

Committee: Licensing

Date: 22nd February 2024

Wards: All

Subject: The Designation of parts of the highway as licence streets for the purposes of Street Trading

Lead officer: James Armitage

Lead member: Cllr Eleanor Stringer

Contact officer: David Ryan

Recommendation:

That committee resolves to grant the proposed designation for Venus Homeware and grants the reduced designation for Gardenia.

1 PURPOSE OF REPORT AND EXECUTIVE SUMMARY

- 1.1. This report relates to requests for the designation of licence streets and summarises comments received through a consultation process with interested parties.

2 DETAILS

- 2.1. The Licensing Team has received two applications from traders interested in utilising the highway for the purposes of street trading.
- 2.2. This report concerns the applications for those licence street designations.
- 1) An area of 2.8m x 1.6m outside Gardenia of London, 10a High Street, Wimbledon, SW19 5DX.
 - 2) An area of 4.5m x 2m outside Venus Homeware and Dry Cleaners, 276 London Road, Mitcham, CR4 3NB.
- 2.3. Plans and photographs of the proposed area are included in Appendix B.
- 2.4. Street Trading is regulated by the London Local Authorities Act 1990 as amended.
- 2.5. 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.
- 2.6. A one year Street Trading Licence can only be granted for areas designated as licence streets.
- 2.7. 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.

2.8. 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.

2.9. Street trading licence fees for the year 2023-2024 are shown in Appendix E.

3 ALTERNATIVE OPTIONS

3.1. The designations are refused.

3.2. The final designation can be reduced in size from the requested area.

3.3. A Temporary Licence 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 Wimbledon & Wandsworth Times newspaper, in paper and digital form, advising the public of the consultations and inviting representations. A copy of the notice is included in Appendix A.

4.3. As part of the consultation process comments were invited from both external and internal agencies.

4.4. Future Merton Highways team requested the area outside Gardenia be reduced in size to permit safe passage and to follow the sizing of the neighbouring designated site at 1m in depth.

4.5. The Licensing Team comments –

1. **Gardenia** – An area has been requested directly outside the premises for the placement of flowers plants and associated goods. The application has asked for 2.8m x 1.6m but due to restrictions on highway clearance, it is recommended the area be reduced down to 2.8m x 1m. By reducing the size of the area, the site will provide greater clearance for pedestrian access on High Street. The 1m size will also match the existing designation for the original shop unit next door. The existing designation has been in place for 16 years. There are a number of designations along both sides of High Street, and the area requested would be in keeping with those sites and the space left for pedestrian movement. The operators have had the benefit of a Temporary Licence for a number of months and there have been no issues associated with it. It is felt there are no valid reasons to refuse the designation or the accompanying licence if reduced to 1m. We would have concerns for pedestrian safety if this alteration were not made.

2. **Venus Homeware** – The area requested sits in a particularly wide section of the pavement. Several licences are in place on this particular part and the designation requested is in keeping with those. The trader has had the use of a Temporary Licence whilst this application is considered, and we have received no complaints. It is felt there are no valid reasons to refuse the designation or the accompanying licence.

5 TIMETABLE

- 5.1. If granted, notice of a designation resolution must be published in a locally circulating newspaper for two consecutive weeks.
- 5.2. The first publication shall be no later than 28 days before the designation comes into force.
- 5.3. Most traders operate under Temporary licences during this time and start dates are agreed with officers under delegated authority to issue street trading licences.

6 FINANCIAL, RESOURCE AND PROPERTY IMPLICATIONS

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

7 LEGAL AND STATUTORY IMPLICATIONS

- 7.1. 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.
- 7.2. 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.
- 7.3. 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.
- 7.4. 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.
- 7.5. 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.
- 7.6. The officer recommendation in this report is for the Committee to grant the designations, one with an reduction from the size requested. The Committee should decide to grant or refuse the designation after considering the officer recommendations, representations that have been made and all relevant facts before them.

7.7. 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

7.8. 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.

7.9. 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).

7.10. 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.

7.11. 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.

7.12. 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.

7.13. 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.

7.14. 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.

8 HUMAN RIGHTS, EQUALITIES AND COMMUNITY COHESION IMPLICATIONS

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

9 CRIME AND DISORDER IMPLICATIONS

9.1. 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.

10 RISK MANAGEMENT AND HEALTH AND SAFETY IMPLICATIONS

10.1. 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.

11 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

12 BACKGROUND PAPERS

12.1. None.

APPENDIX A

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 2 areas (hereinafter referred to as "the street") as licence streets where trading will be permitted by the Council subject to obtaining a Street Trading Licence. Applications have also been received under Section 25 of the Act for 2 licences to use the street for the purposes of street trading.

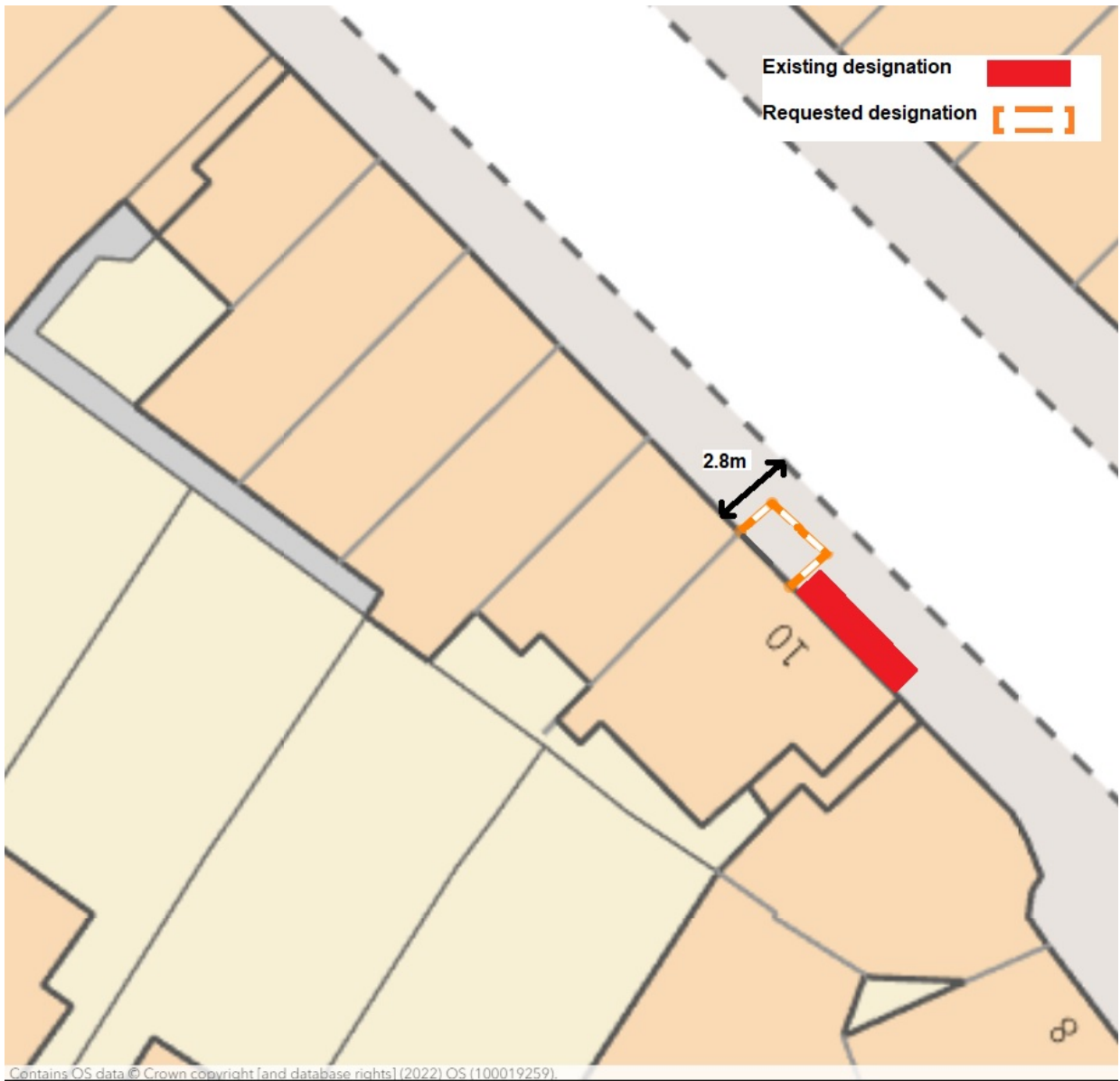
- 1) An area of 2.8m x 1.6m outside Gardenia of London, 10a High Street, Wimbledon, SW19 5DX. The Council has also been requested by Mr James Grant, C/O the above address, to vary a street trading licence under Section 25 of the Act. The licence, if granted, will allow the placing of shop-based goods (flowers and plants), in an extension to the existing licence outside 10 High Street, between 7.30am – 6.30pm Monday – Sunday inclusive **Reference WK/202302431.**
- 2) An area of 4.5m x 2m outside Venus Homeware and Dry Cleaners, 276 London Road, Mitcham, CR4 3NB. The Council has also been requested by Mr Muhammad Dilawar, C/O the above address, to issue a street trading licence under Section 25 of the Act. The licence, if granted, will allow the placing of shop-based goods outside between 9am – 7pm Monday – Sunday inclusive. **Reference WK/202380635.**

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 **Licensing, London Borough of Merton, Civic Centre, London Road, Morden, Surrey, SM4 5DX** or email licensing@merton.gov.uk quoting the appropriate reference. Any representations made must clearly state the grounds and reach the Council before the **8th February 2024**. The Council will consider all representations received before a final decision is made as to whether to designate parts of the street as licence streets and whether to issue licences for street trading.

Dated this the 11th of January 2024.

Appendix B

1.1 Gardenia 10 & 10a High Street SW19 5DX



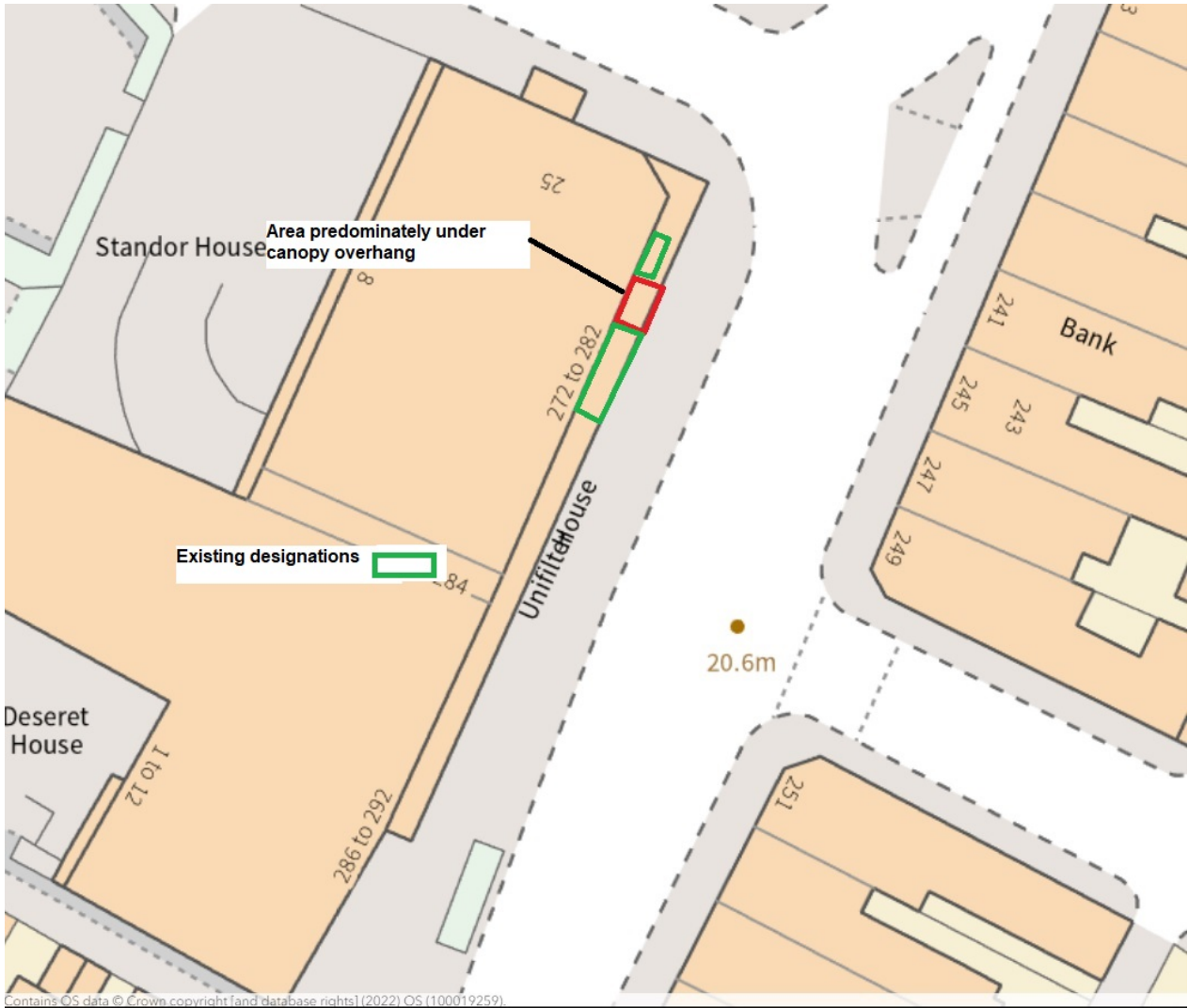
1.2 Front view of proposed site with indication of reduced area size (yellow line)



1.3 Proposed site under Temporary Licence alongside existing designation



2.1 Venus Homeware 276 London Road Mitcham



2.2 Street view of site with neighbouring designations in use.



Appendix C

STREET TRADING LICENCE CONDITIONS

Part III of the London Local Authorities Act 1990 (as amended)

Regulations Prescribing Standard Conditions for Street Trading Licences

GENERAL

The grant of a Street Trading Licence shall not be deemed to give any approval or consent which may be needed under any By-law, enactment, or Regulation other than under the Act.

The possession of a street trading licence does not confer any special rights for use of a vehicle, and in particular does not exempt the Licence Holder or any assistants from the requirements of parking and/or traffic regulations currently in force.

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 but are not limited to General Health and Safety, Food Safety, Trading Standards, Fire Prevention, and Highways Regulations.

It is the responsibility of the Licence Holder to ensure compliance with the conditions. This includes making appropriate arrangements for assistants to comply with any requirement or restriction imposed by a condition.

Failure to comply with conditions of the Street Trading Licence or Temporary Licence may result in the trader being liable for prosecution. I.E. being issued with a *fixed penalty notice* (F.P.N.) and/or, revocation of licence

1. INSURANCE

- a) The Licence Holder shall be responsible for holding appropriate public liability insurance, with a minimum liability of at least £5 million throughout the period where the Street Trading Licence is in force.

2. DAYS AND TIMES

- a) The Licence Holder 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.

3. CHARGES AND FEES

- a) Where the Council has agreed that Licence fees may be paid by instalments, the Licence Holder shall adhere to the schedule of payments specified by the Council, which may include additional fees specified in the Councils published fees, and any instruction to set up a direct debit where payments are missed.

- b) If the Licence Holder is not able to pay the fees due for a period of four weeks or more after they become due, they shall contact the Council in writing as soon as reasonably practical. The Licence Holder shall explain any circumstances that they wish to be taken into account prior to the Council beginning proceedings to revoke the licence.

4. LICENCE AND INSPECTION OF LICENCE ETC.

- a) The Licence Holder shall prominently display a copy of their Licence at the Licensed Site so that it is clearly visible.
- b) The Licence Holder shall produce the current Licence for inspection when requested to do so by an Authorised Officer of the Council or Police Officer.

5. POSITION

- a) The Licence Holder shall ensure that only the Licensed Site prescribed in the Licence is used, (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(c) shall arise
- b) The Licence Holder shall inspect the Licensed Site whilst in use at least every hour to ensure that any receptacles or tables and chairs are not outside of the licensed area.
- c) 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.

6. SIZE

- a) The Licence Holder shall not place or cause to be placed on the street, a stall or any other object that exceeds the dimensions prescribed in the Street Trading Licence.
- b) 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.
- c) The sizes and numbers of receptacles, tables & chairs, parasols or other objects 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) 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.
- c) All commodities offered for sale will conform to the lists contained in Appendix 6 of the Street Trading Policy, and no commodities appearing in the banned list may be offered for sale. Special consideration will be given for items not included on any of the commodity lists in this document should applications be received.
- d) Commodities are divided into categories: Licence holders may trade up to three commodities from two categories on their street trading Licence

8. DEALING WITH THE PUBLIC

- a) The Licence Holder shall ensure that the public, Council officers and the Police are treated fairly and with courtesy.
- b) Admission or service shall not be refused to any person on the grounds of any protected characteristics as defined by the Equality Act 2010, including gender, race, ethnic origin or the grounds of sexual orientation.
- c) 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 any protected characteristics.
- d) The serving of customers shall not take place in the road.
- e) All goods offered for sale shall be clearly priced and sold in accordance with all relevant consumer protection laws or requirements
- f) A Licence Holder 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.

9. RECEPTACLES & CONSTRUCTION OF STALL

- a) Only those stalls and receptacles approved by the Council shall be used by the Licence Holder and assistants.
- b) Goods must not be placed directly on the street unless specified in the Licence.
- c) Stalls shall be constructed so as not to become unbalanced or otherwise unstable and 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.
- d) No stall, part of the stall, accessory, table or chair shall be used if it is likely to damage the street and shall not be bolted or otherwise secured to any street furniture or anything in the street.
- e) The Licence Holder 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.

- f) The Licence Holder shall remove the receptacle and goods at the end of each trading day with the exception of those receptacles that have written consent from the Council to remain overnight on the designated pitch or other agreed location. Any receptacle left without permission may be removed and a cost recovery fee charged for removal and storage.
- g) Where the licensed site is in the road or adjacent, scales and cash registers shall be placed on the stall at the furthestmost point from passing vehicular traffic.

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) The Licence Holder shall not permit the awning or roof of the stall to project outside the area of the pitch, except for 0.6m over the footway unless otherwise specified or restricted by a further condition of the Licence.
- c) The roof or awning shall be safely constructed and must not shed water over customers or passersby.
- d) The Licence Holder shall immediately remove any roof 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.

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 low wattage 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 Licence Holder 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 of the supply by an electricity supplier.
- d) All electrical wiring and components shall comply with the basic Electricity Supplier 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, Licensed Holders or assistants to any form of risk.
- g) 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.

- h) Licensed Holders shall ensure that electricity bollard supply covers and water points are secure at the close of each trading day.

12. GENERATORS , APPLIANCES ETC

- a) Mobile electrical generators, portable cooking appliances, bottled gas or other services shall not be used without the written consent of the Council.
- b) Electrical generators shall not be used at the location of Shop Front Licences
- c) When mobile electrical generators are permitted, they shall be so positioned that:-
 - d) they do not present a danger to the public, and
 - e) 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
 - f) they do not cause a statutory noise nuisance or pollution nuisance, and
 - g) any inflammable fuel is stored away from the stall in a container and position approved by the Council.
- h) 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. Noise and Nuisance

- a) The Licence Holder shall not cause or permit a nuisance to be created by noise or smell from the Licensed Site or type of display.
- b) The Licence Holder shall not use a megaphone, amplification equipment or a loud voice to shout out the price of goods etc. in order to attract customers.
- c) Radios or other audio equipment shall not be used in or around the licensed site other than by written agreement of the Council.

14. IMPROVING AIR QUALITY - USE OF VEHICLES FOR STREET TRADING

- a) The Licence Holder shall only use vehicles that meet Euro 6 emissions standards where the engine is required to be kept running for the purpose of providing power in connection with the licensed Street Trading activities.
- b) The holder of a licence first issued prior to **31st December 2022** will not be required to comply with this condition until 1st January 2024

15. LOADING AND UNLOADING

- a) Loading and unloading shall be carried out as quickly as possible and the vehicle shall be removed immediately on completion, unless that vehicle is used as the permitted receptacle for Street Trading.

- b) Any cart, barrow or trolley or similar conveyance used for replenishing or moving goods shall be stored on the Licence Holder's vehicle or at appropriate storage facilities and shall not be kept on the street.
- c) The Licence Holder shall not place, keep or use a vehicle at or near the Licensed pitch in contravention of any legal parking or loading
- d) Loading or unloading shall be abandoned, or vehicles moved, 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.

16. REMOVAL OF STALLS ETC.

- a) The Licence Holder shall remove the stall, including any associated furniture, and goods for so long as may be necessary in the event of an emergency or in exercise of the Council's powers and duties when reasonably required to do so by a duly authorised officer of the Council, a police officer or an officer of any other emergency service.
- 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) 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.

17. 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 willfully or otherwise cause to it any damage.
- c) The stall shall not be used for street trading or any other purpose elsewhere.
- d) The stall when not in use shall be placed within any storage unit provided by the Council for this purpose.
- 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.

18. REFUSE

- a) The licence holder shall ensure that all refuse arising as a result of their activities, including wastewater and oil, is placed in suitable covered containers that are kept within the designated pitch exclusively for that purpose and that are approved by the Council. Such refuse containers shall be provided by the licence holder, unless otherwise provided by the Council specifically for the use by licence holders and shall be kept as clean as is reasonably possible.
- b) The Licence Holder shall produce on demand to an Authorised Officer of the Council, proof of a contract for the disposal of trade refuse.

19. ATTENDANCE BY LICENSED LICENCE HOLDER

- a) The Licence Holder is required to make full personal use of the street trading licence, which means that the licence holder must personally attend at the stall during the hours and on the days that the licence authorises street trading to be carried on. A registered assistant can be present when the licence holder is temporarily unable to attend at the stall or if the licence holder can provide exceptional reasons as to why he or she was unable to be present for a longer period but a failure to make full personal use of the licence is a ground for revoking the street trading licence in its own right.
- b) Where, in accordance with Section 26 of the Act, the Licence Holder 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.
- c) The Licence Holder shall not sub-let the stall or any part of the stall or the licensed site or install a manager to operate the Licence.

20. NAMES OF ASSISTANTS AND RESTRICTION OF EMPLOYMENT ETC.

- a) The Licensed Holder shall notify the Council of the names of any assistants within seven days of their commencement. This shall be on a form prescribed by the Council.
- b) The Licence holder shall give any other information regarding assistants as required by the Council.
- c) The maximum number of assistants per licence should be no more than 5.
- d) 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.
- e) A licence holder or Assistant shall not bring or have care and control of a child whilst the business is being set up, operated or dismantled.
- f) 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.

21. ADMINISTRATION

- a) The Licence Holder shall notify the Council in writing of any change of their title, name or home address as soon as it occurs.
- b) 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.

STANDARD CONDITIONS SPECIAL PROVISIONS

Conditions Specific to Shop Front Licences

In addition to the conditions relating to all street trading and market licences, these conditions apply specifically to Shop Front Licences only.

- SF1. A copy of the licence must be displayed in the window of the premises outside which trading is permitted. The licence is to be displayed so as to be clearly visible and legible from the street.
- SF2. Payment for goods or services shall be carried out within the shop premises and not within the licensed site or road.
- SF3. The dimensions of a licensed street trading pitch shall be such that a minimum of 2m clear of any obstruction shall be maintained on the Public Highway for the safe pass, re-pass and free flow of pedestrian and vehicular traffic.
- SF4. No equipment, stall, container, or display or tables(s) or chair(s) shall at any time be permitted to obstruct an entrance or exit to any adjacent premises, or to any part of the building to which the licence applies that is under separate occupation.
- SF5. Only those commodities or services sold or offered within the premises can be displayed outside, provided they are not excluded items as defined by the Councils regulations.
- SF6. Only those services provided within the relevant shop premises can be provided in the licensed area where a licence permits tables & chairs to be placed on the street.
- SF7. Only that equipment, stall, container, or display or tables(s) or chair(s) and containers which is suitable and fit for purpose shall be used by the Licence Holder for shop front trading or ancillary to shop front trading.
- SF8. Any barriers approved by the Council must be in place around the trading area during licensed hours. The barriers must be placed within the total space/area permitted by the licence and not take any more space than stipulated on the licence. They must be removed outside of the hours permitted by the licence.
- SF9. No Awning other than a parasol may be used as part of a stall for shopfront licences.

SF10. 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.

SF11. Licence holders or assistants shall replenish Shop Front Licences from stocks held within the shop premises and not directly from any vehicle.

STANDARD CONDITIONS SPECIAL PROVISIONS

Conditions Specific to Local Authority Markets: Mitcham and Morden (Abbotsbury Road)

In addition to the conditions relating to all street trading and market licences, these conditions apply specifically to the Authority run markets at Mitcham and Morden.

AM1. The market is open for trading between the hours of 8.30am and 5.30pm Monday - Saturday

AM2. The Licence Holder shall only trade on the days agreed on their registration.

AM3. The Licence Holder shall only trade from the agreed and allocated pitch.

AM4. The Licence Holder only trade in those articles or services referred to on their registration.

AM5. The Licence Holder shall sweep that part of the street from which they trade, and the area within a metre of their trading area at the end of each trading day. They shall keep that part of the street referred to on their registration in a tidy condition and to the Council's satisfaction.

AM6. The Licence Holder shall ensure they have public liability insurance cover for £5,000,000 or hold a valid membership to the National Market Traders' Federation.

AM7. The Licence Holder shall not use any equipment involving naked flames without the express permission of the Council.

AM8. The Licence Holder shall not engage in any auction of any kind whatsoever.

AM9. The Licence Holder shall only use the loading area (Mitcham) between 6am – 9am and between 3pm – 6pm.

AM10. The Licence Holder shall remove their vehicle from the loading area as soon as unloading or loading has been completed, only returning at the close of trading.

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

Merton Street Trading Licence Fees

Shop front licences			
Type of licence	2023/24 application charge	2023/24 enforcement and compliance charge	2023/24 total charge
New Street Trading Licence (existing designated site) *	£186	£186 + 50% of enforcement and compliance fee indicated by size below*	Variable
Licence Street Designation Fee (new sites)***	£1,133	£1,612	£2,745
Annual Shop Front Licence			
Up to 1sqm	£63	125	£188
1 to 6sqm	£63	679	£741
6 to 12sqm	£63	1030	£1,093
12 to 18sqm	£63	1384	£1,447
Over 18sqm	£63	2055	£2,118
Variation of licence	£119	*	£119
* includes 6 month Temporary Licence fee charged at 50% of annual area rate.			
*** Additional newspaper notice fees to be recharged to applicants c.£600			

Designated Sites			
Type of licence	2023/24 application charge	2023/24 enforcement and compliance charge	2023/24 total charge
New Street Trading Licence (existing designated site) *	£186	742	£928
Following successful temporary licence (above)	£0	£1,612	£1,612
Licence Street Designation Fee (new sites)**	£1,133	£1,612	£2,745
Renewal of Annual licence	£63	£1,612	£1,675
Variation of licence	£119	£0	£119
* includes 6 month Temporary Licence fee			
** Additional newspaper notice fees to be recharged to applicants c.£600			

Temporary Licences			
Type of licence	2023/24 application charge	2023/24 enforcement and compliance charge	2023/24 total charge
1 to 2 days	£63	£60	£123
3 to 4 days	£63	£120	£183
5 to 6 days	£63	£180	£243
7 days	£63	£240	£303

Type of licence	2023/24 charge
Mitcham and Morden Markets (Per pitch per day)	
Market Registration Fee	£34
Regular Market non-food stalls	£10
Regular Market food stalls	£12
Casual Market trader non-food	£17
Casual Market trader food stalls	£21

Type of licence	2023/24 charge
Specialist Market – Other Areas	
Market trader per month	£75
Market event up to 4 days	£605

Type of licence	2023/24 charge
Temporary Licence Extension (existing licence holders only)	£119
Request for Copy of Licence, loss/theft, change of name/address on licence	£40
Second renewal reminder letter administration charge	£29

Appendix F

Representations

1. Future Merton Highways team. Details as outline in report point 4.4

This page is intentionally left blank