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## SCHEDULE L9

### LONDON LOCAL AUTHORITIES ACT 1990 PART III AS HAVING EFFECT IN ACCORDANCE WITH SECTION 6 (STREET TRADING) OF THIS ACT

#### PART III

#### STREET TRADING

##### *Application for street trading licences*

- 25 (1) An application for a street trading licence or renewal of such a licence shall be made in writing to the borough council, and in the case of an application for the renewal of a licence shall be made not later than two months or earlier than three months before the date on which that licence unless revoked or surrendered will cease to be valid:

Provided that nothing in this section shall prevent a borough council from renewing a licence, other than a temporary licence notwithstanding that application has been made for such renewal at a later date than aforesaid if they consider it reasonable in the circumstances so to do.

- (2) In the application, the applicant shall state—
- (a) in the case of an application by an individual, his full name and address and date of birth;
  - (b) in the case of an application for a licence to carry on ice cream trading—
    - (i) by a company incorporated under the Companies Acts, the name of the company and its registered office;
    - (ii) by a partnership, the names of its members and the address of its principal office;
  - (c) the licence street in which, the days on which and the times between which he desires to trade;
  - (d) the description of articles, things or services in which he desires to trade; and
  - (e) such other particulars, relevant to street trading, as the borough council may reasonably require;

and may in the case of an individual specify the name and address of a relative of his who is associated with, or dependent upon, the business of street trading in respect of which the application is made and to whom he desires the licence to be granted in any of the events specified in subsection (1) (a) of section 26 (Succession) of this Act.

- (3) No later than the date on which he submits his application, the applicant shall hand to an authorised officer two identical full-face photographs of himself, taken within the preceding 12 months, signed by the applicant on the reverse except where the application is made by a company incorporated under the Companies Acts, or by a partnership, for a licence to carry on ice cream trading.
- (4) A street trading licence—
- (a) shall not be granted—
    - (i) to a person under the age of 17 years; or
    - (ii) except where the application is made by a company incorporated under the Companies Acts, or by a partnership, for a licence to carry on ice cream trading to a person, on a corresponding day, days or

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- time, who holds a street trading licence in any other licence street granted under this Part of this Act but nothing in this paragraph shall prevent the renewal of such a licence; or
- (iii) except where the application is made by a company incorporated under the Companies Acts, or by a partnership, for a licence to carry on ice cream trading to a body corporate or to an unincorporated association; or
- (iv) in respect of an application for a licence which is not a temporary licence to trade in a street which is not a licence street; or
- (v) where the street to which the application relates is a street in respect of which the borough council have by resolution passed under subsection (1) (b) of section 24 (Designation of licence streets) of this Act specified a class of articles or things, or services which they will not prescribe in any street trading licence and the grant of the licence would be contrary to any of the terms of that resolution;
- (b) shall not be granted unless the borough council are satisfied that there is enough space in the street for the applicant to engage in the trading in which he desires to engage without causing undue interference or inconvenience to persons or vehicular traffic using the street.
- (5) Subject to subsection (4) above, the borough council shall grant an application for a street trading licence unless they consider that the application ought to be refused on one or more of the grounds specified in subsection (6) below.
- (6) Subject to subsection (8) below the council may refuse an application on any of the following grounds:—
- (a) that there are enough traders trading in the street or in any street adjoining the street in respect of which the application is made in the goods in which the applicant desires to trade;
- (b) that the applicant is on account of misconduct or for any other sufficient reason unsuitable to hold the licence;
- (c) that the applicant is an individual who has without reasonable excuse failed personally to avail himself fully of a previous street trading licence;
- (d) that the applicant has at any time been granted a street trading licence by the borough council which was revoked or could have been revoked on the grounds that he had refused or neglected to pay fees or other charges due to them in respect of the licence;
- (e) that the applicant has failed to provide or to identify suitable or adequate premises for the storage of any receptacles or perishable goods in which he proposes to trade when street trading is not taking place;
- (f) that—
- (i) the application is for the grant (but not the renewal) of a street trading licence; and
- (ii) the only available position is in that part of the street which is contiguous with the frontage of a shop; and
- (iii) the articles, things or services mentioned in the application are sold or provided at the shop;
- (g) that—
- (i) the application is for the grant (but not the renewal) of a street trading licence; and

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- (ii) the only available position in the street is within the curtilage of a shop; and
  - (iii) the applicant is not the owner or occupier of the premises comprising the shop.
- (7) If the borough council consider that grounds for refusal exist under subsection (6) (a) or (c) above they may grant the applicant a licence which permits him—
  - (a) to trade on fewer days or during a shorter period in each day than is specified in the application; or
  - (b) to trade only in one or more of the descriptions of goods specified in the application.
- (8) Subject to subsection (4) above if—
  - (a) a person is at the appointed day licensed to trade in a street under the provisions of any local enactment; and
  - (b) the street becomes a licence street under this Part of this Act; and
  - (c) he was trading from a fixed position in the street immediately before it became a licence street; and
  - (d) within two months from the appointed day he applies for a street trading licence to trade in the street;his application shall not be refused.
- (9) Subject to subsections (4), (6) and (8) above a borough council when considering applications for licences to trade in licence streets under this Part of this Act shall give preference to applications from persons who immediately before the appointed day were under the provisions of any local enactment authorised to trade in a street in the borough which is not a licence street.
- (10) A borough council when considering applications for licences to carry on ice cream trading in a licence street shall treat all applicants, whether companies, partnerships or individuals, on an equal footing and in particular—
  - (a) shall not treat individuals less favourably than companies or partnerships; and
  - (b) as between applicants who are companies or partnerships, shall not treat any particular company or partnership more favourably than others.
- (11) A licence holder may at any time surrender his licence to the borough council and it shall then cease to be valid.