

LONDON BOROUGH OF HAMMERSMITH & FULHAM

Report to: Licensing Committee

Date: 03/06/2025

Subject: Report on the draft Markets and Street Trading Licensing Policy 2025- 2030 and updated Prescribed Standard Conditions for Street Trading Licences

Report of: Councillor Zarar Qayyum, Cabinet Member for Enterprise and Skills

Report author: Valerie Simpson, Assistant Director (Environmental Health and Regulatory Services)

SUMMARY

This report provides the details and rationale for having a H&F Markets & Street Trading Licensing Policy and the need for updating the Prescribed Standard Conditions for Street Trading Licences.

The report outlines the proposed consultation process for the draft Markets & Street Trading Licensing Policy 2025 – 2030 and the updated Prescribed Standard Conditions for Street Trading Licences, before implementation and formal approval, by the Licensing Committee.

RECOMMENDATIONS

1. That the Licensing Committee approves for consultation the updated Prescribed Standard Conditions for Street Trading Licences, at Appendix 1.
2. That the Licensing Committee approves, for consultation, the updated Regulation of Commodities for Street Trading Licences 2025, at Appendix 2.
3. That the Licensing Committee approves for consultation the draft recommended Markets & Street Trading Licensing Policy 2025 – 2030, at Appendix 3.
4. That the Licensing Committee notes the Inclusive and Accessible Markets and Street Trading Guidance at Appendix 4, that has been co-produced with the Inclusive Environment Disabled Residents Team.
5. That the Licensing Committee agrees that after consultation, the final policy, the prescribed standard conditions and the Regulation of Commodities can be approved under delegated authority by a Licensing Sub-Committee or the Cabinet Member for Enterprise and Skills.
6. That the Licensing Committee provides approval for officers to consult on a proposal for the council to declare market rights.

7. That the Licensing Committee provides approval for officers to consult on a proposal to designate the whole borough or more streets for regulated street trading activities.

Wards Affected: All

Our Values	Summary of how this report aligns to the H&F Corporate Plan and the H&F Values
Building shared prosperity	<i>The policy, standard conditions and the regulation of commodities seek to provide a framework that welcomes and encourages responsible, fair and safe street trading in the borough. The aim is to bring new business investment, new employment opportunities and more visitors to the borough.</i>
Creating a compassionate and inclusive council	<i>The policy supports economic growth and responsible, sustainable street trading activities that are sensitive to the needs of the residents and businesses.</i>
Doing things with local residents, not to them	<i>Residents, traders and other interested parties will be consulted. The responses received will be taken into consideration to help minimise any significant adverse impact on the enjoyment of the local community and amenities. An Inclusive and Accessible Markets and Street Trading Guide has been co-produced with the Inclusive Environment Disabled Residents Team.</i>
Being ruthlessly financially efficient	<i>The policy will facilitate a more effective and consistent approach to licensing, financial and administrative procedures.</i>
Taking pride in H&F	<i>The policy supports our Upstream London strategy, to reflect our ambition for a better tomorrow. The focus is on doing everything we can to ensure economic growth is inclusive and improves the lives of everyone in our community.</i>
Rising to the challenge of the climate and ecological emergency	<i>The consultation will be carried out electronically to minimise the use of paper via a postal process. The policy supports a clean and sustainable future, encouraging more recycling, reduced use of single use plastics and using electric power.</i>

Financial Impact

This report proposes consultation processes for the draft Markets & Street Trading Licensing Policy 2025 – 2030 and updated conditions for Street Trading Licences. The cost of the consultations is expected to be met from the existing Street Markets revenue budget in 2025/26 (mostly officer time in administering the online consultation process). The financial implications of any changes arising from the proposed consultations will be considered as part of the Council's annual budget setting process. For example, making business processes more efficient, raising standards to attract more businesses, introducing additional street trading locations,

or declaring market rights which will allow the Council to better regulate private markets and object to competing markets being set up within 6¾ miles from any Council run markets).

Kellie Gooch, Head of Finance (Place), 22 May 2022.

Verified by Andre Mark, Head of Finance (Strategic Planning and Investment), 22 May 2025

Legal Implications

Sections 21 - 41 of the London Local Authorities Act 1990 (as amended) regulates trading on the street. Under section 27(3) a Borough Council can make regulations prescribing standard conditions which are attached to a street trading Licence or can be added to a temporary street trading Licence.

The legislation states in section 27(4) that before the regulations are made the Borough Council has to consult on them. Section 27(4), (5) and (6) prescribes how the consultation process is to be carried out, whilst requiring the conditions to be reasonable. Section 23 provides that standard conditions apply to any person authorised by a street trading licence or a temporary licence.

Verified by Champa Gurnani, Senior Solicitor, 23 May 2025

Background Papers Used in Preparing This Report

The following documents have been relied upon in drawing up this report but do not form part of the report.

Street Trading Regulations 2004: *Regulations Made by the London Borough of Hammersmith and Fulham pursuant to Section 27(3) of the London Local Authorities Act 1990 (As Amended) Prescribing Standard Conditions Applicable to Street Trading Licences.*

DETAILED ANALYSIS

Introduction and Background

1. Markets and street trading policies are important because they regulate street trading activities, protect the public, and promote economic development.
2. Street trading activities are regulated by [Part 3](#) of the [London Local Authorities Act 1990 \(as amended\)](#) which provides Local Authorities in London with an authorisation process to control the following activities:
 - a) Street Trading Pitches
 - b) Market stall licences
 - c) Tables and Chairs on the Highways (*Highways use [Pavement Licences](#)*)
 - d) Shop Front Displays (*No current licences issued by the council*)

3. Under the Act the Council is responsible for granting, renewing, varying or revoking all street trading licences listed above. The Act allows the Council to make regulations, pursuant to Section 27(3) of the London Local Authorities Act 1990, prescribing the terms, conditions and restrictions on/or subject to which licences can be granted, varied, renewed or transferred.
4. A review of the Council's approach to Street Trading is considered long overdue, to ensure that it is consistent with modern street trading practices.
5. It is important that the current system is reviewed and modernised to meet the local needs of residents, visitors to the borough and street traders.
6. The regulations which prescribe the standard conditions applicable to street trading licences in H&F were last formally adopted by the council in 2004.
7. The Street Trading Regulations 2004 have been reviewed and updated, and new prescribed standard conditions have been produced, which can be seen at Appendix 1.
8. The 2014 [Regulation of Commodities](#) has also been reviewed and updated, and a new Regulation of Commodities has been produced, which can be seen at Appendix 2.
9. The Council currently does not have a Markets and Street Trading Licensing Policy. In the absence of a formal detailed street trading policy, decisions are made in line with best practice and the regulations.
10. A draft recommended Markets & Street Trading Licensing Policy 2025 – 2030, can be seen at Appendix 3; and our new Inclusive and Accessible Markets and Street Trading Guidance can be seen at Appendix 4.
11. This report provides an overview of the new draft policy and the proposed approach to the administration of Street Trading activities under the London Authorities Act 1990 (as amended).
12. Full implementation of the policy, the prescribed standard conditions and the Regulation of Commodities will be subject to consultation with existing licence holders and key stakeholders.

Legal obligations under the London Local Authorities Act 1990

13. Street Trading under the London Local Authorities Act 1990 (as amended) is defined as:
 - a) the selling or the exposure or offer for sale of any article (including a living thing); and
 - b) the purchasing of or offering to purchase any ticket; and
 - c) the supplying of or offering to supply any service, in a street for gain or reward (whether or not the gain or reward accrues to the person actually carrying out the trading).

14. For the purposes of this legislation 'street' is defined and includes:
 - a) any road or footway;
 - b) any other area, not being within permanently enclosed premises, within 7 metres of any road or footway, to which the public have access without payment;
 - c) any part of such road, footway or area;
 - d) any part of any housing development provided or maintained by a local authority under Part II of the Housing Act 1985.
15. Street Trading is often carried out on the public highway and the Council therefore has a duty to ensure public safety is protected from street trading activities.
16. Street Trading is normally a commercial enterprise and those carrying it out ought to comply with the same rules that regulate other trading, including safe and fair trading and minimising the impact of their activities on the environment and the wider community.
17. Street Trading can also play a part in the cultural identity of the borough and contribute to the local economy. It attracts visitors and can make for vibrant towns and communities, while at the same time providing employment and opportunities for small business enterprises.
18. In regulating street trading activities, the Council acknowledges that a balance must be struck between the legitimate objectives of applicants and members of the public living, working or engaged in normal activity in the area concerned. The policy will help to ensure that the public highway is not cluttered and that minimum standards are maintained.

The current street trading licensing framework and process

19. Currently, parts of the public highway are designated for the purpose of street trading, rather than a whole street or the whole borough. These designations can take the form of markets, individual stalls, tables and chairs outside of restaurants or shop-front displays.
20. Street trading licence applications are currently issued in accordance with regulations made by the Borough pursuant to Section 27(3) of the London Local Authorities Act 1990.
21. There are approximately 98 temporary street trading licences and 35 permanent pitches in the borough.
22. Street trading which relates to the provision of tables and chairs are administered by Highways, under the Business and Planning Act 2020, as Pavement Licences. Pavement licences are only available to hospitality premises.

23. The main street trading hubs in the borough are located in North End Road, Lyric Square and Wood Lane. There are no current shopfront licences, but there are designated street trading sites for street trading activities and markets. There are isolated designated sites which provide catering vehicles, and the sale of other commodities. There are also a few limited sites around our three football stadiums, for football match days.
24. Prospective traders are also able to apply for a location they find themselves. Applicants are asked to contact the Markets and Street Trading Public Protection team to discuss their application so that pre-application advice can be given in terms of pre-assessment of the feasibility of the site, before a full application is submitted.
25. The current system is out of date and restrictive for entrepreneurial business. It does not take into consideration new ways of trading and the evolution of the hospitality sector since COVID. There is a need to meet local needs for traders, residents, local businesses and visitors, different working practices, improved utilisation of the public realm and an increase in community-led markets.
26. The draft Markets and Street Trading Licensing Policy sets out the council's approach to licensing and the expected conduct and standards for those engaged in street trading activities, either from an isolated pitch or within our street markets.
27. The purpose of the policy is to provide a single set of basic rules which will be used to inform the various decision-making processes for markets and street trading. The policy will provide a framework for the Council to administer and regulate street trading, to ensure that a consistent approach is taken. It will also serve as a reference for licence holders and other interested parties.

Proposals and Analysis of Options

Main Aspects of the Markets and Street Trading Licensing Policy

28. The Council has no formal detailed policy in relation to street trading. Street trading decisions are made in line with best practice and the regulations.
29. The draft policy commits to inclusivity, fairness, health & safety, economic growth and providing new opportunities for a clean and sustainable future. It includes information on the following key areas:
 - a) **The Law:** Clear legal guidance is given about what traders can and cannot do.
 - b) **Regulations and Enforcement:** This includes the conduct of traders and managing the commodities that they might sell. It also includes what action the council might take for unlicensed street trading activities or the breach of licence conditions.

- c) **The different type of street trading activities:** The policy provides details of how we will manage privately operated markets, trading on the pavement and outside shops, ice cream vans, charitable markets and isolated pitches. Guidance is also given on how to apply for the relevant licence.
 - d) **Oversight and management of markets in the borough:** This includes a provision to designate or prohibit certain streets for street trading activities and to declare market rights.
 - e) **Protecting the environment:** The policy includes information about improving air quality and minimising the impact of waste and street cleansing.
 - f) **Support for traders:** There are details included about the loaning of equipment e.g. pitch canopies, to make it easier for traders to trade and for sites to be more aesthetically appealing to customers.
 - g) **Safeguarding:** Information relating to safeguarding children and adults with reference to immigration, data protection and modern slavery, has also been included.
30. The policy is complemented by the standalone Inclusive and Accessible Markets and Street Trading Guidance at Appendix 4. This has been co-produced with the Inclusive Environment Disabled Residents Team and is on the council website.

Key points of the Prescribed Standard Conditions for Street Trading Licences

31. The conditions have been updated to reflect changes in trading practices and to make the conditions clearer for traders. A summary of the key changes to the updated conditions can be seen at Appendix 6.

The updated Regulation of Commodities for Street Trading Licences

32. Commodities are referred to under section 14 in both the draft policy and in the prescribed standard conditions. The 2014 [Regulation of Commodities](#) has been reviewed and updated, and the new Regulation of Commodities attached at Appendix 2, aligns with both the draft policy and updated standard conditions.

Declaration of Market Rights

33. Local authorities can declare market rights, which gives them the authority to regulate markets within their jurisdiction. This includes issuing licences, setting conditions for trading, and ensuring compliance with health and safety regulations.
34. Declaring market rights will allow the council to object to competing markets being set up within 6¾ miles from any Council run markets. It can also assist the Council in regulating and managing private markets.

Designating the whole borough for regulated street trading activities

35. Designating the entire borough for regulated street trading means that the council can control all street trading activities within the borough under the London Local Authorities Act 1990. Designations will allow the council to designate specific areas as "licence streets," making it mandatory for traders to obtain a licence before trading.
36. The same rules will apply across the whole borough, so that there is no confusion about where certain laws or permissions apply.
37. The council will have better control of street trading, so that officers can manage market stalls and street vendors more easily, making sure that they are safe, fair, and not blocking pavements.
38. It makes it easier to organise community events and to support small businesses when the rules are clear and borough wide.
39. It should be noted that different neighbourhoods might have different needs. A borough-wide rule might not work well for every area, especially if some places are quieter or busier than others.
40. Designation could provide less flexibility for some local areas. Some residents or traders might feel that the rules are too strict or unnecessary in their area, leading to complaints or resistance. Public consultation is essential to fully assess views and any potential impact on managing and enforcing borough-wide rules.

Rationale for Proposals

Markets and Street Trading Licensing Policy proposal

41. The purpose of the proposed policy is to provide a framework for the Council to administer and regulate street trading, to raise standards and improve consistency of approach.
42. The policy will strengthen the decision-making process and support the Council's position, should any issues arise. It will be a reference for licence holders, council officers, relevant stakeholders and the Licensing Committee about the Council's intended vision and approach to street trading activities in H&F. Whilst all applications will still be considered individually on their own merits; this will be done in accordance with the policy.
43. The proposed Markets and Street Trading Licensing Policy 2025 – 2030 will apply to markets, which includes car boot sales, antique and craft markets, general markets, food markets, farmers' markets, charitable markets, markets run by the local authority, private markets as well as other street trading activities.

44. In putting together this draft policy, officers have reviewed how the current street trading licensing service is provided and considered how the service could be improved, to be more consistent, raise standards and meet local needs. The proposed policy does not only enhance current practice but also recommends certain changes to how the service is regulated and can be improved.
45. The lack of a sound street trading policy or the adoption of an unsound policy may result in poor decisions being taken and could cause difficulty to businesses and residents. This may leave the authority open to challenge by way of Judicial Review in relation to officer decisions and/or appeal of a Licensing Committee decision to the Magistrates' Court. This could adversely affect the Council's reputation.

Updated Prescribed Standard Conditions for Street Trading Licences proposal

46. The updated Prescribed Standard Conditions are significantly more detailed, structured into 32 sections with appendices giving trading details of the restrictions for specific street trading sites. The new provisions include more robust to keep members of the public safe and provide more transparency on how street trading will be regulated.

Updated Regulation of Commodities for Street Trading Licences proposal

47. The updated Regulation of Commodities provides a simpler and clearer commodities list for traders, with less restrictions and greater flexibility on what traders can and cannot sell. E.g. when selling clothing, under the 2014 regulation traders could only choose up to three commodities from one category. In the updated regulations there is not a separate women's, men's and children's clothing category. Instead, there is a general clothing category, which includes clothing for women, men and children. The updated list also provides greater clarity around banned /prohibited items.

Designating the whole borough or more streets proposal

48. Designating the whole borough or more streets is a more efficient way of working, saving time and effort, as the council does not have to treat each area differently, making things quicker and simpler to manage.

Declaration of market rights proposal

49. Overall, declaring market rights supports the local economy, enhances community life, and ensures that street trading is conducted in a regulated and beneficial manner.

Proposed timetable for formal agreement and adoption

50. Following the consultation, members of the Licensing Committee are asked to delegate authority to the Licensing Sub-Committee or the Cabinet Member for Enterprise and Skills to approve the final policy.

51. Should the final Markets and Street Trading Licensing Policy, be approved/ adopted, it will then take effect 1 August 2025 and be published on the council website.
52. The timetable for formal adoption of the draft policy is detailed in the table below:

Activity	Date(s)
Licensing Committee	3 June 2025
Public 5-week consultation begins	4 June 2025
Public 5-week consultation ends	10 July 2025
The Economy, Arts, Sports, and Public Realm Policy and Accountability Committee	21 July 2025
Seek approval under delegated authority from the Cabinet Member for Enterprise and Skills or a Licensing Sub-Committee, as appropriate	23 July 2025

Options for consideration

53. With respect to the proposals and rationale above, three options have been proposed.
54. **Option 1** - To agree recommendations 1, 2, 3, 5, 6 and 7.
55. **Option 2** – To agree only some of recommendations above; and those recommendations that are agreed, are to be specified.
56. **Option 3** – To not agree any of recommendations above. This option is not recommended. Not implementing a policy or updating the prescribed standard conditions, for this kind of licensing, would not support a consistent approach for decision making and could make the council susceptible to legal challenge.

Equality Implications

57. It is important that the Council carefully considers all the representations made during the consultation process.
58. The Council, when taking decisions in relation to any of its functions, must comply with its public sector equality duty as set out in section 149 of the Equality Act 2010 (“the 2010 Act”) to consider how the decisions they make, and the services they deliver, affect people who share any one of the nine protected characteristics as defined under section 149 (1) (7) of the 2010 Act in relation to age, race and disabilities etc. A screening for the equalities impact assessment has been carried out on the effect of the policy.

59. The policy has low relevance in relation to its impact on the areas under the statutory duties contained in the equalities impact assessment, but contributes towards the corporate priorities of the Council, in relation to having due regard to the three aims of the duty, namely:
- to eliminate unlawful discrimination, harassment, victimisation and any other conduct prohibited by the Act;
 - to advance equality of opportunity between people who share a protected characteristic and people who do not share it; and
 - to foster good relations between people who share a protected characteristic and people who do not share it.

Risk Management Implications

60. *There is a compliance risk that current licensing requirements are not met leading to legal action and fines. This in turn will lead to reputational damage to the council.*
61. *This risk must be reduced. LBH&F must adopt a robust and accountable regulatory regime in relation to all Licensing. It needs to ensure that the risk of non-compliance and the regulatory burdens on both the Local authority and to the trade is minimised.*
62. *Failure to discharge its duties under the Act and implement a Street Trading Policy / regulations to control street trading could damage the Council's reputation and expose it to the risk of judicial review.*
63. *Any failure to meet new and existing statutory requirements is specifically addressed in the Department's risk register. Internal controls are in place to mitigate this risk include forward planning, training, internal auditing, monitoring, periodic updates of the scheme of delegation and the business planning process.*

Jules Binney, Risk and Assurance Manager, 23 May 2025

Climate and Ecological Emergency Implications

64. *The policy supports a clean and sustainable future, encouraging more recycling, reduced use of single use plastics and encouraging the use of electric power.*
65. *Encouraging more recycling, and reduced use of single use plastics is aligned to H&F's new refreshed plastic free policy (adopted in March 2025) which includes specific reference to market traders: [Hammersmith and Fulham's Plastic Free Policy Refresh.pdf](#)*
66. *Encouraging the use of electricity over diesel and petrol generators will reduce emissions and improve air quality.*

Charlotte Slaven, Head of Climate Strategy & Engagement, 23 May 2025

Consultation

67. If approved by the Committee, the draft markets and street trading licensing policy will be submitted for consultation with all existing licensed traders and relevant key stakeholders.
68. It is proposed to consult with the following key stakeholders and organisations:
- a) Existing Street Trading Licence Holders
 - b) Ward Councillors
 - c) Metropolitan Police
 - d) Highway Authority
 - e) Planning Authority
 - f) The Fire and Rescue Authority
 - g) Persons/bodies representative of Street Trading Licence Holders
 - h) Environmental Health
 - i) Transport for London
 - j) Local business organisations and Town Centre Management/BID team.
69. The draft policy will be posted on the Council's web site and consultees will be encouraged to respond. See Appendix 5 for *draft* consultation questions.
70. All replies will be considered and the policy, revised as necessary before being submitted to the Licensing Sub-Committee or nominated Cabinet Member for final approval and adoption.
71. The policy may be changed at any time after adoption (after further consultation) and can be regularly reviewed.

LIST OF APPENDICES

Appendix 1	Prescribed Standard Conditions for Street Trading Licences
Appendix 2	Regulation of Commodities for Street Trading Licences 2025
Appendix 3	Draft recommended Markets & Street Trading Licensing Policy 2025 – 2030
Appendix 4	Inclusive and Accessible Markets and Street Trading Guidance
Appendix 5	Proposed consultation questions for the draft Markets and Street Trading Licensing Policy and updated Prescribed Standard Conditions for Street Trading Licences
Appendix 6	A summary of the key changes to the Prescribed Standard Conditions for Street Trading Licences