

Committee: Licensing

Date: 24th February 2015

Agenda item: 5

Wards: All

Subject: The designation of parts of the highway for the purposes of Street Trading

Lead officer: Paul Foster

Lead member: Cllr. Judy Saunders

Forward Plan reference number:

Contact officer: John Hillarby

Recommendations:

- A. That committee resolves to designate the proposed areas.
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1 PURPOSE OF REPORT AND EXECUTIVE SUMMARY

- 1.1. This report relates to requests for licence street designations and summarises comments received through a consultation process with interested parties.

2 DETAILS

- 2.1. The Street Trading Service has received 2 applications from traders interested in utilising the highway for the purposes of street trading.
- 2.2. This report concerns applications for 2 new of licence streets designations.
- a) An extension of the area outside The Royal Surrey 9 Abbotsbury Road Morden SM4 5LH to 11.7m x 2m and
 - b) An area of 3.9m x 1.9m on the 'Island Site' opposite 54 High Street Wimbledon SW19 5AX.
- 2.3. Plans and photographs of the proposed areas are included in Appendix B.
- 2.4. For the purposes of this document the original report for item 2.2 (b) above has been reproduced and amended based on findings since the previous Licensing Committee. At the meeting on 27th November 2014 the Licensing Committee resolved to defer the decision in order to allow more information to be gathered on the effect of the trading on the surrounding area. More information was also required on the size and usage of the proposed area to be occupied by the van.
- 2.5. Concerning 2.2 (b) a question was also raised concerning the possibility of rescinding the designations in the area (without prejudice). This issue is dealt with in the separate report Rescinding Designations submitted to this Committee for this meeting.

- 2.6. Street Trading is regulated by the London Local Authorities Act 1990 as amended.
- 2.7. All street trading is administered and regulated by the Council using this legislative framework. The London Local Authorities Act 1990 permits a street trading licence to be granted for “not less than six months and not more than three years”. There are two types of street trading licence granted in the Borough. A permanent licence that is valid for 1 year and a temporary licence valid from 1 day to 6 months to facilitate market trading and temporary events. It is unlawful to trade on the street without a valid street trading licence.
- 2.8. A one year Street Trading Licence can only be granted for areas designated as licence streets.
- 2.9. Merton licences specific locations (pitches) within a street rather than the street as a whole. The designation of specific locations on the street as opposed to the entire street gives greater control to the Council in regulating street trading and its impact on the environment. Street trading licences are renewable annually.
- 2.10. Comprehensive regulations and standard conditions are in place to facilitate regulation and enforcement of street trading in the Borough and provide a framework for all aspects of trade. These regulations are included for information as Appendix C.
- 2.11. Street trading licence fees for the year 2014-2015 are shown in Appendix E.

3 ALTERNATIVE OPTIONS

- 3.1 Designations shall not be granted.
- 3.2 Temporary licences can be issued where there are specific concerns requiring further assessment.

4 CONSULTATION UNDERTAKEN OR PROPOSED

- 4.1. The consultation process and consultees are defined by the London Local Authorities Act 1990.
- 4.2. A notice was placed in the Local Guardian newspaper advising the public of the consultations and requesting comments. A copy of the notice is included in Appendix A.
- 4.3. Notices were attached to street furniture in the immediate vicinity of the proposed areas.
- 4.4. Electronic copies of the notices were also sent to all ward councillors, residents associations and interested parties as part of a Licensing group email.
- 4.5. As part of the consultation process comments were invited from both external and internal agencies such as, LBM Highways, LBM Planning and the Police.
- 4.6. **Ward Councillors Representations:** See representations below

4.7. **Street Trading Service comments –**

1) The Royal Surrey 1-9 Abbotsbury Road Morden. An extension to the existing designated area has been requested to make use of the entire window space to the right of the property. There is sufficient space on the highway outside the property to allow the placement of tables and chairs with out causing undue inconvenience to the public. The operators have been using the space under a temporary licence and no complaints have been received regarding its usage. We feel the area is a simple extension that will enable the trader to make use of the existing space without breaching the licence conditions relating to the size. The current licence fee paid for the site would cover the area requested. As there are no reasonable grounds for refusal we would recommend the designation of this area to allow the issuing of a new street trading licence.

2) The 'Island Site' – Background information: The proposed pitch is located on the Island Site where old public amenities were previously located. They were paved over in the late 1980's/early 1990's and a clear horse path was constructed. Following the enactment of the London Local Authorities Act in 1990 there were applications for, and the granting of, two licence street designations.

- Site 1 is used as a flower stall and was increased in size from 2.4m x 1.8m to 3.6m x 3.6m in 2012. The site has been in use since the 1990's.
- Site 2 is 1.83m x 1.55m and has been vacant for a number of years. This site was the subject of a previous application from another trader in January 2010 which was refused by Merton's General Purposes Committee. Concerns were raised about the proximity of the pitch to the horse path and the risk of littering. The proposed use of the pitch was a take away food kiosk.

The current application also concerns a food operator, Forno Viaggiante, in this instance using a Citroen H van converted to operate as a pizza van. The proposed pitch location differs from the previous application which sought to increase the size of the existing pitch. This application seeks a new pitch location with some overlap of the existing pitch. It is also rotated to place the serving side away from the horse path and towards the common. Details of the pitch locations are contained within Appendix B.

It can reasonably be expected that any trader operating would at some point have a queue. This queue would in turn cover part of the highway. Because the vehicle is turned away from the main direction of pedestrian and horse travel, any queue is formed away from the busiest sections of footway.

We believe the distance this current application has between its serving hatch and the horse path is such that no inconvenience will be caused to users of the path and no distractions will frighten the horses. Included in this report are pictures showing the level of clearance between the horse path and the site whilst in operation.

At the Licensing Committee on 27th November members raised queries regarding the size of the vehicle intended for use on the pitch and whether it would be in breach of the conditions of any licence by opening its awning

which forms part of the serving counter. This is an integral part of the vehicle itself and not a removable item. Under Section 11 (b & c) of Merton's Street Trading Regulations (Appendix C), a distance of 0.6m is permitted from the boundary of a pitch for an awning or roof extension unless otherwise specified by conditions on the licence.

The serving hatch of the pizza van extends to 0.84m and the extra 24cm could be considered under the conditions of the licence. Such conditions could be increasing the visibility of the hatch and ensuring no further extensions or additions are made to it.

In this instance this service would consider it appropriate to allow the serving hatch/canopy to extend outside of the pitch as we have done on other sites in the borough.

The operators of the business have been trading Friday – Sunday since July 2014 on a Temporary Licence so as to establish themselves and provide an opportunity to test the commercial environment. A complaint was received regarding the leaking of oil from the vehicle but the trader rectified the problem. No further complaints have been received during the entirety of the original temporary licence (July – November 2014) or the extension granted by Committee at the last meeting. On visiting the site officers have found no breaches of the conditions and the traders have maintained the area around the pitch as expected.

Tables and chairs that had been placed on the site for those waiting were immediately removed when requested.

Street Trading has been permitted at this site for many years and we feel the classic design of vehicle used does no detract from the character of the area or the surrounding buildings, some of which are listed, whilst others are of c.1960's design. Whilst appreciation for the open nature of this site is noted we are legally obliged to consider all applications and to only refuse on the grounds set out in the London Local Authorities Act 1990 (as amended). We do not feel the vehicle in question detracts or degrades the area in question..

Representations have been received regarding the application and as can be found in Appendix G, these comments are both for and against the requested type of trading. We have also received outside of the consultation process additional representations concerning the site. The Committee has permitted the inclusion of these representations as the intervening time between the November and February meetings was designed to better gauge the impact of the trading at the site.

A petition was received containing 230 signatures in support of the trader remaining on site. We feel this is a good gauge of the popularity of the trader as poor quality food and poor service would not enable them to trade successfully. Officers have also been told first hand by workers/residents on site of how much they wish them to remain.

We note that several of the representations received relate to the type of trading and licence conditions. Although a consideration in Committee's decision making process, the issuing of the licence and associated conditions are to be taken by officers under delegated powers. Any recommendations or conditions put forward by the committee, relating to the

issuing of the licence, can be taken up by officers before granting, in-so-far-as powers legally permit. This would enable officers to regulate and enforce the licence with the possibility of variation or revocation for breach of conditions.

Therefore the officer recommendation is to grant the designation.

5 FINANCIAL, RESOURCE AND PROPERTY IMPLICATIONS

- 5.1. The cost of placing notices in the local Guardian is accounted for in the licence application procedures in place.
- 5.2. Regulatory and enforcement costs will be met from within the street trading budget.
- 5.3. The collection of licence fees will assist the Councils ability to fund the necessary budget requirements for the provision of the service.

6 LEGAL AND STATUTORY IMPLICATIONS

- 6.1. Part III of the London Local Authorities Act 1990 (as amended), hereinafter in these implications referred to as the “Act”, regulates trading on the street and provides a statutory consultation framework.
- 6.2. Unless provided for in the Act, Section 23 states that it is unlawful for a person to engage in street trading in any licence street within a borough unless the person is authorised to do so by a street trading or a temporary licence.
- 6.3. Under section 21 of the Act, a street trading licence means a licence granted for no less than 6 months and no more than 3 years. Regulations made by the London Borough of Merton pursuant to section 27(3) of the Act prescribe that these types of licences are only granted for a year. Temporary licences are defined as licences granted for a single day or such period as may be specified in the licence not exceeding 6 months.
- 6.4. It would also be unlawful for street trading to take place if the street or part of the street that is being licensed for these purposes have not first been designated by resolution as a “licence street” pursuant to section 24 of the Act.
- 6.5. Section 24(4) to (8) of the Act prescribes the consultation process which has to be carried out before a resolution can be passed to designate a licence street and this process has been carried out by the Council. This includes the advertisement in a local newspaper, service of notice on the local Highway Authority, and receipt of the necessary consent from the local Highway Authority.
- 6.6. The officer recommendation in this report is for the Committee to grant both designations. The Committee should decide to grant or refuse the designations after considering the officer recommendations, representations that have been made and all relevant facts before them.
- 6.7. The Committee would be expected to consider some of the following issues:
 - highway safety,
 - highways obstruction,
 - street furniture or bus stop safety,
 - volume of traffic,
 - access for emergency services,

- over use of area,
- risk of danger to pedestrians and other road users with the presence of a trading unit/stall,
- detriment or annoyance to residents from the proposed street trading.

- 6.8. Each application must be considered on its own merits and be reasonable. In making a balanced and reasonable decision, it should be considered whether an 'unsightly' pitch or a site with an issue involving enough 'space', is sufficient reason to refuse a designating resolution. A decision could reasonably be made to address those issues through the conditions of the licence e.g. the trading days and times permitted.
- 6.9. The Council is legally obliged to consider all applications and to only refuse on the grounds set out in the London Local Authorities Act 1990 (as amended).
- 6.10. It should be noted that many representations received during the consultation phase relate to the type of trading and not the designation of a licence street to which Committee is concerned.
- 6.11. Under Section 24 (9) of the Act, after the Borough Council have considered those representations, they may if they think fit, pass such a resolution relating to the street.
- 6.12. Under section 24(3) of the Act, if a Borough Council passes a designating resolution, the designating of the street takes effect on the day specified in the resolution. This date must not be before the expiration of the period of one month beginning with the day on which the resolution is passed.
- 6.13. Under section 24(10) of the Act, the Borough Council has to publish a notice of the passing of such a resolution in a local newspaper circulating in their area on two consecutive weeks. Under section 24(11) of the Act, 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.
- 6.14. The issuing of the street trading licence and associated conditions are to be taken by officers under delegated powers. The designation of licence streets has followed this process since the Act was enacted, with some sites previously designated under the Highways Act 1980.

7 HUMAN RIGHTS, EQUALITIES AND COMMUNITY COHESION IMPLICATIONS

- 7.1. It is important that the Council carefully considers all the representations made during the consultation process.

8 CRIME AND DISORDER IMPLICATIONS

- 8.1. Enforcement and advisory visits will be made regularly to the premises to ensure compliance with licence terms and conditions. The police are consulted on all applications for designations.

9 RISK MANAGEMENT AND HEALTH AND SAFETY IMPLICATIONS

- 9.1. Failure to discharge its duties under the Act and make proper regulations to control street trading could damage the Council's reputation and expose it to the risk of judicial review.

10 APPENDICES – THE FOLLOWING DOCUMENTS ARE TO BE PUBLISHED WITH THIS REPORT AND FORM PART OF THE REPORT

- Appendix A – Public Consultation Notice
- Appendix B - Plans and photographs of proposed areas
- Appendix C – Street Trading Regulations
- Appendix D – London Local Authorities Act 1990 Section 24 – Designation of Licence Streets
- Appendix E – Street Trading Licence Fees
- Appendix F – Representations
- Appendix G – Additional correspondence

11 BACKGROUND PAPERS

11.1. None.

Appendix A

Original designation notice (see 13)

LONDON BOROUGH OF MERTON

(hereinafter referred to as "the Council")

PART III OF THE LONDON LOCAL AUTHORITIES ACT 1990

(hereinafter referred to as "the Act")

Intention to designate parts of Merton as "licence streets" pursuant to the Act.

TAKE NOTICE THAT pursuant to Section 24 of the Act, the Council is seeking to designate 11 areas (hereinafter referred to as "the street") as licence streets where street trading will be permitted by the Council subject to obtaining a Street Trading Licence and 2 licences.

- 1) An area of 5.1m x 1.9m outside MJ Halal Meat 4 Langdale Parade Upper Green East Mitcham CR4 2PF. The Council has also been requested to issue a street trading licence under Section 25 of the Act. The licence, if granted, will allow the placing of display stands holding fruit and vegetables on the designated site 8am – 7pm Monday – Sunday inclusive. **Reference WK/201313479**
- 2) The Council has been requested by Mrs Flavia Araujo-Wilkinson to issue a street trading licence under Section 25 of the Act. The licence, if granted, will allow the placing of a catering trailer/food stall in Hartfield Pathway (off of The Broadway) Wimbledon SW19 1QD 8am – 6pm Monday to Sunday inclusive. **Reference WK/201406367**
- 3) An area of 5.9m x 1m outside Rana Foods & Halal Meat 35 London Road Morden SM4 5HT. The Council has also been requested to issue a street trading licence under Section 25 of the Act. The licence, if granted, will allow the placing of a fruit and vegetables stand on the designated site 9am – 9pm Monday – Sunday inclusive. **Reference WK/201401453**
- 4) An area of 6m x 1m outside Nordic Style Sweden 7 High Street London SW19 5DX. The Council has also been requested to issue a street trading licence under Section 25 of the Act. The licence, if granted, will allow the placing of furniture on the designated site 9.30am – 5.30pm Monday – Sunday inclusive. **Reference WK/201401459**
- 5) An area of 4.6m x 2m outside Top Fashion Hair & Beauty, 2 Langdale Parade Upper Green East Mitcham CR4 2PF. The Council has also been requested to issue a street trading licence under Section 25 of the Act. The licence, if granted, will allow the placing of display stands with hair and beauty related projects on the designated site 8.30am – 8pm Monday – Sunday inclusive. **Reference WK/201405389**
- 6) An area of 6m x 0.6m outside Madura Fancy & Giftware 60 London Road Morden Surrey SM4 5BE. The Council has also been requested to issue a street trading licence under Section 25 of the Act. The licence, if granted, will allow the placing of display stands holding fruit and vegetables on the designated site 9am – 8pm Monday – Sunday inclusive. **Reference WK/201402656**
- 7) An area of 3.7m x 1m outside Brew 21 High Street London SW19 5DX. The Council has also been requested to issue a street trading licence under Section 25 of the Act. The licence, if granted, will allow the placing of tables and chairs on the designated site 7am – 10pm Monday – Sunday inclusive. **Reference WK/201400400**

- 8) Two areas outside Monkeys, 244 Grand Drive, Raynes Park, London, SW20 9NE **a)** 3m x 1m directly outside the front window **b)** 2m x 1m outside the window on the corner of Grand Drive and Cannon Hill Lane. The Council has also been requested to issue a street trading licence under Section 25 of the Act. The licence, if granted, will allow the placing of tables and chairs on the designated site 7.30am – 5pm Monday –Saturday inclusive. **Reference WK/201402304**
- 9) Two areas outside The Old Frizzle 74-78 The Broadway, Wimbledon, SW19 1RQ **a)** 11.8m x 0.59m directly outside the front windows and **b)** 6.74m x 0.73m outside the windows on Kings Road. The Council has also been requested to issue a street trading licence under Section 25 of the Act. The licence, if granted, will allow the placing of tables and chairs on the designated site 11am – 10pm Monday to Thursday 10am – 10pm Friday and 10am – 9pm Sunday. **Reference WK/201405466.**
- 10) The Council has been requested by Mr Alexander Zimmermann to issue a street trading licence under Section 25 of the Act. The licence, if granted, will allow the placing of a catering trailer/food stall on Pitch 3 St Mark's Place Wimbledon SW19 to sell German street food 7am – 7pm Monday to Sunday inclusive. **Reference WK/201406369**
- 11) An area of 5m x 10m outside unit 6A The Piazza, The Broadway Wimbledon. The Council has also been requested to issue a street trading licence under Section 25 of the Act. The licence, if granted, will allow the placing of tables and chairs for a patisserie on the designated site 8am – 8pm Monday – Saturday inclusive and Sunday 9am – 7pm. **Reference WK/201406474.**
- 12) An area of 6m x 2.5m outside 80 Morden Road and opposite Ravensbury Park Mitcham CR4 4PH. The Council has also been requested by Mr Ian Hurley to issue a street trading licence under Section 25 of the Act. The licence, if granted, will allow the placing of a food van on the designated site 6.30am – 4pm Monday –Saturday inclusive. **Reference WK/201406154**
- 13) **An area of 3.9m x 1.9m on the 'Island Site' opposite 54 High Street Wimbledon SW19 5AX. The Council has also been requested to issue a street trading licence under Section 25 of the Act. The licence, if granted, will allow the placing of a pizza van on the designated site 10am – 8pm Monday – Sunday inclusive. Reference WK/201405612.**

If you wish to make representations to the Council regarding the designation of parts of the highway as licence streets or the issuing of street trading licences, you should write to the Council at **Trading Standards, London Borough of Merton, Civic Centre, London Road, Morden, Surrey, SM4 5DX** quoting the appropriate reference. Any representations made must clearly state the grounds and reach the Council before the 13th November 2014. The Council will consider all representations received before a final decision is made as to whether to designate parts of the street as a licence streets and whether to issue licences for street trading.

Dated this the 16th October 2014

LONDON BOROUGH OF MERTON

(hereinafter referred to as "the Council")

PART III OF THE LONDON LOCAL AUTHORITIES ACT 1990

(hereinafter referred to as "the Act")

Intention to designate parts of Merton as "licence streets" pursuant to the Act.

TAKE NOTICE THAT pursuant to Section 24 of the Act, the Council is seeking to designate 1 area (hereinafter referred to as "the street") as licence streets where street trading will be permitted by the Council subject to obtaining a Street Trading Licence and 1 street trading licence under Section 25 of the Act.

- 1) The Council has been requested by Mrs Emma Jenkins to issue a street trading licence under Section 25 of the Act. The licence, if granted, will allow the placing of a food van on a designated site in Wandle Way Mitcham CR4 6.00am – 3.30pm Monday – Friday inclusive. **Reference WK/201407301**

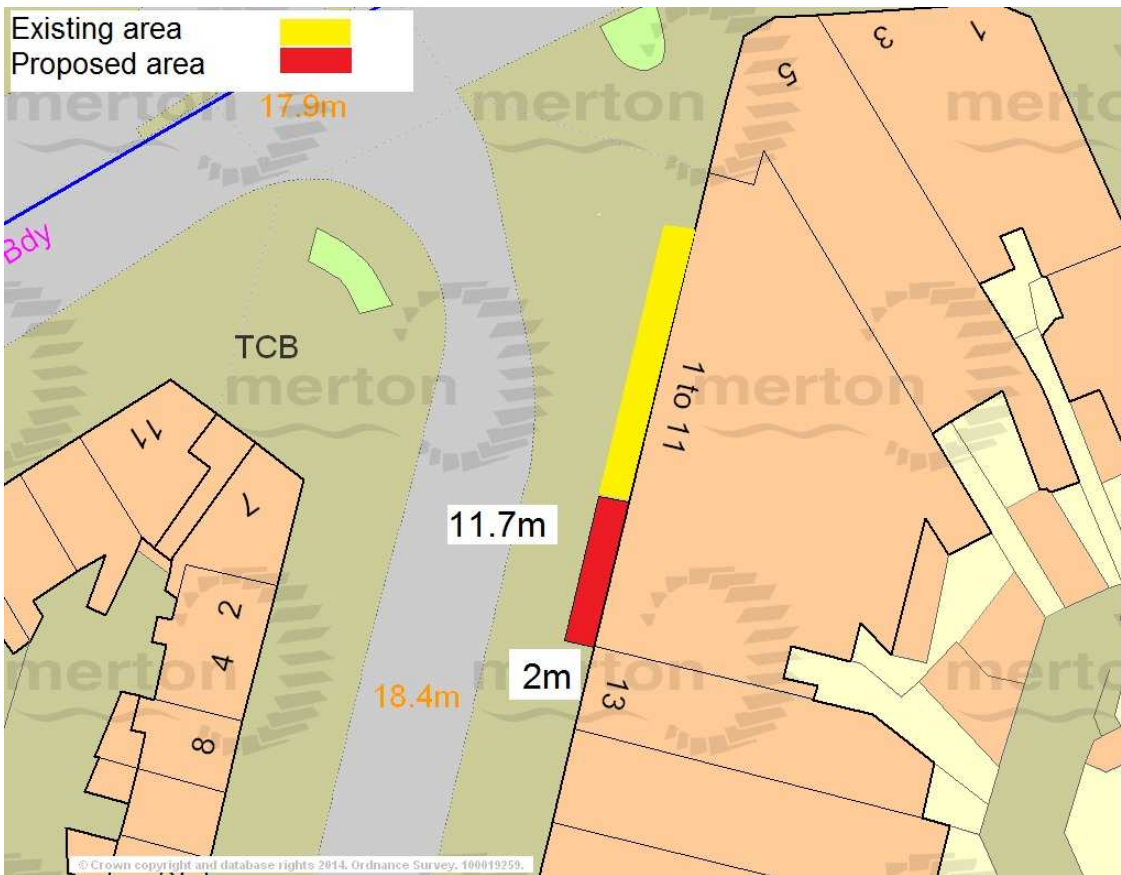
- 2) **An extension to the area outside The Royal Surrey 9 Abbotsbury Road Morden SM4 5LH. The Council has been requested to increase the designated area to the right of the main entrance to 11.7m x 2m and issue a street trading licence under Section 25 of the Act. If granted, tables and chairs will be permitted on the designated site 10am – 9.30pm Monday – Sunday inclusive. Reference WK/201312440**

If you wish to make representations to the Council regarding the designation of parts of the highway as licence streets or the issuing of street trading licences, you should write to the Council at **Trading Standards, London Borough of Merton, Civic Centre, London Road, Morden, Surrey, SM4 5DX** quoting the appropriate reference. Any representations made must clearly state the grounds and reach the Council before the 27th November 2014. The Council will consider all representations received before a final decision is made as to whether to designate parts of the street as a licence streets and whether to issue licences for street trading.

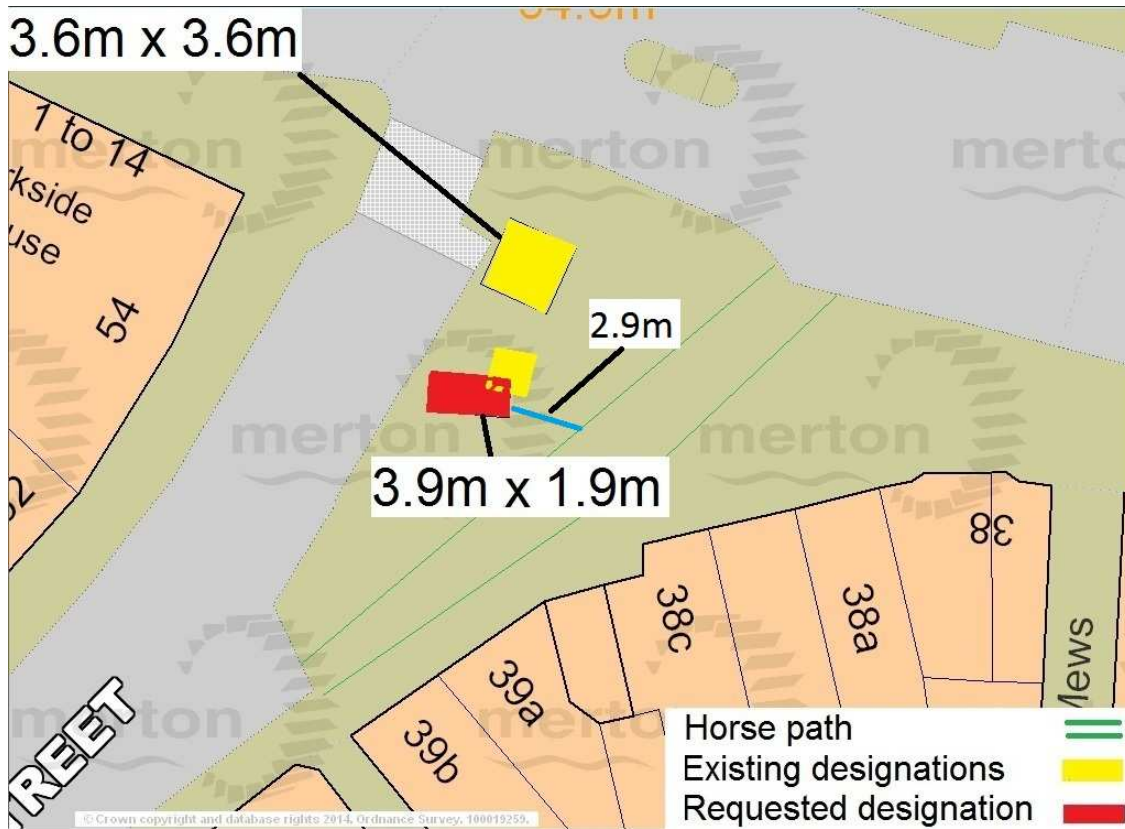
Dated this the 30th October 2014

Appendix B

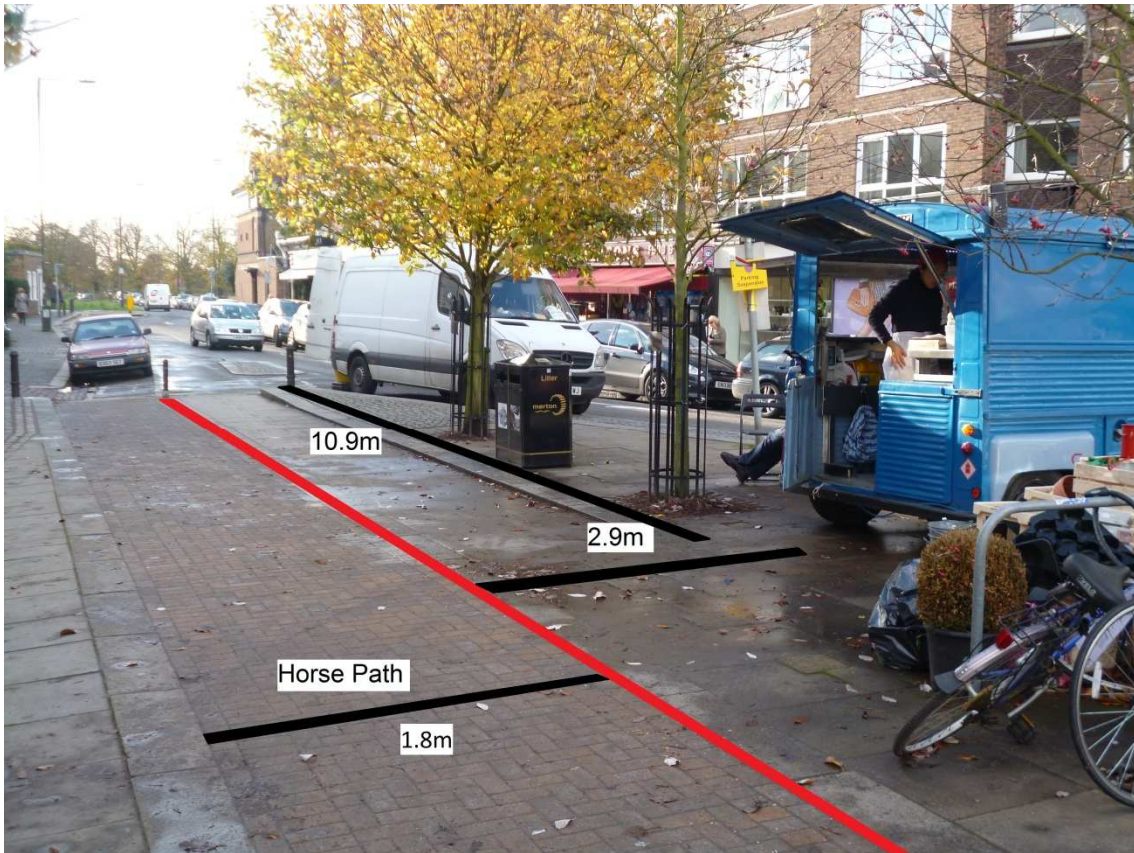
The Royal Surrey Abbotsbury Road Morden



'Island Site'



Trader in-situ



With the horse path in use



Photographs taken since the 27th November Licensing Committee meeting



Van with c.1960's architecture in the background



Appendix C

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

DEFINITIONS

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 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:

'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.

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 Merton.

'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) means a person employed by, and acting under the directions of a Licence Holder to assist him/her about the business of the stall, whether for reward or not and includes a person directed solely or otherwise to transport the Licence Holder's stall.

(b) 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.

'Authorised Officer' means any officer of the Council authorised in writing by the Council's Director of Environment and Regeneration to carry out any function under the Act or these Regulations acting within the terms of such authorisation.

'Awning' includes a sheet 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 compulsory school leaving age as in the Education Act 1996 or successor and includes a baby/child of pre-school 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' means a valid Street Trading Licence or a valid Temporary Licence.

'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 authorised street 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.

'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.

'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.

'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.

(v) These regulations replace the regulations previously approved by the Council.

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

A Street Trader shall only engage in Street Trading on the days of the week and during the times specified in the Licence or otherwise authorised by the Council except that there shall be no trading on Christmas Day. Markets do not operate on Sundays and Public Holidays.

3. DISPLAY OF NAMES

Licence Holders except in respect of displays of goods outside shop premises and tables 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. CHARGES AND FEES

(a) Charges for a Street Trading Licence shall be payable to the Council annually in advance. A Street trading licence will be valid for 12 months. Fees and charges will be set by the Council from time to time. In making any payment the Street Trader shall ensure that the appropriate invoice and account numbers are recorded.

(b) Charges for a Temporary Licence shall be payable each day in advance or for such periods as shall be specified in the Temporary Licence. An Authorised Officer shall decide the charges in accordance with the rates set by the Council from time to time.

(c) A Street Trader shall pay all charges for any Licence in force that has been issued at his request whether or not he engages in Street Trading.

(d) In accordance with Section 32(1) of the Act a fee shall be paid for the grant or renewal of a Street Trading Licence, but not a Temporary Licence, and for any variation of a Licence at the request of the Street Trader.

5. LICENCE AND 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, where appropriate, licenses that are required by the Licensing Act 2003 to an Authorised Officer of the Council or Police Officer.

(e) Once issued to a Street Trader a Licence shall remain in force until the expiry date indicated therein or until revoked by the Council in accordance with the Act.

(f) Where, in accordance with Section 26 of the Act, the holder of a Street Trading Licence has nominated a relative as his successor and that holder dies then the nominated successor may continue to engage in Street Trading within the terms of that Licence for a maximum period of 28 days provided that successor pays any charges due.

(g) On the death or retirement through age or ill health of a Licence holder, the Council may issue a Licence to a nominated relative to trade from the Licensed Pitch shown in that Licence in accordance with Section 26 of the Act. For the purposes of Section 26 of the Act 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 daughter of the former and shall be deemed to be so related notwithstanding that he is so related only through illegitimacy or in consequence of an adoption.

6. 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 6(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 roadworks 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.

7. 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 dimensions unless prescribed in the Street Trading Licence.

(c) Market stalls shall not exceed 3 metres by 3 metres (10 feet by 10 feet) or other dimension as specified in the Street Trading Licence.

(d) 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.

(e) Displays outside shop premises shall not exceed the size prescribed in the Street Trading Licence. The Council will take into account any private forecourt and the available depth of footway.

(f) In respect of catering establishments the number of tables and chairs on the street shall not exceed the numbers prescribed in the Licence.

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

8. 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.

- (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.
- (d) A Street Trader shall not cause or permit a nuisance to be created by noise or smell emitted from the Licensed Pitch or type of display.

9. 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 of sexual orientation.
- (d) The Licence Holder shall not use or permit any activity, omissions or practice in the conduct of the business that will cause harassment to any person on the grounds of their disability, skin colour, religion, gender, age, sexual orientation and so on.
- (e) The serving of customers shall not take place in the road.
- (f) 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.
- (g) 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.
- (h) 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.
- (i) The customer should clearly be able to view the goods being weighed, measured etc. before they confirm their intention to purchase.
- (j) In respect of goods selected by customers from displays outside shops the requirement in Regulation 8(i) shall be carried out within the shop premises.
- (k) 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.
- (l) Radios or other audio equipment shall not be used in or around the licensed site other than by written agreement of the Council.

10. 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) Where the Council has licensed the display of bulky furniture or the like outside shop premises on the street a suitable trolley to remove the goods shall be maintained within the shop.
- (d) Stalls shall be constructed so as not to become unbalanced or otherwise unstable.
- (e) Stalls shall be maintained in good order and free from protruding nails or other hazards likely to cause injury or damage to a person or their clothing.
- (f) No stall, part of the stall, accessory, table or chair shall be used if it is likely to damage the street.
- (g) A Licence Holder or assistant shall not bolt or otherwise secure temporarily or permanently anything to the street or street furniture.
- (h) 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.
- (i) 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.

11. 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 11(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.

(f) A Street Trader, or his Assistant, shall immediately remove any Awning on the instruction of an Authorised Officer or a police constable and shall, in any case, remove any Awning outside the permitted hours for Street Trading.

12. 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.

13. GENERATORS

(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.

14. 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) A Street Trader, or his Assistant, shall ensure that there is no undue obstruction of vehicular or pedestrian traffic whilst re-stocking the Licensed Pitch or loading and unloading Goods or other articles used for or in the course of Street Trading. When, in the opinion of an Authorised Officer or a police constable, there is likely to be undue obstruction of vehicular or pedestrian traffic the Street Trader, or his Assistant, shall immediately cease re-stocking, loading or unloading and within 15 minutes clear any Goods or other articles used for or in the course of Street Trading or for re-stocking, loading or unloading from any position in the Street other than within the Licensed Pitch.
- (i) A Street Trader, or his Assistant, shall not place, keep or use a vehicle at or near his Licensed Pitch in contravention of any legal parking or loading restrictions nor shall a Street Trader, or his Assistant, place, keep or use a vehicle at or near his Licensed Pitch which does not display a current disc showing that any road tax, or similar, has been paid.

15. 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
- (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.

16. 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.

17. 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) In respect of catering establishments the licence holder shall also remove from tables any used and discarded receptacles.

18. 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) In respect of displays outside shops and catering establishments the Licence Holders usual place of work shall be within the premises.
- (c) At approved Street Festivals the Licence Holder shall be in attendance at the stall throughout the event save that prescribed in 18(a)(i).
- (d) 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.
- (e) 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.

19. NAMES OF ASSISTANTS AND RESTRICTION OF EMPLOYMENT ETC.

- (a) The Licence Holder shall notify the Council of the names of any assistants within seven days of their commencement. This shall be by letter or on a form prescribed by the Council.
- (b) The Licence Holder shall give any other information regarding assistants as required by the Council.
- (c) A Licence Holder shall not have as an assistant any child in the business of street trading including the putting out or stocking of receptacles, clearance of refuse, attending a stall or any related activity.
- (d) A Licence Holder and assistant shall not bring or have care and control of a child whilst the business is being set up, operated or dismantled.
- (e) The failure of an Assistant to comply with the conditions of the Street Trading Licence held by the employer shall be deemed to be a failure by the Licence Holder.

20. 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 Trading Standards 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

three 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 a committee of the Council 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) Licence Holders shall notify the Council in writing of any change of their title, name or home address as soon as it occurs.

(f) 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.

(g) All notifications (*excluding payments of weekly/monthly charges*) given by the Licence Holder to the Council shall be to the Council's address as it appears on the Licence or that subsequently amended and notified in writing to the Licence Holder.

Appendix D

London Local Authorities Act 1990 Section 24

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:

Provided that a borough council shall—

(a) before passing a designating resolution, consult with the Commissioner of Police of the Metropolis on their proposal; and

(b) before rescinding or varying a designating resolution, consult with the licence holders trading in the street in question, or a body or bodies representative of them, 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;

* * * * *

(d) Network Rail Infrastructure Limited; and

(e) Transport for London.

(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.

(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.

Appendix E

LONDON BOROUGH OF MERTON LONDON LOCAL AUTHORITIES ACT 1990 PART III (as amended) (STREET TRADING)

NOTICE IS HEREBY GIVEN UNDER SECTION 32 OF THE ABOVE NAMED ACT OF THE
STREET TRADING LICENCE FEES FOR THE FORTHCOMING YEAR
VALID FROM 1ST April 2014 – 31ST March 2015

Unless otherwise stated all fees are for a period of 1 year.

Administrative Fees

New Street Trading Licence Application Fee	£50
Renewal Licence Processing Fee	£25
Variation of existing Licence	£75
Market Trading Registration Fee	£25

Forecourt, and Tables and Chairs Licence

Up to 1 sq m	£103
Over 1 sq m up to 6 sq m	£578
Over 6 sq m up to 12 sq m	£867
Over 12 sq m up to 18 sq m	£1,156
Over 18 sq m	£1,735

Temporary Monthly Licence for Forecourt, and Tables and Chairs where a full application is being processed.

Up to 1 sq m	£8.50
Over 1 sq m up to 6 sq m	£48
Over 6 sq m up to 12 sq m	£72
Over 12 sq m up to 18 sq m	£96
Over 18 sq m	£145

Other Pitches

Remote pitch not on a market e.g. catering van	£1,360
------------------------------------------------	--------

Market Fees (Temporary Licence per pitch per trading day)

Regular Market	£12
Casual Market	£20

Specialist Market Fee (minimum ten stalls/pitches for up to 4 days or part thereof)
£515

Other Temporary Licences (up to 2 months in any year)

Daily	£52.50
Weekly	£263
Monthly	£1051

These fees are calculated to reflect the reasonable costs of the Council in administering street trading in the borough.

Street Trading

London Borough of Merton
Merton Civic Centre
London Road
Morden SM4 5DX
Appendix F
Representations

The Island Site Wimbledon Village

Email from Ward representative Cllr Bowcott

Dear David,

Thank you for calling me back yesterday. I think that there are two issues with the open space opposite the Rose and Crown. One seems to be that there is an existing yet small and unutilised trading pitch and the other is that it is an 'open space' at the entry point to the Village. I think that it is a shame that we should have considered the area as suitable for street trading at all but having done so we must be careful. Space can be important in itself and it doesn't have to be leased off to the detriment of an important local amenity. Space rather than clutter is what is needed here. The site is a 'gateway' and as tranquil as the A219 can be. It is adorned by a listed building and used by riders on horseback. Why would it need a pizza van?

Clearly I value the sense of space. I certainly deplore the idea of hot food sales anywhere on this site and believe that there is no hour of any day on which a mobile pizza van would be appropriate in this location. I am also confident that this is the view of a significant number of local residents.

Regards

Cllr John Bowcott

Peek Crescent
Wimbledon
London SW19

Trading Standards 11 November 2014
London Borough of Merton
Merton Civic Centre
London Road
Morden
Surrey SM4 5DX

By Post and Email

Dear Sirs

Designation Consultation/Street Trading Licence Issue Request
Dated 16 October 2014
Ref WK/201405612

In relation to the above application my wife and I live at X Peek Crescent close to Wimbledon Village and the site of the above street trading request.

We object to both the designation of the site for street trading and the grant of the licence to a pizza van on the following grounds:

1. The site is one of the few open spaces remaining in Wimbledon Village and is critical to its attractiveness. Filling it fully with street trading on a permanent basis would fundamentally alter for the worse the nature of the Village
2. The current shops are already under significant economic pressure as evidenced by the number of vacant premises in the Village. The designation of further trading space would put them under increased and unnecessary pressure
3. If the Trading Licence is granted we do not believe any retail food trading should be allowed on the site on the basis of
 - a. hygiene (the site is adjacent to a designated horse track between the stables and Wimbledon Common)
 - b. Unfair competition with existing food retail outlets in the Village
 - c. Inconvenience to local residents – smell and litter
 - d. A total reversal of previous Council policy

Resident (details supplied)
Peek Crescent

PARKSIDE RESIDENTS' ASSOCIATION

Burghley Road
Wimbledon
London SW19

Trading Standards
London Borough of Merton
Merton Civic Centre
London Road
Morden
Surrey
SM4 5DX

10 November 2014

By Post and Email

Dear Sirs

Designation Consultation/Street Trading Licence Issue Request
Dated 16 October 2014
Ref WK/201405612

The membership area of this Association includes Marryat Road which adjoins Wimbledon High St and a number of other roads including Peek Crescent and Parkside Avenue which are in the vicinity of the High St. Our members take a keen interest in safeguarding the amenities of Wimbledon Village for the benefit of the local community.

The above application relates to a) the designation for street trading of an area 3.9m x 1.9m on the "Island Site" opposite 54 High St Wimbledon SW19 5AX and

b) (if the designation is made) the issue of a street trading licence under S25 of the Act (as defined in the Consultation) which if granted would allow the placing of a pizza van on the designated site 10am-8pm Monday – Sunday inclusive.

We object to both the designation of the Site and the grant of the licence. Our reasons are:

1. The Island Site serves as a visual gateway from the Village to Wimbledon Common and from the Common into the Village. Part of the site, closest to the A219 and directly opposite The Rose & Crown has already been designated for street trading and is in use as a florists on a part time basis. The remainder, including the application area, is attractive open space with strategic planting and hard landscaping which is available for pedestrian use. As such it contributes to a sense of spaciousness appropriate to the Conservation Area status of the Village as a whole. There is also a path for the Village Stables' horses taking daily exercises to and from the Common whose presence adds to the overall amenity in the Village. We do not believe that any additional designation for trading is justified because this would only serve to clutter the open space, compromising the attractive views from the High Street to the Common beyond and from the Common into the Village, in particular Eagle House which is a Grade II* listed building. The horse path would also appear to be adversely affected.
2. There are already a large number of vacant retail units in the Village. Turnover of occupiers seems high with many businesses struggling to maintain a High Street presence. Another retail outlet is unnecessary and arguably would put more pressure on existing outlets struggling to attract custom.
3. If despite the above comments, the designation is granted, we do not believe that a pizza van (or any other takeaway food use) is appropriate. There is already a disproportionately high number of cafes and restaurants in the Village with opportunities to purchase food, hot or cold, to takeaway. There is no need for another such outlet.
4. A van selling pizza will encourage littering, not just in the vicinity of the van but also on the Common where collection of the volume of litter regularly left by visitors in the Rushmere area is already a considerable burden for the Commons authorities. There are flats in all the buildings surrounding the site and their amenities are likely to be affected by smells etc as the pizza is cooked. Vermin will also be attracted to litter containing food scraps and waste. This is unacceptable in a public open space.
5. Previous applications for the sale of food on this site have been refused. We can see no reason to depart from precedent.

Yours faithfully

Mrs S Cooke
Chairman

**Lingfield Road
Wimbledon Village
SW19
13th November 2014**

Trading Standards
London Borough of Merton

Dear Sirs

**Trading Licence Issue Request
ref: WK/201405612**

1. Having been abroad, my wife and I have only just become aware of this application and that objections to it are required by today.
2. We have therefore been unable to consult our neighbours here in Lingfield Road or to formulate a detailed objection.
3. Nevertheless, we do object to this application, strongly.
4. We support all the points made in the letter to you from the Chairman of Parkside Residents' Association.
5. Point 1 in that letter is particularly relevant for those who, like us, live at the Common end of [details supplied]. The High Street past the island site is our principal access to the village and Parkside, both on foot and by car. Already the site is littered with various paraphernalia, including the flower stall, street furniture and so forth, including the occasional addition of the pizza van.
6. It is clear that that van already represents a significant escalation of that clutter, even on the presently permitted part-time basis.
7. If the presence of the van was to be permitted in effect permanently it is inevitable that:
 - (i) the sightline for traffic emerging from beside the van would be compromised;
 - (ii) "creep" would be encouraged so that the van site would become a fixture, with tables and chairs, signs and associated clutter.
8. The granting of a licence to sell alcohol at that site would add a whole extra dimension to the problem, and would effectively create an open-air street bar, with all of the problems attending that, not least for those who would have to pass by it, whether on foot or by car.
9. The inevitable rowdiness, or even the simple agglomeration of additional people at the site would be likely to upset horses from Wimbledon Village stables as they pass by, usually four times a day, often with young, inexperienced riders so risking hazard to them and other street users.
10. In summary, the granting of the proposed application would lead to further, and unnecessary, degradation of what was intended to be an attractive open space, the creation of a potential accident black spot, and the wholly unnecessary further proliferation of street food in the village.

For these reasons my wife (who has seen and approved this letter) and I object to this application.

Yours truly

Name and address details supplied.

Appendix G

Additional representations received after the formal closure of the consultation in November 2014. Due to Committee's decision to delay a final resolution until February 2015, we received extra representations. Documents received have been placed in this appendix to help inform the Committee.

From:

Sent: 16 January 2015 18:40

To: EHCommercial

Subject: letter of support for mobile artisan pizza van license

16-01-2015.

London Borough of Merton Environment and Health Department.

Please confirm receipt of this email and that it will be forwarded to the correct department/ persons responsible.

I would like to write a letter of support for the council to maintain the license for the artisan mobile pizza van that operates on the pedestrian foot area opposite the Rose and Crown pub, Wimbledon Village on Fridays-Sundays.

I understand that a resident within the vicinity has made complaint that the above mentioned business causes a degree of smoke pollution well as increased waste pollution from its operation and would like its license revoked.

I own and live at number **[details supplied]** High St SW19 which is within 50 mtrs of the business in question as well as having a direct sight line over its operation.

I strongly disagree that this business causes any level of smoke pollution that could be deemed as a negative contribution to the surrounding area and there is rarely any visible increase in waste pollution either.

Firstly, can the council please publicise the identity and the address of person making the complaint as well as provide substantiating evidence to support the content of their complaint.

Secondly, In my opinion, this particular business is a very welcome addition to the village. It is an artisan mobile pizza van that has been converted from a classic war period Citroen van installed with a classic wood burning oven. I would find it hard to believe that anyone with an ability to appreciate aesthetics can complain about its appearance.

Given the proximity I live to its operational position I can assure you that the mild smell of smoke and cooking pizzas is far less intrusive and actually far more appealing than that of any of the numerous cafes and restaurants that are located around the village.

In an attempt to reverse the "slow death of the High St independent retailers" which I believe is council initiative, these types of independent businesses should be encouraged and promoted rather than be considered for removal based on the unfounded opinions of 1 or 2 anonymous residents.

Can you please consider my opinion on this matter prior to the councils decision which I believe will be in late Feb 2015.

Sincerely

Name and address supplied

January 2015

Telephone message left by resident and business operator of forty years in the Village. 'I understand some people wish to see this pizza van removed. I would very much like to see the pizza van stay and believe it is a good addition to the Village and would like my comments noted. Should you need any thing further from me please get in contact on... **Name and details supplied.**

Belvedere Estate Residents Association

BERA

**Wimbledon
London
SW19**

10th January 2015

Trading Standards
London Borough of Merton
Merton Civic Centre
London Road
Morden
Surrey SM4 5DX

By Email

Dear Sirs

**Street Trading
The Island Site in Wimbledon Village High Street**

Dear Sirs,

I understand that at a meeting of the Licensing Committee held on 27th November a temporary licence was granted for Street Trading by a Pizza Van on the above site. This Association, whose membership is drawn from the Belvedere Estate and the Lancaster Roads, was unaware of the application until it was too late to submit comments. We understand that the matter will come before the Committee again on 24th February and I wish on behalf of BERA to register our strongly held objections to any further extension of this licence.

The Island Site is on a corner of the High Street near to the Common, visually attractive and of important amenity value. Our objections are manifold:

- a pizza van generates smell and smoke; there are residences nearby
- there is an inevitable addition to the litter in the street and on the common
- in our view this represents unfair competition with the vendors of food (including pizzas) who rent premises in the High Street at substantial cost
- this would be a serious detraction from the visual attraction of the Site
- there is a path for horses across the Site from the nearby stables
- the Site is opposite a Grade II listed building

We urge you to deny any extension of the licence.

Yours faithfully,

RVJ Chadder

For the Belvedere Estate Residents Association

10 January 2015

Trading Standards
London Borough of Merton
Merton Civic Centre
London Road
Morden SM4 5DX

Re: Area of 3.9m x 1.9m on the 'Island Site' Opposite 54 High Street, Wimbledon SW19 5AX

Gentlemen,

Minutes from the Licensing Committee Meeting of 27 November 2014 relating to the Island Site opposite 54 High Street Wimbledon SW19 5AX clearly set out the committee's concerns regarding restrictions on the open space that this particular application represents. There were also questions regarding the exact dimensions of the space. As such, the committee deferred determination of the application and agreed to reconsider it on 24 February 2015.

I fully support the concerns regarding encroachment on the open space, which is an essential feature of this particular area of Wimbledon Village. The open space makes an

important contribution to the local character and serves as a gateway to both Wimbledon Village and Wimbledon Common. The site is opposite a Grade II listed building and is also used for horse access to Wimbledon Common. If approved, this application may well be the first of a number of applications for uses that are not consistent with the objectives of this open space in strategic planning terms. Furthermore, I understand that the applicant requires an extension of the current space that has been designated, which represents yet further encroachment on the open space.

Additionally, the commercial implications of allowing take-away food from stalls in the village are extremely important and approval of this application would set a dangerous precedent in allowing further expansion of take-away food and drink establishments, which clearly do not conform with the character of Wimbledon Village. It would also represent unfair competition to the restaurants, cafes and bars in the village and could therefore instigate a general trend for food and drink establishments to re-locate in the open spaces, under more attractive commercial terms.

I therefore urge the committee to both reject the application and de-designate this space.

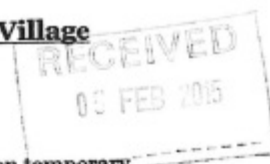
Yours faithfully,

Name and address supplied

Officers have also received a petition signed by 230 people supporting the designation of the pitch and the issuing of a licence. The coversheet for the petition is reproduced below.

Petition To FORNO VIAGGIANTE to trade at Wimbledon Village

Cause of Petition:



We, Forno Viaggiante Pizzeria, have been trading at High Street since mid July 2014 on temporary trading license. Thankfully we have gained regular customers here in the last 6months and are very happy to be trading at our spot.

However, there were a few issues raised at the Wimbledon Village Committee Meeting held on 24th November 2014 regarding our operation and our license is now at a risk of being taken away.

Our customers and friends of Wimbledon Village, we need your support now. Please sign this petition and help us continue trading here!

We will submit this form to Merton Council by 24th February 2015, when the next Wimbledon Village Residents Committee Meeting is commenced.

Thank you for your cooperation, we believe this will make a real difference!

Details of Lead Petitioner

Name: GIANCARLO LAMARI

We, the undersigned, want the MERTON COUNCIL to give FORNO VIAGGIANTE PIZZERIA a permanent permission to trade at High Street, Wimbledon Village.

Petition contains 230 signatures and will be available for inspection at the Licensing Committee meeting on 24th February 2015.