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# Street Trading Policy & Application Form

## 2025 - 2026

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Council of the  
ISLES OF SCILLY

Draft 12 January 2026

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### Responsible officers

- Senior Officer: Licensing
- Head of Environment

<b>VERSION HISTORY</b>			
Date	Version	Author/Editor	Comments
2017	1	Pritchard	
15/06/21	1.1	L. Banfield M. Coates	Amendments
05/08/21	1.2	L. Banfield	Amendments
13/12/21	1.3	M. Coates	Final Amendments
07/02/22	2	M. Coates	Policy 2022
18/12/22	2.1	M. Coates	Legal Updates
March 2023	2.2	Andy Thomas	Administrative changes only.
Jan 2025	2.3	Andy Thomas	Policy 2025 - 2027

<b>DOCUMENT RETENTION</b>	
Document retention period	Until superseded

## Overview

The Council of the Isles of Scilly is a small unitary authority delivering a broad range of services to a unique island community, located 45km south-west from mainland Britain. The main industry over the summer months is tourism; the population on the Islands grows considerably with an influx of tourists and seasonal workers.

Street trading means the selling or exposing or offering for sale of any article (including a living thing) in a street. An 'article' can be a particular item or object. The term 'street' includes any road, footway, beach or other area to which the public have access without payment.

The local authority decided to license street trading in 2013, this is regulated through the adoption of schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982, (hereafter referred to as 'the 1982 Act'). A Street Trading Policy ('the policy') has been in effect since 2013.

## Scope and Purpose

In essence, a street trading policy is a blanket designation so that the local authority can exert some control and management of people selling goods from publicly-accessible spaces.

However, it is not the only form of management and provided that the local authority or another reputable agency (ie the Duchy of Cornwall) are liable for an event (including those people selling goods to the public at that event) then there can be safeguards in place to ensure goods are sold safely.

The purpose of this street trading policy is to provide a framework for consistent decision-making and to provide guidance to applicants.

## Objectives

Central to the Council's policy are a number of objectives;

**Public Safety** – The proposed location of the activity should not present a significant risk to the public in terms of highway safety and obstruction.

**Crime and Disorder** – The proposed activity should not present a risk to crime, disorder or give rise to anti-social behaviour and related nuisance.

**Public nuisance** – Measures taken to reduce the risk of nuisance from noise, refuse, vermin, fumes and smells.

**Help expand the local food offer** – The lack of available or affordable business units in Hugh Town should not be a barrier to those who want to experiment with providing an additional compliant food outlet in an affordable and agile way.

## What is Street Trading?

Street trading means the selling or exposing or offering for sale of any article (including a living thing) in a street, this is defined in the 1982 Act.

An 'article' can be anything including (including a living thing), as long as the article is expressly described in the vendors application form and subsequent license.

The term 'street' includes any road, footway, beach or other area to which the public have access without payment and a service area as defined in section 329 of the Highways Act 1980. In effect, if someone has to pay to enter an event or a private area (or public area that has been hired for a private event) then the selling of items is not captured under this policy.

## Why just St Mary's?

Street Trading is not regulated by the Local Authority outside of the island of St Mary's because the off-islands publicly accessible land is owned by the Duchy of Cornwall. However, the Local Authority are still integral to such businesses on the off-islands by virtue of the necessity for food businesses to be registered and inspected by the Environmental Health service. In doing so the local authority can still be assured that food businesses are operating safely across the islands.

Whilst it is technically possible to seek to expand this policy to the off-islands in collaboration with the land-owners there is currently no plan to do so.

The policy is explicit in its application only to '**All streets which are maintained at public expense by the Council of the Isles of Scilly that do not require a fee to enter or occupy**'.

### **Changing the policy to meet changing local demands**

The number of street traders has grown significantly since 2013, and the number of people using these outlets is growing and the public are also becoming more dependent on using them as part of their holiday experience.

Hugh Town is where the bulk of trade happens and contains the de-facto high street of the islands and is home to both national and local businesses. It is an inescapable fact that footfall in this area is highest and therefore contains the most attractive and expensive retail real estate and is a place where the public expect to see and access most services.

It is expected that the arrangements set out in this policy will give some clarity to those businesses and prospective businesses and also help to demonstrate the ongoing need for the local authority to support local businesses who innovate.

Street trading has long been a custom seen in Scilly, it is not a new activity but the local authority did not seek to regularise it in law until 2013. This became necessary as we wanted the safety of the public to be at the forefront of the minds of traders, and we also needed to ensure that nearby residents had protection from statutory nuisance caused by traders.

### **Relevant legislation contained in this policy includes:**

- Local Government (Miscellaneous Provisions) Act 1982
- Environmental Protection Act 1990
- Highways Act 1980
- Pedlars Act 1871
- Licensing Act 2003
- Public Health Acts Amendment Act 1890
- Local Government Act 1972
- Sexual Offences Act 2003
- Sentencing Act 2020
- Food Safety Act 1990 and allied regulations

# THE COUNCIL OF THE ISLES OF SCILLY STREET TRADING POLICY

## **Exemptions from the need to obtain a Street Trading Consent**

1. Under current legislation some types of trade are legally exempt from the need to obtain a Street Trading consent. These include:
  - i. a person trading under the authority of a pedlars' certificate granted under the Pedlars Act 1871 (A pedlar trades while travelling on foot from town to town or house to house, carrying their goods with them. Applications are managed by Devon and Cornwall Police)
  - ii. trade carried out by roundsmen (e.g., milkmen, to be classified as a roundsman a trader has to carry out a set round of customers and satisfy orders for goods)
  - iii. a person trading in association with an adjoining shop premises
  - iv. trade carried on at a petrol filling station
  - v. trading in a trunk road picnic area provided under Section 112 of the Highways Act 1980
  - vi. trading as a news vendor, where the only articles sold or offered for sale are newspapers and periodicals
  - vii. anything done in a market or fair the right to hold which was acquired by virtue of a grant (including a presumed grant) or acquired or established by virtue of an enactment or order.

## **Non-legislative (local policy) exemptions and considerations**

2. The following exemptions are not based on legal exemptions but instead these are agreed by the local authority. Please note that there may be other requirements that need to be met to carry-out your desired activity on Council-owned or managed land e.g planning permission, Highway Authority consent, open space hire consent.
3. Residential occupiers (of a property) selling non-consumable items from anywhere within their own property boundary provided that customers are not deemed by the Highways Authority to be creating a hazard on the highways. For the avoidance of doubt the exemption does not allow someone's items to be sold from any other

person's residential property. (E.g. commercial/business vendors using friends or family dwellings to sell their items).

4. Residential occupiers selling food or drink items from anywhere within their own property boundary provided that customers are not creating a hazard on the highways, and that they are compliant with the directions of the Environmental Health Department of the Local Authority. For the avoidance of doubt the exemption does not allow someone's items to be sold from any other person's residential property. (E.g. by commercial/business vendors using friends or family dwellings to sell their items).
5. Car boot sales on private property. Car boot sales on the highway will not be permitted by the Highways Department.
6. Goods from working farms sold within the curtilage of the farm where they were produced, or from the curtilage of the residential dwelling(s) of the farmer provided that customers are not creating a hazard on the highways, and that they are compliant with the directions of the Environmental Health Department of the Local Authority.
7. Buskers who sell recordings of their own musical performances, while performing. The exact location of the activity will be determined by the Highways Authority or Environment Service to ensure that the pavement, road or open space is not impeded.
8. Any stall that serves only to provide education/information about a registered charity or a local issue, or a health issue. The exact location of the activity will be determined by the Highways Authority or Environment Service to ensure that the pavement, road or open space is not impeded.
9. The Council shall not ordinarily grant a Street Trading Consent for the sale of motor vehicles.
10. The annual Christmas Market event held in areas around Hugh Street are exempt from this policy. The event is organised or otherwise endorsed by the local authority. This exemption extends for the duration of the event, or the re-opening of the road or area to normal traffic. Should the location of the event change this exemption will remain in place as long as the local authority continues to endorse it.

11. The World Pilot Gig Championships event held in areas by The Strand and Holgates Green are exempt from this policy. The event is endorsed by the local authority. This exemption extends for the duration of the event, or the re-opening of the road or area to normal traffic.

### **Permitted Sites for Street Trading on St Mary's**

12. Street trading is only permitted in the sites explicitly listed in Appendix A of this policy. No other sites will be permitted.

### **Consent Streets and Prohibited Streets**

13. A list of 'Consent Streets' and 'Prohibited Streets' are listed in Appendix A. The Council identifies Commercial Trading Sites within 'Consent Streets' and will only accept applications for a Street Trading Consent in respect of one of those Commercial Trading Sites. The Council will also only consider applications from individuals selling food and drink for public consumption. The Council will not consider applications for areas that are not listed in this as a 'Commercial Trading Site'. Any fee paid to the local authority will be returned. Please refer to Appendix A in this respect.

### **Procedure for Applicants**

14. An application for the grant of a Street Trading Consent shall be made using the application form published in this document at Appendix B
15. The Licensing Department will either;
  - (a) Grant or vary a Street Trading Consent or
  - (b) Inform the applicant that they intend to place the application before the Licensing Committee with a recommendation for refusal and the reasons for that recommendation.

The decision by the Licensing Department to refuse an application will be explained to the applicant in an official email or letter and the reasons given will be outlined.

16. Where an application is placed before the Licensing Committee with a recommendation for refusal, an applicant may make representations in writing to the Licensing Committee and they must be in attendance (either in person or virtually) so that they may be able to give affirmation to suggested alterations to their application, or otherwise explain points in more detail.

17. The Licensing Department may grant a Street Trading Consent for a period not exceeding twelve months (1 April to 31 March is the maximum period for any single trading year). This is the maximum permitted under the 1982 Act.
18. All applicants must ensure they obtain all other consents/approvals/authorisations from other council departments that may be required. For example, environmental health, planning and highways.

## **Grounds for Refusal**

19. The European Union Services Directive 2006/123/EC (EUSD) is intended to make it easier for street traders to set up anywhere in the European Union. This Directive still applies to the United Kingdom (UK).
20. In order to comply with the EUSD any prohibition on street trading authorisation must be justified by an "*overriding reason relating to the public interest*" (ORRPI). Examples of ORRPI are public policy, public security, public safety, public health, protection of consumers, recipients of services and workers, combating fraud and the protection of the environment and the urban environment.
21. Other examples of grounds for refusal or revocation include:-
  - i. Road safety concerns (e.g. consideration should be given to the length of laybys, access for vehicles pulling in and out).
  - ii. The proposed location would obstruct emergency services or would obstruct a fixed Fire Hydrant point.
  - iii. Not enough space in the street you wish to trade in, without causing a safety concern, interference or inconvenience to other street users.
  - iv. Applicant previously failed to comply with conditions on a Street Trading Consent.
  - v. The Street Trading Consent, if granted, will result in nuisance to members of the public, residents and local businesses due to the likely noise, smell, litter, disturbance or other problems which will be caused by granting it.
  - vi. Planning issues relating to the siting of the application.
  - vii. The vehicle or unit is considered unsafe or likely to become unsafe.

22. Applicants who are refused a Street Trading Consent will be given a formal notice of refusal, giving reasons for the decision. There is no right of appeal but the decision can be challenged by way of a Judicial Review to the High Court.

## **Vehicles**

23. All vehicles must be road worthy, fully taxed and insured. No trailer can be unhitched from a licensed, taxed towing vehicle on the highway in accordance with the Highways Act 1980 (as amended) clause 143, which states that the Council has the power to remove structures from the highway. “Structure” includes any machine, pump, post or other object of such a nature as to be capable of causing obstruction, and a structure may be treated for the purposes of this section as having been erected or set up notwithstanding that it is on wheels. Trailers, or any other item that is towed behind a vehicle, must also comply with the Road Vehicles Lighting Regulations 1989 which outlines the legal requirements for lights, indicators and reflectors.

## **Utilities**

24. The Council cannot provide electricity from an outside source. Any wastewater or sewerage must be collected and lawfully disposed of after trading and must not be allowed to run into the public highway.
25. Statutory undertakers have a duty to carry out necessary works to install and maintain their infrastructure, and the authority has a duty to maintain the material structure of the Highway. Where access is required for works a Street Trader must vacate the Highway to allow a Statutory Undertaker or contractor working under highways authority consent to work on the Highway unimpeded.

## **Food Handlers**

26. Before commencing sales from council-owned land street traders selling food must have the relevant certification and registration documents, including food hygiene training commensurate with the food handling undertaken to the satisfaction of the Environmental Health department. These include but are not limited to;
  - i. a Basic Food Hygiene Level 2 Certificate, or similar
  - ii. registration with the Council as a food business

- iii. evidence of a documented food safety management system

## **Fees and Charges**

- 27. Fees and charges for street trading will be set by Full Council in February of each year. They will then be applied from 1<sup>st</sup> April – 31<sup>st</sup> March in the following financial year.

## **Public Safety**

- 28. If the Highways Department or emergency services state that a vehicle is interfering with public safety then the trader must cease trading immediately; this includes blocking sight lines on the highway for other road users, endangering the safety of pedestrians and creating a risk to other road users. The trader's Consent will then immediately be suspended until the Licensing Department are satisfied it can be safely reinstated.

## **Statutory Nuisance**

- 29. No unlawful disturbance (for example, a smell, noise, vibration) shall unduly interfere with a neighbouring or nearby property or be prejudicial to public health generally in that area or be a public nuisance or be detrimental to the amenity of the area as defined under the 1982 Act, Schedule 4, Reg 7(5) (b), and deemed a legitimate statutory nuisance by the Environmental Health department of the local authority. The severity of the nuisance shall be considered by the Environmental Health department. If they find there is a statutory nuisance then the trader's Consent will then immediately be suspended until the Licensing Department are satisfied it can be reinstated.

## **Public Liability Insurance**

- 30. The applicant must have public liability insurance to at least the value of £5,000,000 to indemnify the Council of any claims. A copy of the certificate must be submitted with the street trading application.
  - i. Public liability insurance must indemnify the Council in relation to all costs, claims, demands, actions, fines, penalties and liabilities howsoever arising from the exercise of a street trading consent

- ii. The insurance document be subject to a verification check with the insurer by the local authority and must be maintained for the duration of the consent and produced on demand during such time as approved
- iii. The insurance covers any acts, omissions or failures of the applicant, their agents, contractors or employees in the exercise of the Street Trading Consent, notwithstanding the consent having lapsed.

## **Control of Advertisements**

- 31. No adverts can be erected that are not to the satisfaction of the planning authority or the Environment Services or Highways Departments of the local authority.
- 32. Regardless of the views of the departments stated above, advertising can only be either:
  - i. A natural decal of the stall itself, ie, a non-offensive or non-confrontational mural or logo or picture or slogan printed or painted onto the stall surfaces.
  - ii. An 'A-Board' or similar structure that stands within 1m of the stall, and is securely attached to the ground and causes no obstruction or safety danger to the public, and is removed whenever the stall is removed. This must be removed during non-trading hours and any period that you are not trading.

## **Misconduct, Offences and Convictions relating to the stall operators**

- 33. Each stall operator will be required to provide a DBS (Disclosure and Barring Service) check for any person who will be operating or otherwise employed in the running of the stall on any day.
- 34. Any ongoing police investigations or issuance of fixed penalties or similar civil or criminal penalties against a stall operator will lead to the immediate suspension of the trader's Consent. Consent may be reissued if the Licensing Department are satisfied, following discussion with the police, that public safety is not at risk and there is no risk of reputational damage to the local authority.
- 35. The Licensing Department may take into account any information which does not amount to a criminal offence that is brought to its attention where that information may indicate that a stall operator or potential stall operator may not be a suitable person to hold a Street Trading Consent. This information will not be made public but it shall (unless there are legal reasons not to) be disclosed to the applicant.

## **Unauthorised Street Trading**

36. Unauthorised street trading is prohibited; Any persons found to be trading illegally will be liable to prosecution under paragraph 10 of schedule 4 of the 1982 Act. In essence this means any person who trades from Council land without the written permission of the Council will be liable to prosecution under the Act.
37. A person trading without such permission will in the first instance be written to by the Senior Licensing Officer and warned as to the threat of prosecution and that they shall be liable on summary conviction to a fine not exceeding level 3 (currently £1,000) on the standard scale of the Sentencing Act (Part 7 (s122). There shall be no second warning letter, any subsequent continuation of unauthorised trading shall be prosecuted.

## **Right to withdraw or amend a Street Trading Consent**

38. The Council may at any time take the reasonable step of reducing the number of days or the period in any day during which the Street Trading Consent holder is permitted to trade or restrict the description of goods in which he is permitted to trade or revoke a consent to trade on any of the following grounds;
  - i. that owing to circumstances which have arisen since the grant of the Street Trading Consent there is not enough space in the street for the consent holder to engage in trading permitted by the consent without causing undue interference or inconvenience to persons using that street
  - ii. that a person is unsuitable to hold a Street Trading Consent by reason of having been convicted of an offence, caution or fixed penalty which falls within this policy, or be under police investigation for such offences
  - iii. that since the grant or renewal of the Street Trading Consent, the consent holder has failed to pay their fees due to the Council for the grant of the consent within the allocated timescale set out in the application form and agreement signed
  - iv. that the Street Trading Consent holder has, since the grant or renewal of the consent, failed without reasonable excuse to make use of the consent and there is another applicant waiting to make use of that area
  - v. that, where the Street Trading Consent authorises the sale of food in a street the consent holder or any person who assists the consent holder has been convicted of an offence under food safety or health and safety legislation, or is

currently subject to formal action for such an offence by the Environmental Health Department.

- vi. right of the authority to temporarily suspend a Street Trading Consent without withdrawing the consent. Statutory undertakers have a duty to carry out necessary works to install and maintain their infrastructure, and the authority has a duty to maintain the material structure of the Highway. Where access is required for works a Street Trader must vacate the Highway to allow a Statutory Undertaker or contractor working under highways authority consent to work on the Highway unimpeded. We will, where possible, identify and relocate a trader to a replacement site for the remainder of the year if a trader is displaced by such works.
- vii. any other reasonable cause not listed above

39. Where a Street Trading Consent is withdrawn, amended or surrendered, Environment Services or the Highway Authority shall not ordinarily remit any part of the consent fee subject to each application being considered on its own merits.

## **Policy management**

- 40. The responsible officers listed on the front of the policy may, any time, undertake amendments of an administrative nature as are necessary, or to secure continuing compliance with applicable legislation. The Licensing Committee will be kept informed of any such amendments and such amendments will be noted in the 'amendments' list at the front of this document.

## **Fees**

- 41. The fees for street traders are as follows:

### **Annual Application Fee**

£500

This fee covers the administrative costs of processing one annual application, and the hire of a council commercial trading site for one year from 1 April to 31 March.

### **Additional Trading Fees**

\*NB, fees are NOT inclusive of additional planning fees that may be charged or any environmental health fees incurred as part of running a food business

## Evaluation and review

42. This Policy will be reviewed by the Council as necessary and at least every 3 years.

## LIST OF APPENDICES

### Appendix A

- Consent Streets and Prohibited Streets
- List of Council-owned or managed Commercial Trading Sites

### Appendix B

- Street Trading Application Form

### **We want to ensure that your needs are met**

If you would like this information in an audio format, Braille, large print, any other format or interpreted in a language other than English, please contact us:

Council of the Isles of Scilly  
Town Hall  
St Mary's  
Isles of Scilly TR21 0LW

Telephone: 01720 424000

E-mail: [licensing@scilly.gov.uk](mailto:licensing@scilly.gov.uk)

# APPENDIX A

## **Street Trading Consent Streets**

All streets which are maintained at public expense by the Council on the Isles of Scilly are considered to be consent streets by the Council as outlined in the policy with the exception of those streets listed as prohibited streets.

## **Prohibited Streets**

The following list of prohibited streets are to have their boundaries interpreted by the Licensing Department.

Hugh St

The Parade

Church Street

Old Town Road

Church Road

High Cross Lane

Old Town Lane

Jerusalem Terrace

## **Commercial Trading Sites**

- PLOT 1A Porthcressa Gardens
- PLOT 1B Porthcressa Gardens
- PLOT 2 Porthcressa Bank West,
- PLOT 3 Porthcressa Bank East
- PLOT 4 Area of Highway to the Rear of the Tourist Information Centre

## **Our Commercial Trading Sites on Council land 2026/27**

### **About our sites**

The Council of the Isles of Scilly understands that each open space is used by a variety of people for a range of purposes, including the local community and visitors. Careful planning and consideration is required to ensure that benefits from traders can be maximised whilst disruption to the location, the local environment, residents, and the local business community is kept to a minimum.

Applications to obtain a 'Street Trading Consent' are made under the Local Government Miscellaneous Provisions Act 1982, which we refer to as a 'consent'. Consents can last for 12 months in maximum duration. We are unable to offer longer periods of hire.

All equipment, trailers and advertising must be removed each night and whenever trading is not occurring on the site.

Some pitches will be restricted by size and ability to trade at certain times.

### **Sustainability**

The Isles of Scilly is designated an Area of Outstanding Natural Beauty (AONB),<sup>1</sup> Heritage Coast and Conservation Area – a special place rich in wildlife and archaeology. Furthermore, the Isles of Scilly has declared a Climate Emergency and is working towards achieving zero carbon emissions by 2030.

The Council encourages all applicants to avoid using single-use plastics.

Applicants are also required to ensure that none of the banned single-use plastic items under the Environmental Protection Regulations, 2023 are used i.e. single use plastic plates, bowls, and trays, single-use plastic cutlery, balloon sticks and polystyrene containers and cups.

Applicants are encouraged to seek ways to reduce waste, specifically packaging, food waste, single use items.

Applicants are encouraged to maximise reuse and recycling.

Commercial waste produced must be disposed of properly.

**Terms of the agreement**

Commercial Trading Sites are available for a maximum of 12 month periods beginning in 1 April of any year.

Only the person responsible for paying the fee and complying with the terms of the consent is accepted to sign the application.

The Council will only consider applications from people who are selling food and drink for public consumption.

**We will not consider applications for areas that are not listed in this document as a 'Commercial Trading Site'. Any fee paid to the local authority will be returned.**

## MAP OF COMMERCIAL TRADING SITES OFFERED BY THE COUNCIL

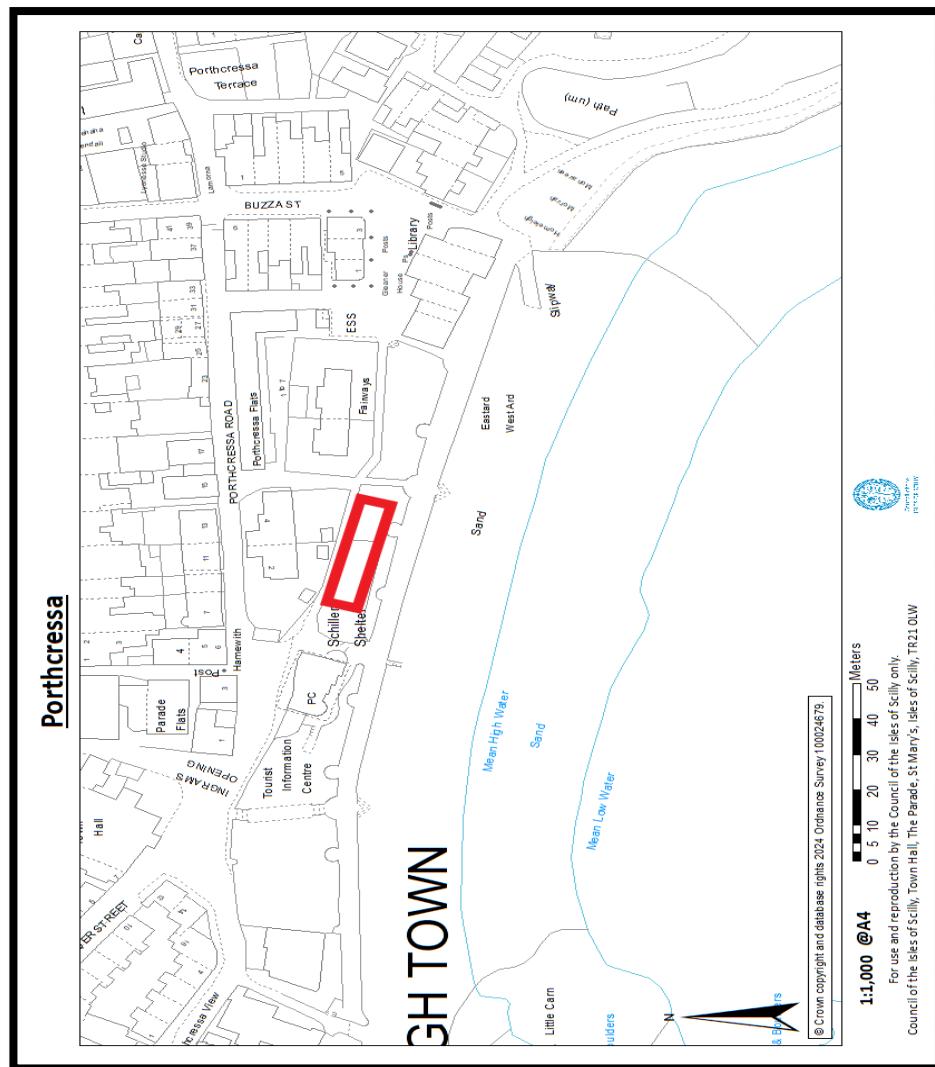
### PLOT 1A and 1B Porthcressa Gardens, Porthcressa, St Mary's, Isles of Scilly

Max Plot sizes: 6mx3m, or whole site.

Pitch can be tendered for as one, or split to accommodate two traders.

No electricity or water supplied.

Pitch drawing below is indicative only and not to scale.

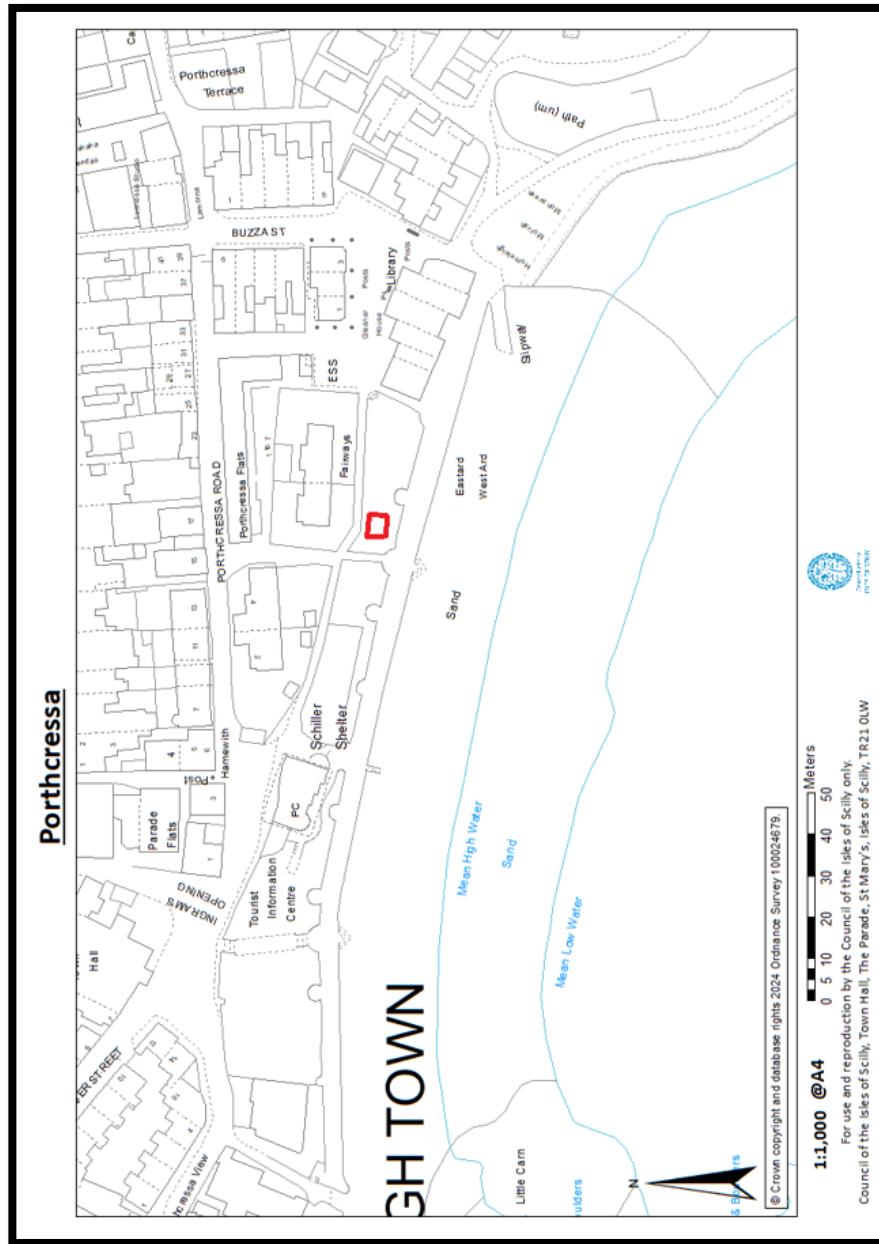


## PLOT 2 Porthcressa Bank West, Porthcressa, St Mary's, Isles of Scilly

Max Plot size: 6m x3m

No electricity or water supplied.

Pitch drawing below is indicative only and not to scale.

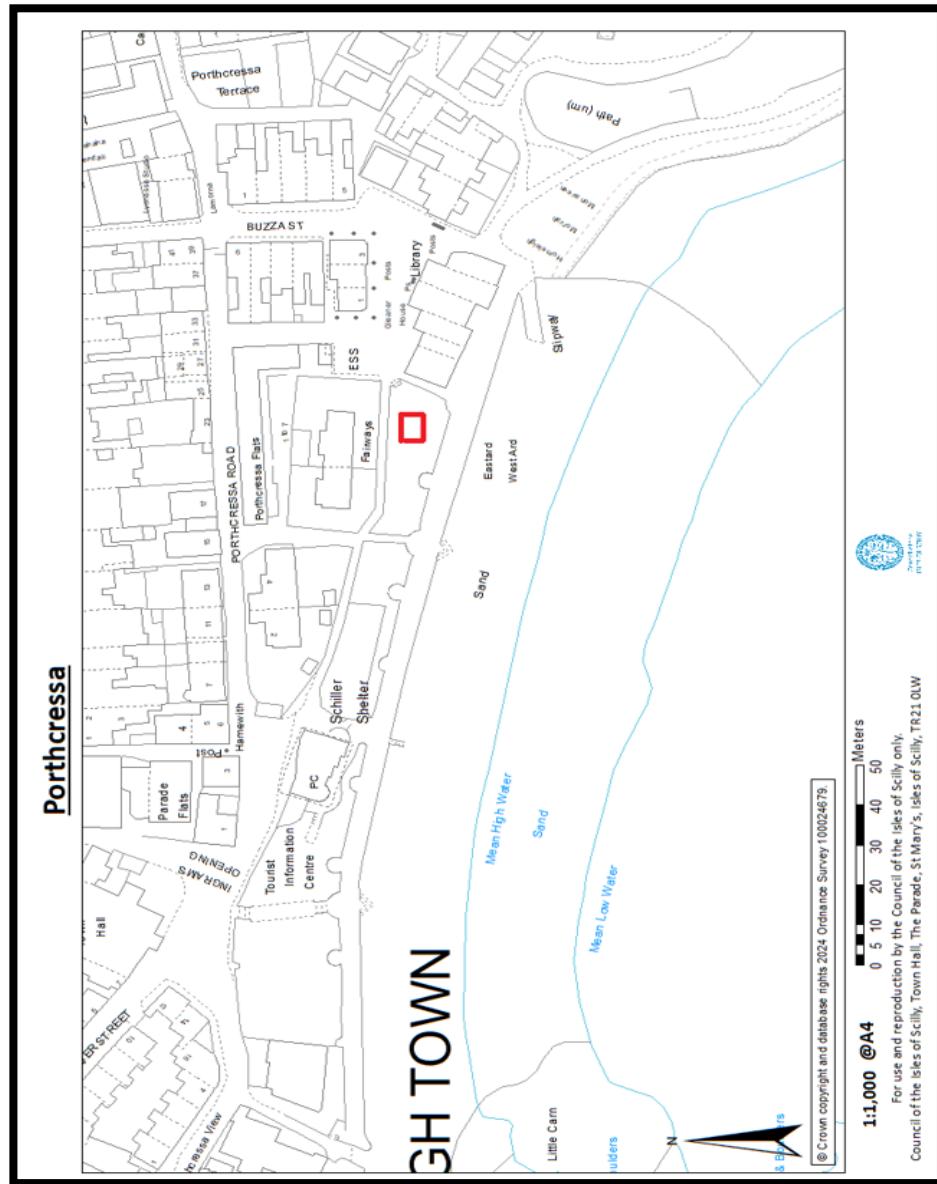


### PLOT 3 Porthcressa Bank East, Porthcressa, St Mary's, Isles of Scilly

Max Plot size 6m x 3m

No electricity or water supplied.

Pitch drawing below is indicative only and not to scale.



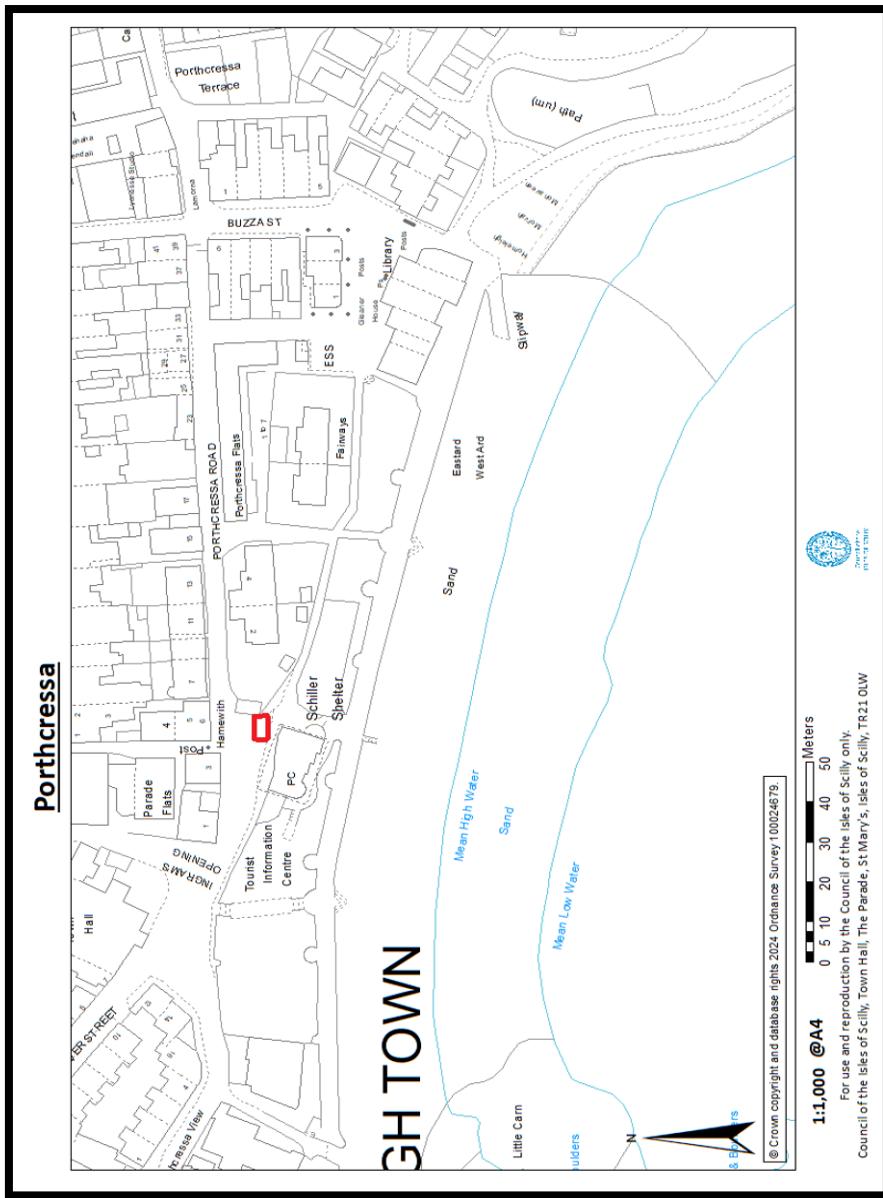
## PLOT 4 Area of Highway to the Rear of the Tourist Information Centre

Max Plot size 6m x 3m

Electricity is available with prior notice given to the Council.

Pitch drawing below is indicative only and not to scale.

The Council cannot guarantee trading from this location at any given time.



# APPENDIX B – Application Form 2026/27

**You need to ensure that you read the following carefully before filling out the application.**

1. The Council of the Isles of Scilly is inviting offers for a 12 month or less street trading consent from 1 April 2026.
2. Applications are welcomed from 1 January in any given year, and allocation of Commercial Trading Sites will be considered on a ‘first come, first served’ basis.
3. The Council reserves the right to retract any Commercial Trading Sites from the application process at anytime, and consideration of reimbursement of fees will be given and determined by the Council.
4. You need to ensure that any queries you have regarding the Application are resolved **PRIOR TO YOU SUBMITTING YOUR application.**
5. It is important to note that the Local Authority cannot give you professional or legal advice and therefore the Local Authority advises that you seek independent professional and/or legal advice before completing the application form.
6. You must read this policy and appendices before you submit an application.
7. Laws relating to alcohol licensing, aplanning, and environmental health are separate areas of law and not included in this policy. By first sending an email to [licensing@scilly.gov.uk](mailto:licensing@scilly.gov.uk) before you submit an application, we can help assist you to navigate this very quickly. In some cases there may be several weeks of waiting for some processes.
8. Even if we give you the permission to trade and you pay for your consent for 12 months, your consent could still be revoked if you are not compliant with the policy.
9. The Council will consult with key others in respect of your application and if you are provided with a consent we will inform the public of this fact on our website. All personal details will be redacted.

## **SECTION A : Terms of Consent**

<b>Landlord</b>	The Council of the Isles of Scilly, Wesleyan Chapel, St Mary's, Isles of Scilly, TR21 0JD
<b>Landlord's Solicitor</b>	Legal Services Cornwall Council New County Hall Treyew Road, Truro TR1 3AY
<b>Licence Period</b>	1 years from 1 April 2026, with use of the site restricted to between 9am –8pm daily.
<b>Licence Fee</b>	Fees to be paid in cleared funds on or before the following dates: • 100% of fee to be paid upon signing the consent
<b>Break Clause</b>	None.
<b>User Clause</b>	For the sale of Goods and services relating to food retail.
<b>Repairs and Maintenance</b>	The consent holder will be responsible for the cost of making good any damage it has caused.  The consent holder will be asked to seek to maintain a tidy and litter-free area within 10 meters of the pitch.
<b>Alterations</b>	The consent holder will not be authorised to construct any new building(s) on the site.
<b>Insurance</b>	The consent holder is responsible for public liability insurance to a minimum level of £5m and all other insurances necessary for the use of the Property.
<b>Alienation</b>	The Consent is personal and cannot be assigned.
<b>Rates and Utilities</b>	The consent holder is responsible for any and all outgoings associated with the use of the Premises.
<b>Legal Costs</b>	Each side to bear their own costs.
<b>Conditions</b>	The Consent is subject to receipt by the landlord of satisfactory references
<b>General</b>	1. The consent holder is responsible for obtaining and paying for all the necessary permissions for its use of

	<p>the property (including, but not limited to, planning permission, licensing applications) and for complying with the conditions that the permissions impose.</p> <ol style="list-style-type: none"><li>2. The consent holder is responsible for complying with all legislation relating to the use of the property and must supply to the Council a copy of all documentation showing its compliance within seven days of the Council requesting it.</li><li>3. The Landlord reserves the right to terminate the licence at anytime if it is seen that the consent-holder is not present and trading within reason.</li><li>4. At the end of the term the consent-holder must yield up the Property with vacant possession, in the condition as it was granted.</li><li>5. All street traders will ensure that the area surrounding the consent site is kept free of litter, and in the case of food businesses, waste food, food spillage and grease staining originating from the business by the following means: cleaning the area as often as is necessary and at the end of each day and removing from the site at the end of trading on each day all litter contained in the waste containers provided by you and collected from the area of the site and dispose of it in a lawful manner, by way of a trade waste collection.</li><li>6. Commercial waste arising from the business needs to be paid for.</li><li>7. The Local Authority makes no offer of provision of electric or other power or light or illumination or promise of shelter from the elements or promise to undertake any alteration to prove shelter to any trader on any site. Any subsequent agreement with the Local Authority to do so will be subject to a separate agreement which will sit outside of this consent to trade.</li></ol>
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	<ol style="list-style-type: none"><li>8. Any trader may employ other people to help them run their business on the site, but the responsibility for the business will lie solely with the named consent-holder. A DBS check must be supplied to environment services for every person over the age of 16 who works on the site each year. This DBS check should be sent to <a href="mailto:licensing@scilly.gov.uk">licensing@scilly.gov.uk</a></li><li>9. You are expected to pay your annual fee in full at the beginning of each year, upon submission of your application. No other fees will be levied upon you for your consent to trade at this location, this single fee will cover the application for consent and also the agreed terms with environment services to trade in that location. This fee is NOT inclusive of any other fees you may incur as a result of running your business.</li><li>10. By agreeing to this consent you are also agreeing the terms of the Council of the Isles of Scilly Street Trading Policy as a whole, including appendices.</li><li>11. The fee must be paid in full before the application can be considered.</li></ol>
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## **SECTION B : About the application process**

### **Consideration of applications**

Commercial Trading Sites are available through a first-come, first-served basis. The final determination of an application will be mixture of both the point at which the fee is paid, but also to what extent the applicant consulted with the Licensing Department and Environment Department prior to submitting their payment. If you pay your fee but your application is rejected we will return your fee or offer you an alternative suitable pitch should there be one remaining.

Allocation of specific pitch areas will be determined by the Head of Environment, taking into account each application. The local authority reserves the right to allocate pitches in a way that they consider is suitable for the safe management of trading.

You must be 17 years or older to obtain a Street Trading Consent, do not apply if you are younger than this.

### **Applying for multiple sites**

There can only be one site under consideration per application. A person can submit multiple-site applications if they run multiple food businesses.

### **Registering as a food hygiene business**

The law requires either registration or approval of all food businesses. To store, prepare, distribute or sell food, you need to be registered as a food businesses with the Council of the Isles of Scilly 28 days prior to opening. Please visit the council website for more information or email [environmentalhealth@scilly.gov.uk](mailto:environmentalhealth@scilly.gov.uk) .

### **Other licenses or permissions you may need**

Please be aware that you may require other permissions, please enquire with us.

For licensing enquiries please contact [licensing@scilly.gov.uk](mailto:licensing@scilly.gov.uk) or visit our website.

For planning enquiries please contact [planning@scilly.gov.uk](mailto:planning@scilly.gov.uk) or visit our website.

For Highway enquiries please contact [highways@scilly.gov.uk](mailto:highways@scilly.gov.uk) or visit our website.

## PRIVACY NOTICE

### **Who will control my data?**

The Data Controller for all the information you provide on this form, together with any supporting information or documents requested as part of the application process, is:  
Council of the Isles of Scilly  
Old Wesleyan Chapel  
Garrison Lane  
St Mary's  
Isles of Scilly  
TR21 0JD

### **If there is something you don't understand.**

Please contact the Licensing Team on 01720 424000 or by emailing  
[licensing@scilly.gov.uk](mailto:licensing@scilly.gov.uk)

### **How we will use the information about you?**

The Council, under the Local Government (Miscellaneous Provisions) Act 1982, deals with applications for street trading. We will use the information you give as part of the application / notification process to consider whether authorisations may be approved or remain in force.

We may also use your contact details to provide you with information or to ask your views on certain matters. For example: advising on changes to legislation & policy, training or seeking your views on customer satisfaction, formation and review of licensing policy, practice and /or procedures.

### **Who else will we share your information with?**

We will use this information in conjunction with your application and any consent issued. This may include checks with the Responsible Authorities that are designated under the Local Government (Miscellaneous Provisions) Act 1982, and in our policy. This includes the Council of the Isles of Scilly Councillor(s) and services of the Council such as Licensing team, Legal team, Environment team, Environmental Health team, the local police team, and also possible referral to the Council's Licensing Committee or sub-committee.

Details of your application will be advertised on the Council's website if you are successful in your application, this will be on display for the duration of your consent. Personal information will not be used other than your name, the nature of your articles for sale, your hours of operation, and any conditions or relevant information of that nature that we think will be informative to the public.

The Council of the Isles of Scilly is under a duty to protect the public funds it administers, and to this end may use the information you have provided on this form for the prevention and detection of fraud. In this regard it may also share your information with other bodies responsible for auditing or administering public funds for these purposes such as the Police and the Department for Work and Pensions.

### **Safeguards.**

Your data will be held within The Council of the Isles of Scilly's secure network and premises and will not be processed outside of the UK, or the EEA. Access to your information will only be made to authorised members of staff who are required to process it for the purposes outlined in this privacy notice.

### **How long will we keep this information for?**

Your information will be kept for 3 years from the date you last accessed the service or 3 years after any licence issued ceases to have effect.

### **What are my data rights?**

Your personal information belongs to you and you have the right to:

- be informed of how we will process it
- request a copy of what we hold about you and in commonly used electronic format if you wish (if you provided this to us electronically for automated processing, we will return it in the same way)
- have it amended if it's incorrect or incomplete
- have it deleted (where we do not have a legal requirement to retain it)
- withdraw your consent if you no longer wish us to process
- restrict how we process it
- object to us using it for marketing or research purposes
- object to us using it in relation to a legal task or in the exercise of an official authority
- request that a person reviews an automated decision where it has had an adverse effect on you

### **How do I exercise these rights?**

If you would like to access any of the information we hold about you or have concerns regarding the way we have processed your information, please contact:-

Simon Mansell,  
Data Protection Officer  
Council of the Isles of Scilly  
Email: [dpo@scilly.gov.uk](mailto:dpo@scilly.gov.uk)

### **Section C: Application form**

<p><b>Consent-holder(s) –</b>  <b>Insert the details of all individuals to be named as Consent-holders in the Licence.</b>    <b>There can be a maximum of 2 individuals.</b></p>	<p><b>Applicant 1</b></p> <p>Surname: .....</p> <p>First names: .....</p> <p>Address: .....</p> <p>..... Post code: .....</p> <p>Telephone No: .....</p> <p>Email address: .....</p> <p>Date of Birth: (you must be 17 years old or older)...../...../.....</p> <p><b>Applicant 2</b></p> <p>Surname: .....</p> <p>First names: .....</p> <p>Address: .....</p> <p>..... Post code: .....</p> <p>Telephone No: .....</p> <p>Email address: .....</p> <p>Date of Birth: (you must be 17 years old or older)...../...../.....</p>
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<b>Site</b>	Please provide pitch preference: (commercial trading site plot number)
<b>Nature of business</b>	Please describe exactly what food you propose to sell from the site, and how you intend to cook or serve it from your unit.
<b>Risk Assessment</b>	Please provide details of how you would ensure the safety of staff and customers:

<b>Dealing with waste</b>	<p>Waste or recycling which is produced as a result of business activity is classed as commercial waste. This would include any packaging, bottles, tubs, trays, food waste and so on.</p> <p>This does <u>not</u> include waste/recycling which customers 'takeaway' from your trading area.</p> <p>Please can you confirm how you will deal with commercial waste produced as a result of your business activity?</p>
<b>Trading period</b>	<p>Please provide details of the days/months etc that you intend to trade on site:</p> <p>Hours: .....</p> <p>Days: .....</p> <p>Months: .....</p> <p>Comments:</p>

**SECTION D: Supporting statement (if you wish to make one)**

**I, the undersigned, confirm the following on behalf of all those mentioned above:**

- (a) This application for consent is true, and I have read and understand the Street Trading Policy for the Council of the Isles of Scilly (2026/27)
- (b) I/we have not relied upon any verbal statement given by any officer or member of the Council in the submission of this tender.
- (c) I have paid, or will today pay, the fee required for 12 months of trading under the terms of this consent.

NAME	
ADDRESS	
POSTCODE	
MOBILE OR TELEPHONE	
EMAIL	
DATE	
SIGNATURE	

## Privacy Statement

The information you provide on this form will be used to contact you regarding your application for Street Trading on Council land and will be held securely within Council's secure network and premises and will not be processed outside of the UK. Access to your information will only be made to authorised members of staff who are required to process it for the purposes outlined in this privacy notice.

### How long will you keep this information for?

If you are successful your information will be kept for 5 years after which time it will be erased. If you are unsuccessful your information will be kept for 3 years after which time it will be erased.

### What are my data rights?

Your personal information belongs to you and you have the right to:

- be informed of how we will process it
- request a copy of what we hold about you and in commonly used electronic format if you wish (if you provided this to us electronically for automated processing, we will return it in the same way)
- have it amended if it's incorrect or incomplete
- have it deleted (where we do not have a legal requirement to retain it)
- withdraw your consent if you no longer wish us to process
- restrict how we process it
- object to us using it for marketing or research purposes
- object to us using it in relation to a legal task or in the exercise of an official authority
- request that a person reviews an automated decision where it has had an adverse effect on you

### How do I exercise these rights?

If you would like to access any of the information we hold about you or have concerns regarding the way we have processed your information, please contact:

Data Protection Officer  
Cornwall Council  
County Hall  
Truro  
TR1 3AY  
Tel: 01872 326424  
Email: [dpo@scilly.gov.uk](mailto:dpo@scilly.gov.uk)

**I don't agree with something**

We would prefer any complaints to be made to us initially so that we have the opportunity to see if we can put things right. However, if you are unhappy with the way we have processed your information or how we have responded to your request to exercise any of your rights in relation to your data, you can raise your concerns direct with the Information Commissioner's

Office Tel No. 0303 123 1113

<https://ico.org.uk/concerns/>

**Why do you need my information?**

We need the information in order that we can legally enter an agreement with you.

**I confirm that I have read the information above and that I agree to my information to be used for the purpose described.**

**Signed** \_\_\_\_\_ **Date** \_\_\_\_\_

### APPLICATION CHECKLIST

	<b>Yes</b>	<b>No</b>	<b>To Follow</b>	<b>NA</b>
Have you consulted the Environment Services department <a href="mailto:environment@scilly.gov.uk">environment@scilly.gov.uk</a> before submitting this application?				
Have you consulted the Local Planning Authority <a href="mailto:planning@scilly.gov.uk">planning@scilly.gov.uk</a> to check whether planning permission is required?				
Have you got the necessary licencing permissions to sell alcohol, for example?				
Do you have Public Liability Insurance (to the value of £5 million)?				
Are you a registered food business? Do you have a Food Hygiene certificate? Do you have a suitable documented food safety management system?				
Have you completed a risk assessment that says how you will mitigate risks?				
Have you obtained a DBS disclosure?				

## **Health & Safety Risk Assessment Template**

This template has been provided to aid applicants to develop a risk assessment for their activity on Council managed land. Applicants should seek professional advice to support them with assessing risks. Information to help is also available from the Health and Safety Executive [Managing risks and risk assessment at work: Overview - HSE](#).

<b>Risk Assessment Title:</b>		<b>Date of Assessment:</b>
<b>Assessed by:</b>	<b>Reviewed by:</b>	<b>Reviewed date:</b>
<b>Overview of Activity:</b>		

What are the hazards?	Who might be harmed and how?	What are you already doing to control the risks?	What further action do you need to take to control the risks?	Who needs to carry out the action?	When is the action needed by?	Done
