

TEWKESBURY BOROUGH COUNCIL

Report to:	Licensing Committee
Date of Meeting:	9 November 2023
Subject:	Review of Street Trading Licensing Policy
Report of:	Licensing Team Leader
Head of Service/Director:	Director: Communities
Lead Member:	Lead Member for Clean and Green Environment
Number of Appendices:	Four

Executive Summary:

To advise the Committee on the outcome of the consultation and seek adoption of the Street Trading Licensing Policy.

Recommendation:

To endorse the revised Street Trading Licensing Policy and RECOMMEND TO THE EXECUTIVE COMMITTEE that it be ADOPTED.

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 has been 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.

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. 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.
- 1.2** 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.
- 1.3** 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.
- 1.4** The numbers of consents currently issued are:
- 1 market
 - 3 mobile traders (ice cream)
 - 16 static traders

2.0 BACKGROUND

- 2.1** The draft policy was approved by the Licensing Committee on 15 June 2023 for consultation.

3.0 PROPOSED CHANGES TO THE STREET TRADING POLICY

- 3.1** The main changes proposed are:
- Removal of the Disclosure and Barring Service (DBS) requirement – this is in-line with Cheltenham Borough Council, Cotswold District Council, Forest of Dean District Council and Gloucester City Council as Gloucestershire Police undertake Police National Computer (PNC) checks on all applicants.
 - Specified consents and durations that can be applied for.
 - Inclusion of inclusive mobility requirements.
 - Standard conditions for markets.

These are shown as tracked changes in the draft policy attached at **Appendix A**.

- 3.2** A copy of the current policy is attached at **Appendix B**.

4.0 CONSULTATION

- 4.1** A 12-week consultation was carried out with all licence holders and stakeholders. This ran from 3 July – 24 September 2023.

4.2 Stakeholders included:

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

The consultation was advertised on the Council's website.

4.3 A table showing consultation comments and an assessment is attached at **Appendix C**.

5.0 REVISED STREET TRADING POLICY

5.1 The final draft document incorporating revisions following the consultation is attached at **Appendix D**.

6.0 ASSOCIATED RISKS

6.1 None at present.

7.0 MONITORING

7.1 The revised policy will come into effect from 1 January 2024 - all licence holders will be written to regarding any amendments and the Council's website will be updated with the revised policy document and information.

8.0 RELEVANT COUNCIL PLAN PRIORITIES/COUNCIL POLICIES/STRATEGIES

8.1 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

Local Government (Miscellaneous Provisions) Act 1982

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Appendices: Appendix A – Street Trading Policy with tracked changes
Appendix B – Current Street Trading Policy
Appendix C – Consultation comments
Appendix D – Final policy recommended for adoption by Council.