

Street Trading Frequently Asked Questions

1. What does Street Trading include?

Street Trading includes the selling or exposing or offering for sale of any article (including a living thing), in any street. A Street includes any road, footway or other area to which the public have access to without payment. This means that Street Trading Consent is needed even if the trader is on private land such as a car park.

2. Are there any areas in Epping Forest District Council where Street trading is prohibited?

Yes, from 30 November 2009 all of Honey Lane, Waltham Abbey, Essex (including that part known as Skillet Hill) was designated a prohibited street. All other streets are designated Consent Streets. Applications for street trading in a prohibited street cannot be made. An application and licence is required to street trade in a consent street.

3. Do I still need to apply even if I'm trading on private land, and paying rent to be there?

Yes, even if you trade from private land as a street trader, it is still an offence to trade in Epping Forest District Council without consent.

4. Does the Council have any pitches I can rent?

No, the Council has not designated any specific pitches for street trading. The applicant is responsible for finding a suitable location, and then making an application to the Council

5. Can I start trading whenever I want?

Nobody can start trading before the Council has issued consent. To apply for consent, an application must be submitted to the Council. Once submitted, the proposed site will be assessed using the Council's agreed procedures. During the application process several parties will be consulted with. Providing that there are no objections to the application from any of the consultees, street trading consent can be granted by the Council. If there are any objections to the application, then it will be referred to the Council's Licensing Committee for determination.

6. How long does the application process take?

Because the application may need to be referred to the Council's Licensing Committee before trading can start, it is recommended that 28 days notice be given to the Council.

7. What is the penalty for Street Trading without Consent?

The current maximum penalty for street trading in Epping Forest District Council without consent is £1000 per offence.

8. Do I need consent for an Ice Cream van?

Ice Cream vans also need Street Trading consent to trade within Epping Forest District Council, even if only a small area within Epping Forest District Council District is covered.

9. Does Street trading include car sales?

The sale of cars from the highway is included within the Street Trading consent scheme, as by placing a 'For Sale' sticker in the window, the car is being exposed for sale. Please see question 1 for more details on the definition of street trading. Council enforcement officers may place a "Street Trading without consent" ticket on vehicles being exposed for sale without the necessary consent. The owner of the vehicle is then liable to prosecution if the trading does not cease forthwith.

10. Are there any exemptions for Street Trading?

There are several trading activities, which are legally exempt from having to apply for Consent from the Council, these are:

- (a) Trading by a person acting as a peddler under the authority of a peddler's certificate granted under the Peddlers Act 1871.
- (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 newsvendor.
- (e) Trading which is carried on at premises used as a petrol filling station; or is carried on at premises used as a shop or in a street adjoining premises so used and as part of the business or shop.
- * (f) Selling things, or offering or exposing them for sale, as a rounds man.
- (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 trading of anything authorised by regulations made under section 5 of the Police, Factories, etc. (Miscellaneous Provisions) Act 1916.

**With regard to point (f) above it has been established in law that mobile ice cream sales normally will not be deemed to be exempt from street trading controls on the grounds that they are not rounds men*