

ROYAL BOROUGH OF KINGSTON UPON THAMES



STREET TRADING POLICY

1 MAY 2020

1. Background

- 1.1. This Policy has been drawn up in order to provide a framework around which the Council controls Street Trading, including trading from pitches, advertising boards and shop front displays.
- 1.2. The Policy sets out the reasons why trading is controlled and the matters that prospective licence holders should consider before making an application for a licence.
- 1.3. Licences are issued subject to conditions which are set out in a separate document - Standard Conditions for Street Trading - and this Policy should be read in conjunction with those conditions.
- 1.4. This Policy was drawn up following a process of engagement carried out in 2019. In carrying out this consultation the Council engaged with statutory consultees, residents, business and licence holders. Letters were sent to all existing licence holders and stakeholders, and the consultation was widely publicised to residents and businesses through the councils website, social media channels, and public noticeboards. The Policy was developed in conjunction with a working group consisting of elected members and officers from stakeholder departments.
- 1.5. The Policy will be formally reviewed every five years, and in accordance with the requirements of the Legislation, any such reviews will be subject to consultation, particularly with existing traders and local residents.

What is Street Trading?

- 1.6. The Council has determined that it will regulate street trading in the Borough under the London Local Authorities Act 1990 (as amended) and the Highways Act 1980 (as amended).
- 1.7. Section 21(1) of the 1990 Act defines Street trading as being *'the selling or exposing or the offering for sale of any article, and the purchasing of or offering to purchase any ticket, and the supplying or offering to supply any service, in a street for gain or reward'*.
- 1.8. For the purposes of this legislation a 'street' is defined in the same Section of the Act and includes *'any road or footway and other area within 7 metres of any road or footway, to which the public have access without payment'*.

- 1.9. The Council has also determined to licence the use of freestanding advertising objects (A-boards) and the placing of tables and chairs on the highway under part VIIA, Section 115(a) of the Highways Act 1980.

Activities to which this Policy relates

- 1.10. This Policy sets out the regulatory framework, application process and conditions of licensing for the following activities:
- Street Trading from pitches
 - Shopfront Licensing
 - Freestanding Advertising materials (e.g. A-boards)
 - Tables and chairs on the highway
- 1.11. Other activities that include an element of street trading are controlled and enforced through different legislation and are not covered by this policy, for example the sale of motor vehicles on the highway.
- 1.12. This Policy does not apply to trading on private land which is greater than 7m away from a public highway, nor does it apply to trading within the Ancient Market Place in Kingston town centre which operates under the benefit of the Borough's Royal Charter.

Street Trading Activities

2. Application process

- 2.1. The application process for each of the street trading activities to which this Policy relates are set out on our website at www.kingston.gov.uk and includes a specified application form, supporting information requirements and payment of the appropriate fee.
- 2.2. Applications will be subject to a period of public consultation for 28 calendar days together with direct consultation with statutory consultees including the Highways Authority and the Metropolitan Police.
- 2.3. Where an application receives relevant objections, the case will be referred to the next available Licensing Sub-committee hearing for determination. The applicant and anyone making an objection will be given the opportunity to speak at the hearing.

Trading from Pitches

- 2.4. The Council recognises the positive impact street trading can have on an area, and that it can add to the diversity of shopping opportunities and neighbourhoods in which trading is carried out.
- 2.5. However, street trading is not suitable for every area and poorly thought out trading locations can present a range of difficulties to those looking to make use of public highways, from obstruction to nuisance.
- 2.6. Street Trading Licences are issued in order to control the location of trading activity and ensure pitches are located in suitable areas and do not cause nuisance or disruption to local businesses and are safe and accessible.
- 2.7. As part of the process of considering whether to issue a licence, the Council will make sure that trading locations do not cause obstruction to the highway, including lines of sight at junctions, and are positioned so as not to obstruct rights of way, entry to premises or cause nuisance to nearby residents. The Council will also consider the suitability of the proposed street trading in relation to the existing neighbouring retail outlets with the aim of ensuring the balance is kept between encouraging new street trading and protecting the amenities of the neighbourhood. Conditions attached to licences will be designed to ensure that these factors are controlled for the duration of the licence period.
- 2.8. Prospective applicants for Trading Licences are recommended to familiarise themselves with the Standard Conditions and to ensure that their proposed trading locations:
 - Provide a minimum of 1.5m of space for pedestrians to pass safely
 - Do not block access to existing premises (even if those premises are vacant)
 - Are located such that they will not cause nuisance from smells, light or noise (including shouting)
 - Allow for all trading materials and waste arising from activities can be removed by the licence holder at the end of the trading period
- 2.9. The Council has resolved to adopt a commodities list, given at Appendix A, which details a number of types of goods or services that Licence Holders can be licensed to trade in.

Street Trading Licences - Designated Streets

- 2.10. The Council has determined that street trading from pitches will be permitted within certain designated streets in the Borough as set out in Appendix B.
- 2.11. Applications can be made for locations within these areas. Successful applications will be granted a street trading licence for up to three years which permits trading from vehicles, trailers and stalls at a permitted location during the hours specified on the licence.

Period of Licence

- 2.12. Applicants making an application for the first time will, if successful, be given a licence of 12 months duration in order to assess the longer term suitability of trading at the location. Subsequent renewals of the licence by the same licence holder will then be granted, at the Council's discretion, for up to 3 years.

Local Benefit

- 2.13. The Council consider that it is important for street trading activities to compliment the range of trading offered by businesses in the area.
- 2.14. Applications for street trading licences from those wishing to trade in products or services that enhance the range of options in the area will be more readily accepted, as will those whose trading provides local benefit (i.e uses local suppliers). The commodities list also assists the Council with determining whether applications will provide local benefit.

Temporary Street Trading permits

- 2.15. The Council has also determined that applications can be made for Temporary Street Trading permits for any location within the Borough, even if these are outside of the designated streets.
- 2.16. A simplified application process is in place for Temporary Street Trading permits, which can be obtained for trading during a continuous period between 1 day and 6 months duration.
- 2.17. Temporary Street Trading permits can only be used for trading on one day, for multiple days in one week or on multiple days over consecutive weeks,

however they cannot be used to provide trading on weeks that are not consecutive, such as for one Saturday each month.

- 2.18. Traders wishing to operate in this way will be required to apply for a Temporary licence for each trading event, or make use of an annual street trading licence or a Speciality Market licence.

Reasons for refusal of a licence

- 2.19. The reasons under which a Street Trading Licence application can be refused are set out in the legislation, however are *summarised* below. For full details please refer to Section 25 of the London Local Authorities Act 1990.
- 2.20. The Council may refuse an application for a Street Trading Licence if
- (a) The location is unsuitable;
 - (b) Trading in the street would cause undue interference or inconvenience to persons or vehicles;
 - (c) The area is unsuitable for the applicant to trade without causing undue interference or inconvenience;
 - (d) There are sufficient traders in the street, or at premises adjoining it, who are trading in the articles the applicant wishes to trade; or
 - (e) The nature of the articles, things or services in which the applicant wishes to trade would adversely affect the general amenity of the area;
 - (f) The applicant has made a false statement in connection with the application
 - (g) The applicant is unsuitable to hold a street trading licence;
 - (h) The applicant has failed to avail himself of a previous street trading licence;
 - (i) The applicant has had a licence revoked (or could have been revoked) on the grounds that fees or other charges due to the council were not paid
 - (j) The applicant has failed to provide information required by the council to deal with the application;
 - (k) The applicant has failed to provide suitable arrangements for storing the vehicle, stall or other items from which they propose to trade

Tables and Chairs

- 2.21. The Council regulates the placing of tables and chairs on the highway through a permit issued under the Highways Act 1980 (as amended).
- 2.22. Any person wishing to place such items on the public highway must first obtain a Tables and Chairs permit. This includes items such as tables, chairs and barriers. These permits are sometimes referred to as Street Cafes.
- 2.23. Tables and Chairs (etc) placed on the highway can create problems for various members of the community e.g people with disabilities, visual impairments, mobility difficulties and those using pushchairs etc. Tables and chairs can also make an area look cluttered or be unsightly.
- 2.24. Controlling the placement of tables and chairs helps to ensure that footpaths and walkways are kept clear of obstructions and everyone can move about safely. For example, It may be necessary for tables and chairs to be positioned in a consistent manner on busy streets so that a constant and direct path through areas is maintained.
- 2.25. Applicants looking to place tables and chairs on the highway are advised that you must hold planning consent for the placement of the objects prior to making an application. It is also recommended that you familiarise yourself with standard conditions that apply to these licences before applying.

Freestanding Advertising Materials

- 2.26. Advertising materials placed on the highway can create problems for various members of the community e.g people with disabilities, visual impairments, mobility difficulties and those using pushchairs etc. Advertising can also make an area look cluttered, be unsightly and have a negative impact on the street scene.
- 2.27. The Council licences the use of freestanding advertising on pavements and other open spaces in order to balance the needs of businesses with those of pedestrians and traffic.
- 2.28. We call these licences A-board licences, however they can relate to any free standing advertising boards, directional signage, advertising of promotional offers or other information signs or inanimate objects (such as characters) placed on the public highway.

- 2.29. Controlling the use of on-street advertising through a licence scheme helps to ensure that footpaths and walkways on or close to the public highway are kept clear of obstructions and everyone can move about safely.
- 2.30. Persons wishing to display freestanding advertising materials are strongly recommended to familiarise themselves with the Standard Conditions and to ensure in particular that requirements regarding space for other users of the highway can be met in the proposed location.
- 2.31. A licence is not required if advertising materials are placed on privately owned land.

Shop Front Licences

- 2.32. The display of goods outside the front facade of a premises can greatly enhance the visual amenity and provide valuable additional sales space for businesses to advertise their goods for sale. However, inappropriately located shop front displays can create problems for various members of the community e.g people with disabilities, visual impairments, mobility difficulties and those using pushchairs etc.
- 2.33. We require anyone wishing to place shop front displays on the highway to apply for a licence so that we can balance the needs of businesses with those of pedestrians and traffic. We call these 'shop front licences'.
- 2.34. When deciding whether a Shop Front Licence might be appropriate for your business, prospective applicants should familiarise themselves with the Standard Conditions and to ensure that the following requirements can be met:
- Provide a minimum of 1.5m of space for pedestrians to pass safely in front of any display of goods
 - Do not block access to neighbouring premises (even if those premises are vacant) or access to properties above your shop or premises.
 - Can be removed at the end of the trading period permitted by the licence
 - The display does not cause damage to the highway

APPENDIX A - COMMODITIES LIST

Applicants for a Street Trading Licence or Temporary Street Trading Permit must indicate on their application the nature of articles or services that they will be trading from the location requested. This list provides details of the commodities that can be selected. There is no limit on the number of commodities that a Trader may select.

Clothing
<ul style="list-style-type: none">• Women's clothing• Men's clothing• Children's clothing• Baby wear• Sportswear• Clothing accessories i.e. hats, scarves, ties, belts etc.• Underwear/nightwear• Footwear/slippers• Other items (must be specified)
Flowers
<ul style="list-style-type: none">• Cut flowers and plants• Uncut flowers and plants• Artificial flowers• Flower accessories i.e. pots, food, hanging baskets etc.• Seasonal i.e. Christmas Trees, Holly, Mistletoe etc.• Other items (must be specified)
Fruit and Vegetables
<ul style="list-style-type: none">• Raw fruit / vegetables• Other items (must be specified)
Pre-packed Groceries
<ul style="list-style-type: none">• Dried fruit, seeds, pulses, beans etc.• Cheese and dairy• Meat / fish• Bread / cake• Deli food i.e. olives, pickles, nuts etc.• Confectionary• Other items (must be specified)
Household Goods
<ul style="list-style-type: none">• Cleaning products• Laundry products• Cleaning utensils• Plastic storage and accessories e.g. crates, boxes etc.• Light bulbs• Other items (must be specified)

Toiletries and Cosmetics

- Toiletries
- Hair products
- Make-up
- Perfume
- Other items (must be specified)

Kitchen / Dining

- Cookware
- Serve ware
- Glassware
- Tableware
- Other items (must be specified)

Soft Furnishings

- Cushions & throws
- Bedding
- Curtains and blinds
- Rugs & mats
- Dining linen
- Other items (must be specified)

Electrical & Audio/Visual

- Audio/amplification equipment
- Visual/display equipment
- Computer hardware and accessories
- Games consoles
- Musical instruments
- Cameras
- Electrical accessories
- Other items (must be specified)

Travel Accessories

- Luggage
- Sports bags
- Handbags
- Other items (must be specified)

Jewellery & Accessories

- Costume jewellery
- Precious jewellery
- Hair accessories
- Sunglasses
- Watches
- Other items (must be specified)

Stationary
<ul style="list-style-type: none"> • Office supplies • Paper • Greetings cards • Wrapping supplies/gift bags • Other items (must be specified)
Toys
<ul style="list-style-type: none"> • Children's Toys • Outdoor games and toys • Baby/nursery equipment • Other items (must be specified)
Tools, DIY and Gardening
<ul style="list-style-type: none"> • Tools • Garden tools • DIY supplies • Other items (must be specified)
Furniture
<ul style="list-style-type: none"> • Furniture including antiques • Other items (must be specified)
Sports Equipment
<ul style="list-style-type: none"> • Exercise equipment • Track & field • Golf • Sports equipment • Other items (must be specified)
Pet Supplies
<ul style="list-style-type: none"> • Pet food • Pet beds • Pet cages/hutches/tank/carriers • Grooming and care supplies • Other items (must be specified)
Arts and Crafts
<ul style="list-style-type: none"> • Art • Sculpture • Craft items • Handmade textiles • Other items (must be specified)
Textiles

<ul style="list-style-type: none"> • Fabric • Haberdashery • Yarn/Wool • Knitting/Sewing supplies • Other items (must be specified)
Miscellaneous
<ul style="list-style-type: none"> • Other items not in any category above (must be specified by the applicant)
Hot and Cold Food (ready to eat)
<ul style="list-style-type: none"> • Hot food - specify (prepared at the stall e.g. fish & chips, hot potatoes, kebabs, burgers, hot dogs, sandwiches, pies) • Cold food - specify (prepared at the stall e.g. sandwiches, wraps, ice cream, ice lollies, salads, sushi) • Hot drinks • Cold drinks

The Council has determined that the following commodities will be given special consideration before holders of Street Trading Licences, Temporary Street Trading Permits or Speciality Markets are licensed to trade:

Special Consideration Commodities
<ul style="list-style-type: none"> • Alcohol • Any form of gambling • Cigarettes / tobacco • Explosives including Fireworks • Firearms (including replicas) and ammunition • Live animals • Medicines and drugs (including prescribed) or treatments • Second-hand electrical goods • Sex articles (as defined by the Local government (Miscellaneous Provisions) Act 1982) • Goods and Services considered by the Council to pose a health and safety risk to the public

APPENDIX B - DESIGNATED STREETS

The Council has determined that street trading from pitches will be permitted within certain designated streets in the Borough. The following streets have been designated for this purpose:

Applications for street trading from a pitch can be made in the following areas (whole length of road unless specified):

<u>Kingston Town Neighbourhood</u>	<u>Maldens & Coombe Neighbourhood</u>
Clarence Street / Eden Street / Church Street / Little Wood Street / Wood Street / Fife Road / Wheatfield Way / Thames Side / Cromwell Road / High Street / Queen Elizabeth's Road / Union Street / St James's Road / Old London Road / Thames Street / Bishops Hall / Eden Street / Surbiton Rd (Penrhyn Road to Maple Road) / Richmond Road (Railway Bridge to Richmond Park Road) / Lower Ham Road (Kings Walk to Half Mile Tree also land adjacent to the river and Canbury Gardens) / Kingston Hill (Park Road to Galsworthy Road) / Crescent Road (Kingston Hill to Kingsnympton Park) / Kingston Vale (Robin Hood Lane to A3 junction) / Grasmere Avenue (Derwent Avenue to Robin Hood Way) / Robin Hood Way (100 yards either side of Grasmere Avenue) / Coombe Road, Norbiton (London Road to Wolverton Avenue) / Park Road, Kingston (Clifton Road to Kings Road) / Washington Road, Cambridge Road Estate / Villiers Avenue (Lower Marsh Lane to Cranes Park Avenue) / Hawks Road / Cambridge Road / Jack Goodchild Way (entrance to the Kingsmeadow Stadium) / Kingston Road (Cambridge Road to Railway bridge)	High Street, New Malden / Coombe Road (Cambridge Avenue to Railway Bridge) / Blagdon Road (High Street to car park entrance) / Kingston Road (Elm Road to Montem Road) / Malden Road (Cromwell Avenue to High Street) / Burlington Road (High Street to Walton Avenue and Queens Road to Albert Road) / The Fountain Roundabout (all pavement within 75 yards of the roundabout) / The Triangle / Kenley Road (Dickerage Road to Arundel Road) / Manor Drive North (Railway bridge to Gainsborough Road) / Malden Manor / Wellington Crescent, Industrial Estate / Malden Road (Church Road to Malden Green Avenue) / South Lane (157 to 171 outside South Lane shops)

<u>Surbiton Neighbourhood</u>	<u>South of the Borough Neighbourhood</u>
<p>Victoria Road / St James' Road (Victoria Road to St Philips Road) / Claremont Road (St James' Road to The Crescent) / St Marks Hill / Brighton Road (Maple Road to Railway Bridge) / Maple Road / Alexandra Drive & Raeburn Ave (Pavement outside of the adjacent shops) / Berrylands Road (Ewell Road to King Charles Road) / Tolworth Broadway (North side) / Ewell Road (86 to Browns Road, Hollyfield Road to Broomfield Road, Red Lion Road to Tolworth Broadway, and Warren Drive North to Tolworth Rise North) / Red Lion Road (Fullers Avenue to Hook Rise North, and outside Red Lion Business Park) / Chiltern Drive (Surbiton Hill Park to Berrylands Station) / Tolworth Rise South (100 yards either side of Southwood Drive)</p>	<p>Tolworth Broadway (South side) / Hook Road (Verona Drive to Elmcroft Drive and Elm Road to Clayton Road / Hook Parade / Hook Road Roundabout j/w Bridge Road (all highway within 75 yards of the roundabout) / North Parade / Cox Lane, Industrial Estate / Davis Road, Industrial Estate / Roebuck Road (Cox Lane to Drake Road, Industrial Estate).</p>

In addition, the whole borough is designated for the purposes of:

- applications for a temporary street trading licence (for trading between 2 days to 6 months)
- licensing of shop front displays on the highway
- licensing of freestanding advertising materials on the highway