GUILDFORD BOROUGH COUNCIL STREET TRADING POLICY

2025

Approved by Licensing Committee on 19 November 2025

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1. Introduction

Street Trading is defined as the selling or exposing or offering for sale of any article (including a living thing) in a street. Under the provisions of Schedule 4 to the Local Government (Miscellaneous Provisions) Act 1982, a Local Authority may designate streets within its district as "consent" streets in order to control street trading, whereby trading would not be permitted without the permission of the Authority.

Guildford Borough Council recognises that Street Trading brings vibrancy to an area providing employment and opportunities for businesses to flourish as well as allowing diversification and expansion by utilising Street Trading opportunities. Street Trading also makes a visible and direct contribution towards regeneration and improvement to the character of the area. Increased presence of the public drives down incidences of anti-social behaviour and makes an area more welcoming.

Street Trading also provides opportunities for community groups and charities to generate income as well as providing opportunities to integrate people into the local community via provision of pop-up and regular events where people may congregate to eat, purchase products and visit other local businesses. Street Trading provides an effective way of increasing footfall thereby providing a boost to the local economy.

However, trading cannot be undertaken to the detriment of a local area. Concerns around access, obstruction, nuisance, litter and competition for existing high street retailers in challenging financial times are valid concerns about trading in the street.

In order to provide guidance to applicants and decision makers, The Council has adopted the following policy.

The aim of the Guildford Borough Council Street Trading Policy (the Policy) is to prevent obstruction of the streets of the Borough and ensure the safety of persons using them. In doing so, it recognises the importance of local businesses to the local economy and that occasional, community-run events and those of a similar nature, are important factors in the life of Guildford. The Policy also seeks to ensure that activities do not cause nuisance or annoyance to the people of the area.

This Policy will guide the Council when it considers applications under Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982. The Council has adopted this legislation and all streets have been determined as 'consent' streets. This means that anyone who wishes to trade on a consent street must hold a street trading consent. The definition does not include buildings themselves or commercial premises.

For clarification:

• A street includes a street, highway or other area to which the public have access without payment and as such any land adjacent to the street will also fall within the scope of this policy.
• There are some exemptions from requiring a consent to trade, including Markets established under a relevant grant.
• Street Trading is defined as “the selling or exposing or offering for sale of any article (or living thing) in a street” and any queries regarding the above can be dealt with by the Licensing service on a case by case basis.

On (date) 2025 the Council updated its Street Trading Resolution to remove the following areas from designated Street Trading Controls:
a) Public Authority “owned or controlled” parks, landscapes and green spaces
b) Any area of park, landscape or green space “owned or controlled” by a registered charity
c) Car parks or recreational areas which are linked to or service a)-b) above
d) Common Land

The above areas will be designated as “non-consent streets” and consequently only the permission of the land owner is required to trade in these locations. A Street Trading Consent is not required.

Street trading during events, of both a community nature or commercial venture are subject of special provisions in Chapter 5 of the Policy.

Applicants should be aware that The Council is the land owner for some streets in the Borough for which there may be an additional charge and restrictions on availability.

2. Determining Street Trading Consent Applications

2.1 Submission of the application

An application for a Street Trading Consent must be made to the Council, and the following will be required to be submitted with the application:

- A completed Street Trading Consent Application Form.
- The payment of the full fee as appropriate for the periods of trading applied for. (The fee will be returned if the application is refused)
- Where the proposed street trading activity is from a fixed position, a copy of a map of a legible scale. The map should clearly identify the proposed site position.
- Where the proposed street trading is on a mobile basis (eg an ice cream van) a copy of a map of a legible scale identifying the areas from which the unit wishes to trade, including the relevant days and times in each area.
- Colour photographs showing the front, side and rear aspects of the stall, van, barrow, cart etc that will be used for the street trading activity.
- One passport size photograph of the applicant.
- A basic disclosure certificate (dated within the last 3 years) for the applicant.

- A copy of a current certificate of insurance that covers the street trading activity for third party and public liability risks, to a minimum value of £5 million.
- A trade waste contract for the disposal of waste produced associated with the business.

An applicant for a Street Trading Consent should allow a minimum of 60 days for the Council to carry out consultation and process any application.

2.2 Consultations

Before a Street Trading Consent is granted the Council will carry out a consultation process with various persons and groups on all applications. In particular the following organisations or persons will be consulted where appropriate:

- Guildford Borough Council Economic Development
- Guildford Borough Council Environmental Health Service (including Environmental Control and Food and Safety Teams)
- Guildford Borough Council Estate Management
- Guildford Borough Council Planning
- Guildford Borough Council Town Centre Management
- Surrey County Council Highways
- Surrey Fire & Rescue Service
- Surrey Police
- The appropriate Local Ward Councillor(s)
- The appropriate Parish or Town Council
- The Guildford Business Improvement District

In addition to the above, further consultations may be carried out with property owners and occupiers in the vicinity of the proposed site who may be affected by the application. This consultation will be by the Council requiring the applicant to notify the relevant property owner/occupiers in writing, or by requiring the applicant to erect a notice at the proposed site for the consultation period. If the applicant is asked to carry out this further consultation and does not carry this out to the Council's satisfaction, the application may be refused.

Written representations from the above organisations and occupiers of properties will be taken into consideration when determining an application.

The Council will take into account any representations made by a person, business or body that is likely to be directly affected by a successful application. In addition, the representation must not be vexatious or frivolous and should concern itself only with matters likely to be affected by a successful application.

The consultation period will run for 28 days. Responses received after this period will only be considered at the discretion of the Licensing Team.

2.3 Site Assessment

Street Trading Consents from static locations 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, or
- Where there are concerns over the recorded level of personal injury accidents in the locality where the street trading activity will be sited, or
- There would be a significant loss of amenity caused by traffic, noise, rubbish, potential for the harbourage of vermin, odour or fumes, or
- There is already adequate like provision in the immediate vicinity of the site to be used for street trading purposes, or
- There is a conflict with Traffic Orders such as waiting restrictions, or
- 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, or
- The trading unit obstructs the safe passage of users of the footway or carriageway, or
- The pitch interferes with sight lines for any road users such as at road junctions, or pedestrian crossing facilities, or
- The site does not allow the Consent Holder, staff and customers to park in a safe manner, or
- The street trading activity is carried out after dusk and the site is not adequately lit to allow safe access and egress from the site for both customers and staff.

Trading from lay by locations is restricted to sites which provide:-

- Sufficient width to allow vehicles to park and pass.
- Sufficient length to allow several large vehicles to park without causing congestion.
- A verge (minimum width 1 metre) physically separating the lay by and the highway.

2.4 Criteria used to determine the Application

The Council will use the criteria listed in this Policy below in determining any applications for Street Trading Consents. Any representations received will be considered against these criteria. All criteria should normally be satisfied, with equal weight applied to each of the criteria listed. Each case will be assessed on its merits and individual circumstances, where appropriate, may be taken into consideration.

Public Safety: The location of the proposed street trading activity should not present a substantial risk to the public in terms of road safety, obstruction and fire hazard. Compliance with food and safety legislation will also be considered. The term “public” refers to both the applicant’s customers and other members of the public using the street. In particular reference will be made to the guidelines set out in section 2.3 on site assessment criteria.

Public Order: The street trading activity should not present a risk to good public order in the locality in which it is situated. The behaviour of both traders and customers will be considered.

Avoidance of Nuisance: The street trading activity should not present a substantial risk of nuisance from noise, rubbish, potential for the harbourage of vermin, smells or fumes to households and businesses in the vicinity of the proposed street trading site. Particular attention will be given to trading in residential areas.

Environmental Sustainability: The Council consider the impact of the proposed operation on the local environment including but not limited to:

- power supply
- carbon footprint
- supply chain
- low food mileage
- packaging, including prohibition of single use plastics
- waste minimisation
- waste disposal
- waste generated by customers
- Provision of adequate measures to minimise the environmental impact of the proposed operation
- The offering of alternatives to animal products, particularly in relation to food offerings, or the use of local animal products are considered to make a more positive contribution.
- Those that can demonstrate that they are contributing towards driving down carbon footprint and operating in an environmentally friendly manner will be viewed favourably.

Character of the Area: The Council will consider what benefit a particular street trader will bring to the local area and to persons frequenting that area. This could change dependant on the time of year as much of the borough's footfall changes due to people visiting the area. Some types of trading may better lend themselves to areas with consistent footfall throughout the year and be targeted for the benefit of local people. Some pitches may be placed in clusters to create an attraction (or as part of event) and some pitches may be placed with a view to seeking a specific type of offering to bring more footfall with an area with existent businesses providing a greater range of consumer choice. Markets are recognised as beneficial to local people, as well as providing opportunities for local businesses to trade, and for bringing more footfall to an area.

In determining the area for the proposed activity, the following will be taken into consideration:

- The presence of like outlets already existing in the immediate locality of the proposed street trading site.
- The general needs of a locality, should no comparable outlets exist. The applicants offer will need to positively enhance the contribution in the local

area. This may be by offering products not currently available or by providing greater choice for consumers. Applicants may be asked to demonstrate to the Council the need for the proposed street trading activity.

- The quality of the goods sold by the applicant. Preference will be given to those who are offering local products.
- The appearance of the applicant's stall, van, barrow, cart etc. The stall or unit must be maintained in good condition, be of a smart and presentable appearance and meet the specified criteria laid down in the standard Consent conditions. It is recognised that units may not be a uniform shape and uniqueness is supported but units must be of a high-quality design that complements and enhances its surrounding environment. The general appearance of the stall or unit will also be considered to determine that it will not detract from the appearance of the surrounding area. The operation must not adversely impact on the local environment by way of impact on street surfaces, street furniture and materials (for example, grease marks left on the road).

Compliance with legal requirements: The proposed street trading activity should be carried out from a trading unit that complies with all relevant legislation such as food hygiene and health and safety.

Consultees' Observations: In relation to the points above, consideration will be given to written observations from consultees. Any representations made to the proposed street trading activity will be considered in terms of relevance to the application that has been made.

2.5 Approval of Applications

The Council may approve applications meeting the criteria contained within these guidelines. On approving the application the Council will issue a Street Trading Consent to which conditions will be attached. The Consent will also contain specific terms such as days and hours when street trading is permitted and the goods that may be sold. A copy of the Council's standard conditions, which will be attached to Street Trading consents, are shown at Appendix I. Additional conditions may be attached if the Council considers it appropriate in the circumstances of any particular case.

The Council generally will only permit street trading between 07:00 and 23:00. Street Trading outside these hours will be assessed in terms of the criteria detailed above. The Council however retains the right to specify permitted hours of trading that are less than those specified above in appropriate circumstances.

Traders who have consent to trade in the town centre will not be able to do so on Market days, or at a time where there is an event of cultural, community or historical significance taking place in the town centre.

The conditions attached to the Consent form part of the approval to carry out street trading in the Borough of Guildford. Conditions must be complied with at all times and failure to do so could lead to the Consent being revoked, or not renewed. Consent Holders must therefore familiarise themselves with the terms and conditions attached to the Street Trading Consent and comply with the requirements.

2.6 Issue of Street Trading Consents

A Street Trading Consent for any particular site will be issued for a period of 12 months. Shorter term Consents, for example for one off events, for a certain number of days or for seasonal trading may be issued depending on local circumstances.

The Consent granted is specific to the person to whom it is issued and is non-transferable and there can be no sub-letting.

In all cases when a Consent has expired, and an application has not been submitted to the Council for renewal, a new application will have to be made. In such cases the application will be required to go through the full consideration process outlined in these guidelines.

No trading is permitted until a consent has been granted.

2.7 Mobile traders

Mobile street trading is only permitted at specific locations and is set up to maximise flexibility for traders. Applicants may be limited or offered different locations and different times dependent on surrounding factors such as

availability of products from nearby businesses and what is considered to enhance the offering in a specific area as well as public footfall.

Mobile street traders may only operate one vehicle under one consent. Any additional vehicles must be registered under a separate consent. The same principle applies to static sites with one consent required per vendor.

In cases of Mobile traders wishing to trade at a number of identified locations across the Borough, such as ice cream vans, a limit of trading time in one location will be imposed so as to protect the amenity of local residents.

2.8 Decision to refer applications to the Licensing Regulatory Sub-Committee

Applications which attract representations which are considered to be relevant or which do not meet the criteria in this policy may be determined by the Licensing Regulatory Sub-committee. A representation will be considered to be relevant if it is made by a person, business or body that is likely to be directly affected by a successful application. In addition, the representation must not be vexatious or frivolous and should concern itself only with matters likely to be affected by a successful application.

The Local Government (Miscellaneous Provisions) Act 1982 does not make provision for an unsuccessful applicant to appeal against the decision of the Council in relation to the refusal of Street Trading Consents.

3. Fees

A fee is payable for Street Trading Consents and payment should be made on application or renewal.

In line with the legislation the fee will be refunded if an application is refused.

If a consent is surrendered or revoked, the Council will not issue a refund for either all or part of the fee.

Fees are reviewed annually and published on the Council's website.

4. Conditions

Consents will be subject to Standard Consent Conditions in all cases in order to promote public safety and avoid obstructions, nuisance and annoyance. Other conditions may be attached to a Consent and will be relevant to the category of Consent issued and the nature of the local environment. The Councils Standard Consent Conditions can be seen in Appendix I.

Additional conditions will apply to units trading on a mobile basis such as Ice cream vans, including a limit of trading time in one location so as to protect the amenity of local residents.

The Council may at any time vary the conditions of a Street Trading Consent.

5. Street trading during events

This Policy recognises that street trading will take place at various events throughout the Borough and aims to promote and support the organisers of events and encourage traders to attend. The Policy recognises that events take place for different reasons, from small scale events for charitable or community purposes to larger scale commercial ventures.

Community and Charity events are important in terms of promoting local causes and participation in local matters. The Council should assist organisers of these types of events in order to encourage community engagement. It should also be recognised that Commercial events have an importance to the district in terms of promoting tourism and economic growth and that the Council should also assist organisers of commercial events. It should be recognised that the Council does also have a regulatory role to protect the public and existing businesses at any event.

Recognising the difference between the two types of event, as such the Council's Street Trading Policy and any fees payable distinguishes between the two categories, Community/Charitable events; and Commercial Events:

Community and Charitable events:
Community and similar events will normally be organised by a Town or Parish Council, Guildford Borough Council or by a recognised group or charity with aims of engaging with and providing support to the local community. Any trading activity will be incidental to the event and where the event organiser does not charge a pitch or similar fee to trade at the event.

A nominal administration fee may be charged to authorise street trading at an event of a community or charitable nature.

The update to the Council's Street Trading Resolution in (date) should allow that most such events held on land owned by local, community and charitable groups will not require

Commercial events:
Commercial events will normally be organised by an independent person or group as a commercial venture, with aims of attracting the wider community for a commercial purpose. Trading will be the main feature of the event and where the event organiser charges a pitch or similar fee to trade at the event.

The Council's full street trading application fees will be charged to authorise street trading at an event of a commercial nature.

Each special event application will be judged according to its merits and may be referred to the Licensing Regulatory Sub-Committee for determination.

At such special events the Council may issue one single use Consent to the person organising the event to authorise trading which takes place.

The decision as to whether an event falls within the Community/Charitable or Commercial Fee structure rests with the Licensing Team, with the Officer's decision being final. Event organisers are recommended to contact the Licensing Service at the earliest opportunity in order to discuss what consents may be required for their event.

6. Enforcement

The Council aims to work closely with other enforcement authorities to enforce the provisions of all appropriate legislation.

Obtaining a Consent does not confer the holder immunity in regard to other legislation that may apply, e.g. Public Liability, Health & Safety at Work, Food Hygiene and Safety, Alcohol and Entertainment Licensing, Planning controls, and applicants must ensure all such permissions, etc. are in place prior to trading.

Surrey Police issue Pedlars Certificates. The sale of food under these Certificates is prohibited. Although permitted in the town centres, only small trays/barrows etc. are permitted and Pedlars must always be mobile and move around to sell their goods. Pedlars offering goods for sale in one location will fall within the scope of Street Trading and as such will require a Street Trading consent.

Where street trading activities are conducted without appropriate Consents the Council will investigate and take appropriate enforcement action in accordance with its Enforcement Policy. This will include asking those trading without a consent to cease the activity and leave the area, but may also include the use of Community Protection Warnings/Notices and/or prosecution.

7. Review Procedures

This Policy will be reviewed from time to time should changes occur in relevant legislation, the nature of street trading generally or as a result of local considerations within the Guildford Borough. In any case, this Policy will be reviewed within five years of adoption or as a result of any major legislative changes.

APPENDIX I - Conditions

Definitions:
'Consent Street' means a street in which street trading is prohibited without a Consent from Guildford Borough Council

'Street' includes any road, footway, lay-by or other open area to which the public have access without payment with the following exception:
a) Public Authority "owned or controlled" parks, landscapes and green spaces
b) Any area of park, landscape or green space "owned or controlled" by a registered charity
c) Car parks or recreational areas which are linked to or service a)-b) above
d) Common Land

The above areas will be designated as "non-consent streets" and consequently only the permission of the land owner is required to trade in these locations. A Street Trading Consent is not required.

'Street Trading' means the selling, or exposing or offering for sale, of any article in a street

'Council' or 'Borough Council' means Guildford Borough Council

'Authorised Officer' means any authorised officer of Guildford Borough Council.

'Trader' means the person(s) to whom the consent has been granted or renewed and includes any other person employed or assisting the principal trader.

'Police Officer' means any Police officer of Surrey Police.

Street Trading Consents - Standard Conditions

1. The trader is permitted to operate from a stationary vehicle or stall in the position indicated by the deposited plan. In the event of this position being unavailable for any reason beyond the control of the Borough Council the position may be relocated at any authorised officer's discretion to another nearby area.

2. The trader shall pay to the Borough Council the appropriate fee for the grant or renewal of a street trading consent. The consent will be revoked if the trader fails to pay fees due.

3. The trader shall at all times, whilst trading, provide a suitable receptacle for rubbish and litter and remove the rubbish and litter from the site at the end of the day's trading. The trader shall collect any litter or food waste originating from the business and deposited on the highway by the customers.

4. The trader shall not deposit fat or other liquid or solid waste onto land or into highway drains.

5. The trader shall not operate in a manner which causes nuisance to the Council, public or other persons in the vicinity. The trader will not be permitted to use loudspeakers, radios, generators or any amplified sound.

6. No animals shall be present on any stall or vehicle.

7. The trader shall comply with all relevant statutes, regulations and bylaws for the time being in force and with the conditions of the consent.

8. The trader shall comply with all requirements of the Food Hygiene (England) Regulations 2013, Regulation (EC) N0 852/2004 on the hygiene of foodstuffs and any associated legislation.

9. The trader shall maintain a minimum food hygiene rating score of 3.

10. The trader shall allow access by any authorised officer or his/her representatives at all times to ensure that the terms of the consent are being carried out to their satisfaction.

11. The trader shall display his street trading consent, which shall be plainly visible to the public and available for inspection by officers of the Council or Police.

12. The trader shall provide insurance to the sum of £5 000 000 to ensure against third party liability claims and to indemnify the Borough Council against all claims, liabilities, actions, demands and expense arising in respect of the grant or renewal of this consent. The trader shall provide insurance certificate upon application and on demand for inspection by the Borough Council.

13. The trader is not permitted to hold any auction sale.

14. If the consent allows the trader to trade from a vehicle, or stall, the trader shall only use the approved vehicle or stall and may not trade from any other vehicle or stall. No table, chairs or similar articles shall be placed outside the vehicle/stall without the prior approval of the Council.

15. The trader shall comply with all reasonable requirements of any authorised officer or Police officer, including temporarily ceasing trading where necessary for public order or safety reasons.

16. No child under the age of 17 shall be engaged in the trading.

17. The consent is personal to the applicant and is not transferable to any other person, firm or company.

18. No sub-letting of consents is permitted.

19. The trader or his employees may not sell, display or wear any article which is offensive either in writing or pictures. The authorised officer's decision as to what is offensive is final.

20. The trader shall reimburse all costs incurred by the Council as a result of any damage caused by the trader's occupation of the approved site.

21. The Council may revoke the consent forthwith if there is any breach by the trader of any of the terms contained therein.

22. The Council may revoke this consent at any time and will normally give four weeks' notice of revocation unless earlier revocation is appropriate due to a breach of the conditions.

23. The trader shall maintain his vehicle/stall in good condition, to the satisfaction of the Council.

24. The trader shall move his vehicle/stall at the end of each day's trading.

25. Traders who have consent to trade in the town centre will not be authorised to do so on Market days, or at a time where there is an event of cultural, community or historical significance taking place in the town centre. The Council will notify the trader of the dates when trading is not permitted.

26. The trader shall not place or display any sign on or adjacent to the highway.

27. The trader shall at all times display a conspicuous and clearly legible Tariff Board on the vehicle or stall showing the Tariff for the goods on sale.

The Council may at any time vary, substitute or modify the conditions as shown above.

ADDITIONAL CONDITIONS CONCERNING ICE CREAM VANS AND OTHER MOBILE FOOD SELLERS:

The trader shall provide a list of the vehicle registration numbers of all of those vehicles that will be trading within Guildford Borough.

1. The trader shall not remain stationary in any location on the public highway for any longer than 20 minutes.

2. The trader shall not be permitted to park within 50 metres of a school.

3. The trader shall comply with the following conditions relating to noise from ice cream van chimes:

a. Under section 62 of the Control of Pollution Act 1974 (CoPA) it is an offence to operate or permit the operation of any loudspeaker of the 'ice-cream van chimes' type in a street unless all the following conditions are complied with:

b. the loudspeaker is operated only between the hours of noon and 7 pm on the same day;

c. the loudspeaker is fixed to a vehicle which is being used for the conveyance of a perishable commodity for human consumption;

d. the loudspeaker is operated solely for informing members of the public (otherwise than by means of words) that the commodity is on sale from the vehicle;

e. the loudspeaker is so operated as not to give reasonable cause for annoyance to persons in the vicinity.

6. The consent to trade covers the streets within the Guildford Borough identified #, subject to the following restriction: No trading is permitted on the High Street, North Street, Castle Street, Commercial Road, Woodbridge Road (between North Street and Leapale Road), Leapale Road, Tunsgate, Chertsey Street, Quarry Street (between High Street and Castle Hill), Market Street, Swan Lane, Onslow Street, Bridge Street, Park Street, Millmead, Ward Street, Upper High Street, Alexandra Terrance, Bedford Road (between Onslow Street and Laundry Road) and Guildford Railway Station.

6. The consent does not authorise trading from any car park, park or open space owned or managed by Guildford Borough Council without the prior permission of the Council.

7. The consent is specific to vehicle registration: # only and cannot be used by any other vehicle.