

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.

Under the terms of the Braintree District Council's policy, 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, which is within 7 meters of a highway.

2. Are there any areas in Braintree District where Street trading is prohibited?

No, Braintree District Council has designated all roads within its area as Consent Streets.

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

Yes, even if to trade from private land, which is within 7 meters of a highway means, it is still an offence to trade Braintree District Council without a Street Trading 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?

No body 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 Councils 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 Councils Licensing Committee for determination.

6. How long does the application process take?

Because the application may need to be referred to the Councils Licensing Committee before trading can start, it is recommended that 48 days notice be given to the Council.

7. Do I need to apply for Street Trading Consent to run a car boot sale?

If the general public can enter the site of the Car Boot Sale without paying to get in, then the organiser of the event will need to apply for Street Trading Consent. This consent will cover all other traders within the event

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

The current maximum penalty for Street Trading in Braintree District without Consent is £1000 per offence.

9. Do I need Consent for an Ice Cream Van?

Ice Cream vans also need Street Trading Consent to trade within Braintree District, even if only a small area within Braintree District is covered.

10. 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 the first question for more details. The Council will normally only require Street Trading Consent from persons conducting commercial car sales on land not owned by them. Private vehicle sales from a person's own property are exempt from the requirement to have a Street Trading Consent from the Council.

11. 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 pedlar under the authority of a pedlar's certificate granted under the Pedlars 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 news vendor.

(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.***