

ROYAL BOROUGH OF KINGSTON UPON THAMES

TEMPORARY STREET TRADING LICENCE

APPLICATION PACK



Why you need a licence

Kingston Council has adopted the London Local Authorities Act 1990 (as amended).

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'.

The same Section of the Act defines 'street' as 'any road or footway and other area within 7 metres of any road or footway, to which the public have access without payment'.

In general, the selling of goods or the provision of services taking place in the street or up to 7 metres distance from the public highway, will require a Street Trading licence.

If you wish to become a street trader, you need to apply for a Street Trading Licence.

Street Trading Licences are granted by local authorities to allow members of the public to setup small businesses and trade from the public highway. The legislation governing street trading seeks to regulate this trading environment to allow fair and open practices for both shoppers and traders alike.

This application pack is for **Temporary Street Trading licences only**, in other words for licences which are valid for one specified location for a period between 2 days and 6 months.

Before you apply, you should consider the following:

Parking and/or highways restrictions

The granting of a street trading licence does not permit road closures or suspension of parking bays. Applications for road closures and/or suspension of parking bays will need to be made separately to the Council's Highways Department and will incur separate fees and charges. If you wish to trade from a pay and display bay, or a site with any other parking restrictions, you should contact the Council's Highways Team (younes.hamade@kingston.gov.uk) before making any application for street trading permit.

Trading in parks and green spaces

If you are considering trading in one of Kingston's parks or open spaces, you must first of all contact the Parks and Open Spaces team and obtain their approval. Please email environmentteam@kingston.gov.uk and only submit an application for a street trading licence once you have obtained their permission to trade in the desired location.

Site suitability

Different sites will be suitable for different types of trading. For example, when seeking to trade in an area with high pedestrian footfall, a large vehicle may not be suitable, whereas a small coffee bike might be.

When considering making an application for a street trading site, you should keep the following in mind:

- Would trading ensure unobstructed access and suitable passing width for emergency vehicles?
- Would trading cause an obstruction to existing street furniture or street scenery. For example bike racks, seats and benches, advertising hoardings or road signage?
- Would trading leave sufficient space for pedestrians passing, particularly those using pushchairs and wheelchairs? (In heavy footfall areas you should leave a minimum of 2m, with 1.5m for passing required in lower footfall areas)
- Is the site easily accessible, for example would you need to mount a kerb in a vehicle to access it, is it gated?
- The residential or commercial nature of the area. For example vehicles using loud generators or producing strong odours are likely to encourage complaints when trading for extended periods in close proximity to residential dwellings
- Is there sufficient space for customers to safely queue without causing an obstruction?
- All vehicles and stalls must be removed at the end of the trading day, do you have a safe route away from your pitch, bearing in mind any timed restrictions such as rising bollards?

Products/services offered

The Council will consider the suitability of the proposed street trading site in relation to the existing retail outlets (including existing street traders), with the aim of ensuring a balance is kept between encouraging new street

trading and protecting the amenities of the neighbourhood. If you are seeking to obtain a licence to sell coffee and pastries for example, you should consider the availability and number of existing outlets in the vicinity of your desired pitch offering the same product range.

Application process

You can apply for a Temporary Street Trading licence for any location within the borough, provided you are able to comply with the Standard Conditions set out on pages 3 and 4 of this application pack.

Applications must be submitted at least **five weeks** in advance of a licence being granted, and do not automatically grant permission to trade.

Your application must include:

1. Application form fully completed – see below
2. Payment of licence application fee – see schedule of licensing fees on www.kingston.gov.uk
3. Copy of Public Liability Insurance for at least £5 million
4. 2 passport size photographs
5. Scaled plan which shows the location that you wish to trade from.

Failure to enclose the correct documentation and payment will delay the application process.

It is very important that you read and understand the standard conditions attached to Temporary Street Trading licences (see pages 3 and 4). Please only apply if you are confident that you can comply with these conditions. If you are unsure about any condition, please contact the Licensing team on 0208 547 5080 or by email at licensing@kingston.gov.uk.

On receipt of your application a licensing officer will contact you to acknowledge receipt. If necessary, the officer will visit the proposed site and assess the area to determine its suitability. Your application will be subject to a consultation period of 28 days. During this period, a public notice will be displayed at the site applied for. In addition, the Licensing Team will consult with the following stakeholders:

- Council's Highways, Planning and Pollution Teams
- Metropolitan Police
- Transport For London (if the location is on a TfL managed highway)
- Equalities Officer / Kingston Centre for Independent Living

Decisions

Any contested application will be determined by the Licensing Sub Committee at a hearing that you will be invited to attend. Your application can either be granted, granted with added conditions or refused.

There is no given right for any business to occupy a public pavement. If consent has been refused or you are not happy with a condition(s) imposed on a licence granted, there is no statutory right of appeal against a decision made in relation to an application for a temporary licence under the London Local Authorities Act 1990 (as amended). The Panel's decision will therefore be final.

Complaints

If you are unhappy about the way your application has been handled, or you are not satisfied with the final decision, you may wish to complain to the council.

STANDARD CONDITIONS ATTACHED TO TEMPORARY STREET TRADING LICENCES

These conditions are attached to every Temporary Street Trading Permit and Speciality Market licence issued. The conditions may only be removed or varied following an application determined by the Council.

1. The licence must be displayed in a prominent position and must be produced immediately upon request from an authorised local authority officer or the police.
2. The licence is only valid at the specific location(s) and on the day(s) and time(s) shown on the front of this licence.
3. The Licence holder shall take out, and maintain at all times, public liability insurance cover with a minimum liability of £5,000,000.
4. The licence holder will be responsible for the good conduct, cleanliness, litter and safety of the licensed area at all times.
5. The Licence holder shall make proper arrangements for the storage and removal of all refuse and litter generated by their trading activities. Stall holders shall cooperate with all proper arrangements specified for refuse collection and disposal.
6. The licence holder shall not cause disturbance, nuisance or undue interference or inconvenience to persons using a Street, or annoyance to any business or resident.
7. Street trading shall not be carried out in a way which causes a risk to the safety of persons using a Street or to any business or resident.
8. Street trading may only be carried on in a location with sufficient space. It must not be carried on in a way that causes an obstruction to pedestrians or traffic.
9. The public highway must not be interfered with, changed, damaged or altered in any way.
10. The licence holder shall, at all times, make sure that all electrical, mechanical, and any other equipment whatsoever associated with street trading shall be placed, installed, maintained, and operated in accordance with the provisions of the Health & Safety at Work etc. Act 1974. Certification of safety may be required by the authority on demand. Failure to provide safety certificates may result in the authority requiring the equipment to be removed immediately.
11. All goods and other equipment must be completely removed from the highway at the end of the hours permitted by this licence unless written exemption is given by the licensing authority.
12. The licence holder must comply with any direction given by an authorised local authority officer, their agents, the police, or other member of the emergency services. This may include directions to immediately remove items.
13. The licence holder shall indemnify the Council from any claim in respect of any injury, damage or loss arising directly or indirectly out of the grant of this licence.
14. The licence holder shall ensure commodities are only purchased from an authorised wholesaler and shall produce receipts for the same upon request for inspection. An authorised wholesaler means an established warehouse or trade outlet with a fixed address and not a van or other street trader, even if they claim they are part of, or acting on behalf of, an authorised wholesaler who provides full itemised VAT receipts.
15. The licence holder shall ensure all receipts for commodities purchased include the following details:
 - a. Seller's name and address;
 - b. Seller's company details, if applicable;
 - c. Seller's VAT details, if applicable.

Additional condition for traders licensed for the Hot and Cold Food commodity:

16. The licence holder will ensure that the food business operator complies with the requirements of Regulation EC No. 852/2004 (food hygiene standards) and in particular Chapter III Requirements for movable and/or temporary premises.

Official use only:	Date received
Payment received	Case Ref:



**THE ROYAL BOROUGH OF KINGSTON UPON THAMES
APPLICATION FOR A TEMPORARY STREET TRADING LICENCE - more than one day
LONDON LOCAL AUTHORITIES ACT 1990 (as amended)**

Application for a temporary Street Trading licence valid for a period between two days and six months at a specified location. PLEASE CONTACT THE LICENSING TEAM BEFORE MAKING AN APPLICATION.

Please complete all questions on the form. If you have nothing to record, please state 'not applicable' or 'none'. If you are completing this form by hand, please write legibly in block capitals using black ink. You may wish to keep a copy of the completed form for your records.

You must ensure that your application is submitted at least 35 days before you wish to start trading. Any application received after this time may be rejected. The fee is not refundable.

Part 1 – Personal details (licence is held in the name of an individual and cannot be held in a company name)	
1. Full name of applicant (must be individual)	
2. Home address (including postcode)	
3. Date of birth	
4. Email address	5. Telephone number
6. Trading name of business (if any)	

Part 2 – Details of activity			
7. Where do you wish to trade? (Give street name and exact location and provide a plan)			
8. Days you wish to trade			
Monday <input type="checkbox"/>	Tuesday <input type="checkbox"/>	Wednesday <input type="checkbox"/>	Thursday <input type="checkbox"/>
Friday <input type="checkbox"/>	Saturday <input type="checkbox"/>	Sunday <input type="checkbox"/>	

9. Please give dates (if applicable) and times you wish to trade

10. If trading on private land do you have written authority from the Landowner / Tenant Yes No
Provide contact details including a contact telephone number

11. Describe the structure from which you intend to sell goods or services (e.g. stall, vehicle, stand etc.)
and give approximate size

Length	Width	Height
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12. Articles, goods, or services in which you wish to trade (full details of the commodities list adopted by Kingston Council are available on our website)

Clothing	<input type="checkbox"/>	Flowers	<input type="checkbox"/>	Fruit & Vegetables	<input type="checkbox"/>
Pre-packed Groceries	<input type="checkbox"/>	Household Goods	<input type="checkbox"/>	Toiletries & Cosmetics	<input type="checkbox"/>
Kitchen / Dining	<input type="checkbox"/>	Soft Furnishings	<input type="checkbox"/>	Electrical & Audio/Visual	<input type="checkbox"/>
Travel Accessories	<input type="checkbox"/>	Jewellery & Accessories	<input type="checkbox"/>	Stationary	<input type="checkbox"/>
Toys	<input type="checkbox"/>	Tools, DIY & Gardening	<input type="checkbox"/>	Furniture	<input type="checkbox"/>
Sports Equipment	<input type="checkbox"/>	Pet Supplies	<input type="checkbox"/>	Arts & Crafts	<input type="checkbox"/>
Textiles	<input type="checkbox"/>	Miscellaneous	<input type="checkbox"/>	Hot & Cold Food (ready to eat)	<input type="checkbox"/>

13. Sale of Food Only

(a) Name and contact telephone number of the Local Authority where the business is registered

(b) Give details of Food Hygiene training for you and any staff (e.g. Foundation in Food Hygiene Certificate)

Name:	Qualification:	Date:
Name:	Qualification:	Date:

(c) State the type of food(s) which will be sold

(d) State the location of toilet facilities to be used:

(e) Is there a documented hazard analysis system, such as Safer Food Better Business (SFBB) for your food operation?
Yes No

(f) Please state what hand washing equipment you will use, e.g. sole use portable WHB/shared use WHB

(g) Please state what equipment washing facilities you will use, e.g. single sink/double sink

See guidance note at end of application for further information.

14. Address where the receptacle / stall will be stored outside trading hours

15. Have you traded in this borough before? Yes No

If yes give details

16. Do you hold a street trading licence in this or any other London borough? Yes No

If yes give details

Part 3 – Important Notes

The following **MUST** be submitted with your application:

- a) The appropriate fee. See schedule of licensing fees on www.kingston.gov.uk
- b) Two full face passport sized photographs. See guidance note over page for details
- c) Evidence of Public Liability Insurance cover to the minimum value of £5,000,000 for street trading
- d) A plan of the proposed location

Part 4- Signature

The form must be signed by the applicant.

I wish to apply for a temporary street trading licence and confirm that the information given by me on this form is correct. I realise that giving false information could lead to prosecution and the loss of any licence granted.

Signature:

Print Name:

Date:

See over page for details on how to pay

Please note that the granting of a temporary street trading licence does not permit road closures or suspension of parking bays. Applications for road closures and/or suspension of parking bays will need to be made separately to the Council's Highways Department and will incur separate fees and charges.

Freedom of information

The Freedom of Information Act gives people the right to obtain information held by public authorities unless there are good reasons to keep it confidential. Please be aware that information supplied on this form may be released in response to a freedom of information request. To comply with financial regulations, details of license holders may also be disclosed to authorised Government agencies.

APPLICATION FOR A TEMPORARY STREET TRADING LICENCE - GUIDANCE TO APPLICANTS

We would expect an application to be made a minimum of **35 days** before you wish to start trading.


Royal Borough of Kingston upon Thames applicants:

The completed application should be sent to:-

Royal Borough of Kingston upon Thames, Licensing Team, Guildhall 2, High Street, Kingston, KT1 1EU.

Alternatively you can send a scanned PDF copy of your application to licensing@kingston.gov.uk

The following Payment Options are available:

 **Post:** Cheques or postal orders should be made payable to 'Kingston Council'

 **Telephone:** Debit and Credit Card payments can be made by ringing (020) 8547 5080

If you wish to pay in this way, give clear telephone contact details on the top of the application form or in a covering letter. Please note any statutory consultation periods will not commence until payment has been made. It is your responsibility to contact us if you have not been requested to make the payment after submitting an application in this way.

IMPORTANT NOTES

- A Temporary Street Trading Licence is held by an individual rather than a limited company. This is a requirement of the legislation.
- A Temporary Street Trading is not transferable, should the person proposing to run the stall change before the licence takes effect a new application would be required.

WHO NEEDS TO APPLY FOR A LICENCE?

Anyone who wishes to sell goods or provide services in the street, on a public footway or up to 7 metres distance from the public highway, will require a Street Trading licence.

HOW DO I APPLY FOR A LICENCE?

By completing the application form and submit it to us along with the required fee and the required additional documentation. Applications can be submitted electronically.

HOW MUCH DOES A LICENCE COST?

Please refer to the council website or email us at licensing@kingston.gov.uk for the list of current fees.

WHAT DOCUMENTS MUST ACCOMPANY MY APPLICATION?

We require the following supporting documentation.

- **Photographs:** two passport-sized photographs (this may be done electronically). The photographs must be of the passport approved type: - Colour photographs - Recent - 45 millimetres (mm) high x 35 millimetres (mm) wide - Taken against an off-white, cream or light grey plain background so that features are clearly distinguishable against the background.
- **Insurance:** Evidence of £5m Public Liability Insurance Cover. This can be individually held or can be held by a limited company.
- **Plan:** You need to provide us with a plan of the site or details of the pitch location.

WHAT HAPPENS NEXT?

If you submit everything we need, we aim to process your licence within 10 working days. If you are unsuccessful, we will explain why or what you need to do to help us process it. The licence we issue needs to be kept and displayed on the stall.

IF YOU SELL FOOD AND/OR DRINKS

The following is a guide. Please contact the council's food and safety team for further information or if you wish to seek clarification. food.safety@kingston.gov.uk

If you are applying to sell raw/uncooked meat or fish, fruit, vegetables, deli food or prepared/cooked food of any kind, you & each of your assistants will be required to have a valid Food Hygiene Certificate at the appropriate level. You are also required to register your business with the Council where you prepare the food for sale.

There must be hand washing facilities provided with water at a suitable temperature, soap or detergent and means of drying hands. Where only low risk open foods such as biscuits, sweets, olives etc. are for sale and utensils are used for handling food, or where food is fully wrapped, a wash hand basin may not be required. In this instance it may be acceptable to provide and use antiseptic wipes/liquid and/or disposable gloves.