt at the Council's Street Trading Office.
- (c) A Licence Holder making application for the renewal of a Licence shall bring the completed application form and prescribed fee to the Council Officer by appointment. The two photographs prescribed in the Act if not already forwarded by the Licence Holder shall be handed to the Officer at this time.
- (d) A Licence Holder having appeared before the Council's Licensing Committee where, although there were sufficient grounds to revoke the Licence it was decided to deal with the matter by way of a Warning Letter shall - acknowledge receipt of the Warning Letter by signing and dating and returning one copy of the letter to the Council in the envelope provided within 21 days of its receipt.
- (e) The sending of letters and Notices from the Council by the General Postal Service to the last notified address by the Licence Holder shall be taken by the Council as proper and good service of documents.

**20 ASSISTANCE TO LONDON BOROUGH OF HARINGEY OFFICERS**

- (1) A trader shall give immediate assistance to London Borough of Haringey officers when requested so to do in the exercise of their official duties.
- (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 London Borough of Haringey.

**21 PAYMENT OF CHARGES**

- (1) A Trader shall pay all charges in connection with street trading to the London Borough of Haringey, on the dates and intervals advised by the London Borough of Haringey upon the issue

and/or renewal of the street trading licence and in the manner agreed as appropriate for payment by the London Borough of Haringey.

**22 CHANGE OF ADDRESS AND CIRCUMSTANCES**

(1) A trader shall give notice in writing to the London Borough of Haringey 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 London Borough of Haringey. The London Borough of Haringey reserves the right to conduct a home visit to confirm occupancy.



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