

TEWKESBURY BOROUGH COUNCIL

Report to:	Licensing Committee
Date of Meeting:	15 June 2023
Subject:	Review of Street Trading Policy
Report of:	Licensing Operations and Development Team Leader
Head of Service/Director:	Director: Communities
Lead Member:	Lead Member for Clean and Green Environment
Number of Appendices:	Two

Executive Summary:

To consider and approve a draft revised Street Trading Licensing Policy for consultation.

Recommendation:

To APPROVE the draft revised Street Trading Policy attached at Appendix A for formal consultation.

Financial Implications:

None arising directly from this report.

Legal Implications:

There are no significant implications within this category. Should the suggested policy changes be approved for implementation, further legal implications shall be provided at that time.

Consultation should be carried out in accordance with applicable legislation and public law principles, including but not limited to publication and notification to relevant parties and allowing adequate time for parties to respond.

Any comments and final document will be considered by the Licensing Committee prior to referring to Executive Committee for adoption.

Environmental and Sustainability Implications:

There are no significant implications within this category.

Resource Implications (including impact on equalities):

No resource implications.

A proposal has been included to include a condition for markets and any stalls on a footpath, or an area that is used by pedestrians, to fully assess accessibility to all users as set out in [Section 3.1 of Inclusive Mobility](#)

Safeguarding Implications:

None arising directly from this report.

Impact on the Customer:

None arising directly from this report.

1.0 INTRODUCTION

1.1 Street trading is the selling or exposing or offering for sale any article in a street.

1.2 It is regulated under The Local Government (Miscellaneous Provisions) Act 1982 which states that a 'street' includes any road, footway, beach, or other area to which the public have access without payment.

1.3 Tewkesbury Borough Council has for many years designated that all land within Tewkesbury Borough, that falls within the above definition of 'street', are consent streets. This means that any person who wishes to trade on any street or land, that the public have free access to, must apply for street trading consent from Tewkesbury Borough Council.

1.4 Tewkesbury Borough Council has a Street Trading Policy which lays out the application criteria, procedures, and conditions for street trading consents. This was last reviewed in 2019.

1.5 The numbers of consents currently issued are:

- 1 market
- 3 mobile traders (Ice cream)
- 16 static traders

2.0 PROPOSED CHANGES TO POLICY

2.1 The main changes proposed are:

- Removal of the Disclosure and Barring Service (DBS) requirement – this is in line with Cotswold, Gloucester, Forest of Dean and Cheltenham as Gloucestershire Police undertake Police National Computer checks on all applicants.
- Specified consents and durations that can be applied for.
- Inclusion of inclusive mobility requirements.
- Standard conditions for markets.

These changes can be seen by tracked changes in the draft policy attached at **Appendix A**.

2.2 A copy of the current policy can be seen at **Appendix B**.

3.0 CONSULTATION

3.1 A 12-week consultation will be carried out with all licence holders and stakeholders. This will run from 3 July – 24 September 2023.

3.2 This will include:

- All consent holders
- Gloucestershire Constabulary
- Gloucestershire Highways
- Town/Parish Council(s)
- The Borough Councillors for all Wards
- Environmental Health Officers at Tewkesbury Borough Council
- The Planning Authority
- Gloucestershire and Bristol Sight Loss Council
- Website

4.0 **ASSOCIATED RISKS**

4.1 None at present.

5.0 **MONITORING**

5.1 Consultation comments and a revised draft policy will be presented to Licensing Committee later in the year.

6.0 **RELEVANT COUNCIL PLAN PRIORITIES/COUNCIL POLICIES/STRATEGIES**

6.1 The Council's Corporate Plan.

Tewkesbury Borough Council's Street Trading Policy – March 2019

Background Papers: Tewkesbury Borough Council's Street Trading Policy – March 2019

Contact Officer: Licensing Operations and Development Team Leader
michelle.bignell@tewkesbury.gov.uk

Appendices: Appendix A – draft Street Trading Policy
Appendix B – current Street Trading Policy