

LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982

PROCEDURE FOR THE GRANT OF A STREET TRADING LICENCE

Legislative Background

Harlow Council has adopted Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982 and all street trading within the boundaries of the district is controlled by the Council.

Street trading is not permitted whatsoever in any of the designated Prohibited Streets. Street trading is not permitted in the remaining streets, designated Licence Streets, unless a Street Trading Licence has been issued by the Council's Licensing Team. The list of Prohibited and Licence Streets is available as a separate advice note.

In addition to the Principal Terms (the street, position within that street, permitted days and times, and permitted articles) the Council will attach conditions known as the Subsidiary Terms, details of which are contained on a separate advice note.

Definitions

"Street trading" means the selling or exposing or offering for sale of any article (including a living thing) in a street, with the following exceptions:

- (a) Any person acting as a pedlar under Pedlars Act of 1871.
- (b) Anything done in a market or fair which has been properly and legally established.
- (c) Trading as a news vendor.
- (d) Trading carried on at premises used as a petrol filling station.
- (e) Trading which is carried on at premises used as a shop or in a street adjoining premises so used and which is part of the business of the shop.
- (f) Selling things or offering or exposing them for sale as a roundsman.

"Street" includes any road, footway, beach or other area to which the public have access without payment and it also includes any part of a street.

New Application

Any person wishing to apply for the grant of a licence must submit a completed application form to:

Harlow Council
Licensing Team
Civic Centre
The Water Gardens
Harlow CM20 1WG

Together with the following:

- Correct fee
- One full-faced passport sized photo
- One photograph of vehicle or stall/barrow etc. to be used
- Copy of waste transfer agreement
- Copy of public liability insurance
- Landowner details (where trading is on private land)
- Details of employees that will work at vehicle
- Location plan where vehicle is to be sited (for fixed site applications only)
- A copy of MOT and insurance certificate (for mobile licences only)

New Application – Continued - Fee

Fee:

All fee levels are set in accordance with the provisions of Schedule 4 (9) of the Local Government (Miscellaneous Provisions) Act 1982 and Harlow Council's Corporate Charging Policy.

Fee levels will be reviewed on a periodic basis.

Current fee is included on the application form.

Consultation

As part of an application for the grant of a licence the Licensing Team will undertake the following consultation.

- Public notice placed in local newspaper – for new applications for a mobile street trading licence.
- Notice prominently displayed at fixed site for 14 days.
- Landowner
- Harlow Council Environmental Health – Commercial Team
- Harlow Council Properties and Facilities Management – Parking Services
- Harlow Council Properties and Facilities Management – Property Officer
- Harlow Council Regeneration (for premises/locations within the Town Centre)
- Harlow Council Community Safety Team

Determining the Application

Non-Contentious Applications

Harlow Council Licensing Team will undertake determination of non-contentious applications.

Contentious Applications

Determination of contentious applications will be undertaken by Harlow Council's Licensing Committee (who may delegate the matter to a Licensing Sub Committee) or Licensing Manager under delegated authority.

The main reasons why an application will be deemed contentious are:

- An objection from consultees have been received which are relevant to grounds for refusal
- An objection has been received as a result of the public notices
- An Officer decision has been taken to refuse an application and a notice to that effect has been served on the applicant. The applicant then has seven days in which to make a relevant representation and this will be referred to a Licensing Sub Committee. [If the application is still refused then there is a right of appeal to the Magistrates Court.]

Renewal Application

Existing licence holders wishing to apply for the renewal of a licence must submit a completed application form to:

Harlow Council
Licensing Team
Civic Centre
The Water Gardens
Harlow CM20 1WG

Together with the following:

- Correct fee
- One full-faced passport sized photo
- One photograph of vehicle or stall/barrow etc. to be used
- Copy of waste transfer agreement
- Copy of public liability insurance
- Details of employees that will work at vehicle
- A copy of MOT and insurance certificate (for mobile licences only)

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Current fee is included on the application form.

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As part of an application for the grant of a licence the Licensing Team will undertake the following consultation.

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- Harlow Council Properties and Facilities Management – Parking Services
- Harlow Council Properties and Facilities Management – Property Officer
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Determining the Application - Continued

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Conditions

All licences issued will be subject to the Council's standard conditions and any other specific conditions, relevant to the licence in question, as may be reasonable necessary. See advice note for standard conditions.

RIGHT OF APPEAL

Under Section 6 of Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982 there is a right of appeal to the Magistrates Court against the refusal of the Local Authority to grant, renew, revoke or vary the principle terms of a Street Trading Licence.

ENFORCEMENT

Failure to obtain an appropriate licence or failure to comply with the principle terms and/or conditions of the licence will result in enforcement action being instigated. Any enforcement action instigated will be in accordance with the provisions of the Licensing Team General Enforcement Policy.

Agreed by Environment and Community Committee 19th January 2010

Amended: 23 May 2016