



City of London Corporation

# POLICY & PROCEDURE

## Street Trading

(In accordance with section 16H of the  
City of London (Various Powers) Act 1987)

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## **1. Introduction**

- 1.1. The purpose of this document is to:
- explain the legislation affecting street trading in the City;
  - set out the Corporation's policy in respect of the regulation of street trading, including its enforcement; and
  - offer guidance as to the procedure that should be followed in seeking a street trading licence.
- 1.2. For many years street trading within the City of London was not permitted except for a Sunday market held in part of Middlesex Street. This general prohibition has now been amended by the City of London (Various Powers) Act 2013 which permits licences to be issued for street trading elsewhere in the City of London under certain circumstances.
- 1.3. Separate provision is made for ice cream trading outside food premises in the City of London (see Section 11).
- 1.4. It is intended to review the Corporation's policy on street trading every three years although minor amendments may be made between general reviews.

## **2. Definitions**

1965 Act: The City of London (Various Powers) Act 1965

1987 Act: The City of London (Various Powers) Act 1987

2013 Act: The City of London (Various Powers) Act 2013

Middlesex Street licence: A licence granted under section 8 of the 1987 Act.

Licensed street trader: A person, including a temporary licence holder, licensed to engage in street trading by a street trading licence granted under the 1987 Act. This includes both Middlesex Street traders and temporary licence holders.

Receptacle:	Includes a vehicle, trailer or stall and any basket, bag, box, vessel, stand, easel, board, tray or other structure or thing which is used as a container for, or for the display of, any article or thing.
Street trading:	The selling or exposing or offering for sale of any article or thing in a street.
Street trading licence:	A licence to engage in street trading granted under the 1987 Act. This includes both Middlesex Street licences and temporary licences.
Temporary licence:	A licence granted under section 11A of the 1987 Act which is valid for a period of up to 21 days.
Trading area:	An area which is specified in a temporary licence as the area within which street trading is permitted.

### **3. Legislation**

- 3.1. The legislation applicable to street trading in the City of London is contained primarily in the City of London (Various Powers) Act 1987 as amended by the 2013 Act.
- 3.2. Licences may be granted under section 8 of the 1987 Act for street trading in the part of Middlesex Street between the junctions with Widegate Street and Sandys Row. Street trading under such a licence can only take place between the hours of 9 a.m. and 2 p.m. on Sundays (other than on Christmas Day when that day falls on a Sunday). Middlesex Street licences expire at the end of each calendar year.
- 3.3. Temporary licences may be granted under section 11A of the 1987 Act. Temporary Licences permit the licence holder to carry on street trading in a designated area set out in the licence for a maximum period of 21 days.
- 3.4. The City of London Corporation may make byelaws under section 21 of the 1965 Act (applicable to Middlesex Street trading only) and section 14 of the 1987 Act (applicable to all street trading) concerning, amongst other things,

the manner in which street trading is carried on and the dimensions of receptacles. One set of byelaws have been made under the 1965 Act and are attached as Appendix 1. No byelaws have yet been made under the 1987 Act.

- 3.5. Sections 8(1) and 11A(4) of the 1987 Act provide that an application for a street trading licence must contain certain information. The grounds for refusing to grant or renew a Middlesex Street licence are set out in section 8 of the Act.
- 3.6. It is an offence under section 16(1) of the 1987 Act for any person to engage in street trading in the City of London other than in accordance with a street trading licence.

#### **4. City Corporation's policy in respect of temporary street trading**

- 4.1. As a global financial and business centre with a small resident population and a very large daily workforce, the City requires an environment which meets its special needs. This was recognised at the beginning of the 20<sup>th</sup> century with the enactment of the City of London (Various Powers) Act 1911. This brought to an end the problems of maintaining order, safety and hygiene created by large numbers of street traders being crowded into the City's many narrow and winding streets.
- 4.2. With one exception to the prohibition, for that part of Middlesex Street which is within the City, the general City restriction on street trading has been maintained until the present day. It remains the view of the Corporation that street trading is generally not suitable within the City. However, the 2013 Act enables the prohibition to be lifted so as to permit street trading to take place for temporary periods in specified areas.
- 4.3. The intention is to enable street trading to take place in relation to one-off street festivals or charity events such as the 800<sup>th</sup> anniversary celebration for London Bridge in 2009, the annual Smithfield Nocturne, and, where appropriate, for seasonal events such as may occur at Christmas. This could also include, for example, the licensing of short term specialist markets.
- 4.4. In considering an application for a temporary licence, the City Corporation will have in mind environmental and public safety considerations, the public's

right to use and enjoy the highway, together with any other relevant City Corporation policies and strategies. Specific factors to be taken into account will include:

- The proximity and nature of any rail and tube stations, road junctions, and pedestrian crossing points;
- The volume of pedestrian footfall especially at peak times;
- Whether the proposed trading area would enable continued free access to members of the public using the road, pavement, other footpath, footway or walkway or cause obstruction to e.g. pedestrians, prams and wheelchairs;
- The presence of existing street furniture;
- Any other factors which might put safety at risk;
- Whether the proposed street trading might have a negative effect on the character and appearance of the area in particular near heritage sites, conservation areas and listed buildings;
- The number of other temporary licences that have been issued for areas in or near the proposed trading area;
- Other events taking place within the City of London
- The nature of goods proposed to be sold;
- Any relevant factors relating to the applicant;
- Waste disposal arrangements;
- Any adverse impact on private rights – especially impact on access to property/security of premises.

4.5. It is important that the public are able to pass along footpaths without the risk of coming into contact with vehicular and other traffic. In particular those using wheelchairs, mobility vehicles, pushchairs and buggies should be able to pass on pavements. As a guide, there should be a minimum width of unobstructed footway of two metres between the edge of a trading area and the edge of the footway. Where pedestrian flow rates are greater than 1200 persons per hour this distance may be increased, and such distances will need to take account of street furniture such as bollards, benches, cycle racks and bus stops etc. Permission will not be granted where the street trading might interfere with a fire escape. Further details of safe distances and how they should be measured are set out in Appendix 2.

4.6. Other potential hazards which will be considered include the impact on the accessibility of emergency services and whether street trading would result in poor sight lines affecting vehicular or pedestrian traffic. In particular, street

trading will not normally be permitted within five metres of a pedestrian crossing.

- 4.7. To protect the attractiveness of the City's streets, it is important that the granting of a temporary licence does not result in detriment to the street scene. Street trading activity should not cause environmental problems or detract from the amenities of adjacent retailers/occupiers. Regard will be had to any potential problems associated with crime and disorder or anti-social behaviour. Street trading activity should not represent, or be likely to represent, a substantial risk of nuisance to the public or business from noise, particularly in residential areas and close to sensitive premises/areas e.g. schools, banks, listed buildings, conservation areas etc.
- 4.8. Where an event is to take place over a large area, such as a processional route, applications are more likely to be granted where they are along the route designated for that event or close to the event area. In these circumstances the number of temporary street trading licences granted in the same street or area, (where part of a single application), will be of less significance than in other cases. However, consideration will be given to the sufficiency of existing trading outlets to serve the needs of the event.
- 4.9. Temporary Licences will usually be connected with a particular event. It is expected that the duration of the licence will be the same as the duration of that event, up to the statutory maximum of twenty-one days.
- 4.10. In order to restrict the possibility of noise nuisance, the playing of amplified or non-amplified music is unlikely to be permitted unless it is an integral part of the event. Each application will be considered individually taking into account the likelihood of disturbance to residents, businesses and other sensitive premises. Further information can be obtained from the Corporation's Environmental Health Pollution Team or can be found on the Corporation's website ([Noise Pollution<sup>i</sup>](#)). Under certain circumstances the playing of music may require a Temporary Event Notice. This would be in addition to the Street Trading Licence. For more information on Temporary Event Notices please go to ([Temporary Event Notices<sup>ii</sup>](#)).
- 4.11. The use of generators may be permitted subject to the consideration of noise and emissions. Applications must include a detailed location plan indicating full details of generators and associated noise control. Further information can

be obtained from the Corporation's Environmental Health pollution Team or can be found on the Corporation's website.

- 4.12. Artificial lighting will only be permitted if it does not cause a public nuisance.

## **5. Terms and conditions of licences**

### **Middlesex Street Licences**

- 5.1. The conditions (or "prescriptions") which are applied to Middlesex Street licences are set out in section 9 of the 1987 Act. These include the position or place in Middlesex Street where the licensee may trade, the articles which may be traded and the nature of any receptacle or equipment which may be used. A standard set of conditions for a Middlesex Street licence is set out at Appendix 3.
- 5.2. A Middlesex Street Licence is granted to an individual and may not be transferred, sold or sublet to another individual.
- 5.3. A completed indemnity certificate is required before a licence is issued giving evidence of public liability insurance to the minimum value of £2,000,000 per incident.
- 5.4. Failure to comply with any conditions of a Middlesex Street licence may lead to its revocation in addition to any enforcement action.

### **Temporary Licences**

- 5.5. Temporary licences will specify, in addition to the area and time of street trading, the terms and conditions in accordance with which any street trading must take place (section 11A of the 1987 Act). Conditions will include the licence holder's responsibilities to maintain public safety, prevent nuisance and generally preserve the amenity of the locality. The standard conditions for temporary licences, which may be subject to alteration in the circumstances of each case, are set out in Appendix 4.
- 5.6. Permission will not normally be granted for temporary street trading to begin earlier than 09:00 Monday to Friday and 10:00 Saturday or Sunday. The



terminal hour will not normally be later than 21:00 Monday to Friday and 20:00 Saturday or Sunday. In considering the trading times, the Corporation will take into account the need to service the pitch e.g. to stock and re-stock, and the time needed to set up and take down any stall or other receptacle against the likelihood of disturbance to nearby residents and businesses.

- 5.7. A Temporary Licence is granted to an individual and may not be transferred, sold or sublet to another individual.
- 5.8. Where applicable, waste transfer arrangements must be provided on request to a City of London authorised officer. Any arrangement must comply with the City Corporation's Time banding Regulations. Further details can be obtained by clicking ([Time Banding<sup>iii</sup>](#)).
- 5.9. The licence holder must ensure that there is no litter around his place of trading and in three square metres of the immediate vicinity of the trading area (regardless of whether the litter emanated from his business). The licence holder will ensure any staining of the footpath is removed before the end of trading on each day to the required standards of the City Corporation. Failure to achieve this will result in the City Corporation arranging removal of any staining and recharging the licence holder. The expected rates for additional cleansing can be seen as part of Appendix 11.
- 5.10. A completed indemnity certificate is required before a licence is issued giving evidence of public liability insurance to the minimum value of £2,000,000 per incident. Where the trading area and/or receptacle is large e.g. a marquee, a trading area containing more than two receptacles, the minimum value of public liability insurance may have to be increased. If in doubt as to the amount of insurance required please consult the licensing team.

## **6 Enforcement of street trading laws**

- 6.1 It is an offence under section 16 of the 1987 Act for any person to engage in street trading in the City of London unless they are a licensed street trader who is:
  - trading in accordance with a Middlesex Street licence, or
  - trading in accordance with a temporary licence granted under section 11A of the 1987 Act.

- 6.2 Any person convicted of an offence under section 16 is liable to a fine up to Level 3 on the Standard Scale (£1000).
- 6.3 A police officer or authorised officer of the City Corporation may, where they have reasonable grounds for believing that a person has committed an offence of unlawful street trading, seize any article or thing being offered for sale (whether or not the items are displayed), or any receptacle or equipment being used.
- 6.4 The procedure to be followed for seizure, including information about how goods may be returned, is explained in Appendix 5. Special provision is made for perishable goods and motor vehicles.
- 6.5 The City of London Port Health and Public Protection Department's Enforcement Policy will always be taken into consideration before any enforcement action is taken. The City of London Corporation's general approach is to assist traders in meeting their legal obligations and to work with them in putting things right. Further information on the Enforcement Policy can be found at ([Enforcement Policy](#)<sup>iv</sup>)

## **7. Making an application for a street trading licence**

### **General**

- 7.1 It is recommended that potential applicants contact a licensing officer prior to submitting an application.
- 7.2 In order to obtain a street trading licence, or renew an existing Middlesex Street licence, an application must be made in writing to the City of London Licensing Service.
- 7.3 An application for a Middlesex Street licence must be in the form set out in Appendix 6 (new) or 7 (renewal). An application for a temporary licence must be in the form set out in Appendix 8. There is no renewal process for a temporary licence.
- 7.4 An application form must be accompanied by two recent photographs of the applicant and the appropriate fee.

- 7.5 On receipt of an application form, licensing officers will check to ensure it is completed correctly and complies with all statutory requirements.
- 7.6 Street trading will not normally require planning permission. However the selling of articles on the highway may require planning permission or affect the current planning use of the premises where that premises is connected with the licensed street trader. In these circumstances planning permission must be obtained in the normal way. Similarly, where temporary street trading will involve the closure of a road, a closure order under the Road Traffic Regulation Act 1984 will need to be applied for.
- 7.7 Where an LPG fuelled appliance is to be used, a copy of an up-to-date competent person's form certifying that the appliance has been properly checked and is sound must accompany the application form.

#### **Middlesex Street Licences**

- 7.8 Under section 8(2) of the 1987 Act, an application for renewal of a Middlesex Street trading licence should be made no earlier than three months, and no later than two months, before the date on which that licence, unless revoked or surrendered, will cease to be valid.
- 7.9 Late applications will be considered and processed so far as reasonably practicable. However, applicants should be aware that if the application is submitted late it may not be processed before the existing licence ceases to be valid. This may result in a period of time during which the applicant cannot carry on any street trading.
- 7.10 Where a renewal application has been made, and there have been no justified complaints or enforcement issues, and all fees have been paid on time, the licence will normally be renewed.
- 7.11 If an application for a Middlesex Street Licence is refused on the grounds that there is no available space, the applicant will be given the option of having his details added to a waiting list. When a suitable space becomes available, the person next in line on the waiting list will be contacted and invited to re-submit an application form for the now vacant position.

## **Temporary Licences**

- 7.12 Full details of the trader(s), the goods proposed to be sold and the area of trading must be included on the application form. The application form must be accompanied with a plan showing the proposed trading area outlined in red.
- 7.13 Where a number of stall holders come together as part of a single market, event, commemoration, or similar, a single application may be made. Such an application must list the names and addresses of all proposed traders.
- 7.14 Applications should be made no earlier than six months before the date on which a licence is required, and no later than twenty-eight days before the start of the proposed licence. As with Middlesex Street applications, if the application is submitted late it may not be processed in time for the proposed first trading day.
- 7.15 Before the grant of a temporary licence a site visit will be carried out by Licensing Officers and/or other officers of the City Corporation.
- 7.16 The design and appearance of any receptacle which is to be used will need to be agreed with the Licensing team and/or planning officers. If a large structure, the receptacle may need to be inspected by the City Corporation's District Surveyors.

## **8. Policy Exemptions**

### Middlesex Street Exemption 1:

- 8.1 There shall be an exemption to the City Corporation's policy on the issuing of temporary street trading licences in the area between Bishopsgate and the junction of Middlesex Street and Widegate Street with regards to paragraphs 3.2 (as it relates to the trading area), 4.3, 4.9 and 5.6 (with regards the commencement time). All other aspects of this policy shall remain applicable.
- 8.2 Temporary licences can be issued to market traders on a Sunday in the area referred to in paragraph 8.1 between the hours of 09:00 and 16:00. This area is delineated on the map shown as Appendix 9.

8.3 Each temporary licence to which Exemption 1 applies shall apply for twenty-one days or less and renewed on an ongoing basis providing there is a 24 period between each temporary licence in order to comply with the requirements of the 1987 Act as amended.

8.4 The Temporary Licence fee to which Exemption 1 applies shall not exceed the fee for a Middlesex Street Licence.

Middlesex Street Exemption 2:

8.5 There shall be a further exemption for all existing market traders (pitch numbers 1 to 58) to permit these traders to continue trading from the current terminal hour of 14:00 to 16:00.

8.6 All existing market traders will, in effect, be granted a temporary street trading licence to trade between 14:00 and 16:00. Paragraphs 3.2 (as it relates to the terminal trading hour), 4.3 and 4.9 shall not apply to Temporary Licences that are granted under Exemption 2. All other aspects of this Policy shall remain applicable.

8.7 Each temporary licence to which Exemption 2 applies shall apply for twenty-one days or less and renewed on an ongoing basis providing there is a 24 period between each temporary licence in order to comply with the requirements of the 1987 Act as amended.

8.8 There shall be no fee for a Temporary Licence granted under Exemption 2.

Aldgate

8.9 There shall be an exemption to the City Corporation's policy on the issuing of temporary street trading licences in the area adjacent to, and in the vicinity of, St. Botolphs Church, Aldgate. This area is delineated in the map shown as Appendix 10.

8.10 A Temporary Licence may be granted within the area shown in Appendix 10 without the need to comply with paragraphs 4.3 and 4.9.

## **9. Appeal Procedure**

- 9.1 Any person aggrieved by the refusal of the City Corporation to grant or, in the case of a Middlesex Street licence, renew, a street trading licence, or by the revocation or variation of a street trading licence, or by any prescription of a Middlesex Street licence, may appeal to the magistrates' court.
- 9.2 Any appeal must be made within fourteen days from the date on which the refusal, revocation, variation or prescription which is the subject of the appeal is notified to such person.
- 9.3 Further details of the appeal procedure can be found in the Licensing section of the City Corporation's website or by contacting the licensing team.

## **10 Fees and charges**

### **Middlesex Street Licences**

- 10.1 The fee for an application for the grant or renewal of a Middlesex Street licence is set in section 10 of the 1987 Act at £5. The fee should be submitted with the application. In the case of a Middlesex Street application, the fee will be returned to the applicant if the application is refused.
- 10.2 In addition to the application fee a further fee will be charged (a 'licence' fee) to recover the City Corporation's costs in issuing and maintaining the licence. Where a licence is granted part way through the year the 'licence' fee will be reduced on a pro-rata basis. For example, if a licence was granted at the beginning of April only 75% of the fee will be payable. The fee for a Middlesex Street licence can be paid on a quarterly basis at no additional cost to the licence holder.
- 10.3 A list of current fees and charges is set out in Appendix 11.

### **Temporary Licences**

- 10.4 The fee for an application for a temporary licence is determined by the City Corporation and is dependent on a number of factors including the length of time for which the licence is granted.

- 10.5 Where the application is for multiple traders and/or trading areas, the fee will be determined individually in each case.
- 10.6 In addition to the application fee, charges may be payable for the removal of refuse or for other services provided to stall holders.
- 10.7 An application for a temporary licence must be accompanied by the relevant total fee. The fee is for the duration of the temporary licence.
- 10.8 A list of current fees and charges is set out in Appendix 11.

## **11 Sale of Ice Cream**

- 11.1 The sale of ice cream is not deemed to be street trading if sold from a receptacle that meets the following criteria:
- The receptacle is located within 15m of the business premises
  - The City Corporation has approved the design, location and purpose of the receptacle
  - The associated business premises are occupied for the purpose of conducting a food business i.e. carrying out any activity related to any stage of production, processing and distribution of food.
- 11.2 Permission to sell ice cream on the street will still require permission under section 115 of the Highways Act 1980.

## **12 Contacts**

Write to:      Licensing Service  
                    Walbrook Wharf  
                    Upper Thames Street  
                    EC4R 3TD

Email:          [licensing@cityoflondon.gov.uk](mailto:licensing@cityoflondon.gov.uk)

Telephone:    020 7332 3406

You can also find more information and links to other sources of information on the City of London's website.

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- i <https://www.cityoflondon.gov.uk/business/environmental-health/environmental-protection/Pages/default.aspx>
  - ii <https://www.cityoflondon.gov.uk/business/licensing/alcohol-and-entertainment/Pages/Temporary%20event%20notice.aspx>
  - iii <https://www.cityoflondon.gov.uk/services/transport-and-streets/clean-streets/Pages/Time-Banding.aspx>
  - iv <https://www.cityoflondon.gov.uk/business/support-promotion-and-advice/trading-standards/Documents/port-health-public-protection-enforcement-policy-september-2014.pdf>