



West Suffolk Council Street Trading Policy

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Glossary

The council	West Suffolk Council
The applicant	The person or company who has applied for a street trading consent.
Assistant	<p>A person employed by and acting under the directions of a consent holder to assist them about the business of the stall, whether for reward or not and includes a person directed solely or otherwise to transport the consent holder's stall.</p> <p>The term assistant also includes a person who is supporting the business in a voluntary capacity.</p>
Consent holder	A person or company to whom the street trading consent has been granted by the council.
The act	Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982.
The Licensing Officer	An officer employed by the council and authorised by the council to act in pursuance of the provisions of the Local Government (Miscellaneous Provisions) Act 1982.
A roundsman	<p>An individual who visits a 'round' of customers and delivers the orders of those customers, for example a milkman.</p> <p>A person operating an ice-cream van is not classed as a roundsman.</p>
A pedlar	<p>A pedlar is a trader who must:</p> <ol style="list-style-type: none"> 1. keep moving, stopping only to serve customers at their request 2. move from place to place and not circulate within the same area 3. Carry all goods for sale and not use a trolley or stall 4. hold a valid pedlar's certificate, issued by a Chief Constable of Police.
A mobile trader	<p>A mobile street trader is one that:</p> <ol style="list-style-type: none"> 1. continually moves from location to location 2. moves at least 50 metres from the last trading location and does not return to that location within four hours 3. does not wait in one location for more than 30 minutes.
Trading area	<p>All street traders in town centres must trade within an area not exceeding 4 metres by 3 metres. This is known as the pitch size.</p> <p>The pitch size for traders outside of town centres will be decided on a case-by-case basis at the discretion of the authorised officer.</p>
Street trading	The selling, exposing, or offering for sale any article (including a living thing) in a street, excluding the exemptions listed in the legislation and in this policy.

A street	Includes: a. any road, footway, verge, or other area to which the public have access without payment, and b. a service area as defined in section 329 of the Highways Act 1980, and also includes any part of a street.
Consent street	A street in which street trading is prohibited without the consent of the council.
Licence street	A street which requires a formal licence issued by the council before street trading can take place.
Street trading licence	A licence to trade, which is granted by a council subject to conditions and the payment of a fee.
Licensing and Regulatory Sub-Committee	Elected West Suffolk Councillors who have received special training on licensing matters.
The sub-committee	The Licensing and Regulatory Sub-Committee.
Town	A location that has a town council as opposed to a parish council.
Statutory market	A market where its right to be held has been obtained by a grant, enactment, or order.

1. Purpose and objectives of policy

- 1.1 This policy sets out the legal framework for the management of street trading in West Suffolk and will guide the licensing authority when it considers applications for street trading consent.
- 1.2 The West Suffolk Council Street Trading Policy aims to:
- create a street trading environment that complements the local economy and premises-based trading
 - promote fairness and consistency across the district
 - improve the local environment
 - be sensitive to the needs and concerns of residents
 - control street trading through a fair and proportionate enforcement procedure.
- 1.3 The policy's statutory objectives are:
- a. **Public safety** - The location of the proposed street trading activity must not present additional risks through road safety, obstruction, or fire hazard.
 - b. **Prevention of crime and disorder** - The proposed activity must not present a risk to public order. This is likely to be more of an issue in respect of applicants wishing to trade at later hours.
 - c. **Prevention of public nuisance** - Consideration will be given to measures taken to reduce the risk of nuisance from noise, refuse, vermin, fumes, and smells.

2. Scope of policy

- 2.1 This policy relates to the issuing of consents to permit the selling, exposing, or offering for sale any article, (including a living thing) in a street, excluding the exemptions listed in the legislation and in this policy.
- 2.2 A 'street' is defined to include 'any road, footway, grass verge, cycleway, or other area to which the public have access without payment'. It will therefore include such areas as a car park of a public house to which the public have access without payment.
- 2.3 All streets within the district are designated as consent streets for the purposes of street trading. No streets within West Suffolk have been designated as licence streets or prohibited streets.
- 2.4 Street trading may be undertaken only during such hours and circumstances as specified by the council in the consent. No street trading whatsoever shall take place other than within the permitted hours.

3. Exempt activities

3.1 The following activities are excluded from this policy:

- Trading by a person acting as a pedlar under the authority of a pedlar's certificate granted under the Pedlars Act 1871 (**see the glossary for more information**).
- Trading at a statutory market (**see the glossary for more information**).
- Trading at a fair, fete or similar one-day community event.
- Trading in a trunk road picnic area provided by the Secretary of State under section 112 of the Highways Act 1980.
- Trading on the A11 or A14.
- Trading as a news vendor where only newspapers or periodicals are sold.
- Trading at a petrol filling station or shop.
- Trading at a premises used as a shop or in a street adjoining premises and as part of the business of the shop (such as a farm shop).
- Trading or provision of facilities for recreation or refreshment under Part VIIA of the Highways Act 1980 or the Business and Planning Act 2020 (pavement cafes).
- Trading as a roundsman (or delivering pre-ordered goods to customers such as milk delivery) (**see the glossary for more information**).
- Activities under a street collection or house-to-house collection for charitable purposes. For more information see [Charitable collections licence](#).
- Trading for charitable purposes, where a vendor is operating not for private gain, where a payment is not required to access the land.
- Indoor markets are exempt from street trading legislation.
- Events that charge an entry fee do not need street trading consent.

3.2 Non-commercial events are not considered to be street trading and not require any form of street trading consent. A letter of intent or confirmation from the community organisers would normally satisfy the council. It is assumed that the community event organisers will have consulted with residents and businesses prior to holding the event.

3.3 If the purpose of the event is of a commercial nature, then it would be caught by the policy and an application required.

3.4 If the event is intended to have mixed-use for example, charity stalls alongside commercial stalls then street trading consent will be required, and an application will need to be submitted.

3.5 Existing businesses will need to apply for a pavement licence, rather than street trading consent, if they intend to place removable furniture over highways and pavements adjacent to their premises to:

- sell or serve food or drink.
- allow it to be used for the consumption of food and drink supplied from, or in connection with the premises.

3.6 More information on the application process for pavement licences can be found on West Suffolk Council's website: [Pavement licences](#) page.

4. Delegation of functions

4.1 Delegation is laid out in the council's constitution as follows:

Committee	Responsibility
Full Council	Sets policies on licensing.
The Licensing and Regulatory Committee	<ul style="list-style-type: none"> • recommends and reviews policies on licensing. • agrees and varies a street trading scheme.
Licensing Sub-Committee	<p>The Licensing and Regulatory Committee appoints a Licensing Sub-Committee to:</p> <ol style="list-style-type: none"> a. decide street trading applications where they have been referred by a Licensing Officer b. decide applications to renew street trading consent when there has been a complaint about the trader, or the trader has breached the conditions of their street trading consent c. decide whether to reinstate, suspend, extend suspension, vary, or revoke a street trading consent of a case that has been referred by a Licensing Officer.

4.2 The Licensing and Regulatory Committee is responsible for making licensing decisions with a sub-committee and licensing officers having delegated powers to make some decisions. The table below describes how licensing decisions will be made. This scheme of delegations is subject to regular review.

4.3 Nothing within this scheme of delegations shall prevent matters being referred to a higher level where appropriate, for example, officers may refer a matter to a sub-committee, or a sub-committee may refer a matter to full committee.

Matter to be dealt with	Full Council	Cabinet member	Sub-committee	Licensing officers
Application for grant	-	-	Referred cases	All cases (unless referred)
Application for renewal, transfer, or variation	-	-	Referred cases	All cases (unless referred)
Revocation of consent	-	-	All cases	-
Make or amend regulations prescribing standard conditions, terms and restrictions	-	-	Full committee – all cases	-
To make and amend policy relating to street trading consents	-	All cases	-	-
Designation of streets	All cases	-	-	-

Matter to be dealt with	Full Council	Cabinet member	Sub-committee	Licensing officers
To enforce the provisions of Part III and Schedule 4 of the Local Government Miscellaneous Provisions Act 1982	-	-	-	All authorised officers

5. Street designation for street trading purposes

- 5.1 The powers to control street trading within the council's area are contained in Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982, (the act). Under Schedule 4 of the act the council can manage street trading by designating streets as 'consent streets', 'licence streets' or 'prohibited streets'.
- 5.2 The council has designated all streets in the district as consent streets (with the exceptions detailed under excluded areas).
- 5.3 Under Section 3 of and Paragraph 7 (4) of Schedule 4 to the Local Government (Miscellaneous Provisions) Act 1982, West Suffolk Council may attach to the grant or renewal of a street trading consent such conditions as they consider reasonably necessary.
- 5.4 The council may vary, revoke, or waive any of the standard conditions at any time.

Consent streets

- 5.5 'Consent street' means a street in which street trading is prohibited without consent being granted by the council".
- 5.6 Except for excluded areas (see 5.11) all streets within West Suffolk have been designated as consent streets. This allows applicants to submit applications for appropriate consideration by the council and key stakeholders.

Licence streets

- 5.7 A licence street is a street that requires a formal licence before any form of street trading can take place.
- 5.8 There are no licence streets within the council's area.

Prohibited streets and excluded areas

- 5.9 A prohibited street is a street in which street trading is prohibited.
- 5.10 No streets within West Suffolk have been designated as prohibited streets. Considerations around the suitability of a trading site are determined during the consultation process.

5.11 Any council owned car parks within West Suffolk are treated as excluded areas for street trading. This is because standard traffic regulation orders specifically prohibit any type of trading or commercial activity in any of the public car parks.

6 Types of street trading consent

6.1 It is a criminal offence to engage in street trading in a 'consent street' without holding the necessary street trading consent from this authority.

6.2 Applicants are advised to read the application criteria for street trading on the [Street Trading in West Suffolk](#) webpage before applying for consent. In all cases, applicants must ensure they apply for the type of consent best suited to their intended business operation.

6.3 There are two types of consent – static and mobile. These have slightly different conditions of trading. Fees will be charged according to the council's current fees and charges, with consent holders required to renew prior to expiry of consent.

Type of consent	Details
Static consent	Traders selling from designated addresses agreed with the council, where the applicant trades at a designated and fixed area for agreed times.
Mobile consent	<ul style="list-style-type: none">Traders using mobile units to trade (such as vans and carts) without a designated pitch.Holder of mobile consents may only trade from one place for a maximum of 30 minutes before moving on to a new location a minimum of 50 metres away.Traders must not return to the same location (within 50 metres) until at least four hours have passed.

Mobile street trading

6.4 Street traders that meet the conditions in the table above will be classed as mobile and will need to apply for a mobile street trading consent, rather than a static consent.

6.5 Traders must meet all the criteria below to be classed as mobile:

- Move from location to location.
- Move at least 50 metres from the last trading location and do not return to that location within four hours.
- Do not wait in one location for more than 30 minutes.

6.6 Ice cream vans and mobile sandwich sellers would typically be deemed to be mobile street traders.

7 Application process

Initial application for street trading consent

- 7.1 By law an applicant must be at least 17 years old. West Suffolk Council have prescribed a list of associated documentation which must be submitted alongside the application form to demonstrate adequate safety provision and to facilitate the assessment of the application.
- 7.2 All applications for street trading consent require at least 28 days' notice to be given to the Licensing Team. This is to allow sufficient time to process the application.
- 7.3 The following information must be submitted at the time of application before it can be considered valid and processed by the Licensing Team. Incomplete applications will be rejected.
- 7.4 An initial completed application form must be accompanied by:
 - a. the correct fee
 - b. proof of identity (copy of passport or UK driving licence) for applicant and any assistants
 - c. colour photographs of the stall or vehicle that is intended to be used for the street trading activity
 - d. a valid Waste Transfer Contract, agreement, or Waste Carrier Licence (where waste is likely to be generated through the activity applied for)
 - e. proof of insurance including public liability of at least £5,000,000
 - f. in the case of a food trader, evidence of food registration with a local authority
 - g. basic Disclosure and Barring Service (DBS) checks for applicant and any assistants (dated within last 30 days before application date)

Static consent application

- A plan clearly identifying the proposed trading area with a red line. Where the application is for more than one location each site will need to be detailed and marked.
- Where the application is to trade on private land, written confirmation of freeholder's permission to trade on land.
- Where the application is to trade on the highway, written confirmation from the Highways Authority to trade from this location.

Mobile consent application

- Where the proposed trading is on a mobile basis, a list of the trading area.
- A map that clearly shows the area to be traded from (in the case of mobile ice cream traders, the names of the streets/parishes will suffice).

Consultation

- 7.5 On receipt of new applications or any variations the council will carry out a consultation period with various stakeholders including:

- Environmental Health Team responsible for food safety and health and safety
- Environmental Health Team responsible for noise and nuisance
- Planning Service
- Highways Authority
- Suffolk Police
- Suffolk Fire and Rescue Service
- relevant town or parish council(s)
- ward councillors.

7.6 Renewals will not need a consultation unless any changes have been made that may affect the consent (see 7.24).

7.7 Written observations from the above organisations will be sought and taken into consideration when determining an application.

7.8 Applying for street trading consent does not confer any other statutory permissions such as planning permission, and the applicant should check with the planning team if permission is required. Checks can be made through the council's [Pre-application advice](#) webpage.

7.9 Street trading consents will **not** normally be granted where:

- a significant effect on road safety would arise either from the siting of the trading activity itself, or from customers visiting or leaving the site
- there is a conflict with traffic orders such as waiting restrictions
- the site or pitch obstructs either pedestrian or vehicular access, or traffic flows, or places pedestrians in danger when in use for street trading purposes
- the trading unit obstructs the safe passage of users of the footway or carriageway
- the pitch interferes with sight lines for any road users such as at road junctions, or pedestrian crossing facilities.

7.10 The Licensing Officer will use the criteria listed below to make their determination of the application, with equal weight applied to the criteria listed. Each case will be assessed on its merits and individual circumstances, where appropriate, may be taken into consideration. When there are valid adverse representations, the application may be refused or referred to the Licensing and Regulatory Sub-Committee for determination.

7.11 In determining applications for the grant or renewal of a street trading consent the following criteria will be considered:

1. Public safety

Whether the street trading activity represents, or is likely to represent, a substantial risk to the public. Factors considered will include obstruction, fire hazard, unhygienic conditions or danger that may occur when a trader is accessing the site.

2. Public order

Whether the street trading activity represents, or is likely to represent, a substantial risk to public order.

3. Avoidance of public nuisance

Whether the street trading activity represents, or is likely to represent, a substantial risk of nuisance to the public, particularly in residential areas.

4. Appearance of the stall or vehicle

The stall or vehicle must be maintained in good condition, be of smart appearance and meet the criteria, including size, laid down in the standard consent conditions. Photographs or sketches, including dimensions, must be provided with all new applications and requests for approval of changes to or replacement of a stall or vehicle. The general appearance of the vehicle or stall will also be considered in order to determine that the unit will not detract from the appearance of the surrounding area.

5. Needs of the area

The demand for the articles for sale and the geographical location of the proposed site(s) would be considered at this stage and under the consultation procedure. To increase flexibility the council does not stipulate additional requirements at the application stage. Considerations around location and timings are considered as part of the application review, with any locations and timings granted clearly stipulated on the consent certificate.

The type of goods allowed to be sold will be considered on a site-by-site basis and will be specified in the consent. Consent holders must seek approval before making significant changes to the type of goods offered for sale.

6. Food safety

Applicants must be registered as a food business with the relevant local authority. If they are an established trader, then they must maintain a Food Hygiene Rating Scheme rating of 3 "Broadly Compliant" or higher.

7. Highway safety

The location and operating times will be such that the highway can be maintained in accordance with Suffolk County Council's requirements and that there are no dangers to those who have a right to use the highway and no obstruction for emergency access.

Suitability of applicant

7.12 The primary aim of this policy is public protection. To help in achieving that aim, the council will consider the suitability of applicants to be authorised as street traders.

7.13 Street traders and their commercial activities are often subject to minimum levels of supervision. They interact closely with members of the public and it is important that the public, especially vulnerable people are protected from harm and from those who may harm them, wherever possible.

7.14 The council will consider all relevant information relating to the suitability of the applicant and any assistants including whether they have been cautioned or convicted of any offences of:

- a. violence
- b. drug related offences

- c. public order offences
- d. food safety or health and safety offences
- e. any offence resulting in a sentence of imprisonment.

7.15 The council will automatically reject applicants with a previous conviction of:

- a. sexual offences, particularly involving children and other vulnerable people
- b. dishonesty, such as fraud or the sale of counterfeit merchandise.

7.16 When determining an application for the grant or renewal of a consent, the council will consider the applicant's criminal history, together with all other relevant evidence, information and intelligence including their history (for example, complaints and positive comments from the public, level of previous compliance, and willingness to cooperate with council officers) whilst holding consent from the council or any other authority.

7.17 The application process for a consent renewal will involve the applicant making a declaration to confirm their status relating to any 'unspent' cautions or convictions under the Rehabilitation of Offenders Act 1974.

Additionally, the council will consider the following at renewal when determining the continued suitability of the applicant:

- Failure to pay the council's street trading consent fees.
- An applicant's history of street trading including whether previous consents have been used appropriately.

7.18 If any unspent convictions or cautions are declared, depending on their nature, then the council may as part of the application process refer to committee to determine whether the applicant is a suitable person to hold a street trading consent. The application will not proceed until the suitability of the applicant has been determined.

Renewal

7.19 Consents are issued for a period of up to one year. If a trader wishes to continue to trade under their current consent, then they must submit their renewal application at least 28 days before their current consent expires.

7.20 An electronic reminder will be sent out to the preferred contact details we hold for an applicant two months prior to the expiry date of consent. It remains the applicant's responsibility to make sure a renewal application is received in plenty of time and at least 28 days prior to the expiry of their consent.

7.21 If a renewal is not issued before the expiry of the current consent, then the consent will expire, and a new application must be made. In this situation, trading will not be permitted until a new consent is issued.

7.22 At renewal, the council may take into consideration any relevant information about the trading operation. Where a renewal application has been made and there have been complaints or enforcement issues or fees have not been paid on time, then the application may be referred to the Licensing and Regulatory Sub-Committee for determination.

- 7.23 Should a trader be looking to renew without making significant changes then following documents are required to be submitted in addition to a correctly completed application form:
- The correct fee
 - Proof of insurance including public liability of at least £5,000,000.
- 7.24 Provided the application has been correctly submitted with the required fee, and evidence of public liability and public indemnity insurance cover of not less than £5 million, then the consent will be automatically renewed provided that:
- the application is under the same terms as the existing consent, such as the location, times, and commodities
 - the consent conditions and key considerations have continued to have been met
 - there have been no substantiated complaints about the existing street trader or host premises
 - no enforcement action has been taken against the consent holder or persons working for the applicant.
- 7.25 If the criteria above have not been met, then the renewal will be subject to the same consultation procedure and fee structure as per a new application.

8. Refusals

- 8.1 The council may refuse to grant consent for a site or vehicle. Where refused, the council will advise the applicant in writing and notify them of the reason for the refusal. Similarly, if considered in breach of agreement, the council may revoke the consent. This function is a delegated responsibility for licensing authority officers.
- 8.2 The council may renegotiate the conditions in the event of refusal or revocation.
- 8.3 A consent will be revoked or reviewed where a consent holder has either:
- failed to meet, or breached, the conditions of the consent
 - failed to adhere to the key considerations when determining an application
 - failed to properly and accurately disclose previous or pending criminal charges
 - met any of the grounds for representation, refusal, or revocation
 - been subject to a substantiated serious complaint, or multiple substantiated complaints relating to criteria within public safety and/or public nuisance above.
- 8.4 The matter will be referred to the Licensing and Regulatory Sub-Committee, who may determine it necessary with regards to promote public safety and/or prevent nuisance or annoyance to affected parties:
1. To add additional conditions to the consent.
 2. To modify the days, times or locations on which trading may take place.
 3. Attach additional conditions to the consent.
 4. To revoke the consent.

- 8.5 Where a consent is surrendered or revoked, the council shall remit or refund, as they consider appropriate, the whole or a part of any fee paid for the grant or renewal of the consent.

9. Appeals

- 9.1 It is recommended that relevant council officers are contacted for discussion before an unsuccessful applicant reverts to the appeals process.
- 9.2 There is no statutory right of appeal against a refusal to issue, the amendment of conditions, or revocation of a street trading consent. The applicant may appeal against the decision through the West Suffolk Council [complaints procedure](#).
- 9.3 Any appeal against a decision must be made in writing to the council, setting out the reasons the applicant believes the decision is unwarranted.
- 9.4 On receipt of an appeal request, the decision will be reviewed, and the applicant informed of the outcome.

10 Transfer and surrender of consent

Transfer of consent

- 10.1 All consents are personal to the consent holder and consent may not be sold or otherwise transferred.

Surrender of consent

- 10.2 The holder of a street trading consent may at any time surrender his consent to the council and it shall then cease to be valid.

11. Street trading consents once approved

- 11.1 A street trading consent may be granted for any period not exceeding 12 months.
- 11.2 In all cases when a consent has expired, and an application has not been submitted to the council for renewal, a new application will be required. In such cases the application will be subject to the full consideration process outlined in this policy.
- 11.3 A consent holder will not be permitted to sub-let the consent but may surrender it to the council at any time.
- 11.4 On approving the application, the council will issue a consent that will have conditions attached. The conditions attached to the consent form part of the approval to carry out street trading in West Suffolk and must be always complied with. Failure to do so could lead to the consent being revoked or not renewed.

12 Revocation and variations

- 12.1 In the following circumstances the council may, at any time, revoke the consent or vary the conditions of an existing consent:
- a. where the activity is likely to give rise to nuisance or loss of amenity caused by noise, odour, litter, disturbance, or antisocial behaviour
 - b. where there is insufficient space in the street for the applicant to engage in the trading without causing undue interference or inconvenience to persons using the street
 - c. where the highways authority together with the Police considers a location is dangerous, or where the council considers the location to be unsafe or places the public at risk from harm
 - d. where the applicant is unsuitable to hold a consent because of having been convicted of an offence that the council consider makes them unsuitable to hold such consent, or for any other reason
 - e. where the applicant has at any time been granted a street trading consent by the council and has persistently refused or neglected to pay fees due to them for said consent or charges due to them for services rendered
 - f. where the applicant or operator of the stall is under the age of 17 years
 - g. where a trader has failed to comply with the conditions attached to the consent
 - h. where the street trading may damage the structure or surface of the street
 - i. where the appearance of the trading equipment or structure in use is not compatible with the character of the area in which it is proposed to be situated
 - j. trading in an area which is residential and where trading would not normally take place.
- 12.2 The council may revoke or vary an issued consent in any other circumstances where there is good reason to do so.
- 12.3 The council will allow traders to apply for variations to their consents within the duration of the consent or at renewal. Variations may include but are not limited to; a reduction in the size of the trading area; the authorised trading times; the authorised commodities; the conditions imposed upon the consent.
- 12.4 Where a consent holder wishes to increase the size of their area or to otherwise make any substantial changes to the conditions of their consent, a new full application will be required.
- 12.5 Variations must be applied for, using the appropriate form and may be subject to the same consultation process as for new and renewal applications as set out under section 7.
- 12.6 The application process for variation of a street trading consent is set out on the West Suffolk Council website. The [Street trading and pavement licences](#) webpages also set out the appropriate fee and supporting information requirements.

13. Additional considerations

- 13.1 Street traders that provide alcohol and/or serve hot food or drink any time between 11pm and 5am the following day will also require either a premises

licence or a Temporary Event Notice that authorises late night refreshment under the Licensing Act 2003.

14. Markets

- 14.1 Statutory markets are excluded from requiring street consent.
- 14.2 The following are deemed to be statutory markets as defined under the West Suffolk Council Market Licence Regulations. [Market trading](#):
- Bury St Edmunds** – Wednesdays and Saturdays market hours are 6am to 6pm.
- Haverhill** – Fridays and Saturdays market hours are 6am to 6pm.
- Newmarket** – Tuesdays and Saturdays market hours are 6am to 6pm.
- Mildenhall** – Friday market hours are 9am to 5pm.
- Brandon** – Thursday market hours are 7am to 2.30pm. During this time traders are required to trade from 9am to 1pm.
- 14.3 No trading shall take place on Good Friday, Christmas Day, Boxing Day, or New Year's Day (when these fall on a market day).
- 14.4 In addition to the regular council markets listed above, the council also operates established market events, such as the Bury St Edmunds makers markets, the Bury St Edmunds farmers markets, Christmas markets, and other themed markets across the district. These events are exempt from requiring street trading consent.
- 14.5 The council has the power to establish new markets if it so wishes, as either regular or occasional events. Accordingly, the above list is subject to change and shall be updated as part of a periodic review of the council's Markets Policy.
- 14.6 Markets which do not have an official charter, such as farmer's markets and community markets, will still need to apply for street trading consent, however the market organiser may submit one consent application on the behalf of all traders (see section 15 below).
- 14.7 Indoor market areas do not constitute street trading. This is because they can be classed as shops which are exempt from street trading legislation.

Parks

- 14.8 Trading that occurs in district parks are covered under existing Market arrangements and considered on a case-by-case basis by responsible council officers. As such, parks are not included under this street trading policy.

15. Special events

- 15.1 For special events, such as Christmas markets, the council will accept one application from the person organising the event and does not require individual traders to gain their own consent. This provision aims to promote and encourage traders to attend events within the district.
- 15.2 The application will require full details of each trader attending the event and must be submitted at least seven days in advance of the event. Last minute

additions will be considered on a case-by-case basis and may incur increased administrative fees.

- 15.3 The event organiser will need to supply the following information for each trader:
1. **Name of trader, name of business, vehicle registration details** (if used in connection with business).
 2. **Public liability insurance certificate** (minimum £5 million).
 3. **Proof of food registration** (if a food business).
- 15.4 There are additional conditions that relate to special events, which are detailed below. It is the responsibility of the event organiser to ensure that traders meet the conditions of this Street Trading Policy. A failure to ensure these conditions are met will be considered during the review of any future applications.
- 15.5 Applications will be considered by licensing officers and will not go out for wider consultation.
- 15.6 The community event organisers will be asked to provide evidence that they have consulted with residents and businesses prior to holding the event. If consent is granted, then a consent certificate will be issued to the event organiser for the duration of the event. An event that is to be held on the highway will need approval from the highway authority Suffolk County Council (SCC).

Additional conditions applicable to special events or markets

- 15.7 The consent holder must keep records of each stallholder present, to include the stallholder's pitch number, name and company name, their address, vehicle registration and a contact telephone number. This must be produced on request to an authorised officer.
- 15.8 The consent holder must not allow the sale of offensive weapons.
- 15.9 The consent holder must not allow the sale of materials considered offensive, indecent, or considered adult in nature.
- 15.10 Traders must be invited to trade at the event by the organisers.
- 15.11 If the public conveniences are required to open beyond 5pm, a charge will be levied in accordance with the council's fees and charges.
- 15.12 If additional street cleaning is required because of the event, a charge will be levied in accordance with the council's fees and charges.
- 15.13 Traders selling alcohol or selling hot food and drinks after 11pm must apply for and be granted a Temporary Event Notice to comply with the Licensing Act 2003.
- 15.14 Trading at charity or small community events, where the proceeds of the event are to be used solely for charitable or community purposes are exempt from the council's street trading fees.

15.15 Events that have an entry fee do not constitute street trading and do not need street trading consent.

16. Fees and charges

16.1 Street Trading fees for West Suffolk Council have been calculated on a full cost recovery annual basis. The fees have been calculated to determine the amount of officer and support time spent to administer and determine the application (Part A) and the amount of officer time spent on compliance checks for the duration of the consent (Part B).

16.2 The consent fee will need to be submitted in full alongside the application form and associated documentation. Part A will **not** be refundable in the event of an application being unsuccessful. This is to cover the administrative costs of determining the application.

16.3 Should an application for street consent be unsuccessful then the applicant will be entitled to a refund to cover Part B of the consent fee, which will be administered within 21 days of the consent application being unsuccessful.

16.4 Refunds will not be given for any time where the business is not trading during the term of a consent.

16.5 The breakdown of street trading fees can be found on West Suffolk Council's website [Street trading in West Suffolk](#) page.

17. Enforcement

17.1 The council is committed to enforcing the provisions contained within the relevant legislation and to work in partnership with all enforcement agencies, to provide consistent enforcement on licensing issues in accordance with the council's corporate enforcement policy.

17.2 The following are offences under Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982:

- engaging in street trading in a consent street without consent
- breaches of a condition in relation to trading location or unit or trading period
- breaches of a condition attached to the granted consent.

17.3 A person guilty of the above offences may be liable on conviction to a fine of up to £1,000.

17.4 The council will investigate any complaints relating to street trading activities, such as trading without consent or breach of conditions, and may take enforcement action as appropriate. Consent holders will be expected to liaise with the council to resolve them. Substantiated complaints may result in a consent being revoked and refusal to grant further consent on application.

17.5 Failure to comply with one or more of the standard conditions of consent may lead to suspension, variation, revocation, or non-renewal of street trading consent. The consent holder may also be prosecuted where a criminal offence has occurred.

18. Conditions attached to consent

- 18.1 Standard conditions will be attached to every street trading consent detailing the holder's responsibilities to maintain public safety, avoid nuisance and generally preserve the amenity of the locality.
- 18.2 Specific conditions will also be attached such as the days and hours when street trading is permitted, the goods, which may be sold, and the size of the pitch.
- 18.3 Failure to comply with conditions may lead to revocation or non-renewal of consent. Persons trading without a required consent may be subject to enforcement action in accordance with the Enforcement Policy.
- 18.4 The council reserves the right to change all or part of these conditions without notice.

Annexes

A. Standard conditions

Conditions on consents

The following conditions will be attached to all street trading consents.

General conditions relating to street trading consents

1. Street trading must only take place between the dates specified on the certificate of street trading consent.
2. Street trading must only take place during the operational hours specified on the certificate of street trading consent.
3. The street trading consent relates only to the area or site specified on the certificate of street trading consent.
4. The street trading consent relates only to the vehicle or stall specified on the certificate of street trading consent.
5. The consent holder shall return the certificate of street trading consent to West Suffolk Council immediately on revocation or surrender of the consent.
6. Any significant changes to or replacement of a stall or vehicle must be approved by the council.
7. The vehicle or stall must be removed from the site at the end of each day's trading.
8. The consent holder shall have and maintain a proper insurance policy against public liability and third-party risks. The minimum insurance cover shall be £5,000,000 and shall cover the operator's vehicle, or stall and any additional equipment under their control. Proof of cover must be produced to a licensing officer as required.
9. Trading is permitted only from the specified stall or vehicle, the details of which has been previously supplied to the council.
10. The holder of a street trading consent shall be required to seek the approval of the council to any proposed change to the mode of trading permitted under the consent.
11. The street trading consent shall be displayed on the street trading unit used in connection with the trading, in a prominent position from which it can be seen by the public.
12. The trader shall at all times, display a conspicuous and clearly legible tariff board on the vehicle or stall showing the tariff of the goods for sale.
13. The trader must comply with the operating hours, days, and locations of trading.
14. The trader must only sell goods which are referred to on their application or consent.
15. An issued consent is personal to the applicant and a single unit (mobile, issued to an individual it will only be reissued to that individual. This is to prevent the pitch being sold on for a monetary gain.
16. Traders must notify the council's licensing team in writing of a change of address or trading name. Details must be given within seven days of the change taking place. Evidence must be given of the new address. This may be a utility bill (gas, electricity, or phone), rent book, rental agreement, bank statement or similar document.
17. The consent holder's vehicle shall be maintained in a roadworthy condition, taxed, insured and possess a current MOT certificate.

18. The consent holder shall ensure that disabled people and wheelchair users can be adequately served. This may involve serving persons from outside the vehicle.
19. No process or operation shall be carried out which would give rise to an imminent risk to the health, safety, or welfare of employees or the public.
20. The street trading consent can be temporarily revoked in the event of either planned or emergency works being carried out by the highway authority or any statutory utility companies. If possible, prior notice of works will be given.
21. Street trading shall not be carried on at any time unless the appropriate fee for the street trading consent has been duly paid to West Suffolk Council
22. Nothing contained in these conditions shall relieve the consent holder or their employees or agents from any legal duty or liability and the consent holder shall indemnify West Suffolk Council in respect of all claims, actions, demands or costs arising from this consent.
23. These general conditions, which apply to all street trading consents, may be varied, having regard to a particular location. Additional conditions may be required and will be displayed and listed on the street trading consent.
24. West Suffolk Council may vary or make additions to the conditions applying for any or all street trading consents, at any time.

Nuisance

25. The holder of a street trading consent shall take all reasonable precautions to prevent obstruction of the street or danger to persons using the street and to prevent nuisance or annoyance, whether to persons using the street or otherwise.
26. Street trading must not cause any obstruction of the street, road, footway, or other area to which the public have access. Stalls or vehicles must not be positioned in such a way as to obstruct the view of drivers of other vehicles.
27. The holder will comply with all directions of the police, the council, or the highway authority whether verbal or in writing.
28. Street trading consent shall be limited to the permitted times for trading purposes and all vehicles, trailers and equipment shall be removed at the end of each trading period.
29. The consent holder shall not at any time cause or permit any goods or produce to be stored or displayed at the side of the unit, or place any table, chair, trestle, box or other structure in the consent street, as a pavement licence may be required.
30. No process or operation shall be carried out which would give rise to a nuisance by reasons of noise, vibration, smoke or smell.
31. Any generators used in association with the business will need to have prior, written approval of the council.

Waste

32. Traders are responsible and must arrange for the correct disposal of all waste in accordance with their duty of care under the Environmental Protection Act 1990. The consent holder shall ensure refuse originating from their trade is disposed of by a licensed waste carrier and shall leave the site clear of refuse at the completion of trading. The consent holder will make available the relevant documentation as proof of compliance at the request of an authorised officer.
33. No water or waste material shall be discharged on to the highway, drainage systems, or any adjacent property.
34. Traders must supply at least 1 litter bin or other receptacle of a similar size for the use of customers. This must be placed in an appropriate location and the

contents emptied out at regular intervals during the hours of trading to prevent spillage and litter accruing. All such refuse collected shall be disposed of in accordance with the duty of care regulations.

35. All traders must ensure that the site is left litter free at the end of business. All such litter is to be disposed of in accordance with the duty of care regulations.

Liabilities

36. Any major damage caused to the site that can be directly attributed to the presence of a street trader may be considered during the consideration of renewal consent.
37. The Highways authority has the right to reclaim any costs involved in rectification works associated with damage relating to the business.
38. Traders must take out public liability insurance cover for at least £5,000,000 and provide a copy of the insurance certificate and it must always be current to meet the terms of the consent.

Additional conditions specific to food traders

39. Separate registration is required under the food hygiene regulations. Food businesses registered outside of the West Suffolk Council area must be able to demonstrate food business registration, for example by written confirmation from the relevant local authority or by providing a copy of the latest inspection letter or report. Any changes in registration details must be notified to the relevant local authority as well as to West Suffolk Council's Licensing Team
40. Food businesses must achieve and maintain a minimum food hygiene rating of '3 – Generally satisfactory'. The Hygiene Rating must be displayed prominently on the stall or vehicle.
41. It is the responsibility of the trader to notify the Licensing Team within seven days if a food hygiene rating of '2 – Improvement necessary' or below is awarded.
42. The consent holder must take adequate precautions to prevent the risk of fire at the stall or vehicle. All hot food vans or trailers are required to comply with current legislation on fire safety.
43. Where gas cylinders are used an appropriate annual gas safety certificate is required to ensure the safety of all gas cooking and heating equipment
44. Cylinders must be placed in a position where they cannot be struck by a vehicle using the highway.
45. A serviceable fire blanket and suitable fire extinguisher(s) shall be provided at all times.
46. All hot food vans or trailers are required to carry a basic first aid kit. The consent holder and other operators must know how to give first aid to treat victims of burns and cuts. All hot food vans must have access to a minimum of one mobile phone that must be serviceable at all times.
47. At no time will cooking oil or other liquid waste be disposed of down drains or placed in bins for disposal. Collection must be made by an appropriate contractor.

Additional conditions applicable to mobile consents

48. The vehicle must move from location to location within the above area.
49. The vehicle must move at least 50 metres from the last trading location and must not return to that location within four hours.
50. The vehicle is not permitted to stop and trade within 50 metres of any static street traders.

51. The vehicle must not wait in one location for more than thirty minutes.
52. The consent holder is required to comply with the Code of Practice on Noise from Ice-Cream Van Chimes etc. in England 2013 or any modification or re-enactment thereof.
53. If a consent holder, operator or assistant is requested to move the vehicle by a licensing officer or police officer, they shall immediately comply with that request.

Additional conditions applicable to special events and markets

54. The consent holder must keep records of each stallholder present on the market, to include the stallholder's pitch number, name and company name, their address, vehicle registration and a contact telephone number. This must be produced on request to an authorised officer.
55. The consent holder must not allow the sale of offensive weapons.
56. The consent holder must not allow the sale of materials considered offensive, indecent, or considered adult in nature.

Additional conditions applicable to traders within towns

57. The consent holder's vehicle or stall shall not occupy an area greater than 4 meters by 3 meters.

Failure to comply with these conditions

If the consent holder fails to comply with any of the conditions attached to a street trading consent, the consent may be revoked.

The consent holder may also be prosecuted for trading outside of the location or times specified in the street trading consent.

B. Useful contacts

Contact	Email
Licensing West Suffolk Council Licensing	licensing@westsuffolk.gov.uk
Highways Highways Authority	highways.licensing@suffolk.gov.uk
Planning Planning Authority	planning.enforcement@westsuffolk.gov.uk
Food Hygiene and Health and Safety Commercial Environmental Health	foodandsafety@westsuffolk.gov.uk
Noise and Nuisance Private Sector Housing and Environmental Health	int.ph@westsuffolk.gov.uk
Police Licensing Suffolk Constabulary	policealcohollicensing@suffolk.pnn.police.uk
Markets Markets and Economic Development	economic.development@westsuffolk.gov.uk
Trading Standards Suffolk Trading Standards	tradingstandards@suffolk.gov.uk