



STREET TRADING POLICY

From 1 December 2025

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1. INTRODUCTION

1.1 Background

This policy sets out East Suffolk Council's requirements for street trading. It details and describes our roles and responsibilities in relation to the administration and regulation of street trading activities within East Suffolk.

The street trading legislation, Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982, was adopted by the Council on 14 April 2025. This policy has been developed following a number of consultations and has been approved and adopted by the Council.

2. SCOPE

This policy aims to assist persons who wish to trade on streets within the East Suffolk district.

The 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. It also identifies streets which are prohibited streets, meaning that no street trading can take place at all in that street.

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.

All streets within the district are undesignated apart from those listed as consent streets or prohibited streets for the purposes of street trading later in this policy street trading. No streets within East Suffolk have been designated as licence streets.

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.

East Suffolk Council will apply this policy to street trading activities in its area to ensure consistency of decision making. However, each application or contravention will be considered on its merits so that individual circumstances, where appropriate, are taken into consideration.

3. STREET TRADING

3.1 What is Street Trading?

Street Trading is defined as the selling, exposing or offering for sale of any article in a street. As the definition of "street" includes any land to which the public have access without payment, private land to which the public has free access is also included. Street trading law and associated policy therefore can extend to events off the highway that are conducted on private premises.

3.2 Exemptions

Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982 states that the following activities are not 'street trading' and, therefore, prior consent of the Council is not required:

(a) trading by a person acting as a pedlar under the authority of a pedlar's certificate granted under the Pedlars Act 1871 (see point 2.6).

(b) anything done in a market or fair; the right to hold which was acquired by virtue of a grant (including presumed grant) or acquired or established by an enactment or order.

(c) trading in a trunk road picnic area provided by the Secretary of State under section 112 of the Highways Act 1980.

(d) trading as a news vendor i.e. the sale, exposure or offer for sale of newspapers or periodicals, except from a stall or receptacle that exceeds the dimensions set out in schedule 4 of the Act.

(e) trading which:

i) is carried on at premises used as a petrol filling station; or ii) is carried on at premises used as a shop or in a street adjoining premises so used as part of the usual business of the shop.

(f) selling things, or offering or exposing them for sale, as a roundsman.

(g) the use for trading under Part VIIA of the Highways Act 1980 of an object or structure placed on, or in or over a highway.

(h) the operation of facilities for recreation or refreshment under Part VIIA of the Highways Act 1980.

(i) the doing of anything authorised by regulations made under section 5 of the Police, Factories, etc. (Miscellaneous Provisions) Act 1916.

3.3 Other Activities

There are several other activities that take place in the streets of the East Suffolk area that are not governed by this policy. These include:

- Awareness – people, groups or organisations such as radio stations, television stations or the armed forces may wish to raise awareness by handing out leaflets or undertaking promotional activities.
- Busking – street performance is the practice of performing in public places for gratuities.
- Market research – this type of activity includes mail order companies, insurance companies and national questionnaires.
- Markets – Charter markets.
- Pedlars – they are required to hold a certificate issued by the police force in the area that they reside. They are able to travel to trade within the area. They must only stop to trade when approached by a customer. They must not remain stationary after the sale has been made.
- Petitions – people or organisations asking members of the public to support their cause, such as political groups, welfare or ecological groups.
- Charitable Street collections – these are authorised under separate legislation.

4. STREET DESIGNATION FOR STREET TRADING PURPOSES

4.1 Street Designation

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'.

All streets in East Suffolk are undesignated apart from a small number which have been designated as Consent streets or Prohibited streets. These streets are listed below.

Under Section 3 of and Paragraph 7 (4) of Schedule 4 to the Local Government (Miscellaneous Provisions) Act 1982, East Suffolk Council may attach to the grant or renewal of a street trading consent such conditions as they consider reasonably necessary.

The council may vary, revoke, or waive any of the standard conditions at any time.

In order to trade on an undesignated street the landowner's or highway authority's permission is required.

4.2 Consent Streets

Consent street means a street in which street trading is prohibited without consent being granted by the Council.

A Consent will only be issued for a community event involving street trading. A community event may include events such as village street fair, town food festival, or Christmas market. These are just examples and each community event will be considered on its merits.

The Council will accept one application from the person organising the event and does not require individual traders to obtain their own consent. It is expected that the applicant will usually be a Town or Parish Council, or a community organising committee.

A Consent will be issued for the whole relevant street for one year. Before each event takes place, the applicant who applied for the Consent will be required to submit details of the event, details of each trader along with the traders proof of public liability insurance to the value of £5,000,000, and a photograph of the stall or vehicle.

A Consent will not be issued to an individual trader who is not part of a community event.

Consent streets:

Halesworth

Bridge Street
Thoroughfare
Market Place

Southwold

High Street

4.3 Prohibited Streets

A prohibited street is a street in which street trading is prohibited.

Prohibited streets:

General

All of the A12 within the East Suffolk district, including service roads and lay-bys
excluding the lay-by at Frostenden

All of the A146 within the East Suffolk district, including service roads and lay-bys

All of the A1117 within the East Suffolk district, including service roads and lay-bys

All parts of car parks owned and/or operated by East Suffolk Council, whilst being operated as public car parks

All of the B1375, within the East Suffolk district including service roads and lay-bys

Halesworth

London Road

Norwich Road

Saxons Way

Southwold

Blackshore Road (entire length, both sides)

East Cliff

East Green

East Street (entire length, both sides)

Ferry Road (entire length, both sides)

Gardner Road - entire length both sides

Godyll Road - entire length both sides

Gun Hill

Market Place - entire length both sides

North Parade (entire length, both sides)

Parts of the cliff top path from junction with North Parade to junction with Gun Hill (including

Pier Avenue - entire length both sides

Pinkneys Lane - entire length both sides

promenade)

Queens Road/ Constitution Hill - entire length both sides

Queens Street - entire length both sides

St James Green

Trinity Street - entire length both sides

York Road - entire length both sides

4.4 Council Owned Car Parks

Street trading is prohibited in all East Suffolk Council owned car parks.

5. APPLICATION PROCESS

5.1 Submission of the Application

An applicant for a street trading consent must be at least 17 years old.

The application form and guidance are available on the Council's website, along with details of the fee.

An application for a street trading consent will only be considered for a **community event**. It is expected that a Town or Parish Council will usually be the applicant for the consent to allow their community event, involving street trading, to take place.

All applications for a street trading consent require at least 28 days notice to allow sufficient time for the Licensing Team to process the application.

The following information must be submitted at the time of application before it will be considered valid:

- The completed application form (all sections must be completed)
- The correct fee
- Colour photographs of the stall or vehicle intended to be used for the street trading activity
- Proof of public liability insurance to the value of £5,000,000 for each trader
- A plan of the street showing the location of each stall or vehicle

If a motorised catering unit is being used, the following will be required:

- Vehicle registration certificate
- Proof of MOT
- Proof of vehicle insurance
- DVLA driving licence for all relevant drivers

5.2 Fees

Application fees must accompany the application form and relevant documents for the application to be considered valid, and for the consultation period to commence. The fee set by East Suffolk Council is £350. This should be paid online - <https://www.eastsuffolk.gov.uk/make-a-payment/>

The fee is an 'application' fee for the processing of the application. The fee will not usually be refunded if the application is withdrawn, refused or if a licence is surrendered or revoked before expiration.

5.3 Consultation

There is a 28 day (excluding public holidays) consultation period which will start on the day after a valid application is made to the Council.

The Council will consult with:

- East Suffolk Council Environmental Health Service (both Food and Safety, and Environmental Protection Teams)
- East Suffolk Council Planning
- East Suffolk district Councillors

- Relevant Parish and Town Council
- Suffolk Constabulary

5.4 Site Assessment

If the Council thinks it necessary, a site assessment will be carried out by a member of the Licensing Team.

5.5 Determination

Once the application is submitted, the consultation period of 28 days will commence the following day.

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. Food safety
Applicants must be registered as a food business with the relevant local authority.
6. 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.

Community Event

7. The stall or vehicle must be part of a community event.

If the application meets the Council's requirements and no representations are received, the Consent will be issued as applied for.

The Council must consider any representations received during the consultation period. In cases where representations have been received, the application will be determined by the Licensing Sub-committee.

5.6 Trading hours and staff requirements

Provision of hot food and drink after 23:00 hours requires a premises licence under the Licensing Act 2003 – please visit the Council website for further information.

Trading consents are granted to individuals. The consent holder does not have to be present at the site during trading hours but must nominate a person aged 17 or over to cover in their absence.

5.7 Sale of alcohol

All sales of alcohol require a licence under the Licensing Act 2003. For one off events, the simplest method is to submit a Temporary Event Notice for the specific stall selling alcohol. Please visit the Council website for further information.

5.8 Approval of Applications

The Council may approve applications meeting the required criteria.

On approving the application, the Council will issue a Consent to which conditions will be attached. The Consent and conditions will contain specific terms such as days and hours when street trading can take place.

5.9 Consent Duration

A Consent will be for a duration of one year.

A Consent may be revoked sooner, if there are any breaches of conditions or enforcement action becomes necessary. There is no statutory appeal process against a decision to revoke a Consent.

5.10 Refusal of Applications

If the site is deemed unsuitable for street trading, or if relevant representations are made which cannot be mitigated by conditions then the application may be refused.

The Council will advise the applicant in writing and notify them of the reason for the refusal.

There is no statutory appeal process against a decision to refuse an application.

5.11 Conditions

The Council's standard conditions are set out at Appendix A. In some cases, extra measures may be required. This will be determined when assessing any application, on a case by case basis.

The Consent holder must keep records of each stall holder present, to include name and company name, address, vehicle registration and contact telephone number. These details must be produced on request by an authorised officer.

5.12 Fees and Charges

Street Trading fees have been calculated on a full cost recovery annual basis.

Refunds will not be issued for any time where there is no trading during the term of a consent.

5.13 Renewal of Street Trading Consent

A renewal application should be submitted in good time before the expiry of the existing Consent. The consultation period for a renewal application is 14 days, therefore the application should be submitted at least one month prior to expiry.

6. ENFORCEMENT

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.

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.

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.

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

7. CONTACT DETAILS

Any questions or enquiries should be addressed to: Licensing@eastsuffolk.gov.uk

Licensing Team
East Suffolk Council
Riverside
4 Canning Road
Lowestoft
Suffolk NR33 0EQ

Tel. 01394 444802

Appendix A – East Suffolk Council Street Trading Consent Standard Conditions



East Suffolk Council ("the Council") has adopted a scheme in accordance with Sections 2 and 7 of Schedule 4 to the Local Government (Miscellaneous Provisions) Act 1982 ("the 1982 Act") to control street trading with effect from 14 April 2025.

All Streets in East Suffolk are either Prohibited Streets, Consent Streets or are undesignated. For the purposes of this designation, "Streets" includes any road footway, promenade, pavement, public car parks to which the public have access. This means that, under the terms of the 1982 Act, trading is prohibited without a Consent issued by the Council.

It is an offence to trade in a Consent Street without a Consent issued by the Council.

A street trading Consent ("the Consent") is issued by the Council subject to the following conditions:-

- The holder of the Consent is the person whose name and address appear on the authenticated, numbered official "Street Trading Consent" issued by the Council.
- The Consent is valid until the expiry date shown on the Consent certificate.
- The Consent may be revoked by the Council at any time or surrendered by the Consent holder at any time, providing that the Council shall repay to the applicant that part of the Consent fee considered by the Council appropriate for the unexpired period of the Consent, less an appropriate sum for administrative expenses.
- The Consent holder must at all times, while allowing trading at the community event to take place display in a conspicuous position: -
 - Be able to produce the Consent and conditions of the Consent and
 - The trading names of all traders present
- The Consent holder shall not allow the carrying on of any trade which may cause obstruction of any part of the street in which trading is taking place or causes danger to persons using the street.
- The Consent holder shall not allow the carrying on of any trade in such a way as to cause a nuisance or annoyance to persons using the street or to occupiers in the vicinity
- The Consent holder shall not allow to be sold, any type of merchandise other than that stated by each trader
- The Consent holder shall provide and maintain adequate refuse receptacles for litter resulting from trading and shall remove all litter resulting from trading from the street and ensure that the surrounding area is kept clean and tidy particularly when trading has finished.
- The Consent holder shall be responsible for any damage to the highway or otherwise resulting from the Consent.
- The Consent holder shall make such provision as is necessary to prevent the deposit in any street

of solid or liquid refuse and shall not discharge any waste water oil or other matter to the street surface or to the surface water drains.

- The Consent holder may trade only in the following street at times agreed for each community event:

XXXX

- Any vehicle, stall or container used by the Consent holder in the course of trading under this Consent shall be constructed and maintained to the satisfaction of all reasonable requirements of the Council as to its construction, appearance and display of advertisements.
- The Consent does not operate as a Consent for any other purpose than to permit the Consent holder to trade in a Consent street in accordance with the conditions imposed. The Consent holder must ensure that they have obtained any other consent, licence, approval or registration required under any other statutory provisions relevant to their trade.
- Trading under the terms of this Consent shall, at all times, be conducted under the direct and personal supervision of the Consent holder or their appointed representative.
- Trading under the terms of this Consent shall, at all times, be conducted under the direct and personal supervision of a person at least 17 years old.
- The Consent is personal to the Consent holder and shall not be assigned or transferred to any other person or Company.
- For the avoidance of doubt, nothing herein contained shall prejudice the rights, powers, duties and obligations of the Council or any other enforcing authority under any public or private statutes, orders, regulations or by-laws.
- The Consent holder, or their appointed representative shall immediately produce this Consent if required to do so by a Police Officer or an authorised officer of the Council.
- The Consent holder shall at all times ensure a valid Public Liability Insurance policy is in place for each trader and shall produce certificates of such insurance at any time upon the request of a Police Officer or an authorised officer of the Council.
- Nothing contained in these conditions shall relieve or excuse the Consent holder or their employee or agent from any legal duty or liability and the Consent holder shall indemnify the Council in respect of all claims, actions, demands or costs arising from the Consent.
- The conditions attached to the Consent may be varied by the Council at any time.
- In these conditions "the Consent" means a Consent issued under Sections 2 and 7 of Schedule 4 to the Local Government (Miscellaneous Provisions) Act 1982 "Consent holder" means the person named on the Consent issued by the Council and includes any employee, servant or agent of the Consent holder at least 17 years old, and "the Council" means the former Waveney District Council.

PROHIBITED STREETS

For the purposes of paragraph 2 of Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982, the following streets within East Suffolk Council area be designated as Prohibited Streets for the purposes of Street Trading, the effect of such designation being to prohibit any street trading in any of the streets so designated:

General

All of the A12 within the East Suffolk district, including service roads and lay-bys excluding the lay-by at Frostenden

All of the A146 within the East Suffolk district, including service roads and lay-bys

All of the A1117 within the East Suffolk district, including service roads and lay-bys

All parts of car parks owned and/or operated by East Suffolk Council, whilst being operated as public car parks

All of the B1375, within the East Suffolk district including service roads and lay-bys

Halesworth

London Road

Norwich Road

Saxons Way

Southwold

Blackshore Road (entire length, both sides)

East Cliff

East Green

East Street (entire length, both sides)

Ferry Road (entire length, both sides)

Gardner Road - entire length both sides

Godyll Road - entire length both sides

Gun Hill

Market Place - entire length both sides

North Parade (entire length, both sides)

Parts of the cliff top path from junction with North Parade to junction with Gun Hill (including

Pier Avenue - entire length both sides

Pinkneys Lane - entire length both sides
promenade)

Queens Road/ Constitution Hill - entire length both sides

Queens Street - entire length both sides

St James Green

Trinity Street - entire length both sides

York Road - entire length both sides

CONSENT STREETS

For the purposes of paragraph 2 of Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982, the following streets within East Suffolk Council area be designated as Consent Streets for the purposes of Street Trading, the effect of such designation being to permit street trading in any streets so designated upon issue of a Street trading Consent by the Council and any street trading thereafter permitted being subject to the terms and conditions of the issued Consent:

Halesworth

Bridge Street

Thoroughfare

Market Place

Southwold

High Street