



**South
Cambridgeshire
District Council**

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

STREET TRADING POLICY

Effective 1 April 2025

Contents

Section	Title	Page
1	Definitions	3
2	The Policy	3
3	Scope of the Policy	3-4
4	Types of Consent	4-5
5	Key Considerations when determining an application and suitability of sites	5-6
6	Commodities	6
7	Late Night Food Trading	6
8	Grounds for Representation, Refusal or Revocation	6-7
9	Consultation	7-8
10	Application Requirements	8-9
11	Determination of an application	9
12	Duration of Consents	10
13	Transfer of Consent	10
14	Surrender of Consent	10
15	Renewal/Continuation of Consent	10
16	Pitch Closures	10
17	Non-Payment of Fees	10
18	Revocation of a Street Trading Consent	11
19	Conditions and Enforcement	11
Appendix A	Standard Conditions	12-13

1.Definitions

The Act - Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982

The Applicant - The trader who has applied for a Street Trading Consent or Consented Premises

The Policy - This refers to South Cambridgeshire District Council's Street Trading Policy

Consent holder and Consented Premises Trader - A person or Company to whom the consent to trade has been granted by the Council

Consented Premises – The consent issued to areas which are privately owned, operated and managed to which the public have access without payment, to enable trading to take place on an ad-hoc basis.

2. The Policy

The purpose of the Council's street trading policy is to create a street trading environment which complements premises-based trading, is sensitive to the needs of residents, provides diversity and consumer choice, and seeks to enhance the character, ambience, and safety of local environments, whilst supporting local businesses.

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', which has been adopted by the Council. Under Schedule 4 of the Act the Council can manage street trading by designating streets as 'consent streets', 'licence streets' or 'prohibited streets'. The Council has designated all streets in the District as Consent Streets (with the exceptions detailed in Scope of the Policy). The designation came into effect on 1 March 2022.

This policy sets out the framework for the management and administration of street trading throughout the district of South Cambridgeshire and sets out the key considerations the Council will take into account when considering applications for a street trading consent or host premises consent.

The Policy will be effective for a period of no more than three years. Within the three-year period the Authority will keep the policy under review and will make amendments as it considers appropriate.

3. Scope of this Policy

a. Within Scope

This policy relates to the issuing of consents to permit the selling, exposing, or offering for sale of any article (including a living thing) in a street; and the supplying of or the offering to supply any service in a street. A street includes any road, highway verge, footway, beach, or other area to which the public have access without payment.

All streets within the district (except the A11 and A14) shall be designated as consent streets for the purposes of street trading, except for any area of land which is from time to time in the

ownership and control of a Public Authority or a registered charity. For the purposes of this resolution above “ownership and control” means having a sufficient estate or legal interest in the area of land to enable the relevant Public Authority or registered charity to restrict and regulate the use of that area in the public interest and “Public Authority” means Cambridgeshire County Council or South Cambridgeshire District Council or any Parish or Town Council the whole or part of whose area falls within the boundary of the district of South Cambridgeshire.

b. Out of Scope

- The following activities are excluded from this Policy:
- Trading by a pedlar operating under a Pedlar’s Certificate
- Trading at an established Charter or statutory market
- Trading at a fair, fete or similar one-day community event *
- Trading in a trunk road picnic area provided under 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 (i.e. delivering pre-ordered goods to customers such as milk delivery)
- Activities under a Street Collection or Sale Permit for charitable purposes
- Trading for charitable purposes, where a vendor is operating not for private gain, where a payment is not required to access the land.

* “One off events that are essentially non-commercial would not normally be considered to be street trading (street trading implies a degree of regularity) and therefore would be outside of the scope of the scheme and not require any form of street trading consent. If the purpose of the event is more than a one-off event or is of a commercial nature, then it would be caught by the policy and an application required. (A letter of intent/confirmation from the community organisers would normally satisfy this Council). It is assumed, or strongly advised, that the community event organisers will have consulted with residents and businesses prior to holding the event”.

4. Types of Street Trading Consent

There are six types of street trading consents:

(i). Static Street Consent

Where the operator is trading at a fixed pitch for more than 4 ½ hours in a 24-hour period. An example of such is a coffee van trading close to an industrial estate.

(ii). Mobile Street Consent

Where the trader wishes to move from place to place. In order to meet the criteria for mobile consent, whilst a trader may have consent for multiple sites, they must not **trade** in one location for more than 4 ½ hours at a time, and not return to the same site on the same day (The 4 ½ hour period excludes setting up and clear up time.) An example of such is a pizza van trading on the street, or an ice cream van.

(iii). Layby Traders

Where the operator is trading fixed hours in one roadside layby location throughout the week. Typically, these are café units trading in the same location throughout the week,

(iv). Consented Premises

This is a consent issued to a single privately owned, operated and managed location to which the public have access without payment these include, but are not limited to, car parks and other areas attached the public houses.

The consent will enable a single location to be used by different consented premises traders (see below).

These are areas that are privately owned, operated, and managed to which the public have access without payment, these include, but are not limited to, car parks and other areas attached the public houses.

. This consent enables private landowners or occupiers who wish to host traders to complement their primary business. This consent may be suitable for pop-up food traders and non-food articles, such as Christmas trees.

Where a premises does not choose to obtain this consent, then any trader must hold a mobile street consent to trade at the location (see (ii) above).

For new premises wishing to assess suitability or viability of their location, a three-month trial period is offered. Once the Consented Premises has been granted, the Consent can be surrendered within three months of issue and a refund (less administrative fee) will be issued.

(v). Consented Premises Trader

An individual or business requires this consent to trade at any consented premises within the district which has a consented premises (see iv) above.

Depending upon the trading model, it may be possible that a consented premises trader and mobile street consents would therefore be required.

(vi). Ad-hoc Trading consent

This consent will permit trading on a trial or temporary basis up to four times (in each location) a year.

This will enable a trader to either meet their business needs or assess suitability and viability of a location prior to submitting a full consent application.

An Ad-hoc Trading consent can include up to four occasions at between one and five locations.

5.Key Considerations when determining an application and suitability of sites

Public Safety

- **Safety:** Whether the street trading activity represents, or is likely to represent, a substantial risk to the public from the point of view of obstruction, fire hazard, unhygienic conditions or any other danger that may occur.
- **Highway:** The location and operating times will be such that the highway can be maintained in accordance with Cambridgeshire 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.
- **Compliance:** Trading must only be conducted from a trading unit that complies with relevant legislation.
- **Food Safety:** Any trader wishing to sell food will need to be registered with the Environmental Health Service for the area in which they are based for food hygiene inspection. Food vendors should have an FSA food hygiene rating score of 3 or more. Evidence of the registration will be required at the application stage.

Public Nuisance

- **Public Order:** Whether the street trading activity represents or is likely to represent a substantial risk to public order.
- **The Avoidance of Public Nuisance:** Whether the street trading activity is likely to or does represent a substantial risk of nuisance to the public particularly in residential areas. Nuisance could for example include traffic, noise, rubbish, potential for the harbourage of vermin, odour, or fumes.

6. Commodities

The Council may have regard to the number, nature and type of traders or businesses already trading within a consent area when determining an application. To ensure a diverse offering of services, there may be no duplication of principal food/commodity provision at any one time, in the same location

7. Late night food trading

The sale of hot food or hot drink in any place, including mobile traders, between 23:00 and 05:00 on any day will require a Premises Licence for late night refreshment under the Licensing Act 2003.

8. Grounds for Representations, Refusal or Revocation

A representation against an application must relate to, and evidence, such as diary logs and photographs provided) on at least one of the following criteria; Public Safety, Public Nuisance or "General". The Council will normally grant a Street Trading Consent unless one or more of the criteria below are identified. In addition, where the criteria below have been met, this may result in the revocation of a Consent.

Public Safety

- **Road Safety:** A significant effect on road safety would arise either from the siting of the trading activity itself such as interference with sight lines for any road users or pedestrian crossings, or from customers using, visiting or leaving the site.
- **Accidents:** Where there are concerns over the recorded level of personal injury accidents in the locality where the street trading activity will be sited.
- **Traffic Orders:** There is a conflict with traffic orders such as waiting restrictions.
- **Access:** 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.
- **Obstruction:** The trading unit obstructs the safe passage of users of the footway or carriageway.
- **Food Safety:** The trader has failed to meet adequate food safety/hygiene standards.
- **Health and Safety:** The trader has breached or failed to meet any health and safety standards.

Public Nuisance

- **Loss of amenity:** There would be a significant loss of amenity caused by traffic, noise, rubbish, potential for the harbourage of vermin, odour, or fumes.

General

- **Commodity duplication:** That within the proposed pitch location, there are already traders or businesses offering the same service or providing the same principal food/commodity during the hours the consent is applied for. This is to ensure a diverse offering of services. Competition issues will not be a consideration.
- **Unit unsuitability:** The trading unit is not considered to be suitable in style or in keeping with the location(s) requested.
- **Fees:** In the case of a renewal application the previous year's fees have not been paid.

- **Complaints:** The consent holder has been the subject of a serious substantiated complaint or multiple substantiated complaints relating to public safety and/or public nuisance as detailed above.
- **Suitability of applicant:** This Licensing Authority will only issue a street trader consent to an applicant which it considers to be 'fit and proper' to hold a consent i.e., they have not disclosed any convictions that would bring into question their suitability to be issued a licence and have the right to work under UK immigration law,

Where the applicant has disclosed convictions which would bring into question their suitability to be issued a street trading consent, then the application will be referred to a Licensing Panel for determination. All applications will be determined on their own merit.

9. Consultations

On receipt of an application for a static street consent, mobile street consent, layby trader, consented premises, or ad-hoc trading consent, the Licensing Authority will consult and seek written observations from:

- Ward & Division Councillors
- Parish or Town Councils
- South Cambridge Council Environmental Health
- Cambridgeshire Constabulary
- Shared Planning Service
- Cambridgeshire County Council Highways

There will be a 21-day consultation period.

On receipt of an application for a Consented Premises Trader, only Cambridgeshire Constabulary will be consulted for a 7-day period.

Representations must relate to relevant considerations detailed within the "Grounds for Representation, Revocation or Refusal" at section 8.

In the case of renewal applications, where the consent holder has satisfied paragraph 15 of this Policy, there will be no requirement for consultation.

10. Application requirements

a. Static Street consent, mobile street consents, layby traders, and ad-hoc trading.

An applicant must be 17 years of age or above.

All applications for the grant of a new consent site must include:

- (a) Completed application form.

- (b) Where the proposed trading is from a specified location, a location plan showing the proposed location of the street trading site. This map should clearly identify the proposed location by marking the site boundary with a red line.
- (c) Where the application is to trade on private land (which is not licensed as a consented premises) written confirmation of authority to trade on the land.
- (d) Where the proposed trading is on a mobile basis, a list of the trading location(s) with a site plan (in the case of mobile ice cream traders, the names of the streets/parishes will suffice).
- (e) Specification of the vehicle/stall/unit, together with colour photographs showing any signage. If the vehicle/stall has not been constructed, the submission of supplier drawings/brochure is required.
- (f) Valid insurance certificate for at least £5,000,000 public liability (and if required, employers' liability) cover.
- (g) Where the trader will access and use a Council owned electricity supply, a fee will become payable.
- (h) A copy of Food Standards Agency (FSA) food hygiene rating score of 3 or more. (In the case of new applicants/units who have submitted a food registration and awaiting Environmental Health food hygiene inspection, you will be allowed 28 days to acquire a FSA food hygiene rating of 3 or more (failure to do so will result in revocation of the consent.)
- (i) A copy of food hygiene training certificates for all staff involved in the preparation of food (minimum accredited Level 2 food hygiene certificate).
- (j) Proof of Right to work in the United Kingdom for the applicant and any assistant(s).
- (k) One passport sized photograph of applicant and any assistants.
- (l) Copy of the vehicle(s) MOT certificate and insurance.

b. Consented Premises

An applicant must be 17 years of age or above and have the legal right to occupy the premises.

All applications for the grant of a new street trading consented premises must include:

- (a) Completed application form.
- (b) A location plan showing the proposed location of the street trading site. This map should clearly identify the proposed location by marking the host premises site boundary/land in the ownership of the host premises with a red line.
- (c) Valid insurance certificate for £5,000,000 public liability cover.

c. Consented Premises Trader

An applicant must be 17 years of age or above.

All applications for the grant of a new Consent site must include:

- (a) Completed application form.
- (b) Specification of the vehicle/stall/unit, together with colour photographs showing any signage.

- (c) Valid insurance certificate for at least £5,000,000 public liability (and if applicable, employers' liability) cover.
- (d) A copy of FSA food hygiene rating score of 3 or more. (In the case of new applicants/units who have submitted a food registration and awaiting EH food hygiene inspection, you will be allowed 28 days to acquire an FSA food hygiene rating of 3 or more (failure to do so will result in revocation of the consent).
- (e) A copy of food hygiene training certificates for all staff involved in the preparation of food (minimum accredited Level 2 food hygiene certificate).
- (f) Proof of Right to work in the United Kingdom for the applicant and any assistant(s).
- (g) One passport sized photograph of applicant and any assistants.
- (h) Copy of the vehicle(s) MOT certificate and insurance.

11. Determination of an Application

Where an application has not been subject to representation, the consent will be issued under delegated authority.

Where an applicant is not considered "fit and proper", or where valid representations have been received against an application, the application will be referred to the Licensing Panel for determination. There is no formal right of appeal against refusal of an application following the Panel decision.

When determining an application for the grant or renewal of a street trading consent, the Panel may:

- (a) Grant consent to the applicant as applied for.
- (b) Grant consent to the applicant subject to modifications to the days, times or locations on which trading may take place and/or attach additional conditions to the consent.
- (c) Refuse to grant the Consent.

12. Duration of Consents

A street trading consent may be issued for a period not exceeding 12 months from the 1 April to 31 March. Any new consents will be issued pro-rotta based on the number of months remaining until 31 March.

13. Transfer of Consent

A Consent may not be transferred or sold.

14. Surrender of Consent

A Street Trading Consent may be surrendered at any time. It shall then cease to be valid.

15. Renewal/Continuation of Consent

An application for renewal should be submitted no later than 4 weeks prior to the expiry date of the current Consent. No trading may take place until the new Consent is issued.

The consent will automatically be renewed provided that:

- The application has been correctly submitted with the required fee, and evidence of public liability and public indemnity insurance cover of not less than £5,000,000 the application is under exactly the same terms as existing i.e. 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.

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.

16. Pitch closures

Where a street trading consent pitch has to be withdrawn for a temporary period for reasons beyond the direct control of South Cambridgeshire District Council, e.g., roadworks, road relaying etc. no fee in whole or part of shall be refundable.

17. Non-payment of Fees

Where a consent has expired, and a renewal application not submitted with payment, the pitch will become immediately available to others to apply for.

18. Revocation of a Street Trading Consent

There will be a referral to the Licensing Panel when a consent holder has either;

- failed to meet, or breached, the conditions of the consent, or;
- met any of the grounds for representation, refusal, or revocation, or;
- been subject to a substantiated serious complaint, or multiple substantiated complaints relating to criteria within public safety and/or public nuisance above.

The Licensing Panel may determine it necessary to promote public safety and/or prevent nuisance or annoyance to affected parties;

- i) To add additional conditions to the consent.
- ii) To modify the days, times or locations on which trading may take place, and/or attach additional conditions to the consent.
- iii) To revoke the consent.

19. Conditions and Enforcement

Standard conditions will be attached to Consented Premises and every street trading consent detailing the holder's responsibilities to maintain public safety, avoid nuisance and generally preserve the amenity of the locality.

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.

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 South Cambridgeshire District Council Enforcement Policy.

A request to remove or vary a standard condition must be submitted in writing and will be determined on its own merit by the Service Manager or Principal Officer (subject to any planning or other restrictions).

Appendix A

Standard Conditions for Consented Premises

1. The Consent holder must ensure that only vendors holding a Consented Premises Trader consent issued by South Cambridgeshire District Council may occupy the site.
2. A written agreement to trade must be made prior to trading and must include agreement for arrangements for the disposal of waste and litter.
3. Only one trader may be on the consented area at any one time unless approval from the Licensing Authority has been given.

4. Details of all permitted traders including times and dates of trading, must be made available to the Licensing Authority on request within 48 hours.
5. The trading unit may not be left overnight on the consented premises unless approval from the Licensing Authority has been given.
6. If the holder of the consented premises is also the owner and operator of the trading unit, the Standard Conditions for Street Trading Consents must be met.

Standard Conditions for Street Trading and Consented Premises Traders.

1. A Street trading consent is valid only for the period, commodities and location(s) specified on the Consent.
2. The consent holder must pay the fee in full prior to trading, unless agreed by the Council.
3. The consent holder must ensure that the stall/vehicle is positioned only in the allocated space in the location(s) for which the Street Trading Consent is issued.
4. The Council must approve any changes to or replacement of the stall or vehicle prior to use.
5. The consent holder must not carry on their trade in such a way as to cause obstruction of any street or endanger persons using the street or cause any nuisance or annoyance
6. The consent holder's vehicle/stall must be kept in a clean, safe, and well-maintained condition
7. Every street trading vehicle/ stall must be removed from the site at the end of the trading day unless agreed by the Council.
8. Holders of a mobile street trading Consent must not trade in one place for more than 4 ½ hours at a time, and not to return to the same site on the same day.
9. The consent holder must ensure refuse originating from their trade is disposed of by a licensed waste carrier and must leave the site and its immediate vicinity clear of refuse at the completion of trading.
10. No water or waste material must be discharged on to the highway or any adjacent property.
11. When trading from a layby leave a maximum usable space permitting safe ingress and exit for vehicles.
12. No free-standing advertising, seating, tables, chairs, sunshades may be displayed without approval from the Council.
13. No device used in the reproduction or amplification of sound whilst trading must be audible beyond a distance of 5 metres from the trading unit.
14. The granting of this consent does not imply the right to violate any order or prohibition or restriction made under the various Road Traffic Acts and Highway Acts.
15. The sub-letting of a street trading consent location is prohibited unless agreed by the Council.

16. The consent holder must be the principal operator and have day-to-day control of the stall/vehicle. The consent holder may employ any other person to assist in operating the stall/vehicle.
17. The consent holder must have and maintain a proper insurance policy against public liability and third-party risks. The minimum insurance cover must be £5,000,000 and must cover the operator's vehicle, or stall and any additional equipment under their control.
18. The consent holder may terminate a Street Trading Consent by written notice to the Council.
19. Where gas cylinders are used a valid gas safety certificate is required to ensure the safety of all gas appliances.
20. Where the vehicle or stall has a 240-volt electrical system a valid electrical installation certificate is required.
21. In the case of hot food preparation, a serviceable fire blanket and suitable fire extinguisher/s must be provided at all times.
22. All staff involved in the preparation of food must hold a minimum accredited Level 2 food hygiene certificate.
23. The above 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.