

Joint Meeting of the Environment Overview and Scrutiny Committee and Rural and Communities Overview and Scrutiny Committee



SOUTH
KESTEVEN
DISTRICT
COUNCIL

Tuesday, 24 February 2026 at 10.30 am
Council Chamber - South Kesteven House, St. Peter's Hill,
Grantham. NG31 6PZ

Committee Members: Councillor Emma Baker, Councillor David Bellamy, Councillor Pam Bosworth, Councillor James Denniston, Councillor Barry Dobson, Councillor Ben Green, Councillor Tim Harrison, Councillor Gloria Johnson, Councillor Robert Leadenham, Councillor Bridget Ley, Councillor Nikki Manterfield, Councillor Paul Martin, Councillor Habib Rahman, Councillor Rhea Rayside, Councillor Max Sawyer, Councillor Lee Steptoe, Councillor Elvis Stooke and Councillor Sarah Trotter

Agenda

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† 01476 406080

Karen Bradford, Chief Executive

www.southkesteven.gov.uk

1. **Election of Chairman**
2. **Election of Vice-Chairman**
3. **Public Speakers**

The Council welcomes engagement from members of the public. To speak at this meeting, please register no later than 24 hours prior to the date of the meeting via democracy@southkesteven.gov.uk.
4. **Apologies for absence**
5. **Disclosures of interest**

Members are asked to disclose any interests in matters for consideration at the meeting.
6. **Small unmanned aircraft (Drone) Policy** (Pages 3 - 20)

Small Unmanned Aircraft (SUA) / Drone use is growing at a rapid rate in the UK. Drone usage will provide a safer option for certain work streams and this Policy sets out the controls required to implement Drones and their use for Council activities.
7. **Body Worn Video Policy** (Pages 21 - 40)

To present the proposed Body Worn Video Policy to the Committee.
8. **Review of the Street Trading Policy** (Pages 41 - 101)

This report proposes changes to the existing Street Trading Policy.
9. **Hackney Carriage and Private Hire Licensing Policy** (Pages 103 - 118)

To consider a proposal to introduce mandatory CCTV cameras in the Council's Hackney Carriage and Private Hire Licensing Policy
10. **Any other business which the Chairman, by reason of special circumstances, decides is urgent**



**SOUTH
KESTEVEN
DISTRICT
COUNCIL**

Joint meeting of the Environment Overview and Scrutiny Committee and Rural and Communities Overview and Scrutiny Committee

Tuesday, 24th February 2026

Report of Councillor Philip Knowles,
Cabinet Member for Corporate
Governance and Licensing

Small unmanned aircraft (Drone) Policy

Report Author

Phil Swinton, Head of Health, Safety, Compliance and Emergency Planning

✉ phil.swinton@southkesteven.gov.uk

Purpose of Report

Small Unmanned Aircraft (SUA) / Drone use is growing at a rapid rate in the UK. Drone usage will provide a safer option for certain work streams, and this Policy sets out the controls required to implement Drones and their use for Council activities.

Recommendations

Environment Overview and Scrutiny and Rural and Communities Overview and Scrutiny Committee are asked to recommend this Policy to Cabinet for approval.

Decision Information

Does the report contain any exempt or confidential information not for publication? No

What are the relevant corporate priorities?

Sustainable South Kesteven
Effective council

Which wards are impacted?

(All Wards);

1. Implications

Taking into consideration implications relating to finance and procurement, legal and governance, risk and mitigation, health and safety, diversity and inclusion, safeguarding, staffing, community safety, mental health and wellbeing and the impact on the Council's declaration of a climate change emergency, the following implications have been identified:

Finance and Procurement

- 1.1 Whilst there are some minor costs associated with training designated drone operators and the drones themselves it is expected these will be offset by savings from reduced working at height costs such as not incurring scaffolding costs.

Completed by: David Scott – Assistant Director of Finance

Legal and Governance

- 1.2 There are no additional legal or governance implications that aren't already reflected within the report.

Completed by: James Welbourn, Democratic Services Manager

Risk and Mitigation

- 1.3 The Council will be asking for its Public Liability insurance to be endorsed to include the use of drones. It is important that full risk assessments are completed to ensure the drone is suitable for purpose; full training is provided; and that the drone is **only** used in connection with Council business.

Completed by: Tracey Elliott, Governance & Risk Officer

Health and Safety

- 1.4 This policy has been designed to establish the safe and compliant use of drones. It clearly sets out the requirements necessary to meet the controls required under the CAA guidance and best practices and supports a reduction in risk profile.
- 1.5 The Policy also ensures compliance with the Health and Safety at Work Act 1974 and associated regulations including the Management of Health and Safety at Work Regulations 1999 and the Provision and Use of Work Equipment 1998

Completed by: Phil Swinton, Head of Health, Safety, Compliance and Emergency Planning

Climate Change

- 1.6 Implementing the Small Unmanned Aircraft (Drone) policy offers potential for efficiencies for a variety of tasks that South Kesteven District Council complete as a landlord or for other property maintenance duties. These efficiencies could include a reduction for contractors to travel to survey properties, where these tasks could be carried out by appropriately qualified staff, or through issues with a property being identified and resolved more quickly through authorised use of drones.

Completed by: Serena Brown, Sustainability and Climate Change Manager

2. Background to the Report

- 2.1 The use of drones is a rapidly growing area which can provide real time benefits to organisations. The primary benefit being a reduction in risk profile through the removal of work at height requirements.
- 2.2 Drones can be deployed with little preparation or need for scaffolding and mobile towers to be erected to support building inspection and maintenance across the Housing and Corporate Property portfolio. In addition they have potential applications in planning enforcement, emergency response, waste management and identifying areas of illegal waste tipping.
- 2.3 The use of drones is strictly controlled and the policy clearly outlines the requirements established to ensure compliance with the Civil Aviation Authority (CAA) guidance on drone usage in the UK.

3. Key Considerations

- 1.1. Introducing a policy which allows for drone use provides several benefits as outlined and supports climate change aspirations with a reduction of carbon footprint
- 1.2. The policy is designed to ensure compliance with the CAA guidance and increase the safety of officers consequently reducing the risk profile of the organisation.

4. Other Options Considered

- 4.1 The Council could continue to utilise scaffolding and mobile towers with current safety mitigations or engage contractors to undertake the works and inspections

5. Reasons for the Recommendations

- 1.1. To ensure that the policy for drone use is clear and receives the appropriate scrutiny and challenge.

6. Appendices

- 1.1. Appendix 1 - Drone Policy



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Small Unmanned Aircraft (SUA)(Drone) Policy Version 2.1



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1. INTRODUCTION

The objective of this policy is to ensure that employees operating SUA/Drones on behalf of South Kesteven District Council have the information they need to ensure that whilst operating their devices, they are not posing a risk to any other aircraft or people and that they are complying with the relevant legislation.

2. POLICY STATEMENT

It is the policy of South Kesteven District Council (SKDC), to, so far as is reasonably practicable, ensure the health, safety, and welfare of all who may be affected by its undertakings, acts or omissions. The Council will:

- Ensure a safe working environment for all employees, contractors, and the public.
- Operate SUA in a safe and responsible manner, in accordance with the legislation and the conditions detailed in the manufacturer's guidance.
- Ensure that all personnel are suitably trained, current and competent to participate in operations.
- Plan, assess and execute all operations in accordance with the procedures outlined within this and supporting operational arrangements.
- Use the drone in conjunction with the relevant flight recording app/ software.
- Manage risk and implement suitable mitigations where required.
- Ensure personnel do not deviate from any documented procedures.
- Report any accident, serious incident, reportable occurrence in a timely manner.
- Conduct equipment maintenance in accordance with the manufacturer's recommendation.
- Keep up to date with changes in legislation by means of the CAA website and SkyWise platform, ensuring this document always remains compliant.
- This Policy allows for the use of drones in relation to SKDC work activities related to inspection, maintenance and fly tipping investigations. Drone use is not permitted for any covert or overt monitoring or surveillance of any kind.

3. OBJECTIVE and PERMITTED USES

The objective of this policy is to set out minimum standards for ensuring the safety of persons using and those affected by SUA/Drone activity undertaken by SKDC and its officers only.

This is designed to reduce the risk of works at height and reduce the time and cost of works of associated works as outlined below.

The use of an SUA/Drone will be permitted for the inspection of housing properties, including private sector housing, new build inspections and property related maintenance/damage, the inspection of damaged/ dangerous structures and to identify the location of fly tipping in rural locations.

In Emergency responses, for example flooding. Drone use allows accurate ground intelligence to be gathered while providing safety by distance for officers. This information can then be shared with agency and Blue light partners as required, aiding the overall response as required under the Civil Contingencies Act 2004

Any works not within scope must be raised with the Corporate safety team and Data and Governance Officer for review of the proposal. The addition of any workstreams would require an update of Policy and approval from the appropriate scrutiny committee / Cabinet

4. RESPONSIBILITIES

4.1 Accountable Person / Heads of Services / Responsible Managers

Ensure all SUA use in respect of SKDC related activities is undertaken:

- in compliance with this policy, Civil Aviation Authority (CAA) legislation and guidance Drone Operations Manual and all related procedures.
- on completion of suitable and sufficient risk assessments and safe systems of work.
- by suitably competent persons and,
- with the necessary public liability insurance cover.
- Ensure flight logs detailing the purpose of the flight, location and length of flight are maintained.
- Ensure data is stored in the agreed manner and deleted as soon as is no longer required to support the works which required the data to be recorded.
- All flights must be planned and mapped against an airspace management system, such as Altitude Angel. These provide accurate and up to date information on no-fly zones, airspace with restrictions and Notice to Air Missions (NOTAMS)
-

4.2 Head of Health & Safety Service

- Ensure the SUA/Drone policy is reviewed and updated regularly. Including whenever legislation changes and no longer than every 2 years.
- Provide advice and guidance to SUA/Drone operators and approve, where appropriate, SUA use subject to satisfactory compliance with this policy, CAA regulations, and guidance, including suitable and sufficient risk assessments.

- Ensure the Council's Insurance Officer is informed of the use of drones and the drone policy.
- Audit records of use and compliance with the policy.
- Lead on all incident/accident reviews in relation to drone use and compliance.
- Review flight logs at regular intervals, in conjunction with the Data Protection team, for accuracy and review of data storage and collateral intrusion or capturing of unrelated data.

4.3 SUA/Drone Operations Coordinator **“Accountable Person”**

- Apply for, and upon issue by the CAA, hold and maintain the Permission for operations (Operators licence) and regularly review and maintain any associated SUA Operations Manual.
- Advise on the appropriate procedures for complying with the relevant legislation and guidance on safe management of SUA.
- Advise SUA Operators as necessary regarding training, flight planning, risk assessment etc.
- Operate SUA in compliance with this policy, CAA legislation, and guidance, on completion of suitable and sufficient risk assessments and having obtained suitable Public Liability insurance.

4.4 SUA/Drone Operators

- All SUA/Drone Operators will be responsible for ensuring that their flights are carried out safely and that all risks are controlled to an acceptable level in accordance with CAA Code of Practice for Drone use.
- All SUA/Drone Operators will be required to have registered their devices with the CAA and to have taken an online training course and test. This will be an annual registration, and a charge will be levied by the CAA.
- Following changes in January 2026 it is a requirement for pilots of any drone over 100 grams in weight complete the online training and register for flyer ID.
- Ensure that the recording function is only used during the portion of the flight that requires information to be gathered. Recording must not be on during transit flight to and from the location being recorded.
- Camera use may be required for continuous use in certain cases, for example if utilised for the locating of fly tipping in rural areas. Where this is the case, it must be noted in the flight log.

5. DEFINITIONS

- Small Unmanned Aircraft (SUA) system; Defined as remotely operated aircraft and all the control, launch and landing systems required for their operation. Sometimes referred to as ‘Drones,’ Unmanned Aerial Vehicles (UAV), and “Remotely Piloted Aircraft Systems” (RPAS). All are covered by the scope of this policy.
- Operator (or pilot) – the person operating the SUA / Drone.

6. BACKGROUND

6.1 Regulation of aviation in the UK

The primary legislation is the Air Navigation Order (ANO) 2016 (as amended). ANO is enforced by the CAA, which has enforcement powers.

The ANO does not distinguish between different types of aircraft. It covers ALL aircraft, of all sizes. The CAA grants “exemptions” from certain provisions of the ANO. If there is no explicit exemption, then the provisions of the ANO apply.

The ANO does not regulate the use of SUA’s/Drones indoors. Workplace health and safety legislation applies to indoor use.

6.2 Commercial Aviation

ANO defines a ‘commercial operation’ as:

“...any operation of an aircraft other than for public transport—

(a) which is available to the public; or

(b) which, when not made available to the public, is performed under a contract between an operator and a customer, where the latter has no control over the operator, in return for re-numeration or other valuable consideration.”

Any commercial operation requires the operator to meet all the legal requirements of a commercial operator that apply to their type of aircraft.

Any SUA use must be risk assessed. This will include the risk to persons who might be affected by malfunction, as well as operators, for example, where there may be manual handling and hazardous substance hazards.

6.3 SUA/Drone Operations around airfields

In March 2019, the Flight Restriction Zone (FRZ) around airports and airfields changed. Boundaries of FRZ around airports are now set at a minimum distance of **5km**. Air Traffic Control (ATC) approval is required for any SUA/Drone flight within the FRZ.

SUA/Drone Operators are required to ask permission from the local airport’s Air Traffic Control (ATC) to fly within the Aerodrome Traffic Zone (ATZ). The ATZ is a 4.6km radius circle centred at an Aerodrome Reference Point (ARP). The ARP is the geographical location of the aerodrome and the centre of its traffic zone where an ATZ is established.

In addition, a zone has been introduced, 5km by 1km starting from the point known as the 'threshold', at the end of each of the airfield's runways. Both zones (FRZ and ATZ), extend upwards to a height of 2,000 feet above the airfield.

A map depicting the restricted areas at East Midlands Airport and Heathrow Airport are included as examples at Appendix 1 and are available at <https://dronesafe.uk/restrictions/>.

Where appropriate, Operators must provide written evidence of their permission to operate inside the FRZ / ATZ to the Health & Safety team upon request and in any case, to the local Air Traffic Control prior to any flying in the FRZ / ATZ.



7. SAFETY LEGISLATION

The Health and Safety at Work Act 1974 sets out that Employers have a legal obligation to ensure the health, safety, and welfare of all employees and others who may be affected by their work. This includes:

- Ensuring that the workplace is safe and without risks to health, and that employees are adequately trained and supervised.
- Employers are required to assess and control risks in the workplace, including identifying potential hazards and taking steps to eliminate or minimize them.

The Act is an enabling act, and we must also consider additional regulations. SUA/Drones are considered to be work equipment, as defined by the Provision and Use of Work Equipment Regulations 1998. They must therefore be:

- suitable for the intended use.
- safe for use, maintained in a safe condition and inspected to ensure it is correctly constructed and does not subsequently deteriorate.
- used only by people who have received adequate information, instruction, and training.
- accompanied by suitable health and safety measures, such as protective devices and controls. These will normally include emergency devices, adequate means of isolation from sources of energy, clearly visible markings, and warning devices.

The Management of Health and Safety at Work Regulations 1999 places a number of duties on the Council in its undertakings, including:

- identifying what could cause injury or illness in your business (hazards).
- decide how likely it is that someone could be harmed and how seriously (the risk).
- take action to eliminate the hazard, or if this is not possible, control the risk.
- provide information and training for employees.

7.1 Safety Requirements

- SKDC SUA/Drone Policy requires that all SUA/Drone operators must have, before flying, a current registration certificate for the devices they intend to use and their Operators training certificate. (Please refer to the following website for details: [CAA website](#) including exemptions.
- Will only be operated by trained and competent persons as identified in the risk assessment.
- Equipment must be serviced and maintained as identified in manufacturer's guidance, undergo regular (at least twice per year) Portable Appliance (PA) testing.
- Undergo pre and post use flight inspection checklist and suitable safe storage.

Will follow all CAA code of practice guidance including:

- The person responsible for the flight must maintain direct, unaided visual contact. First Person View (FPV camera use) flights must operate with an observer.
- Flights above 400ft (c.120m) are prohibited (unless prior CAA approval is obtained).
- Operators must not fly within 50m horizontal distance (150ft) of a person.
- Operators must not fly within 150m (500ft) of crowds and built-up areas. The 400 feet maximum height applies in all cases.
- During landing/take off the SUA/Drone must not fly within 30m (100ft) of any person, except those who oversee the aircraft.
- Always comply with the manufacturer's instructions for your SUA / Drone.
- SKDC operates a zero-tolerance drink and drug policy at work, and this includes the use of drones. The policy can be located at [HR Policies](#)
- Since 30th November 2019, it has been a requirement for SUA/Drone Operators to register their devices with, and undertake an online training course provided by, the CAA. The Police have powers from the same date to deal with offenders. These include powers to enter and search premises under a warrant where there is a reasonable suspicion that there is a SUA/Drone which the Police reasonably believe to have been used in the commission of an offence.
- Police will be able to issue fixed penalties of up to £100 for minor SUA/Drone related offences. Such as failing.
 - to produce registration documents and/or proof of registration for SUA/Drones between 250g and up to and including 20kg in mass.
 - failure to produce evidence of any other relevant permissions required by legislation (e.g. proof of Operators Permission for Commercial Operations (PfCO) or exemption issued by the CAA from the ANO.
 - failing to comply with a Police officer's instruction to land a SUA/Drone.
 - flying a SUA/Drone without a valid acknowledgement of competency or evidence of meeting that competency when requested.

7.2 Permissions required for Commercial Operations

In the UK, commercial drone use can mean using a drone for any business or income-generating purpose, such as aerial photography, surveying, inspections, or delivery services. This requires specific permissions and licensing from the Civil Aviation Authority, including demonstrating sufficient aviation knowledge and passing practical flight assessments.

7.3 The Operations Manual

The Operations Manual document is not required for drones under 250 grams; however, all pilots must undertake the training and obtain flyer and operator ID to operate a drone for SKDC under this policy.

8. DATA STORAGE AND GDPR COMPLIANCE

Drones are likely to collect personal information during their operations. This includes:

- personal information programmed into the drone prior to operational flight.
- audio, video or photos of people, captured either when on the ground or in flight; and
- information that may point to an identifiable person, such as their number plates or address details.

Some of these activities may involve capturing personal information of employees working in the vicinity of the drone, people in public spaces, or people within the boundary of their private property.

The Council has committed to limiting the capture of personal data when operating drones for our purposes. Due to their bird's eye nature and wide aspect, drones also have the potential to collect large volumes of information, some of which may be personal information. This raises concerns about transparency and facilitating people's rights, including the right to be informed if their personal information is being processed. Our guidance on video surveillance clarifies that organisations should consider switching on and off any recording system when appropriate, and unless necessary and proportionate any recording should not be continuous.

The use of optical sensors or any other personal data processing sensor is governed by the UK General Data Protection Regulation (UK GDPR) and as such, the Remote Pilot and Cam-Op must carefully consider the application of any payload in relation to an individual's privacy. Article 5(1) requires that personal data shall be:

- a) processed lawfully, fairly and in a transparent manner in relation to individuals ('lawfulness, fairness and transparency').
- b) collected for specified, explicit and legitimate purposes and not further processed in a manner that is incompatible with those purposes; further processing for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes shall not be considered to be incompatible with the initial purposes ('purpose limitation');
- c) adequate, relevant, and limited to what is necessary in relation to the purposes for which they are processed ('data minimisation').
- d) accurate and, where necessary, kept up to date; every reasonable step must be taken to ensure that personal data that are inaccurate, having regard to the purposes for which they are processed, are erased or rectified without delay ('accuracy').
- e) kept in a form which permits identification of data subjects for no longer than is necessary for the purposes for which the personal data are processed; personal data may be stored for longer periods insofar as the personal data will be processed solely for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes subject to implementation of the appropriate

technical and organisational measures required by the GDPR in order to safeguard the rights and freedoms of individuals ('storage limitation');

- f) processed in a manner that ensures appropriate security of the personal data, including protection against unauthorised or unlawful processing and against accidental loss, destruction or damage, using appropriate technical or organisational measures ('integrity and confidentiality').

When the Council wants to use a drone for any new purpose, a Data Protection Impact Assessment must be undertaken to ensure this purpose complies with Article 5. Any risks will be identified, assessed and mitigated to ensure that the processing is compliant with the UK GDPR and DPA.

Prior to using drones at properties, households should be notified of the use of drones and the purpose of the use/data being collected. As other passing individuals may be affected, officers should also take the following actions where possible:

- Use signage indicating a drone is in use, clearly labelled as belonging to SKDC.
- Wear high visibility clothing or uniform indicating that they are operating a drone and are working on SKDC's behalf.

In addition, all SKDC staff engaged in drone use are responsible for the appropriate handling, storage, transmission, retention, and disposal of personal data. Any data captured must be:

- Appropriately stored using a resilient system; Suitably secured using encryption, or another form of protection.
- Protected against unauthorised or unlawful processing, accidental loss, destruction, or damage.
- Transferred to SKDC systems at the earliest possible opportunity.
- Deleted in line with the Councils retention policy or, as soon as the purpose for its collection i.e. surveys and damage inspection/ maintenance works are completed, and the information is no longer relevant.

All SUA, and other data storage devices such as MicroSD cards must be securely transported and stored in a manner which prevents unauthorised personnel from access or otherwise interfering with any element of the system.

Drone footage may be subject to access to information rights under the Data Protection Act 2018 (DPA 18) and/or the Freedom of Information Act 2000 (FOIA). All requests received for this information should be directed to the Governance Support Team via the FOI@southkesteven.gov.uk mailbox.

9. INSURANCE

The use of SUA/Drones will be covered under the Council's Public Liability insurance policy for works undertaken on behalf of SKDC as outlined in Section 3 of the document. This is for equipment owned and maintained by SKDC only. The use of drones will only be permitted in connection with Council business.

The **insurer** will indemnify the **insured** in respect of all sums which the **insured** may become legally liable to pay as damages in respect of:

- a) **accidental** injury to any person other than an Employee
- b) **accidental** damage to property

South Kesteven District Councils insurance agreement carries a £25k excess

10. CUSTOMER COMPLAINTS

South Kesteven District Council is committed to improving how it operates and customer complaints and feedback are an important part of that process. The Council operate a Complaints, compliments and comments process which can be accessed online. Complaints can also be raised in person at the Customer service centre or by phone.

[Complaints, compliments and comments | South Kesteven District Council](#)

NOTE 1: "Small Unmanned Aircraft" includes systems (or any part thereof) and radio-controlled helicopters (model aircraft).

NOTE 2: The provision of insurance cover does not remove the obligation to adhere to CAA legislation.

The Insurance Officer and Health and Safety Team must be informed of, and consulted on, any other types of SUA/Drone operations beyond those outlined in this document, prior to any activities or purchasing. Information required will include the activity risk assessment and details of the pilot's training and additional accreditation as required under CAA guidance and the ANO 2016.

11. REFERENCES AND DOCUMENT MANAGEMENT TABLE

1. [Link to the "Drone Assist" App, "Drone Aware" video and other resources](#)
<http://dronesafe.uk/> ;
2. Dronesafe Drone Code; <https://dronesafe.uk/drone-code/>

3. For detailed guidance on all unmanned aircraft and specifically SUA / Drone laws, go to: <https://www.caa.co.uk/Consumers/Unmanned-aircraft-and-drones/>

DOCUMENT MANAGEMENT TABLE

Version	Owner	Author	Revised by	Summary of revision	Date of revision
V1	Phil Swinton	Phil Swinton	First draft	N/A	N/A
V2	Phil Swinton	Phil Swinton	Phil Swinton	Review and comments from Insurance, GDPR and qualified drone pilot	01-07-2025
V2.1	Phil Swinton	Phil Swinton	Phil Swinton	Review of insurance/GDPR and authorised flight information	23-12-2025

Appendix 1

Aerodrome Traffic Zones (ATZ) and Flight Restriction Zones (FRZ)

Permission is required from the local ATC to fly any SUA in the shaded areas. Outside of the FRZ's SUA's must not be flown above 120 meters / 400 feet above ground level.

Figure 1: East Midlands Airport ATZ and FRZ

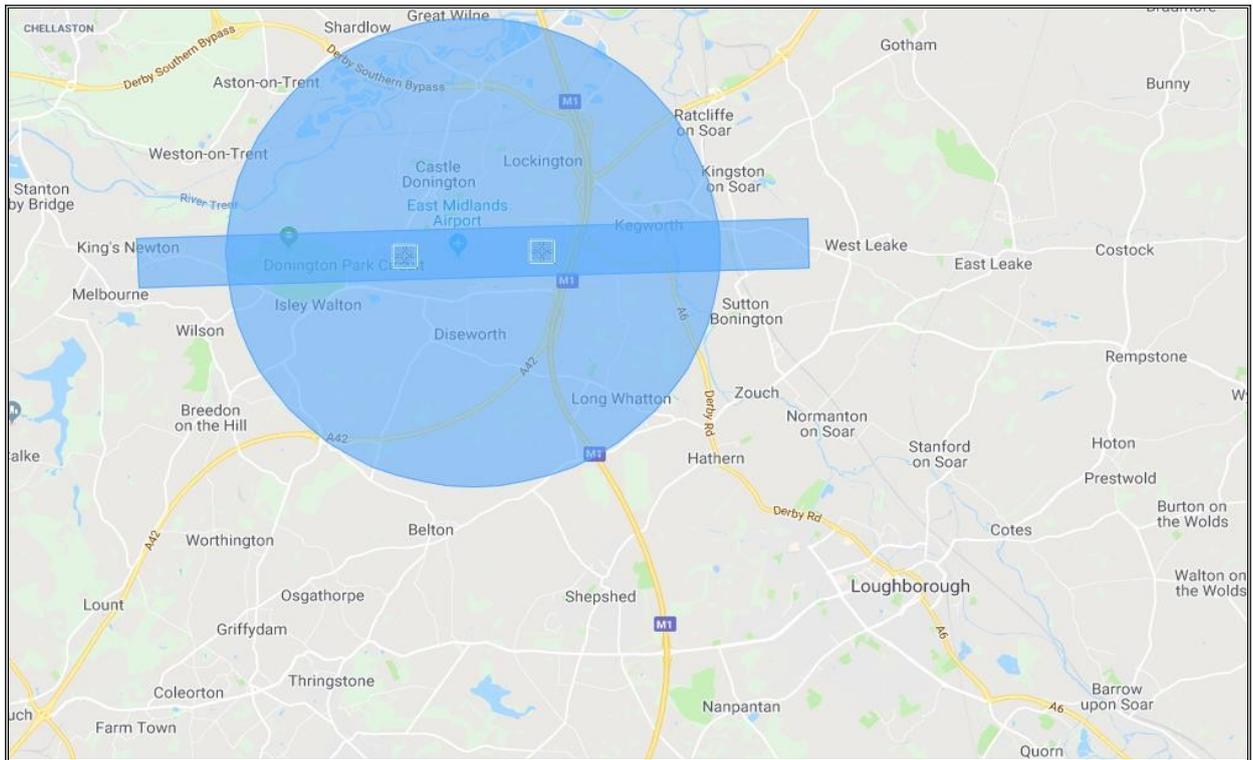
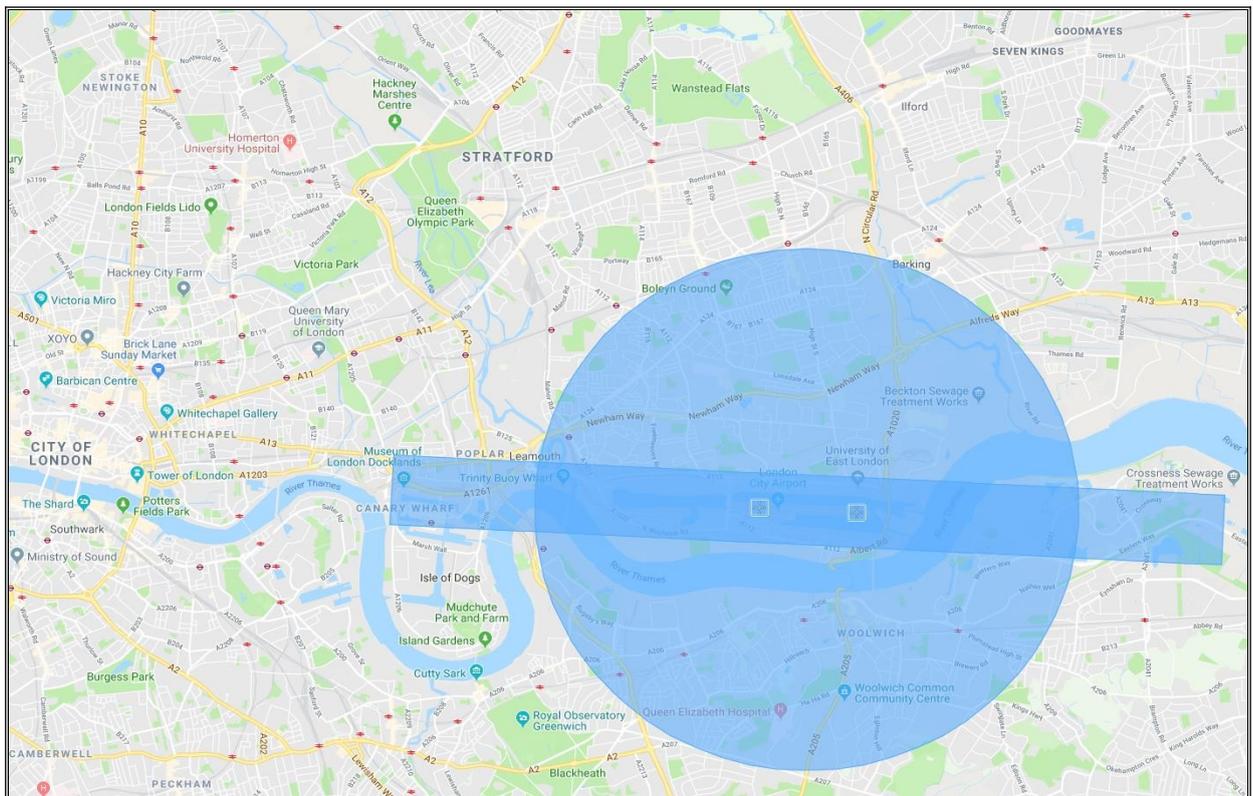


Figure 2: Heathrow Airport ATZ and FRZ





**SOUTH
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Joint Meeting of the Environment Overview and Scrutiny Committee and Rural and Communities Overview and Scrutiny Committee

Tuesday, 24 February 2026

Report of Councillor Philip Knowles
Cabinet Member for Corporate
Governance and Licensing.

Body Worn Video Policy

Report Author

Ayeisha Kirkham, Head of Public Protection

 ayeisha.kirkham@southkesteven.gov.uk

Purpose of Report

To consider the draft Body Worn Video Policy.

Recommendations

The Committee is asked to recommend this Policy to Cabinet for approval.

Decision Information

Does the report contain any exempt or confidential information not for publication?	No
What are the relevant corporate priorities?	Effective council
Which wards are impacted?	All wards

1. Implications

Taking into consideration implications relating to finance and procurement, legal and governance, risk and mitigation, health and safety, diversity and inclusion, safeguarding, staffing, community safety, mental health and wellbeing and the impact on the Council's declaration of a climate change emergency, the following implications have been identified:

Finance and Procurement

- 1.1 A growth bid has been included in the 2026/27 budget which will provide funding to support the rollout of this policy.

Completed by: David Scott – Assistant Director of Finance and Deputy s151 Officer.

Legal and Governance

- 1.2 It is good governance for the Policy to be scrutinised by an Overview and Scrutiny Committee with a view to it being considered for adoption by Cabinet. Lincolnshire Legal Services have considered the draft Policy and have provided feedback. This feedback has been incorporated within this draft Policy.

Completed by: James Welbourn, Democratic Services Manager

Health and Safety

- 1.3 Body worn cameras, when used in conjunction with existing safety mitigations and training are a useful tool. They primarily offer a deterrence and de-escalation of aggressive behaviours during interactions, especially for lone working incidents.
- 1.4 Body worn cameras also provide the opportunity for identified learnings to be included in future training.

Completed by: Philip Swinton Head of Health, Safety, Compliance and Emergency Planning

Equalities, Diversity and Inclusion

- 1.5 An equality impact assessment has been undertaken for the proposed Policy and there are no significant impacts, see Appendix 2.

Completed by: Andrew Beaver, Community Safety Manager

2. Background to the Report

- 1.1. The Council does not currently have a Body Worn Video (BWV) Policy. At the present time BWV is only used by SKDC civil enforcement officers when this is necessary. This includes issuing parking tickets and fixed penalty notices for littering and dog fouling offence.
- 1.2. It has been identified by officers and senior managers that Body Worn Video would be a useful tool to support officers' personal safety, reduce incidents of abuse or aggression, provide an accurate record of events, and increase transparency and accountability and where necessary to capture best evidence. The BWV Policy attached in Appendix 2, will support the use of BWV in line with the various necessary legal considerations and requirements.
- 1.3. The use of BWV may derive a range of supplementary benefits including but not being limited to:
 - Reducing protracted complaint investigations by providing impartial, accurate evidence.
 - Give greater insight into service delivery and assist in identifying good practice.
 - Reduce the number of incidents of aggressive behaviour and abuse aimed at officers exercising their duties.
 - Evidence the good service of enforcement and advisory letters.
 - Prevention and detection of crime and the deterrence of Anti-Social Behaviour.
- 1.4. This BWV Policy supports compliance with legal standards, including the Regulation of Investigatory Powers Act 2000 (RIPA), the Data Protection Act 2018 (DPA), and the UK General Data Protection Regulation (GDPR).
- 1.5. This use of this Policy applies to functions carried out within the following regulatory services:
 - Public Protection (this includes Environmental Health, Environmental Protection, Private Sector Housing, Community Safety (Neighbourhoods) and Licensing)
 - Development Management
 - Building Control
 - Finance
 - Tenancy Services

Each Manager of a relevant service as referenced above and covered by the Policy will be responsible for its effective implementation. Procedures will be developed to ensure the effective operational use of BWV, in line with this overarching Policy.

- 1.6. This Policy applies to all officers and relevant staff authorised to use BWV while carrying out duties on behalf of South Kesteven District Council, whether on patrols,

during home visits, enforcement duties or in any engagement with tenants and members of the public.

- 1.7. BWV equipment is an overt mechanism for officers to obtain and secure evidence on the scene of an investigation or incident. Data will be processed lawfully, fairly and in a transparent manner in line with data protection requirements. Officers will only gather evidence that is required for specific purposes and will hold this information securely and only for as long as is necessary.
- 1.8. All officers authorised for the use of BWV will receive training in relation to the lawful and appropriate use of BWV, RIPA compliance and implications of unlawful surveillance, data protection responsibilities, de-escalation techniques and best practices in relation to personal safety.
- 1.9. A list of officers that are authorised to use South Kesteven BWV (Authorised officers) and are suitably trained in accordance with the above, shall be recorded and maintained by the relevant Head of Service or senior manager for that Service area. A coordinated list will be kept by the Data or Deputy Data Protection Officer.
- 1.10. BWV will be used in an overt manner and emphasised by any officer wearing clear identification that it is a CCTV device. Prior to commencement of any recording, where possible, officers will give a clear verbal instruction that recording is taking place.
- 1.11. A Data Protection Impact Assessment (DPIA) is under development regarding the use of BWV and if the Policy is recommended for approval, will be included with the Appendices to that report.

3. Key Considerations

- 1.1. Introducing a Policy for use of Body Worn Video provides several benefits as outlined within this report.
- 1.2. The National Police Chiefs Council have identified 8 key principles when using body worn video. These principles are considered best practice for all public sector bodies using such equipment. Principle 2 states that the use of a surveillance camera system must take into account its effect on individuals and their privacy, with regular reviews to ensure its use remains justified. Therefore, any use of Body Worn Video should only be operated in the event where officers find themselves in a confrontational situation where they are subject to or feel that they are likely to be subject to, verbal or physical abuse or for the purpose of evidential capture (as part of an investigation for example when investigating legislative breaches). Use of BWV will not be used to record conversations unless it can be justified with robust supporting evidence e.g. a matter of personal safety.

4. Other Options Considered

- 4.1 The Council could decide not to adopt a policy and continue the current use of BWV, via enforcement officers, mainly for car parking enforcement work only.

5. Reasons for the Recommendations

- 1.1. This Policy has been developed to ensure the appropriate use of Body Worn Video (BWV) by Officers within South Kesteven District Council. The use of BWV aims to enhance personal safety, reduce incidents of abuse or aggression, provide an accurate record of events, and increase transparency and accountability.

6. Consultation

- 1.1. Lincolnshire Legal Services have been consulted and are satisfied with the content of the Policy, the draft appended to this report incorporates the advice received.
- 1.2. Senior Managers and the Corporate Management Team have also been consulted, and feedback has been incorporated into the Policy.

7. Background Papers

- 1.3. CCTV Code of Practice: [CCTV Code of Practice December 2024.pdf](#)

8. Appendices

- 1.4. Appendix 1- Equality Impact Assessment
- 1.5. Appendix 2- Body Worn Video Policy

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Equality Impact Assessment

Question	Response
1. Name of policy/funding activity/event being assessed	Body Worn Video Policy
2. Summary of aims and objectives of the policy/funding activity/event	The Body Worn Video policy is to ensure consistent and standardised usage of Body Worn Video (BWV) by all SKDC officers in accordance with relevant legislations.
3. Who is affected by the policy/funding activity/event?	This use of this policy applies to functions carried out within regulatory services and some non-regulatory with public facing services. The policy sets out clear processes for officers to follow and identifies what members of the public can expect from the Council in terms of the use of body worn video.
4. Has there been any consultation with, or input from, customers/service users or other stakeholders? If so, with whom, how were they consulted and what did they say? If you haven't consulted yet and are intending to do so, please complete the consultation table below.	Lincolnshire Legal Services have been consulted. Directors, Heads of Service and Managers at SKDC of services areas likely to use BWV, have also been consulted. All feedback has been incorporated within the policy.
5. What are the arrangements for monitoring and reviewing the actual impact of the policy/funding activity/event?	The policy will be reviewed every three years. If there are any guidance or legislative changes between scheduled reviews, the policy will be reviewed.

Protected Characteristic	Is there a potential for positive or negative impact?	Please explain and give examples of any evidence/data used	Action to address negative impact e.g. adjustment to the policy <i>(The Action Log below should be completed to provide further detail)</i>
Age	No impact	This protected characteristic is not affected by the policy.	Neither the policy nor requirements within it are determined by this protected characteristic.
Disability	No impact	This protected characteristic is not affected by the policy.	Neither the policy nor requirements within it are determined by this protected characteristic.
Gender Reassignment	No impact	This protected characteristic is not affected by the policy.	Neither the policy nor requirements within it are determined by this protected characteristic.
Marriage and Civil Partnership	No impact	This protected characteristic is not affected by the policy.	Neither the policy nor requirements within it are determined by this protected characteristic.



Pregnancy and Maternity	No impact	This protected characteristic is not affected by the policy.	Neither the policy nor requirements within it are determined by this protected characteristic.
Race	No impact	This protected characteristic is not affected by the policy.	Neither the policy nor requirements within it are determined by this protected characteristic.
Religion or Belief	No impact	This protected characteristic is not affected by the policy.	Neither the policy nor requirements within it are determined by this protected characteristic.
Sex	No impact	This protected characteristic is not affected by the policy.	Neither the policy nor requirements within it are determined by this protected characteristic.
Sexual Orientation	No impact	This protected characteristic is not affected by the policy.	Neither the policy nor requirements within it are determined by this protected characteristic.
Other Factors requiring consideration			
Socio-Economic Impacts	No impact	This policy relates to officers wearing BWV will not have a socio-economic impact.	Neither the policy nor the requirements within it will have a socio-economic impact.
Carers (those who provide unpaid care to a family member, friend or partner)	No impact	This protected characteristic is not affected by the policy.	Neither the policy nor requirements within it are determined by this protected characteristic.

Consultation

Group/Organisation	Date	Response

Proposed Mitigation: Action Log

To be completed when barriers, negative impact or discrimination are found as part of this process – to show actions taken to remove or mitigate. Any mitigations identified throughout the EIA process should be meaningful and timely. Add more rows as required.



Negative Impact	Action	Timeline	Outcome	Status

Evaluation Decision

Once consultation and practicable and proportionate mitigation has been put in place, the responsible officer should evaluate whether any negative impact remains and, if so, provide justification for any decision to proceed.		
Question	Explanation / justification	
Is it possible the proposed policy or activity or change in policy or activity could discriminate or unfairly disadvantage people?	None identified	
Final Decision	Tick	Include any explanation/justification required
1. No barriers identified, therefore activity will proceed	x	The policy does not discriminate or unfairly disadvantage people but is targeted only at cases where action is needed and is based on the guiding principles of consistency, transparency, proportionality, and accountability.
2. Stop the policy or practice because the data shows bias towards one or more groups		
3. Adapt or change the policy in a way that will eliminate the bias		
4. Barriers and impact identified , however having considered all available options carefully, there appear to be no other proportionate ways to achieve the aim of the policy or practice (e.g. in extreme cases or where positive action is taken). Therefore you are going to proceed with caution with this policy or practice knowing that it may favour some people less than others, providing justification for this decision		

Did you consult with an Equality Ally prior to carrying out this assessment? Yes

Sign off

Name and job title of person completing this EIA	Andrew Beaver Community Safety Manager
Officer Responsible for implementing the policy/function etc	Officer responsible for the Policy: Ayeisha Kirkham Head of Service- Public Protection



Date Completed	23/1/2026
Line Manager	Ayeisha Kirkham
Date Agreed <i>(by line manager)</i>	23/1/2026
Date of Review <i>(if required)</i>	n/a

Completed EIAs should be included as an appendix to the relevant report going to a Cabinet, Committee or Council meeting and a copy sent to equalities@southkesteven.gov.uk.

Completed EIAs will be published along with the relevant report through Modern.Gov before any decision is made and also on the Council's website.



SOUTH
KESTEVEN
DISTRICT
COUNCIL

(DRAFT)
Policy for Officers of SKDC
on Body Worn Video

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1.0 Purpose

- 1.1 This policy has been developed and adopted to ensure the appropriate use of Body Worn Video (BWV) by Officers within South Kesteven District Council. The use of BWV aims to enhance Officers' personal safety, reduce incidents of abuse or aggression, provide an accurate record of events, and increase transparency and accountability and where necessary to capture best evidence. This policy ensures compliance with legal standards, including the Regulation of Investigatory Powers Act 2000 (RIPA), the Data Protection Act 2018 (DPA), and the UK General Data Protection Regulation (GDPR).

2.0 Supplementary benefits

- 2.1 The use of BWV may derive a range of supplementary benefits including but not being limited to:
- Reducing protracted complaint investigations by providing impartial, accurate evidence.
 - Give greater insight into service delivery and assist in identifying good practice.
 - Reduce the number of incidents of aggressive behaviour and abuse aimed at officers exercising their duties.
 - Evidence the good service of enforcement and advisory letters.
 - Prevention and detection of crime and the deterrence of Anti-Social Behaviour.

3.0 Scope

- 3.1 This policy applies to all Officers and relevant staff authorised to use BWV while carrying out duties on behalf of South Kesteven District Council, whether on patrols, during home visits, enforcement duties or in any engagement with tenants and members of the public.

4.0 Legal Framework

- 4.1 Legal Framework includes:
- Regulation of Investigatory Powers Act 2000 (RIPA)
 - Data Protection Act 2018 / UK General Data Protection Regulations 2018
 - Human Rights Act 1998
 - Protection of Freedoms Act 2012
 - Home Office Surveillance Camera Code of Practice & Information Commissioners Code of Practice
 - Housing Act 2004, Section 239

5.0 Principles of Use

- 5.1 BWV equipment is an overt mechanism for officers to obtain and secure evidence on the scene of an investigation or incident. Data will be processed lawfully, fairly and in a transparent manner in line with our data protection requirements. We will only gather evidence that is required for specific purposes. We will hold this information securely and only for as long as is necessary.
- 5.2 The use of BWV shall be for overt recording only, unless a RIPA application has been duly approved by a Court. Officers must inform individuals they are being recorded before activation, unless doing so would risk immediate harm.
- 5.3 The use of BWV will be proportionate, and BWV will only be activated where necessary to record interactions involving potential risk, conflict, anti-social behaviour, or for evidential purposes.

6.0 Equipment Use

- 6.1 A BWV device is an overt camera that can capture video and audio information, used to record events that the individual wearing the device, is involved in. Typically, it is worn on the torso of the member of staff and is not hidden. This device can therefore capture incidents as they occur.
- 6.2 The BWV devices used at South Kesteven District Council shall be overtly body mountable with built in microphones.
- 6.3 All South Kesteven BWV devices shall be stored securely in the Council office and a central register (which shall include the make, model and serial number) of BWV devices will be maintained.
- 6.4 Authorised Officers will sign all BWV devices in and out and shall: test that the device they are seeking to use is working correctly; that the battery is fully charged and that the date and time stamp on the device is accurate
- 6.5 Any malfunction of a South Kesteven BWV device must be notified immediately to a Supervisory Officer.
- 6.6 Any loss or theft of a South Kesteven BWV device containing NO recorded material must be notified immediately to the Head of Service of the relevant department.
- 6.7 Any loss or theft of a South Kesteven BWV device CONTAINING recorded material must be notified immediately to the Director or Assistant Director for the service area and the Data or Deputy Data Protection Officer.
- 6.8 If the South Kesteven BWV product is considered to have evidential or other lawful value it will be stored, processed and disposed of according to its relevant use, as soon as possible. An example of this would be if the evidence were to be used for certain enforcement cases, it would be kept in line with the relevant retention schedule. Each primary file will be allocated a unique identifier with the time and date stamp.

- 6.9 To support the system, a designated computer and appropriate encrypted software will be utilised for the downloading and storage of digital video files. These will need to provide a full audit trail and ensure evidential continuity is maintained. The storage and control of all South Kesteven BWV and the necessary computer systems required for the storage and download of images and digital video files will be based within South Kesteven District Council Offices.

Appendix 1 to this policy provides information for Authorised Officers on how the equipment must be used.

7.0 Data Storage and Access

- 7.1 All footage is encrypted and uploaded to a secure server at the end of the shift, and access is restricted to authorised personnel only.
- 7.2 At South Kesteven the retention period for the recordings is 30 days unless required for investigation or legal proceedings (as per section 6 of this policy).
- 7.3 It is important to note that Article 15 of the UK General Data Protection Regulations 2018 grants a general right of access to personal data held by public authorities, which may include digital images recorded by BWV. In cases where recordings of individuals have taken place either coincidentally or by intended conversations from either party, this evidence / recording is only to be seen by person(s) recorded. SKDC Council must satisfy themselves that the person wishing to see the recording is the same person recorded. This should be done by viewing the recording and familiarising themselves with the person recorded. This process is covered in the SKDC CCTV Code of Practice.

7.4 Evidential footage

Evidential footage will be considered as any data that is:

- Evidence of an offence or supporting evidence for any process.
- Footage that is required for a relevant and proportionate purpose
- Footage which is allowed to be revealed under The Criminal Procedure and Investigations Act 1997.

- 7.5 BWV is supporting evidence and officers will be required to provide written statements which must include the audit trail for the capture of the footage and the subsequent production of the master disc/DVD.
- 7.6 Persons subject to recording may request access to footage (if retained for investigation or legal proceedings) involving them under a Subject Access Request, unless certain limited exemptions apply.

8.0 Production of Exhibits

- 8.1 Data will not be downloaded to any device other than the dedicated computer provided as stated.
- 8.2 All footage recorded to the BWV unit will be downloaded as soon as practical and evidential footage downloaded will be saved on the relevant stand-alone BWV

computer as per the approved procedure. It will be identified by exhibit/unique reference number.

- 8.3 As soon as reasonably practical two copies of the BWV footage will be made. The first will be a 'master copy' which will be sealed, labelled. The second will be a 'working copy' for investigation and file preparation purposes. DVDs should be retained in line with the Councils retention policy. There will be a clear and transparent audit trail throughout this process.

9.0 Training, Compliance and Authorisation

9.1 All Authorised Officers must receive training on:

- Lawful and appropriate use of BWV
- RIPA compliance and implications of unlawful surveillance
- Data protection responsibilities
- De-escalation techniques and best practices

9.2 A list of Officers that are authorised to use South Kesteven BWV (Authorised Officers) and are suitably trained in accordance with the above, shall be recorded and maintained by the relevant Head of Service or Senior Manager for that Service area. A coordinated list will be kept by the Data or Deputy Data Protection Officer.

10.0 Misuse and Disciplinary Action

10.1 Improper use of BWV including but not limited to the following:

- Covert use without RIPA authorisation
- Unauthorised access to footage
- Editing or deleting footage

will result in disciplinary action and may lead to legal proceedings.

11.0 Review and Governance

11.0 This policy will be reviewed annually or sooner if legislation or guidance changes. The Information Commissioner's Office has published guidelines on the use and security of body worn cameras which will always be adhered to. Oversight rests with the Data and Information Governance Officer and the Senior Responsible Officer.

Appendix 1 – Equipment Use

The following is guidance on the use of South Kesteven BWV when recording incidents.

Decide: Officers will wear BWV when on operational duties or as required by a supervisory officer, the camera should be switched on when footage might support 'professional observation' or would corroborate what would be written in a pocket notebook (PNB). The decision to record or not to record any incident remains with the user. The user should be mindful that failing to record incidents that are of evidential value may require explanation in court.

Start recording early: It is evidentially important to record as much of an incident as possible; therefore, recording should begin at the earliest opportunity from the start of an incident.

Recordings to be Incident Specific: Recording must be incident specific. Users should not indiscriminately record entire duties or operations and must only use recording to capture video and audio during inspections or incidents that would normally be the subject of PNB entries or as 'professional observation', whether or not these are ultimately required for use in evidence.

Talk: At the commencement of any recording the user should, where practicable, make a verbal announcement to indicate why the recording has been activated. If possible, this should include:

- Date, time and location
- Confirmation, where practicable, to those present that the inspection/incident is now being recorded using both video and audio.

Inform: If the recording has commenced prior to arrival at the site or scene of an inspection/incident the user should, as soon as is practicable, announce to those persons present that recording is taking place and that actions and sounds are being recorded. Specific words for this announcement have not been prescribed in this guidance, but users should use straightforward speech that can be easily understood by those present, such as, "Please be aware I am wearing and using body worn video".

Collateral intrusion: In so far as is practicable, users should restrict recording to areas and persons necessary in order to obtain evidence and intelligence relevant to the incident and should attempt to minimise collateral intrusion to those not involved.

Private dwellings: In private dwellings, users may find that one party objects to the recording taking place; for example, when lawfully on premises and abuse is apparent or expected. In such circumstances users should continue to record and explain the reasons for recording continuously. These include:

- Where an operational plan or procedure is in place
- A warrant is in force or powers under current legislation
- There is a requirement to secure best evidence of any offences that have occurred.
- Continuing to record would safeguard both parties with true and accurate recording of any significant statement made by either party

- Continuing to record would safeguard vulnerable persons.
- Where an incident having previously taken place may reoccur in the immediate future

Sensitivities connected with faith/equalities issues: The filming in domestic circumstances could be an issue with some faiths. An example may be where the female may not have a face covering within the home. Officers should be aware of this fact and be sensitive to the wishes of those involved.

Do not interrupt filming: Unless specific circumstances dictate otherwise recording must continue uninterrupted from commencement of recording until the conclusion of the incident.

Concluding filming: It is considered advisable that the officer continues to record for a short period after the incident to clearly demonstrate to any subsequent viewer that the incident has concluded and the user has resumed other duties or activities.

Prior to concluding recording the user should make a verbal announcement to indicate the reason for ending the recording this should state:

- Date, time and location
- Reason for concluding recording

Do not delete: Once a recording has been completed this becomes South Kesteven District Council information and must be retained and handled in accordance with PACE and the council's CCTV Code of Practice. Therefore, any recorded image must not be deleted by the recording user and must be retained as required by the procedures. Any breach of the procedures may render the user liable to disciplinary action or adverse comment in criminal proceedings.

Selective Capture: In general, the BWV user should record entire encounters from beginning to end without the recording being interrupted. However, the nature of some incidents may make it necessary for the user to consider the rationale for continuing to record throughout entire incidents.

For example, the recording may be stopped in cases of a sensitive nature or if the incident has concluded prior to the arrival of the user. In all cases the user should exercise their professional judgement in deciding whether or not to record all or part of an incident.

In cases where the user does interrupt or cease recording at an ongoing incident they should record their decision including the grounds for making such a decision.

Recording of Interviews: BWV should not be used to record interviews of suspects under caution which occur at an office or public place.

BWV can and should be used to capture hearsay evidence. An example of this is where a person gives his account of suspected offender's actions to an investigating officer, in the presence and hearing of the suspect.

Scene Review: An additional use of BWV is to record the location of objects and evidence at the scene of a crime/incident or inspection e.g. property hazards, defects and deficiencies. This can be particularly beneficial in allowing a Senior Officer an opportunity



**SOUTH
KESTEVEN
DISTRICT
COUNCIL**

Joint Meeting of the Environment Overview and Scrutiny Committee and Rural and Communities Overview and Scrutiny Committee

Tuesday, 24 February 2026

Report of Councillor Philip Knowles
Cabinet Member for Corporate
Governance and Licensing

Review of the Street Trading Policy

Report Author

Ayeisha Kirkham, Head of Public Protection

✉ ayeisha.kirkham@southkesteven.gov.uk

Purpose of Report

This report proposes changes to the existing Street Trading Policy.

Recommendations

That the Joint Committee:

- 1. Considers the draft South Kesteven District Council Street Trading Policy and recommend it to Cabinet, with or without amendments.**

Decision Information

Does the report contain any exempt or confidential information not for publication?	No
What are the relevant corporate priorities?	Effective council
Which wards are impacted?	All Wards

1. Implications

Taking into consideration implications relating to finance and procurement, legal and governance, risk and mitigation, health and safety, diversity and inclusion, safeguarding, staffing, community safety, mental health and wellbeing and the impact on the Council's declaration of a climate change emergency, the following implications have been identified:

Finance and Procurement

- 1.1 There are no direct financial implications associated with the recommendations in this report. The costs associated with delivering the Licensing service are recovered through licensing fees which are reviewed annually by the Council.

Completed by: David Scott – Assistant Director of Finance and deputy S151 Officer

Legal and Governance

- 1.2 Whilst each individual licensing application or enforcement decision will be judged on its own merits, a Policy ensures a transparent and consistent approach to licensing that will reduce the opportunity for challenge through the Courts.
- 1.3 Advice on the inclusion of a Basic Disclosure and Barring Service (DBS) check had been sought from Legal Services Lincolnshire. They have confirmed a Basic DBS identifies unspent convictions only (as defined by the Rehabilitation of Offenders Act 1974), these being convictions that have not yet reached the rehabilitation period and therefore must still be disclosed. The basic DBS does not include spent convictions; cautions, reprimands or warnings; any barred list information (that's part of Enhanced checks; or Local police intelligence) and is the correct level of disclosure for a person undertaking this role. There are authorities that request a Basic DBS and others that do not.
- 1.4 Legal Services Lincolnshire have confirmed that as the Policy provides protection to traders, consultation should be undertaken to assess and manage the impact should the Council decide to remove this in its entirety.

Completed by: James Welbourn, Democratic Services Manager

Equalities, Diversity and Inclusion

- 1.5 An equality impact assessment has been undertaken for the proposed updated Street Trading policy. No significant negative impacts. See Appendix 1.

Completed by: Heather Green, Licensing Manager.

2 Background to the Report

- 1.1. Under Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982, a Local Authority may regulate street trading in their area. Street trading is the selling or exposing or offering for sale of any article (including a living thing) in any street. The Council adopted these provisions for the whole of the district on 1 September 2006, designating all streets within the district as 'Consent Streets'.
- 1.2. The existing Street Trading Policy was approved by Cabinet in June 2022. It provides a framework upon which the Council delivers its statutory function in relation to street trading activities. Given the size and rural nature of the district the Street Trading Policy has proved difficult to enforce and there has been a reliance on event organisers and traders to apply for a street trading permit. This has resulted in the take up being low.
- 1.3. Feedback was also received that the street trading application process was overly onerous, the application process taking approximately six weeks. In addition, the policy did not provide any provision for a one-off event permit to be issued.
- 1.4. The review has been undertaken to ensure it reflects current guidance and continues to be fit for purpose following receipt of feedback from users of the Policy and from members. Whilst the review was undertaken the Policy has been suspended, with effect from 25 July 2025.
- 1.5. A report was presented to a Joint Meeting of the Environment Overview and Scrutiny Committee and the Rural and Communities Overview and Scrutiny Committee held on 10 December 2025. The report contained details on the proposed changes to the Street Trading Policy and the results of a public consultation exercise which was undertaken between Wednesday 8th October 2025 and 22 October 2025.
- 1.6. The proposed changes to the Street Trading Policy include the removal of the designation of the whole of the district as consent streets and the introduction of nominated consent street areas in Grantham, Bourne, Stamford and Market Deeping/ Deeping St James. The consent area locations are contained within the draft Street Trading Policy and are based around town centre locations where there is a higher concentration of retail premises and footfall.
- 1.7. At the Joint Overview and Scrutiny meeting held on 10 December 2025, there was consensus on the adoption of the consent street areas which were presented in each town, with the suggestion to include Deeping St James. However, following debate it was not possible for the Committee to agree to recommend the refreshed Street Trading Policy to Cabinet for adoption, particularly in reference to the requirement for applicants to undertake a Basic Disclosure and Barring Service (DBS) check.

- 1.8. Subsequently it was agreed that a legal opinion would be sought and further discussion would take place during a Member Workshop. This was held on 14 January 2026, with Members of the two Committees, the Portfolio Holder and Officers from the Public Protection Service in attendance.
- 1.9. Following robust discussion and debate, the Members present at the workshop agreed that the Council's Street Trading Policy should not contain the requirement for applicants to undertake a Basic DBS check. This is not a requirement for market traders within the district and street trading consent would only be a requirement in defined consent street areas.
- 1.10. Following the agreed outcome of the Member Workshop the necessity to undertake a DBS check as part of the application process has been removed from the draft Street Trading Policy.

3. Key Considerations

- 1.1. There is no statutory requirement for a local authority to adopt a Street Trading Policy nor to designate any areas or streets as consent locations.
- 1.2. However, a policy and confirmation of the adopted consent streets provides clarity and a framework which reinforces effective practices, aids transparency and consistent decision making by Officers and Council Members.

4. Other Options Considered

- 4.1 The Committee may decide to take on board the consultation feedback but recommend leaving the Policy as currently implemented.
- 4.2 Committee may wish to recommend all or some of the proposed changes.
- 4.3 The Committee may wish to remove the Street Trading Policy in its entirety, whereby no-one within the District of South Kesteven would require consent to trade. However, to do this, a full public consultation should be undertaken to understand the impact of businesses and residents within the district, and the full impact of this decision would need to be considered.

5. Reasons for the Recommendations

- 5.1 The Policy and proposed updates support the Authority in fulfilling its duties associated with street trading. Reviewing the Policy has provided an opportunity to update the intention and enforceability of the Policy.

6. Consultation

- 1.1. Consultation has been undertaken between Wednesday 8th October 2025 and 22 October 2025. A consultation report has been produced at Appendix 3.
- 1.2. There is no legal duty placed upon the Council to consult on the Street Trading Policy. Prior to 2022 only relevant stakeholders were consulted, however, as the Policy can impact the public, businesses in the locality and users of the Policy it was considered good practice to continue with wider consultation.
- 1.3. The draft Policy has also been the joint meeting of the Environment Overview and Scrutiny Committee and Rural and Communities Overview and Scrutiny Committee on the 10 December 2025, the Licensing Committee on the 15 December 2025 and a designated members workshop on the 14 January 2026 for consideration and discussion.
- 1.4. Following the above, the main areas that have been changed in the Policy relate to:
 - Designating specific streets as consent areas as opposed to the whole of South Kesteven. This change would ensure that effective patrols and enforcement can be undertaken.
 - Removed private land (30m from the centre of a road) from the definition of Street.
 - Removing DBS checks as a requirement of the application.
 - Introduction of a one-off event consent to assist and encourage local events, reducing the requirement for every street trader to hold a street trading consent within an event.
 - Amended the consultation requirements, to enable more discretion as to when and who are consulted, dependent upon the duration of the consent and location. This will assist with issuing consents in a timely manner.
 - The draft policy has been updated to include the addition of streets in Deeping St James requested at the Joint Committee in December.

7. Background Papers

- 1.5. [Agenda for Joint Meeting of the Environment Overview and Scrutiny Committee and Rural and Communities Overview and Scrutiny Committee on Wednesday, 10th December, 2025, 2.00 pm | South Kesteven District Council](#)
- 1.6. [Agenda for Licensing Committee on Monday, 15th December, 2025, 2.00 pm | South Kesteven District Council](#)

8. Appendices

- 1.7. Appendix 1- Equality and Diversity Impact Assessment
- 1.8. Appendix 2- Proposed draft street trading policy- with changes highlighted.
- 1.9. Appendix 3- Consultation Report.



Appendix 1 - Equality Impact Assessment

Question	Response
1. Name of policy/funding activity/event being assessed	Street Trading Policy
2. Summary of aims and objectives of the policy/funding activity/event	<p>05 11 2025: Further update of the existing Street Trading Policy. It was last updated in 2022. Covering the handling of applications, renewals and existing street trading consents.</p> <p>03 02 2026: Following objections regarding the requirement in the draft policy for a Basic DBS at the joint Environment & Rural Overview and Scrutiny Committee and subsequent Councilor workshop, it was agreed that the Basic DBS requirement would be removed.</p>
3. Who is affected by the policy/funding activity/event?	Street Trading applicants, members of public and businesses in proposed street trading locations.
4. Has there been any consultation with, or input from, customers/service users or other stakeholders? If so, with whom, how were they consulted and what did they say? If you haven't consulted yet and are intending to do so, please complete the consultation table below.	A consultation has taken place between 8th October to 22nd October 2025. Stakeholders including Lincolnshire County Council, Lincolnshire Police & Fire & Rescue, Town and Parish Councils, existing Consent Holders and the public.
5. What are the arrangements for monitoring and reviewing the actual impact of the policy/funding activity/event?	The policy can be reviewed in light of any operational issues found and will be reviewed if there is any guidance or legislative change. It is anticipated that the policy will be reviewed every 5 years in the absence of the above. However, if there are no changes applicable it could be kept in force for longer.

Protected Characteristic	Is there a potential for positive or negative impact?	Please explain and give examples of any evidence/data used	Action to address negative impact e.g. adjustment to the policy <i>(The Action Log below should be completed to provide further detail)</i>
Age	No impact	<p>Date of Birth asked for on the application form.</p> <p>Each application is reviewed.</p>	The policy sets out the application process. Only if someone is under the age of 16years is age the sole determining factor (to comply with Local Government (Misc Prov) Act 1982 Schedule 4 (3) which states a street trading licence shall not be granted to a person under the age of 17 years) .
Disability	No impact	No disability specific questions on the application.	The policy, whilst not being determined by this individual protected characteristic, is in place to ensure standards are met and consents are issued on an equitable basis.



Gender Reassignment	No impact	This protected characteristic does not affect the application or the process.	This policy has general protection levels and terms of operating. The policy, whilst not being determined by this individual protected characteristic has been put in place to ensure standards are met and consents are issued on an equitable basis.
Marriage and Civil Partnership	No impact	This protected characteristic does not affect the application or the process.	This policy has general protection levels and terms of operating. The policy, whilst not being determined by this individual protected characteristic has been put in place to ensure standards are met and consents are issued on an equitable basis.
Pregnancy and Maternity	No impact	This protected characteristic does not affect the application or the process.	This policy has general protection levels and terms of operating. The policy, whilst not being determined by this individual protected characteristic, has been put in place to ensure standards are met and consents are issued on an equitable basis.
Race	No impact	This protected characteristic does not affect the application or the process.	This policy has general protection levels and terms of operating. The policy, whilst not being determined by this individual protected characteristic, has been put in place to ensure standards are met and consents are issued on an equitable basis.
Religion or Belief	No impact	This protected characteristic does not affect the application or the process.	This policy has general protection levels and terms of operating. The policy, whilst not being determined by this individual protected characteristic, has been put in place to ensure standards are met and consents are issued on an equitable basis.
Sex	No impact	This protected characteristic does not affect the application or the process.	This policy has general protection levels and terms of operating. The policy, whilst not being determined by this individual protected characteristic, has been put in place to ensure standards are met and consents are issued on an equitable basis.



Sexual Orientation	No impact	This protected characteristic does not affect the application or the process.	This policy has general protection levels and terms of operating. The policy, whilst not being determined by this individual protected characteristic, has been put in place to ensure standards are met and consents are issued on an equitable basis.
Other Factors requiring consideration			
Socio-Economic Impacts	No impact	Inspections are undertaken	This policy has general protection levels and terms of operating. This policy, whilst not being determined by an individual's socio-economic status, has been put in place to ensure standards are met and consents are issued on an equitable basis.
Carers (those who provide unpaid care to a family member, friend or partner)	No impact	Inspections are undertaken.	This policy, whilst not being determined by this individual characteristic, has been put in place to ensure standards are met and licences are issued on an equitable basis.

Consultation

Negative impacts identified will require the responsible officer to consult with the affected group/s to determine all practicable and proportionate mitigations. Add more rows as required.		
Group/Organisation	Date	Response
Licence Holders	04 11 2025	None identified
Police, Fire & Rescue & other partner agencies	04 11 2025	None identified
Public	04 11 2025	None identified
Grantham, Stamford & Bourne Town Council & all Parish Councils	04 11 2025	None identified

Proposed Mitigation: Action Log

To be completed when barriers, negative impact or discrimination are found as part of this process – to show actions taken to remove or mitigate. Any mitigations identified throughout the EIA process should be meaningful and timely. Add more rows as required.				
Negative Impact	Action	Timeline	Outcome	Status



Evaluation Decision

Once consultation and practicable and proportionate mitigation has been put in place, the responsible officer should evaluate whether any negative impact remains and, if so, provide justification for any decision to proceed.		
Question	Explanation / justification	
Is it possible the proposed policy or activity or change in policy or activity could discriminate or unfairly disadvantage people?	None identified	
Final Decision	Tick	Include any explanation/justification required
1. No barriers identified, therefore activity will proceed	X	
2. Stop the policy or practice because the data shows bias towards one or more groups		
3. Adapt or change the policy in a way that will eliminate the bias		
4. Barriers and impact identified , however having considered all available options carefully, there appear to be no other proportionate ways to achieve the aim of the policy or practice (e.g. in extreme cases or where positive action is taken). Therefore you are going to proceed with caution with this policy or practice knowing that it may favour some people less than others, providing justification for this decision		

Did you consult with an Equality Ally prior to carrying out this assessment? Yes –
November 2025 and 3 February 2026

Sign off

Name and job title of person completing this EIA	Heather Green Licensing Manager
Officer Responsible for implementing the policy/function etc	Heather Green
Date Completed	05 11 2025 & 03 02 2026
Line Manager	Ayeisha Kirkham
Date Agreed <i>(by line manager)</i>	12 11 2025 reviewed 4/2/26
Date of Review <i>(if required)</i>	

Completed EIAs should be included as an appendix to the relevant report going to a Cabinet, Committee or Council meeting and a copy sent to equalities@southkesteven.gov.uk.

Completed EIAs will be published along with the relevant report through Modern.Gov before any decision is made and also on the Council's website.



LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982

Street Trading Policy

2026

- Proposed updates to the policy following consultation

Version	Stage	Date
V1 (draft)	Licensing Committee	21 October 2021
V2 (draft)	Environment OSC	30 November 2021
V3 approved	Cabinet	21 June 2022
V4 (draft)	Licensing Committee	25 November 2025

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Executive Summary

Street Trading is controlled in accordance with the provisions contained in Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982. ~~South Kesteven District Council adopted this schedule on 1 September 2006.~~

~~This designated the whole of South Kesteven a consent area, meaning that all streets within the South Kesteven District are designated as Consent Streets. Anyone who wishes to trade on a street, highway, other trading area or private land to which the public have access without payment must hold a Street Trading Consent.~~

In accordance with the Act the Council has designated certain areas as consent streets for the for 4 towns of Grantham, Stamford, Bourne and Market Deeping. The streets designated as consent streets are shown Appendix 1 and listed. All other streets are not controlled by the District Council under the street trading powers.

This policy will be reviewed every five years. In the interim, minor amendments to the policy, such as legislative updates, which may become necessary from time to time to ensure its continued accuracy, but do not affect its direction or intent may be made in accordance with delegated authority.

This policy is important in ensuring street trading businesses operate safely and supports the priorities in the Councils Corporate Plan.

By promoting

- **Public safety** - to protect public health, the health and safety and welfare of members of the public and to improve food safety standards.
- **Road safety** - to prevent street trading impacting on the safety of public roads and reducing risks to pedestrians and vehicles.
- **The prevention of crime and disorder** - to prevent street trading being a source of crime or anti-social behaviour and ensure traders comply with the law and act fairly in their dealings with the public and promote a positive image of the district.
- **The prevention of public nuisance** - to prevent nuisance, inconvenience, or disturbance to members of the public.

Each application will be determined on its own merits.

This policy covers the licensable activity of Street Trading as specified in the Act as:

- The selling or exposing or offering for sale of any article (including a living thing) in any street.

Decisions will be taken in accordance with the Council's Constitution, this may include, either the Licensing Committee or Officers using delegated powers.

Where relevant, the Council ~~reserves the right to consults with the~~ responsible authorities as described in the Act. Local people, ~~businesses, Emergency Services~~ and Members ~~of Parish, Town and the District~~ Council have had their say and their

opinion heard through public consultation on this policy. ~~and by making representations.~~

Notwithstanding the existence of this policy, each application or enforcement measure will be considered on its own merits. Where it is necessary for the Authority to depart substantially from its policy - clear and compelling reasons shall be given for doing so.

1. Introduction

South Kesteven District Council is one of seven districts in Lincolnshire with a population of around 143,400 (2021 Census). Two thirds of people live in the four main towns of Grantham, Stamford, Bourne and the Deepings with the remaining third living in one of over 80 villages and hamlets. With an area of 365 square miles, it is one of the largest districts in the county.

- 1.2 South Kesteven District Council, (hereinafter referred to as the 'Licensing Authority'), is responsible for the licensing of street trading activities under Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982 (the Act).
- 1.3 This policy is intended to provide clarity to applicants, the public and **Members of the Council** ~~responsible authorities~~ as to ~~on~~ how the Licensing Authority will determine applications. Street Collections are regulated under separate legislation and subject to a separate policy issued by the Licensing Authority.
- 1.4 The purpose of street trade consenting is to prevent obstruction of the streets of the district within the terms of the Act and to ensure the safety of everyone using them.
- 1.5 Street Trading is defined in the Act as:
 - **The selling or exposing or offering for sale of any article (including a living thing) in any street**

The term "street" defined under the Act has been interpreted widely by the Courts. For this policy, the **Licensing Authority** ~~South Kesteven District Council~~ consider a street to be defined as the following:

- Any road, footway or other area to which the public have access without payment; or
 - Any part of a street, road, footway or other areas open as a matter of fact to the public without payment; or
 - ~~○ Any area that is within 30 metres from the centre of any (or part of any) road, footway or other area to which the public have access without payment.~~
- 1.6 The following are not classed as street trading under the Act:
 - Trading by a person acting as a pedlar under the authority of a pedlar's certificate granted by the Police under the Pedlars Act 1871;
 - 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;

- Trading in a trunk road picnic area provided by the Secretary of State under section 112 of the Highways Act 1980;
 - Trading as a news vendor – where:
 1. The only articles sold or exposed or offered for sale are newspapers or periodicals; and
 2. They are sold or exposed or offered for sale without a stall or receptacle for them or with a stall or receptacle for them which does not –
 - a. Exceed one metre in length or width or two metres in height;
 - b. Occupy a ground area exceeding 0.25 square metres; or
 - c. Stand on the carriageway of a street;
 - Trading which –
 1. Is carried on at premises used as a petrol filling station, or
 2. Is carried on at premises used as a shop or in a street adjoining premises so used and as part of the business of the shop;
 3. Selling things, or offering or exposing them for sale, as a roundsman;
 - The use for trading under Part VIIA of the Highways Act 1980 of an object or structure placed on, in or over a highway;
 - The operation of facilities for recreation or refreshment under Part VIIA of the Highways Act 1980;
 - The doing of anything authorised by regulations made under section 5 of the Police, Factories, etc. (Miscellaneous Provisions) Act 1916.
- 1.7 In preparing this policy statement the Licensing Authority has consulted with those listed below and taken in account the views of all the appropriate bodies and organisations who responded:
- The Chief Constable of Lincolnshire Police
 - **Lincolnshire Police & Crime Commissioner**
 - Lincolnshire Fire and Rescue Authority
 - Lincolnshire County Council - Highways Department
 - Town and Parish Councils
 - All current consent holders
 - General public
 - Departments within South Kesteven District Council
- 1.8 In accordance with the terms of the Act, and subject to any relevant representations, conditions may be attached to a Street Trading Consent, which will focus on matters falling within the control of individual consent as well as general conditions.
- 1.9 Each application will be treated on its merits, and these may include, but are not limited to:

- the nature of the proposed street trading activity;
- direct competition with other local traders providing a similar service;
- the nature and locality of the street trading;
- the time of day of the proposed street trading activity; and
- the type of goods and units used to street trade from.

1.10 In undertaking its licensing function, the Licensing Authority is also bound by other legislation including, but not exclusively:

- Section 17 of the Crime and Disorder Act 1998 – which imposes a duty on every Local Authority to do all that it reasonably can to prevent crime and disorder in its decision-making process. The duty now extends to anti-social behaviour, substance misuse and behaviour adversely affecting the environment.
- The European Convention on Human Rights, which is given effect by the Human Rights Act 1998, which places a duty on public Authorities to protect the rights of individuals in a variety of circumstances.
- The Provision of Services Regulations 2009 to ensure requirements are:
 - i. Non- discriminatory.
 - ii. Justified by an overriding reason relating to the public interest.
 - iii. Proportionate to that public interest objective.
 - iv. Clear and unambiguous.
 - v. Objective.
 - vi. Made public in advance, and
 - vii. Transparent and accessible.
- Anti-social Behaviour Crime and Policing Act 2014
- Police and Justice Act 2006
- Violent Crime Reduction Act 2006
- The Police Reform and Social Responsibility Act 2011
- Clean Neighbourhoods and Environment Act 2005
- South Kesteven District Council is committed to the implementation and application of this policy in such a manner as to ensure that no applicant or other person is treated less favourably on grounds of sex, marital status, race, nationality, ethnicity, national origin, colour, disability or age; nor is disadvantaged by the application of a rule, condition or requirement which has a discriminatory effect, which cannot be justified either in street trade **licence consent** terms or as a requirement of law.

2. Information Sharing and Data Protection

- 2.1 The Licensing Authority works in partnership with other enforcement agencies such as the Police, DEFRA, HM Revenue and Customs, Home Office, DVSA, Department of Work and Pensions etc. and will share information with other Council departments or regulatory bodies where appropriate.
- 2.2 The Licensing Authority is legally required to provide information if requested, pursuant to a criminal offence, or to detect fraud, or immigration offences.
- 2.3 The Licensing Authority will work with neighbouring authorities and report them any relevant matters that relate to their ~~consent licence~~ holders.
- 2.4 Details of Street Trading Consents may be published on the Licensing Authority's website. This may include name of the business operator, location etc to enable the public to be aware of consented traders
- 2.5 The Licensing Authority complies fully with its obligations under the General Data Protection Regulation (GDPR), Data Protection Act 2018 and other relevant legislation pertaining to the safe handling, use, storage, retention and disposal of information and has a written policy on these matters, which is available to those who wish to see it on request.

~~2.6 The Licensing Authority complies fully with the Data Barring Service (DBS) Code of Practice for Disclosure and Barring Service Registered Persons.~~

~~2.6 In some circumstances it may be appropriate under the Safeguarding Vulnerable Groups Act 2006 for the Authority to make a "barring" referral to the DBS. A decision to refuse or revoke a consent licence as the individual is thought to present a risk of harm to a child or vulnerable adult, may be referred to the DBS. The power for the Licensing Authority to make a referral in this context arises from the undertaking of a safeguarding role.~~

3. Whistleblowing

- 3.1 The Licensing Authority takes wrongdoing very seriously. Hotlines have been established to allow staff, councillors and the public to raise concerns. Though reports can be raised anonymously, individuals are encouraged to leave as much information as possible to assist with the investigation. The Licensing Authority's Whistleblowing policy is available at www.southkesteven.gov.uk.

4. Integrating other Guidance, Policies and Strategies

- 4.1 The Licensing Authority may implement other policies, strategies and initiatives that may impact on street trading activity within the remit of this policy statement. Subject to the general principles of this policy statement, the Licensing Committee may have to have regard to them when making licensing decisions.

- 4.2 By consulting widely prior to this policy being published and working with our partners at all levels, it is hoped this will generate an alignment between this policy and any that may be developed by partner agencies.
- 4.3 In reaching a decision, of whether to grant street trading consent, the Licensing Authority will take account of any non-compliance with other statutory requirements brought to its attention. Non-compliance with statutory requirements may demonstrate that the street trading activity proposed, or that the management of such is not appropriate to protect the public from harm or nuisance.

5 Who should apply?

- 5.1 To apply for consent a person must be:
- An individual or business (but will granted to an individual).
 - 17 years of age or over.
 - Legally entitled to live and work in the UK.
- 5.2 Applicants wishing to trade from a specified location and mobile traders (excluding Roundsman) require a street trading consent. A definition of both Mobile Traders and Roundsman is in **Appendix 2**

6. Street Trading Consent Application Process

- 6.1 The functions of the Licensing Authority under the Act may be carried out by the Licensing Committee or by one or more officers acting under delegated authority.
- 6.2 An application for a street trading consent should be made using the Council's application process at www.southkesteven.gov.uk. Alternatively, an application form can be downloaded from the website and submitted by post.
- 6.3 The relevant fee must accompany the application.
- 6.4 Street trading consents are granted to an individual applicant. The consent document may include a business name, but the applicant is the consent holder and is required to be present at the trading site with the vehicle, barrow, cart, van, portable stall or other means from which the consent holder trades at all times during trading hours.
- 6.5 The consent holder may however, within the application form, nominate an assistant to be present in his or her absence. This assistant will be named on the street trading consent document and can only be altered at a later date by an application to amend the consent (a variation charge will be payable).
- 6.6 In addition to a completed application form, the applicant must also submit:
- Proof of right to work in the UK.
 - If applicable, proof of any prospective employee's right to work in the UK.
 - One Passport photograph.

- At least one photograph showing your unit/stall (vehicle, barrow, cart, van, portable stall or other vehicle) from which you intend to trade.
 - A plan or map of the area from which the applicant intends to trade or the route to be taken. This should clearly identify the position of the proposed trading site.
 - If the proposed trading site is located on private land you will need to gain written permission from the landowner/occupier. This must accompany your application.
 - Evidence of insurance that covers the street trading activity and the consent holder for third party and public liability risks that provides insurance of at least £5,000,000 (five million) and to indemnify the Council against all claims, liabilities, actions, demands and expenses arising from the grant or renewal of the street trading consent.
 - If a vehicle is to be used, a valid MOT certificate for that vehicle or supply the vehicle registration number to enable the licensing authority to check the MOT status of the vehicle with the DVLA online service.
 - If the business involves the preparation and sale of food, the vehicle must have been inspected and received a food hygiene rating. Evidence of this must be provided.
 - A current valid gas safety certificate for the vehicle or stall if applicable
 - ~~A basic Disclosure and Barring Service Certificate (DBS) for yourself and each employee or person/s standing in for you. This can be obtained from <https://www.gov.uk/request-copy-criminal-record>. This must be received by the Licensing Authority no later than 28 days from the date of issue.~~
- 6.7 Applicants may be liable to pay business rates and should seek advice from the council's Business Rates team They can be contacted via the council's website southkesteven.gov.uk or telephone 01476 406080.
- 6.8 Newly established food traders are advised to contact the Environmental Health team at the earliest opportunity and **before** applying for a Street Trading Consent. Achieving a minimum food hygiene rating of 3 prior to a street trading consent being issued.
- 6.9 If the area the applicant wishes to trade in is already occupied, they may be included on the waiting list, a request for this must be made in writing by emailing Licensing@southkesteven.gov.uk. Applicants will remain on the waiting list for 6 months. Should they wish to remain on the waiting list after this time they must notify the Licensing Authority in writing.
- 6.10 Consent can be issued for any period up to a maximum of 12 months. After this period the consent will expire. If a consent is not renewed, the designated site will become available for other applicants.
- 6.11 ~~A street trading consent application should be made 6 weeks prior to the date from which you would like to trade. Whilst we will endeavour to issue a consent applied for with a lesser timescale, we cannot guarantee the consent will be available. Under no circumstances must trading take place until the consent is issued.~~

6.12 If the ~~DBS~~ or application shows convictions, a panel of 2 officers will review the conviction, further details may be requested to decide whether referral to Licensing Committee should be undertaken or if it is acceptable to issue the consent as applied for.

6.13 Subject to the provisions of the Rehabilitation of Offenders Act, convictions involving violence, abuse, exploitation, slavery, grooming, illegal sexual activity or any form of indecency, possession of a weapon, discrimination in any form, dishonesty, theft or drugs will be require the Licensing Committee to approve the granting of the street trading consent applied for.

7. **One off event application**

7.1 A consent can be obtained by an organiser of an event to cover any street trading that will be undertaken at the event. The applicant will be responsible for the street traders at the event.

7.2 The applicant details outlined in 5.1 above apply.

7.2 A one off event street trading consent application should be made using the Council's application process at www.southkesteven.gov.uk. Alternatively, an application form can be downloaded from the website and submitted by post

7.3 The relevant fee must accompany the application. A 50% fee reduction to this fee will be made if the applicant is a charitable organisation. To qualify for the charitable rate, the Charity Registration Number must be provided on the application form, otherwise the full fee will be required.

7.4 In addition to a completed application form, the applicant must also submit:

- Proof of right to work in the UK.
- One Passport photograph of themselves.
- A plan or map of the area from which the event intends to trade. This should clearly identify the position of the proposed trading locations to enable consideration of the suitability of the proposed street trading location.
- If the proposed trading site is located on private land you will need to gain written permission from the landowner/occupier. This must accompany your application.
- Evidence of third party and public liability insurance that covers the event and street trading activity for at least £5,000,000 (five million) that would indemnify the Licensing Authority against all claims, liabilities, actions, demands and expenses arising from the grant of the street trading consent.
- ~~A basic Disclosure and Barring Service Certificate (DBS) for yourself and each employee or person/s standing in for you. This can be obtained from <https://www.gov.uk/request-copy-criminal-record>. This must be received by the Licensing Authority no later than 28 days from the date of issue.~~

7.5 Should a conviction be declared the process as outlined in 6.12 & 6.13 will be undertaken.

- 7.6 The Consent authorises the Holder to enable traders to trade only in the goods described on the application form.
- 7.7 That the Consent holder is responsible for ensuring the safety and security of the public and street traders at the event and it is suggested that they should complete an Event Management Plan outlining the checks and considerations being undertaken in relation to the street trading activity and safeguarding.
- 7.8 The street trading consent does not relieve the consent holder, or any event organisers, of any obligation to comply with legislation including Road Traffic Acts and any Orders or Regulations made there under, Town and Country Planning Acts, Control of Pollution Act 1974 and Local Byelaws. This list is not exhaustive; it is the obligation of the Holder to familiarise themselves with any required legislation. The Consent may be revoked upon breach of any such legislation in addition to any penalty which may be incurred there under.
- 7.9 The Consent must be made available for inspection at the request of an Authorised Officer of the Licensing Authority or a Police Officer.

8. Consultation

- 8.1 On a case-by-case basis and when considered appropriate, when an application is received the ~~Council~~ Licensing Authority, reserves the right to consult with:
- Lincolnshire County Council Highways or Highways England (depending on the area of trading).
 - Lincolnshire Police.
 - Lincolnshire Fire & Rescue Service.
 - Relevant businesses in the location.
 - Town & Parish Councils.

Departments within South Kesteven District Council

- Environmental Health Department.
- Planning Department.

The consultation period is 10 working days (starting the day after receipt of the application).

- 8.2 Following receipt of an application, an officer of the ~~Licensing Authority Council~~ may visit the applicant to inspect the vehicle, barrow, cart, van, portable stall or other vehicle or other means from which the applicant intends to trade or the proposed site.
- 8.3 Previous grant of a consent at a location does not imply that permission will be granted. The consultees may wish to carry out their own risk assessments and impose conditions or object to the use of a particular site, irrespective of whether a Street Trading Consent has previously been given.
- 8.4 Consultation(s) on renewal or mobile trading applications may be carried out with a selection of the above consultees depending on the merits of the

individual circumstances. Where issues or concerns have been raised about an existing Street Trading Consent, a full consultation may be undertaken at renewal.

9. Renewal of an application

9.1 Street Trading Consents can be issued for a maximum period of 12 months. There is no automatic right to renewal.

9.2 An application to renew a trading consent must be received by the Licensing Authority at least 6 weeks before the expiry of the existing consent and be accompanied by the appropriate fee and relevant documentation.

9.3 Consultation will be undertaken as outlined in **Section 8 - Consultation**.

9.4 If a renewal application, payment and all required documentation are not provided at least 6 weeks before expiry, leading to a delay in the consent being renewed, the consent holder must cease trading once the consent expires and not begin again until such a time as the consent is renewed.

9.5 If a renewal application is not submitted before expiry of the existing consent, it will be treated as a new application and could result in the location being allocated to another trader.

9.6 **It is the responsibility of the consent holder to submit their application in good time to enable the necessary consideration and consultation to be undertaken.**

9.7 Consents will not normally be granted or renewed where:

- Enforcement action is pending or has previously been undertaken and proved against the applicant.
- The holder is currently in arrears with any charges.
- The location or proposed unit is unsuitable.
- There is a potential risk to public safety.
- The applicant is unsuitable.
- An applicant has failed to appropriately use previous consents.
- The activities are likely to cause a nuisance, disturbance or annoyance to neighbouring properties.
- It may contribute to crime and disorder.

This list is not exhaustive.

9.8 When assessing a new application or renewal of a street trading consent the assessment criteria outlined in **Appendix 3 will be used**.

10. Fees and Charges

10.1 The relevant fees are contained in the approved South Kesteven District Council Fees and Charges which are reviewed annually.

- 10.2 An application fee (see 10.3 below) must be submitted with all applications.
- 10.3 The fee is based upon the number of trading days per month, specified by the applicant or a one-off event. The fee equivalent to the first three months must be paid prior to the consent being issued. The following payment options are available:
- Three months payment on application, followed by quarterly payment in advance.
 - or
 - The full annual fee for the required days.
 - A one-off event consent payment must be paid in full at the time of application
- 10.4 Mobile traders are required to pay an annual fee prior to the permit being issued, regardless of how many months are traded. There is no entitlement to a refund if a consent is surrendered as the fee set recognises the potentially seasonal nature of this type of trading.

11. Hours of Trading

- 11.1 Hours of trading will be determined as appropriate on a case-by-case basis dependent upon the location and other relevant factors.
- 11.2 The trading hours will seek to promote the following:
- I. Preventing crime, disorder and antisocial behaviour.
 - II. Avoiding disturbance due to noise, smell or any other matter the Licensing Authority council considers appropriate.
 - III. Protecting public safety.
 - IV. Preventing obstruction of the highway.
 - V. Having regard to location and operating hours of business activity in the locality.

12. Markets and Fairs

- 12.1 Where a market or fair is held it must be lawfully created by statute, grant or presumed grant and is exempt from the Street Trading provisions. If such statute, grant or presumed grant does not exist any gathering of buyers and sellers amounts to an informal market regardless of whether the activity is described as a "market". A definition of Informal or Unofficial Markets is in **Appendix 2**.
- 12.2 The markets and fairs within the district that are granted by Charter, are exempt from requiring a Street Trading Consent.
- 12.3 Street Trading will not be permitted at locations which conflict with market days or during fairs in the district. Full details of the markets and fairs within the district are outlined in **Appendix 2**.

13. Stamford Pedestrian Precinct

- 13.1 The High Street in Stamford is a pedestrianised area, known as Stamford Pedestrian Precinct and is maintained by Lincolnshire County Council. This area is not included in a Charter, and a Street Trading Consent is required for this area between Sunday and Thursdays.
- 13.2 Five pitches have been designated for Street Trading between Ironmonger Street and Maiden Lane. Another pitch is available outside the library. Please see **Appendix 4** for the positions of the pitches.
- 13.3 Pitch Four is designated for Charity Collections only. Please see the separate Street Collection Policy for details.
- 13.4 On Fridays a market (as defined by 12.1 above) is in operation.
- 13.5 On Saturdays Pitches 1, 3 and 5 are currently operated under street trading consent rules. The rest of the allocated pitches are allocated to a market (as defined by 12.1 above). This allocation may change over time.

14. Decisions

- 14.1 Decisions will be made in accordance with the delegations as detailed in authority's constitution. Each case will be determined on its own merits. This document provides the general principles relating to the determination of applications which shall generally be followed.
- 14.2 The application will either be:
- a. Granted and a Street Trading Consent issued subject to conditions that will be attached;
 - b. Refused.
- 14.3 When a **consent licence** is granted it will state:
- The street in which (and place in the street as appropriate), days on which and times between which the **consent licence** holder is permitted to trade, and
 - The description of articles in which they are permitted to trade.
- 14.4 In instances where the Licensing Authority considers that it can grant a substantially modified version of the application (i.e. for less hours than those applied for), it will notify the applicant of its decision and give the applicant 5 working days from the day after the decisions is dated to accept the grant of the consent on those modified terms. If the applicant does not respond the application will be determined as originally submitted.
- 14.5 Applicants selling hot food or drink between 23:00 hrs and 05:00 hrs will also require a Premises License under the Licensing Act 2003.

15. Standard conditions

- 15.1 The Licensing Authority applies Standard Conditions to all Street Trading Consents as detailed in **Appendix 4**.
- 15.2 Additional Conditions not listed in Appendix 4 may be specifically tailored by the Licensing Authority and attached to **consent licences** as appropriate.

16. Refusal or withdrawal of street trading consent

- 16.1 Where the imposition of conditions is not adequate to control potential issues or concerns, applications will be refused.

- 16.2 The grounds for refusal of a Street Trading consent falls into distinct categories;

- I. **Mandatory Grounds:** Where South Kesteven District Council has no power or discretion to grant a **consent licence**. The application must be refused.
- II. **Control Orders:** Where a Control Order is in place under Section 7 of the Local Government Act (Miscellaneous Provisions) Act 1976 is in force.
- III. **General Grounds:** Where South Kesteven District Council is satisfied that the application “ought to be refused”

16.3 Mandatory Grounds

- a) Where there is not enough space in the street for the applicant to engage in the trading in which is proposed without causing undue interference or inconvenience to people using the street;
- b) There are already enough traders (including shops) in the street trading in the sale of goods or services the applicant proposes to trade;
- c) The applicant is unsuitable to hold the **consent licence** by reason of having been convicted of an offence or for any other reason.
- d) The applicant has persistently refused or neglected to pay fees due to the Licensing Authority for a previous street trading **consent licence** or consent (or other charges due to the Local Authority in connection with it)
- e) The applicant has without reasonable excuse failed to utilise a previous street trading **consent licence** to a reasonable extent.

- 16.4 The Licensing Authority may revoke a street trading **consent licence** if it considers;

- a) Circumstances have arisen since the grant or renewal of the **consent licence** and there is not enough space in the street for the **consent licence**

holder to engage in the trading permitted by the **consent licence** without causing undue interference or inconvenience to persons using the street.

- b) The **consent licence**-holder is unsuitable to hold the **consent licence** by reason of having been convicted of an offence or for any other reason.
- c) Since the grant or renewal of the **consent licence**, the **consent licence**-holder has persistently refused or neglected to pay fees due to the Licensing Authority for the consent or services associated with the consent
- d) Since the grant or renewal of the **consent licence**, the **consent licence**-holder has, without reasonable excuse, failed to avail themselves of the **consent licence** to a reasonable extent.

16.5 If the Licensing Authority considers that it has grounds for revoking a **consent licence**, it may, instead of revoking it, vary its conditions:

- a) By reducing the number of days or the period in any one day during which the **consent licence**-holder is permitted to trade, and/or
- b) By restricting the descriptions of goods in which they are permitted to trade.

16.6 If the consent is revoked **consent-holders licensees** will not be entitled to a refund for any unused days remaining in the month that the revocation takes effect.

16.7 If a mobile trading **consent licence** is revoked licenses will not be entitled to a refund for any unused remaining days within the existing **consent licence**.

17. Consent surrender

17.1 A consent holder may at any time surrender their Street Trading Consent. The surrender will not be effective until the Street Trading Consent has been returned to the Licensing Authority. It shall then cease to be valid.

17.2 If a consent is surrendered (or it is revoked) there will be no entitlement to a refund for the month that the surrender (or revocation) takes place. No refund is applicable for mobile traders, as the fee charged recognises the seasonal nature of this trading.

18 Enforcement Policy and Practice

18.1 It is the statutory duty of the Licensing Authority to ensure that Street Traders are licensed correctly and carry out their trade in accordance with both the relevant law, byelaws, statutory notices, policies and conditions attached to **licence consents**.

- 18.2 Enforcement action will be determined on its own merits.
- 18.3 Enforcement decisions will be made in accordance with this policy and the Licensing Authority's Constitution. Officers have delegated powers to make decisions and may also refer certain matters to the Licensing Committee if appropriate.
- 18.4 Members, when determining enforcement actions will have regard to Local Government (Miscellaneous Provisions) Act 1982 legislation, this Policy and any other relevant legislation, case law, guidance and other relevant ~~South Kesteven District Council~~ policies.
- 18.5 All enforcement will be undertaken in accordance with the Licensing Authority's current enforcement policy.

19. Appeal Procedure

19.1 There is no statutory right of appeal in respect of refusal or revocation of street trading consent. A person aggrieved by a decision of the Council may make an application to the High Court for the judicial review of the decision.

19.2 Applicants or consent-holders do have recourse to the Council's complaints procedure if the applicant considers that a Council service has not been properly delivered.

~~If the application or a renewal is refused an appeal may be lodged at any time before expiration of the 21 days starting from the day when the applicant is advised in writing of the reason for the refusal.~~

~~19.2 An appeal right only relates to the General Grounds outlined in 15.3 (d) – (e).~~

~~19.3 There are no appeal rights relating to the General Grounds outlined in 16.3 (a) – (c). The only means to challenge a decision on this basis is by Judicial Review.~~

~~19.4 An appeal is submitted to the Magistrates Court in which the street for which the licence was sought is situated.~~

20. Policy Review

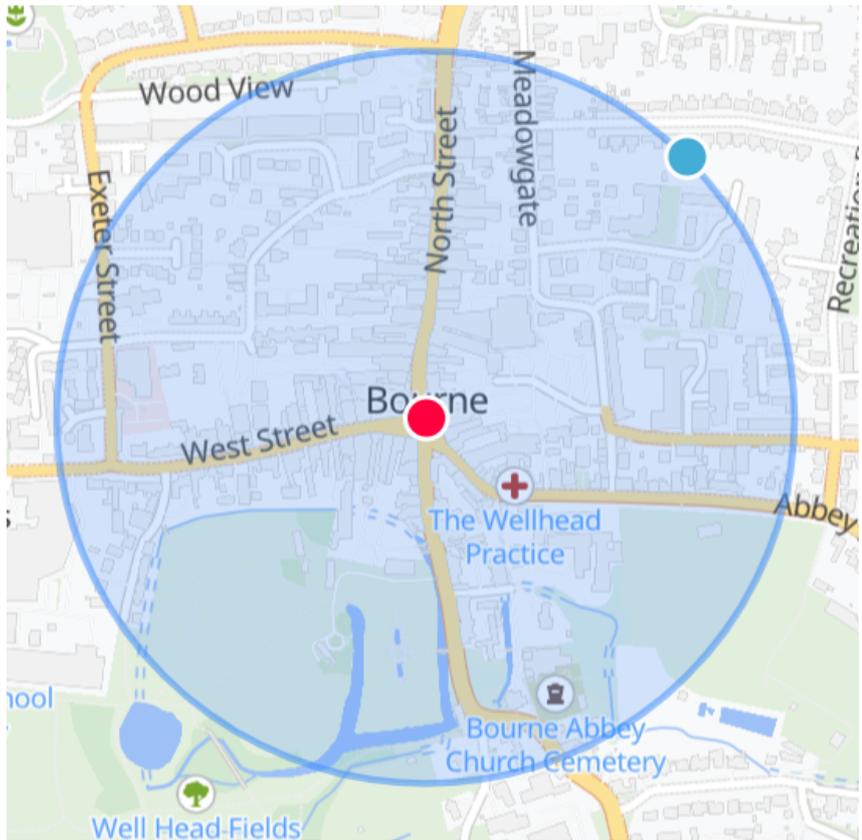
20.1 This policy will be reviewed every five years **or as deemed appropriate**. In the interim, minor amendments to the policy, such as legislative updates, which may become necessary from time to time to ensure its continued accuracy, but do not affect its direction or intent may be made in accordance with delegated authority. If no significant amendments are required during this period, this policy may remain in force until a review is deemed necessary.

21. Advice and Guidance

- 21.1 Further information and advice on the Street Trading Consent process can be obtained by contacting South Kesteven District Council Licensing team by telephoning (01476) 406080, by e-mail at licensing@southkesteven.gov.uk or by visiting the Business and Licensing area of the Council's website www.southkesteven.gov.uk

Appendix 1 - Nominated consent streets in Bourne, Grantham, Market Deeping, Deeping St James and Stamford

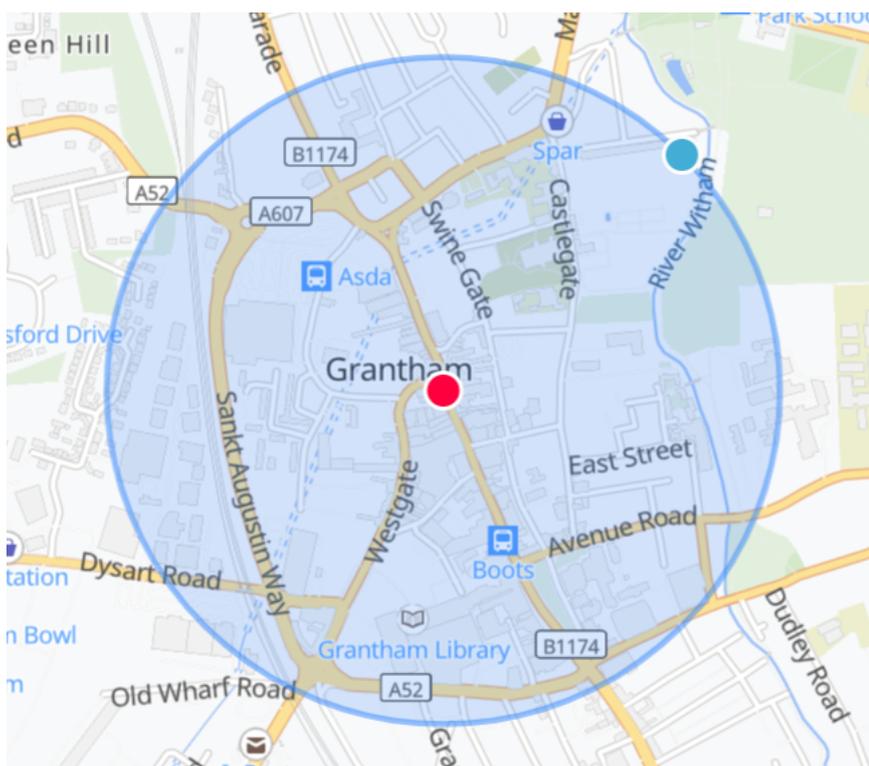
Bourne



Applicable streets:

Abbey Road (up to the junction with Nowells Lane)	North Street
Burghley Street	South Street (up to Baldocks Mill)
Exeter Street	St Peters Road
Hereward Street	West Street (up to Exeter Street)
Meadowgate	Wherrys Lane
Meadow Close	

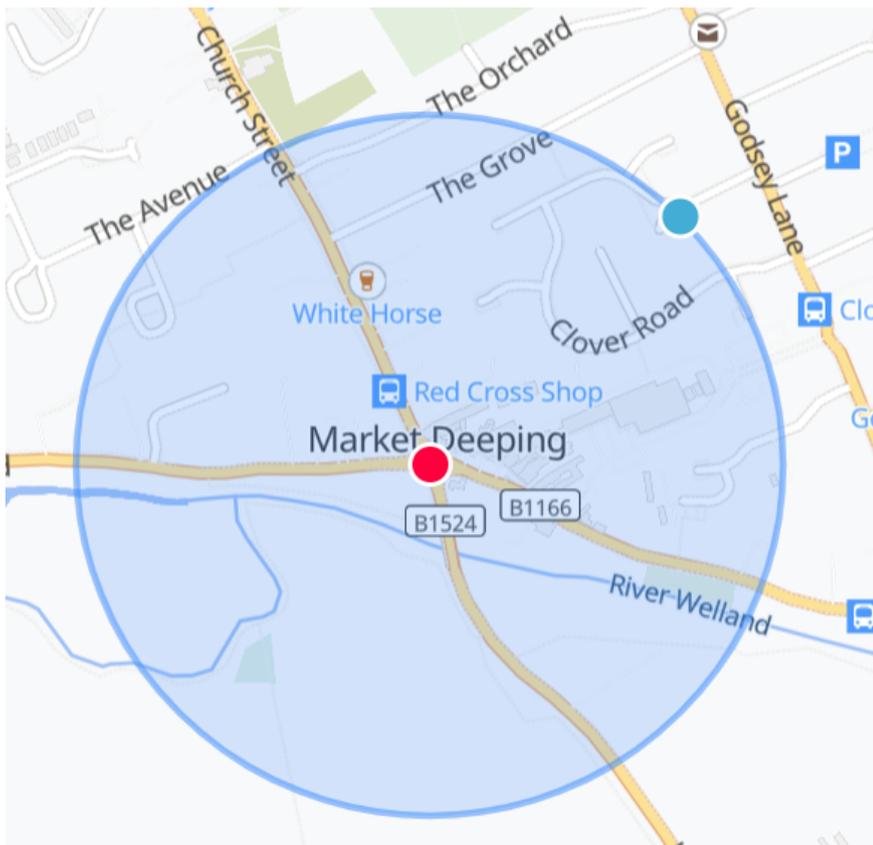
Grantham



Applicable streets:

Avenue Road	Guildhall Street
Barrowby Road - (up to the roundabout leading to Sankt Augustine Way/A52)	Kings Walk
Bath Street	Red Cross Street
Bluegate	Sankt Augustine Way
Broad Street	St Catherines Road
Brook Street - (up to Castlegate)	St Peters Hill
Castlegate	Swinegate
Church Street	Watergate
Dysart road (to Railway line)	Vine Street
East Street	Welby Street
Elmer Street South	Welham Street
Finkin Street	Westgate
George Street	Wharf Road

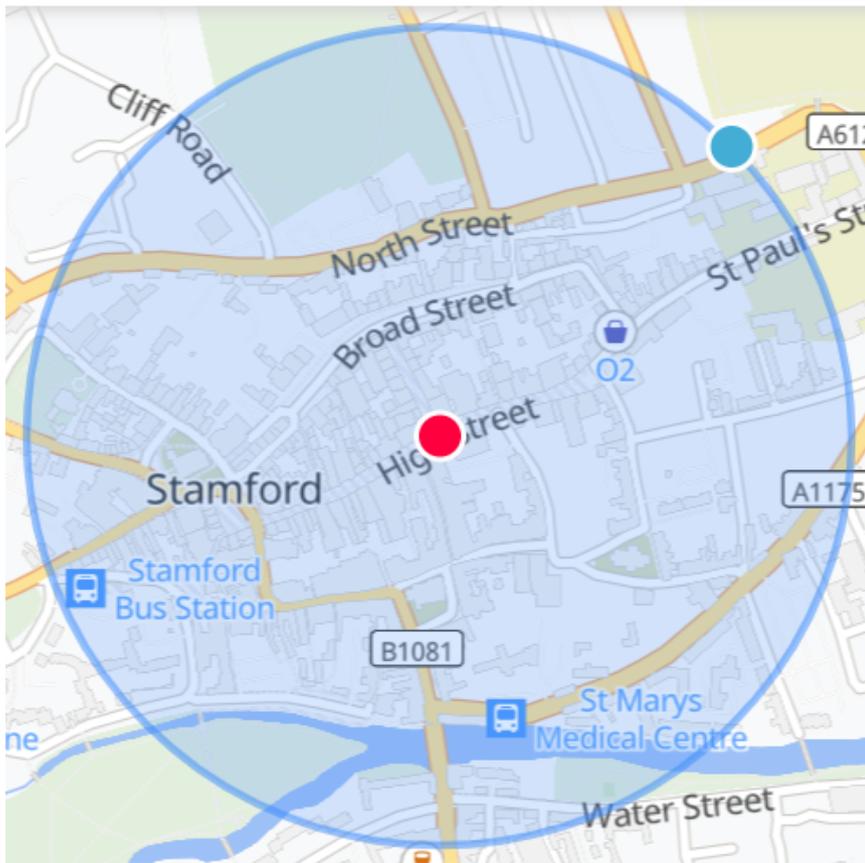
Market Deeping & Deeping St James



Applicable streets:

Church Street (up to The Avenue)	Lincoln Road (up to Mill Road)
High Street (up to Godsey Lane)	Stamford Road (up to Stamford Close)
Deeping St James (Church Street up to Hereward Way)	

Stamford



Applicable Streets:

All Saints Place	North Street
Barn Hill	Pauleys Court
Bath Row	Recreational Ground (up to Bentley Street)
Blackfriars Street	Red Lion Street
Broad Street	Red Lion Square
Castle Dyke	Scotney Place
Castle Street	Sheepmarket
Chapel Yard	St Georges Street
Cheyne Lane	St Georges Square
Cliff Road	St Leonards Street
Crown Street	St Marys Street
Elm Street	St Pauls Street
Gas Lane	St Peters Hill (up to Sheepmarket)
High Street	Stamford Walk
Maiden Lane	Star Lane
Newgates	Wharf Road

Appendix 2 - Definitions

Informal or Unofficial Markets: Any gathering of buyers and sellers amounts to an informal market regardless of whether the activity is described as a “market” if not created by statute, grant or informal grant. This can include certain types of auction, car boot sale or if organisers purport to organise a “club” whereby members are able to buy. Trading at such a market is still ‘street trading’ and a **licence consent** must be sought. An unofficial market held on private property and not on the highway will require the trader to seek licenses because “street” is defined to include any place to which the public have access without payment.

Market or fair by virtue of a grant or enactment or order: Within the district of South Kesteven these are:

1. Chartered Markets

Stamford - Weekly Friday (Broad Street and High Street)

Grantham - Weekly Saturday (Wide and Narrow Westgate, Market Place, Conduit Lane, Butchers Row).

Bourne - Weekly Thursday & Saturday (Corn Exchange Car Park).

2. Chartered Fairs

Starting on Mothering Sunday (in Stamford) and Grantham from the following Saturday, as follows for each to

Stamford – Red Lion Square, Crown Street, Broad Street, Bath Row, Castle Dyke, Sheep Market, Star Lane, Castle Street.

(Road closures normally from the Saturday before mothering Sunday until following Sunday morning – 9 days road closure duration).

Grantham – Wide and Narrow Westgate, Market Place, Conduit Lane, Welby Street, Union Street and part of Guildhall Street.

(This fair runs from Saturday to Thursday AM – 6 days road closure duration).

Markets held in Stamford Pedestrian Precinct: on Fridays (Farmer’s market) and Saturdays

Mobile Trader: is defined by the Licensing Authority as someone who moves from location to location to ply their trade. They must:

- Not return to the area within 2 hours.
- Not wait in one location for more than 30 minutes (if they stay for longer in one location, they will not be deemed to be mobile traders and will require a Street Trading Consent for each location they visit).
- Not trade within 100 metres of the entrance to a place of education without being invited by them to do so.

- Ice cream vans, mobile sandwich and hot food sellers (that do not have specific customers to whom they visit on a “round”) are types of mobile trader.

Mobile traders that have a contract in place with customers do not need a mobile trading consent. This may include hot food and sandwich vans. This type of trader is called roundsmen.

Pedlars: Section 3 of the Pedlar’s Act 1871 defines a pedlar as “any hawker, pedlar, petty chapman, tinker, caster of metals, mender of chairs or other persons who without any horse or beast travels and trades on foot and goes from town to town or others men’s houses, carrying or selling or exposing for sale any goods, wares, merchandise immediately to be delivered, or selling or offering his skill in handicraft” and must be certified as a pedlar per Section 4 of the Act.

Removal of obstruction: If the highway is maintained by South Kesteven District Council it and the Highways Authority has a common law power to remove obstructions from the highway. There is no duty to issue or to take proceedings prior to removing the obstruction. If the highway is not maintained by the South Kesteven District Council, the competent authority to undertake removal is the Highways Authority (Lincolnshire County Council).

Roundsman: Milk delivery round, coal delivery rounds and other people who offer or expose goods for sale may lawfully trade without a street trading consent. Evidence of pre-ordering would be expected to differentiate from casual or speculative sales. Ice-cream vans, mobile fish and chip vans/Pizza Ovens (hot food sales) are not considered roundsman.

Street: defined under the Act has been interpreted widely by the Courts. For this policy, South Kesteven District Council consider a street to be defined as the following:

- Any road, footway or other area to which the public have access without payment; or
- Any part of a street, road, footway or other areas open as a matter of fact to the public without payment; or
- ~~○ Any area that is within 30 metres from the centre of any (or part of any) road, footway or other area to which the public have access without payment~~

Street Collections: Collection of money or selling articles for the benefit of charitable or others purposes in any street or public place as regulated by Section 5 of the Police, Factories etc (Miscellaneous Provisions) Act 1916, as amended by Section 251 and Schedule 29 to the Local Government Act 1972.

Street Trading Consent ~~or Street Trading Licence~~: Both terms are used interchangeably within the Policy, they both grant a consent/~~licence~~ holder legal permission to sell goods on the street. As outlined in Schedule 4 - Interpretation of Local Government (Miscellaneous Provisions) Act 1982.

Street Trading: The selling or exposing or offering for sale of any article (including a living thing) in any street.

The following are not classed as street trading under the Act:

- Trading by a person acting as a pedlar under the authority of a pedlar's certificate granted under the Pedlars Act 1871;
- 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;
- Trading in a trunk road picnic area provided by the Secretary of State under section 112 of the Highways Act 1980;
 - Trading as a news vendor – where:
 3. The only articles sold or exposed or offered for sale are newspapers or periodicals; and
 4. They are sold or exposed or offered for sale without a stall or receptacle for them or with a stall or receptacle for them which does not –
 - a. Exceed one metre in length or width or two metres in height;
 - b. Occupy a ground area exceeding 0.25 square metres; or
 - c. Stand on the carriageway of a street;
 - Trading which –
 1. Is carried on at premises used as a petrol filling station, or
 2. Is carried on at premises used as a shop or in a street adjoining premises so used and as part of the business of the shop;
 3. Selling things, or offering or exposing them for sale, as a roundsman;
- The use for trading under Part VIIA of the Highways Act 1980 of an object or structure placed on, in or over a highway;
- The operation of facilities for recreation or refreshment under Part VIIA of the Highways Act 1980;
- The doing of anything authorised by regulations made under section 5 of the Police, Factories, etc. (Miscellaneous Provisions) Act 1916.

Appendix 3 - Assessment Criteria for new or renewal applications

When assessing a new application or renewal of a street trading consent the following considerations and the terms of this policy will be used:

1. Public safety

- The proposed location of the activity should not present a risk to the public in terms of highway safety and obstruction.
- Applications in respect of sites that have previously been the subject of refusal due to the unsuitability of the location are unlikely to be accepted.

2. Prevention of crime and disorder

- The proposed activity should not present a risk of crime and disorder.

3. Prevention of nuisance

- Activities at the pitch must not cause a nuisance, annoyance or disturbance to neighbouring properties, this includes businesses.
- Controls must be in place to ensure that nuisance from noise, light, refuse, vermin, fumes, obstruction, littering, and smells does not occur.
- If complaints that nuisance, annoyance or disturbance is occurring, the Licensing Authority is duty bound to investigate and, if complaints are found to be justified, may decide to take enforcement action, including revocation of the consent.

4. Suitability of the applicant

- Unspent convictions the applicant may have, this information will be requested in the online application.
- When determining whether an applicant is suitable, the Licensing Authority will consider the reliability of the applicant in paying fees and charges based on previous history.
- An applicant's history of street trading will also be taken into consideration e.g. whether previous street trading consents have been used appropriately and whether the Licensing Authorities requirements have been met, including deadlines.
- Enforcement action is pending or has previously been undertaken and proved against the applicant.

5. Suitability of the trading unit

- The vehicle, trailer or unit to be used should be of a high-quality design and comply with the legal requirements for the activity proposed.
- The appearance of the unit must be maintained at the standard approved in the original consent.
- Location of trading may determine the trading unit or type of goods sold, e.g. in conservation areas the use of traditional style barrows/vehicles and traditional wares, crafts, foods etc.
- Diesel generators will be permissible outside when no other power source is available. They shall be positioned to reduce the length of cabling required to an absolute minimum and to minimise disturbance to local residents or businesses from noise or fumes.

6. Advertising

- Advertising must only relate to goods offered for sale on that pitch.
- Third party advertisements are prohibited.
- It is not permitted to illuminate any advertisement on the outside of the stall kiosk without express consent of the Licensing Authority.
- The use of 'A' boards or any other display board/structures are prohibited unless included within the street trading consent approval.

7. Barriers

- Barriers for safety purposes will only be allowed on a consent pitch where they have been specifically included within the street trading consent approval.
- Any barriers proposed shall not constitute a nuisance or danger under the Highways Act 1980, must not impede the free flow of pedestrians or traffic and must not restrict the pavement so as to inhibit social distancing (if it is required).

8. Selling the right goods

- The types of goods allowed to be sold will be considered on a pitch-by-pitch basis and specified on the consent. The quality of goods and innovative approach will be considered.
- Anyone applying for a stall must clearly state the nature of the proposed goods. The goods must not:
 - Cause a nuisance, disturbance or annoyance to nearby properties/people, including cooking smells, smoke, noise, litter and additional cleansing requirements for the Council.
 - Cause or contribute to crime and disorder – including the selling of fake or counterfeit goods.
 - Have a negative public health impact e.g. vaping products, locality of fast food units near schools, gyms etc.

9. Site assessment

- In determining whether street trading in a particular area is appropriate the Licensing Authority will have regard to:
 - Any effect on road safety either arising from the siting of the pitch or from customers visiting or leaving.
 - Any loss of amenity caused by noise, traffic, smell etc.
 - Existing traffic orders e.g. waiting restrictions.
 - Any potential obstruction of pedestrian, vehicular or disabled access.
 - Any nuisance/interruption to pedestrian flow or maintenance of appropriate social distancing.
 - Obstruction of entry to or sight lines to the entrance of retail premises or obstruction of display windows of retail premises.

Appendix 4 – Standard Conditions

The following conditions are attached to all street trading consents:

1. This street trading consent does not convey any other approvals that may be necessary under the Food Hygiene regulations, Planning legislation or other appropriate legislation.
2. Trading is permitted only from the stall or vehicle, details of which has been previously supplied to the Licensing Authority and shall be confined thereto.
3. Trading is permitted only from the position, or the area specified in the consent.
4. Trading is only permitted in the type of goods specified in the consent.
5. The consent holder shall comply with all appropriate statutory provisions e.g. food hygiene, advertisement control and health and safety regulations.
6. Should an applicable trader fail to achieve a minimum food hygiene rating of 3 following an inspection by an Environmental Health, this must be rectified within 12 weeks and a new hygiene inspection undertaken to confirm it has been achieved.
7. No signs or advertisements shall be displayed other than on the stall or vehicle, and in such cases signs that relate to goods specified in the consent (Condition 4). Signs must not be placed on the roadside to avoid distracting drivers.
8. The holder of a street trading consent shall take all reasonable precautions to prevent obstruction of the street or danger to persons using the street and to prevent nuisance or annoyance, to persons using the street, immediate neighbours or otherwise.
9. Street Trading Consent shall be limited to times and days for trading purposes and all vehicles, trailers and equipment, etc. shall be removed at the end of each trading day, unless otherwise agreed.
10. The Street Trading consent holder shall always maintain a valid third-party public liability insurance policy to the value of £5,000,000 and shall produce a valid certificate of insurance at any time.
11. Covered waste bins, to the satisfaction of the Licensing Authority, shall be provided for staff and/or customers. Emptying of the said bins shall be emptied at regular intervals and at the end of each trading day.
12. Wastewater and food is to be collected and removed from the point of trade daily.
13. The holder of a street trading consent shall be required to seek the approval of the Licensing Authority to any proposed change to the mode of trading permitted under the consent.
14. The street trading consent shall be displayed on the vehicle used in connection with the trading.

15. The consent holder shall not at any time cause or permit any goods or produce to be stored or displayed at the side of the unit, or place any table, chair, trestle, box or other structure in the consent street without permission from Lincolnshire County Council, as a pavement café licence may be required.
16. Any major damage caused to the site that can be directly attributed to the presence of a street trader may be taken into account during the consideration of renewal consent.
17. In exceptional circumstances the unit may have to be moved by the operator without prior warning for emergency reasons.
18. This Street Trading Consent does not convey any right to trade on privately owned property unless express written agreement has been provided to the Licensing Authority.
19. Consents are personal to the applicant and are not transferable. Once the consent has been issued to an individual it will only be renewed to that individual. This is to prevent the pitch being sold on for a monetary gain.
20. Consent holders are not permitted to sub-let the pitch they are allocated under any circumstances.
21. Nothing in these conditions shall excuse the consent holder from any legal duty or liability and the consent holder shall indemnify the council in respect of all claims, actions or demands arising from the consent except where due to the Council's own negligence.

General Conduct

22. Should the trader wish to surrender their consent, they must do so formally in writing by emailing licensing@southkesteven.gov.uk and returning their consent. Failure to do so will result in consent fees remaining payable.
23. The consent holder and any employees must notify the Licensing Authority in writing within five working days of any change of address, any changes, police investigations and/or convictions or cautions which arise during the terms of the consent. The Licensing Authority reserves the right to suspend a consent with immediate effect pending a review of the consent by the Assistant Director, Environment or another senior authorised officer should any criminal matter serious enough that there are concerns for public safety.
24. The consent holder shall be clean in his person and shall not exhibit insobriety, incivility, improper language or other misconduct.
25. Serious misconduct will result in an immediate suspension of the consent to enable a review to take place by the Head of Public Protection or other senior authorised officer potentially leading to revocation.

26. Where mobile trading is taking place and upon entering a street another mobile trader of the same type ie ice cream traders is already trading then the mobile trader entering the street must leave without trading in it.

Protection of Young People

27. Street trading will not normally be authorised within 50 metres of any entrance or exit to a school or nursery. (The distance from the entrance to a school or nursery may be extended where issues of public safety are raised during the consultation of the application).
28. No child aged 16 or below shall be engaged in or employed to undertake any street trading under a consent issued by the Licensing Authority

Noise Nuisance

29. The consent holder shall not use any device for the reproduction or amplification of sound; or any device or instrument to attract vendors to the stall/vehicle/trailer by sound.
30. Ice cream vans may use a chime only in accordance with the Code of Practice on Noise from Ice Cream Van Chimes etc. 1982.

Health & Safety

31. The use and storage of LPG will comply with the requirements of the Health and Safety at Work etc. Act 1974 and any Fire Authority requirements.
32. Where any LPG or electricity is used then suitable fire extinguishers must be provided and maintained in a satisfactory condition.
33. The consent holder shall not keep or store explosive materials and flammable liquids on their trading units, other than gas cylinders in compliance with current legislation.

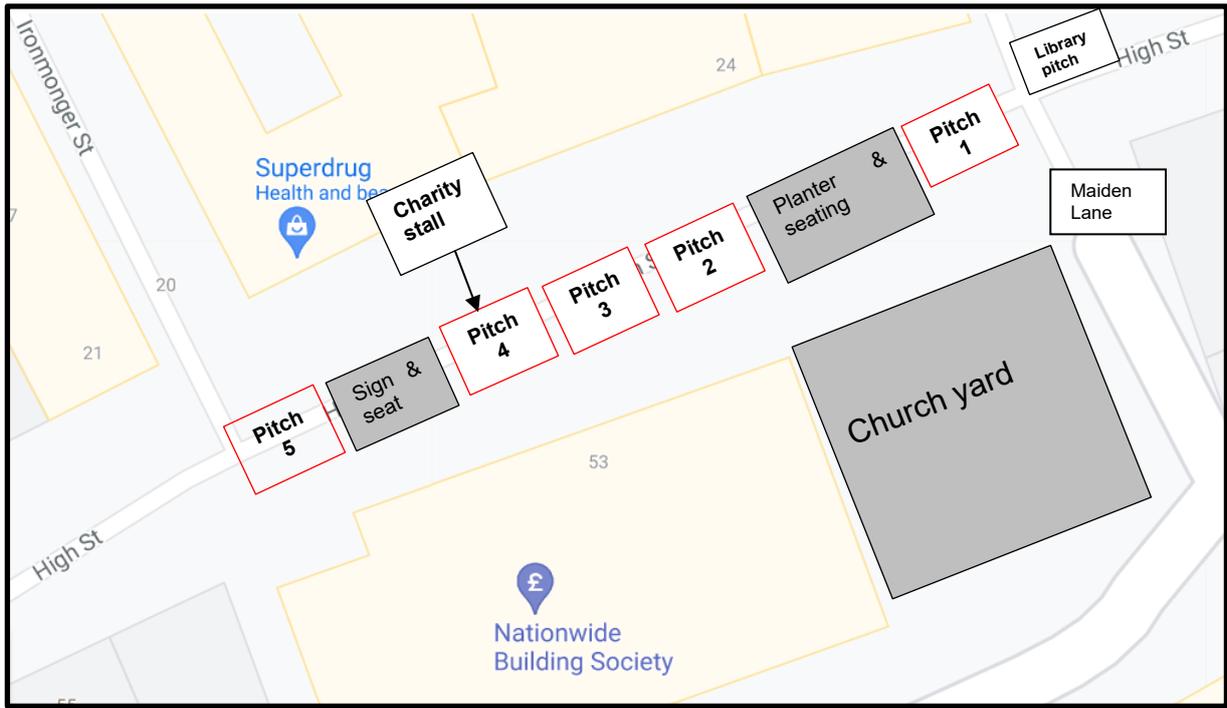
PLEASE NOTE:

Failure to comply with conditions may result in enforcement action, revocation of the consent, and refusal to grant further consents on application.

The Licensing Authority reserve the right to amend these standard conditions at any time and may attach any further reasonable conditions to a consent which appears appropriate to meet particular circumstances.

Do not assume that these rules apply to other districts – some local authorities do not allow any street trading, and in any event, local conditions may vary.

Appendix 5 – Stamford Precinct Street Trading Pitches



Document enhancement for the visually impaired available on request – tel. (01476) 406080 or e-mail customerservices@southkeseteven.gov.uk

Street Trading Licensing Policy Consultation Results Nov 2025



Deb Wyles
South Kesteven District Council
November 2025

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Purpose

1. The purpose of this report is to outline the results of a consultation carried out in respect of elements of South Kesteven District Council's Street Trading Licensing Policy.
2. The consultation was undertaken to ensure there was an opportunity for various stakeholders to comment on potential changes to parameters of the Street Trading Licensing Policy prior to its consideration for approval by the Council's Cabinet in January 2026.
3. Suspended on July 25, 2025, following reservations that some of the policy requirements were too onerous, and putting off traders from applying for licences, the consultation was live for two weeks and was structured to reflect areas of concern.

Scope

4. The scope of this consultation was focused on specific elements of South Kesteven's Street Trading Policy thought to make the application process more onerous for traders and enforcement more difficult to administer. They included: designation of the area where a licence to trade is required, the requirement to take photos of the pitch and vehicle being used, a requirement to obtain a street trading licence for a "one-off" event and the inclusion of mobile traders in the remit of the policy.
5. It also reflected the Council's obligations in other areas- particularly in relation to the promotion of road safety, public safety, the prevention of crime and disorder and public nuisance

Objectives

6. The objectives of the consultation were to:
 - Raise awareness of the legislation that governs the provision of street trading
 - Communicate the parameters of SKDC's Street Trading Policy
 - Measure the degree of support or otherwise for potential changes to the Street Trading policy
 - Clarify what stakeholders would like to see included in the Street Trading Policy
 - Illustrate that feedback from licence holders, parish councils, residents and other stakeholders has been considered prior to any decision to approve the policy
 - Inform the decision that will be taken by SKDC in respect of the policy
 - Understand and be aware of the impact approving this policy may have on specific stakeholders

Timescales

7. Responding to the concern that the conditions outlined in SKDC’s Street Trading policy were too stringent, the policy was suspended on 24 July 2025 for 6 months.
8. To fit in with the 6-month suspension, the following timescale was adhered to:
 - Preparation of consultation commissioning brief Sept 2025
 - A two-week consultation - 8 to 22 October 2025
 - Results presented to Licensing Committee - 25 November 2025
 - Recommendations presented to Rural and Communities Overview & Scrutiny Committee – 10 December 2025
 - Draft policy presented to Cabinet for approval - 15 January 2026

Stakeholders

9. The stakeholders were identified as follows:
 - Licence holders
 - The public
 - Local Businesses
 - District Councillors
 - Town and Parish Councils
 - The Chief Constable of Lincolnshire Police
 - Lincolnshire County Council
 - Lincolnshire Fire and Rescue
 - Other sections in SKDC including Environmental Health and Planning

Methodology

10. The table below identifies the method(s) that were thought to be the most appropriate for each of the stakeholder types:

Stakeholders	Method(s)	Details
Licence holders	Licence holders contacted by email and asked to complete an on-line survey.	Licence holders invited to participate in the consultation by either clicking on the web link or scanning the QR code.
Members of the public –	Members of the public made aware of the consultation through the following channels: Press release to the local media	Press release prepared promoting the consultation. Release included a web link to the survey and a QR code.

	<p>SKDC Social Media Channels</p> <p>SKDC website</p>	<p>Consultation promoted on SKDC's social media channels Facebook and X. Posts included a link to the survey.</p> <p>Webpage contained</p> <ul style="list-style-type: none"> • An explanation of why the existing Street Trading policy has been suspended • A section asking for their feedback and explaining how their feedback will be used • The current version of the Street Trading policy <p>Street Trading Policy Consultation also displayed on current consultations page</p>
Local Businesses	As above – promote consultation to local businesses at same time as promoting to public	Please see above for details
Town and Parish Councils & District Councillors	Contact all District Councillors, Town and Parish councils by email to ask them to complete a survey on-line.	HG contacted district councillors and Town and Parish Councils.
The Police – Chief Officer of Lincs Police and the Lincolnshire Police and Crime Commissioner	To contact the chief officer for Lincolnshire Police	HG contacted the chief officer for Lincolnshire Police and the Police and Crime Commissioner
Lincolnshire County Council		HG contacted LCC
Lincolnshire Fire and Rescue		HG contacted the chief officer for Lincolnshire Fire and Rescue
Other sections in SKDC	Environmental Health Planning	HG contacted Environmental Health and Planning sections of SKDC

Details

11. Further to concerns expressed by members of SKDC's Licensing Committee that the application process to become a street trader in South Kesteven was too onerous, respondents were asked for their opinion on various street trading policy parameters. These included: consent areas, consultation with specific consultees, timeframe for renewal, inclusion of mobile traders, consent for one-off events and if traders should be required to take photos of their location and vehicle/stall as part of the application process.

12. The survey¹ for Street Trading was structured to reflect these parameters and included:
 - **An introduction.** Respondents were informed about the consultation, why the Council needs their help and how their feedback will be used to inform the decision(s) that will be taken in respect of reviewing and approving the Street Trading Licensing Policy for 2026
 - **Where a street trading licence is required.** The whole of South Kesteven is currently an area where consent to trade is required. Respondents were asked if they agreed with this approach or if they would prefer specific areas to be designated. If they wanted specific areas to be areas where permission to trade is required which streets/ areas would they like to see designated?
 - **The Consultation Process.** When a street trading consent is applied for, SK currently consult specific consultees. These vary depending on where the street trader is intending to trade and could include Lincolnshire County Council (Highways) for example. Respondents were asked if they thought potential traders should contact identified consultees themselves or if they thought SKDC should do it.
 - **Timeframe for renewal.** Respondents were informed that street traders are currently required to submit a renewal application 6 weeks prior to the existing consent. They were asked if they thought this timeframe was too long, too short or about right. If they thought it was too long or short a time period, what did they think was acceptable?
 - **Who needs to apply.** Mobile traders (i.e. traders who do not wait in one location for more than 30 minutes) were included in the remit of the policy approved in 2022. Respondents were asked if they would like this to continue.
 - **Applying for a one-off consent.** Respondents were also asked if they thought it should be possible for someone organising a one-off event to apply for a one-off event consent (with one fee charged which would cover the whole event). The applicant would be the responsible person for the event, removing the need for individual street traders/stall holders needing to apply for individual consents. They were also asked if they thought there should be a limited number of stalls per event and if so, how many. Should the fee chargeable be structured on the number of street traders/stall holders at an event or one flat fee regardless of stall numbers?
 - **Taking photos of the street trading area (and the stall/vehicle).** Participants were informed that as part of the application process, the licensing team ask for photographs of the street trading area, and the stall or vehicle they are operating from. Respondents were asked if they would like to see this requirement removed from street trading applicants at charity events.

¹ Copy of Street Trading Survey attached at appendix one

- **Definition of a street.** A street is currently defined as “Any area that is 30 metres from the centre of any (or part of any) road, footway or other area to which the public have access without payment” in SKDC’s Street Trading Policy. Consultees were asked if they thought this should be removed and if not, why not.
- **Opportunity to comment.** Respondents were given the option to ask questions or make further observations about the proposal(s)
- Respondents were asked to supply their details so that they can be contacted in relation to their query
- A statement on how any personal data they supply will be treated
- A question to determine who they are responding as e.g., a mobile trader, a local business, a member of the public, a consultee etc
- A question to determine postcode sector
- A thank you and closing date

13. Although a press release was issued to promote the consultation in the local media, no articles appeared in either the Stamford Mercury, Grantham Journal or Lincs Online. The reason for this is not known. The consultation was however promoted on the Council’s social media channels and website during the consultation period and also appeared on the Grantham Matters² website on October 12, 2025. The Facebook posts during October reached 9,402 people, 18 interactions and 30 clicked on the link. There were 443 impressions on X and one share and one like.

14. The consultations closed on 22 October 2025. 74 responses were received. Eight of the responses to the Street Trading Consultation were received from individuals currently issued with a street or mobile trader’s licence (or thinking about applying for one).

The results

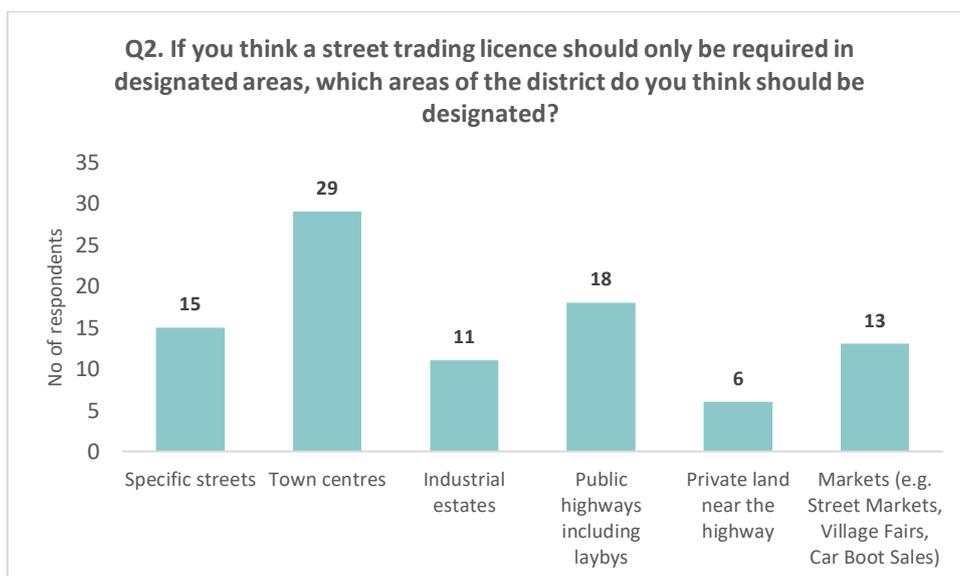
Section One - Where a street trading licence is required

15. Respondents were informed that the Council is currently required to licence all street traders operating in South Kesteven. This is because the whole district is designated as an area where consent to street trade is required. When asked if they agreed with this approach, or if they thought consent to trade on the street should be limited to certain areas, seven out of ten (51 or 71.8%) said that they thought a licence should be required for anyone wishing to trade on the street anywhere in South Kesteven. Just under three out of ten (20 or 28.2%) thought consent to trade should be limited to designated areas. This is illustrated in the graph overleaf:

² <https://granthammatters.co.uk/have-your-say-on-street-trading/>



16. When asked to specify which areas of the district they thought should be designated (if they thought a street trading licence should only be required in designated areas) town centres, public highways including laybys and specific streets were the options chosen most frequently as shown below:



17. When given the option to specify which streets in which areas, some respondents advocated for all streets in towns to be included to ensure fairness and reduce disputes. Others recommended only designating busy, built-up areas or places where trading could cause obstructions or health and safety issues.

“All streets anywhere in a town to give everyone a fair chance and stop people arguing”

“Busy, built up areas where trading could cause an obstruction or nuisance for the public.”

Section Two – The Consultation Process

18. Respondents were then asked about the consultation process. When an application is received the Council may consult other organisations. These include Lincolnshire County Council Highways or Highways England (depending on the area of trading), Lincolnshire Police, Lincolnshire Fire & Rescue Service, relevant businesses in the location, Town and Parish Councils and other sections within the council e.g. Environmental Health Services.
19. Under the terms of the current policy, the Council is given ten working days (following receipt of the completed application form and all other required documentation) to undertake this consultation. In order to reduce the amount of time it takes to approve an application, SKDC is considering if applicants, as part of the application process, should be required to consult other organisations themselves.
20. When asked if potential street trading licensees should be required to consult other organisations as part of the application process, or if they thought the Council should continue to do so, just under a third (20 or 31.7%) thought this should be undertaken by the applicant. Over half (35 or 55.5%) thought that the Council should continue to consult with other organisations, as illustrated here:



21. When asked why they had chosen to answer in this way, the comments made by respondents focused on the role the Council has in maintaining standards and retaining control of the process.

“Council best placed for these consultations.”

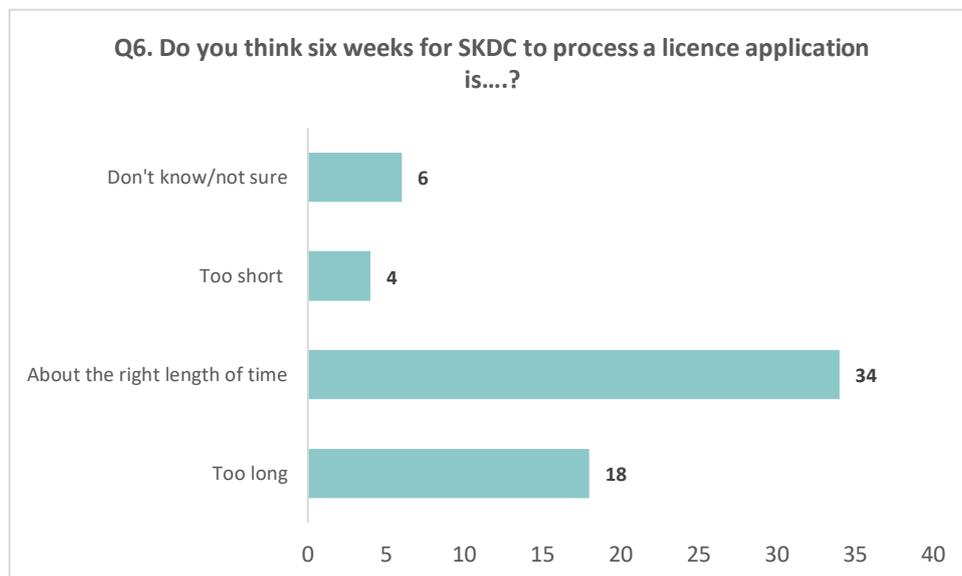
“To make sure it’s safe”

Some thought that asking individual traders to undertake this function may put them off applying, as shown below:

“It’s difficult enough for some people to register and apply for things as it is. I think it’s easier and more efficient for the council to consult with other organisations.”

Section Three – Renewing a Street Trading Consent

- 22. The third potential change to SKDC’s Street Trading Policy respondents were asked about is the timeframe for renewing a licence. Existing licence holders are currently required to submit their applications for renewal at least 6 weeks before their licence is due to expire. If a renewal application is not submitted before the existing consent expires, it could result in the location being allocated to another trader.
- 23. When asked if they thought six weeks to process a licence renewal was too long, about right or too short a timeframe, over half of those responding (34 or 54.8%) thought it was about right. Just under three in ten (18 or 29%) thought it was too long, as illustrated here:



- 24. When asked to state what time frame they thought would be acceptable (if they thought the timeframe was either too short or too long) responses varied from one to six weeks. As one mobile trader said

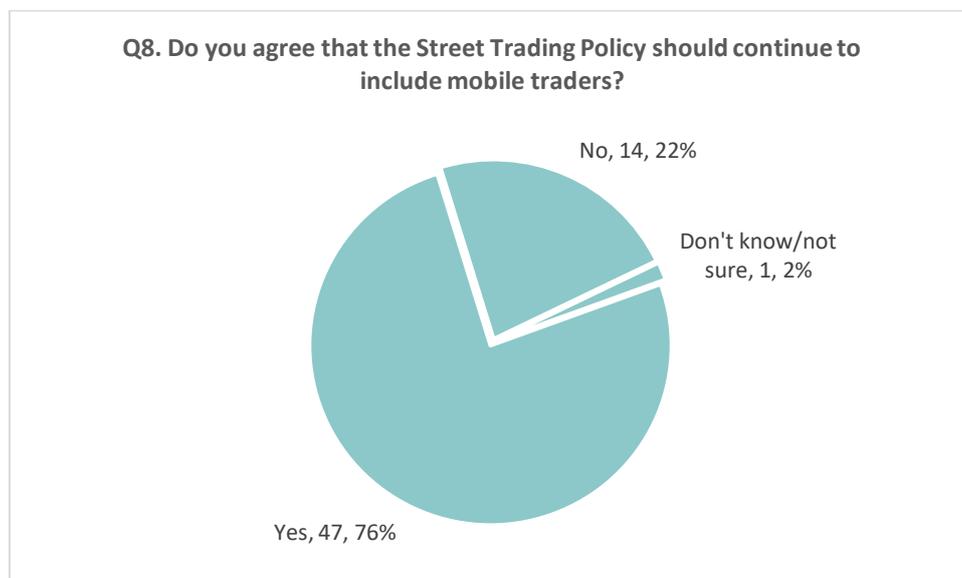
“Sometimes you get a booking 1 week before the event, in which case this gives us no time to get a licence. I know that can’t be viable in all cases however maybe there should be a way to get a last-minute licence.”

25. The period suggested most often as an alternative was four weeks.

Section Four - Who needs to apply

26. The fourth parameter of SKDC’s Street Trader Policy respondents were asked for their views on related to the Council’s decision to extend the scope of who must apply to include mobile traders. Introduced during the last review of the policy in 2022/23, a mobile trader is defined by the Licensing Authority as someone who moves from location to location to ply their trade. Ice cream vans, mobile sandwich providers and hot food sellers (that do not have specific customers to whom they visit on a round³) are types of mobile trader.

27. When asked if the policy should continue to include mobile traders, three quarters of respondents (47 or 75.8%) said that they thought it should. Just over one in five (14 or 22.6%) said that it shouldn’t, as shown in the graph below:



28. When asked to explain why they had answered in this way, some said it was because it was important that all traders are subject to the same rules.

³ Mobile Traders that have a contract in place or a round agreed with customers are known as Roundsmen and do not need a mobile trading consent.

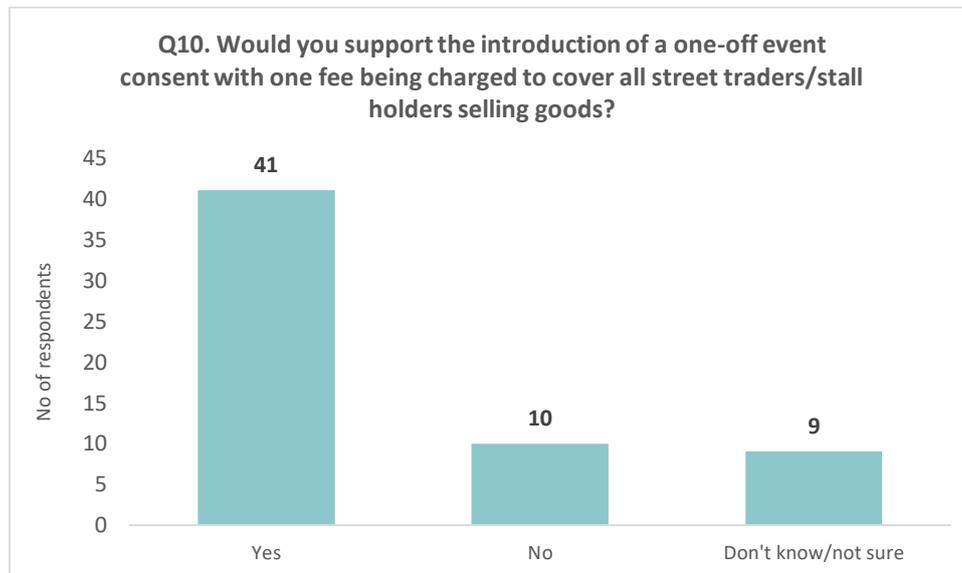
“Anyone trading on the street should need a licence, to keep things fair.”

“Licensing is a way of controlling who trades and where. We can't have a free-for-all.”

Section Five –Applying for a one-off event consent

29. Respondents were then asked if they would support the introduction of an option to apply for a one-off event consent (with one fee charged for the whole event), or not. This would cover all street traders attending that event. Under the terms of the current policy, street traders are required to apply for individual consents to trade. It makes no difference if they are trading on their own or are trading alongside other street traders and stalls selling goods.

30. Two thirds of respondents (41 or 68.3%) would support the introduction of a one-off event consent with one fee being charged to cover all street traders/stall holders selling goods, when asked. Ten respondents (16.7%) didn't support the proposal, and nine respondents (15%) didn't know.



31. Analysing the reasons why participants had chosen to answer in the way that they had revealed an appreciation of the difference it might make to those organising and attending events:

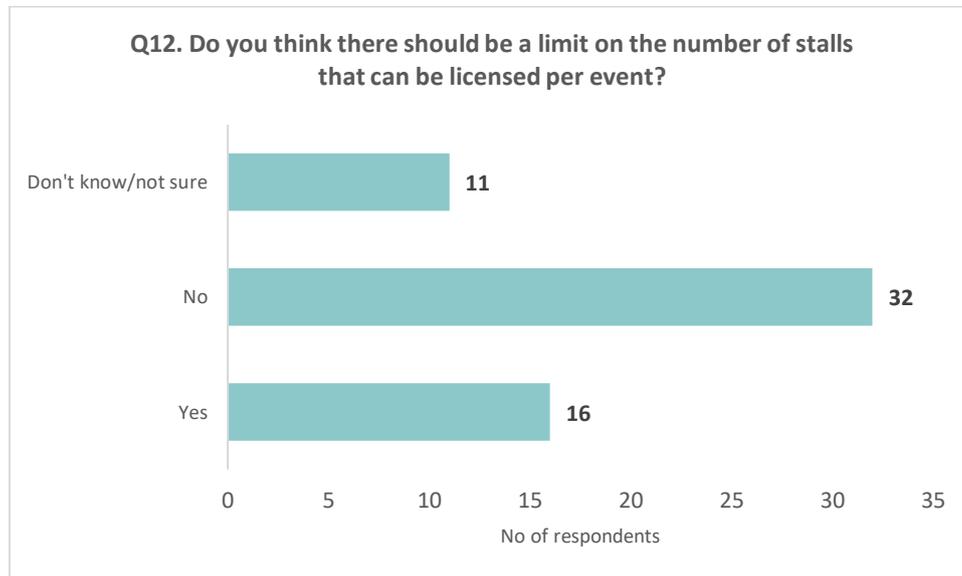
"It makes it easier for event organisers"

“Might encourage smaller organisations to come forward and take part if the cost was already covered.”

A few didn't support the idea as illustrated here:

"Loss of control each vendor needs to be reviewed and approved."

32. The twelfth question on the survey asked respondents if they thought there should be a limit on the number of stalls that can be licensed per event. Just over half (32 or 54.2%) didn't think that there should be a limit. Just over a quarter (16 or 27.1%) thought that there should be, as illustrated in the graph below:

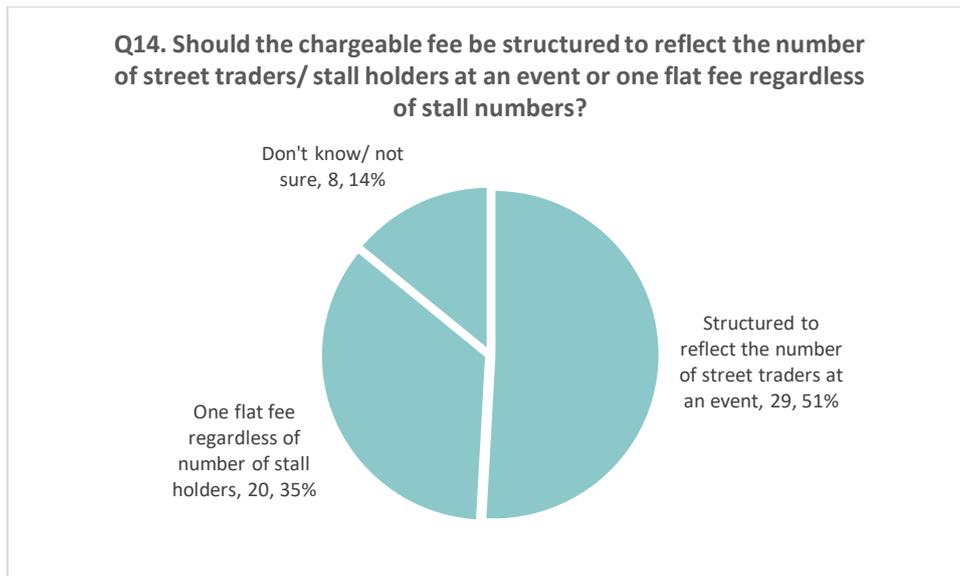


33. When asked what they thought the limit should be, most said it depended on the type of event, where it was being held and how many people are expected to attend.

"It should be event dependent"

"The number should reflect the area that is being used"

34. Respondents were then asked for their opinion how the fee for an event of this kind should be determined. Half of those who responded to this question (29 or 50.9%) thought that the fee should be structured to reflect the number of street traders at an event. Just over a third (20 or 35.1%) thought that there should be one flat fee regardless of the number of stall holders. Eight respondents (14.0%) didn't know.



35. The quotes below illustrate each side of the argument:

“Because a village event may only want 6 stalls whereas a bigger event in town may have 50. It is unfair to have a flat rate”

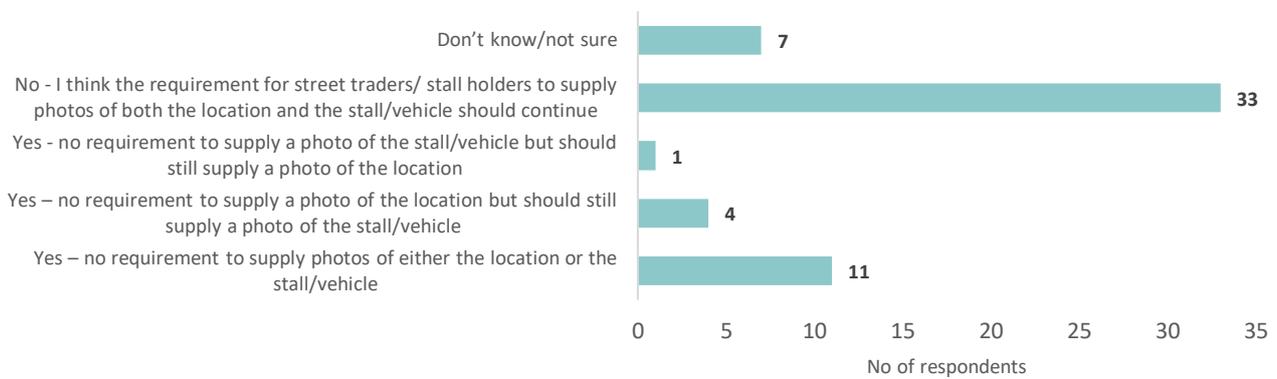
“It’s fair everyone should be charged the same”

Section Six – Taking photos of the street trading area

36. The sixth proposal respondents were asked for their opinion on was centred on the requirement in the policy for the street trader to take photos of the street trading location and the stall or vehicle they are operating from (at a charity event). This is to protect South Kesteven from street traders trading in inappropriate locations and from inappropriate stalls or vehicles.

37. When asked if the requirement to take photos of the street trading location and the stall or vehicle should be removed from street traders/stall holders trading at a charity event, three fifths of respondents (33 or 58.9%) made no distinction and thought that it shouldn’t. A fifth of respondents (11 or 19.6%) didn’t think it was necessary for traders to take photos if trading at a charity event, as illustrated overleaf:

Q16. Do you think the requirement to take photos of the street trading location and the stall or vehicle should be removed from street traders/stall holders trading at a charity event?



38. Respondents’ comments illustrated why they had answered in the way that they had. Some thought that taking photos of both the location and the vehicle was an important part of the process and helped to maintain public safety and regulation compliance. Others argued for a flexible approach:

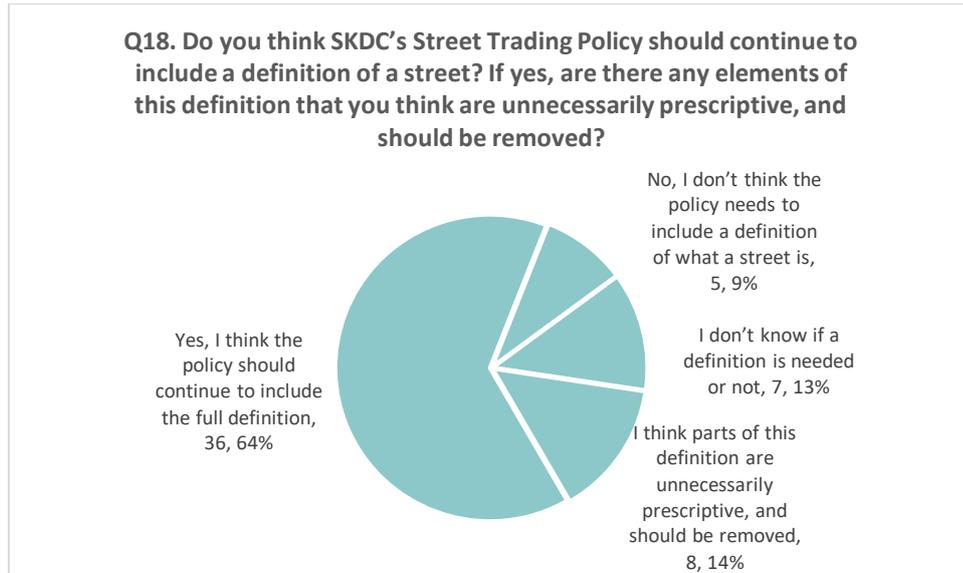
“Essential to ensure safety and suitability in any given surroundings just like a permanent frontage”

“We want to promote community effort not stifle it - don’t make the process too onerous”

Section Seven – The definition of a street

39. The seventh and final area SKDC asked respondents for their feedback on was if a definition of what a street is should be included in the Street Trading Policy. A street is currently defined as “any area that is 30 metres from the centre of any (or part of any) road, footway or other area to which the public have access without payment” in the policy.

40. When asked if they thought SKDC’s Street Trading Policy should continue to include a definition of a street and if they did, if there were any elements of this definition that thought were unnecessarily prescriptive, and should be removed, just under two thirds of respondents (36 or 64.3%) thought that it should, as illustrated overleaf:

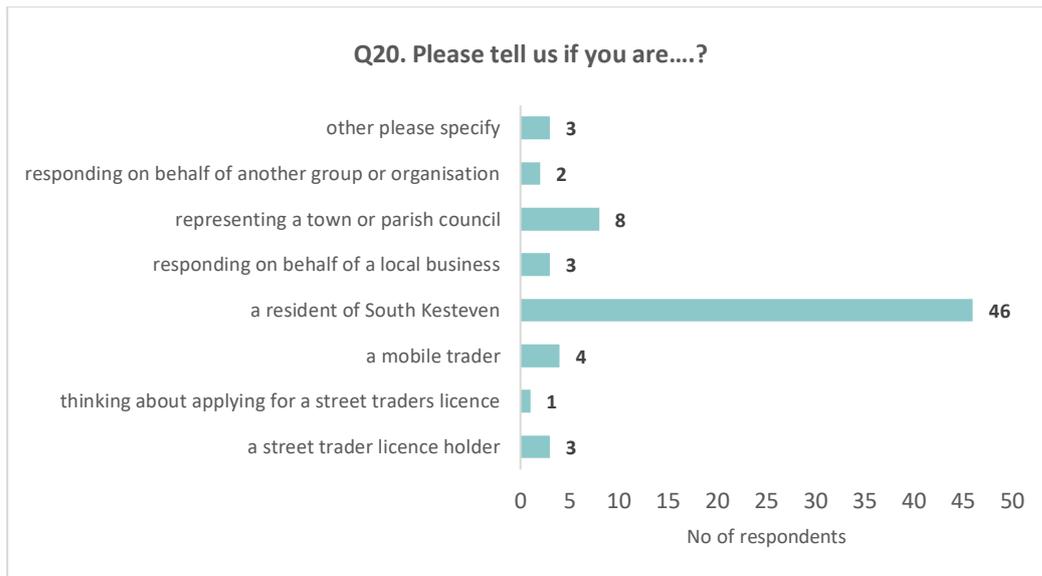


41. When asked which parts of the definition were unnecessarily prescriptive and should be removed, respondents used the opportunity to provide an explanation of why they had chosen to answer in the way that they had, rather than identify which elements should be removed. Their comments focused on the need for clear, simple, and unambiguous definitions of what constitutes a street as shown below:

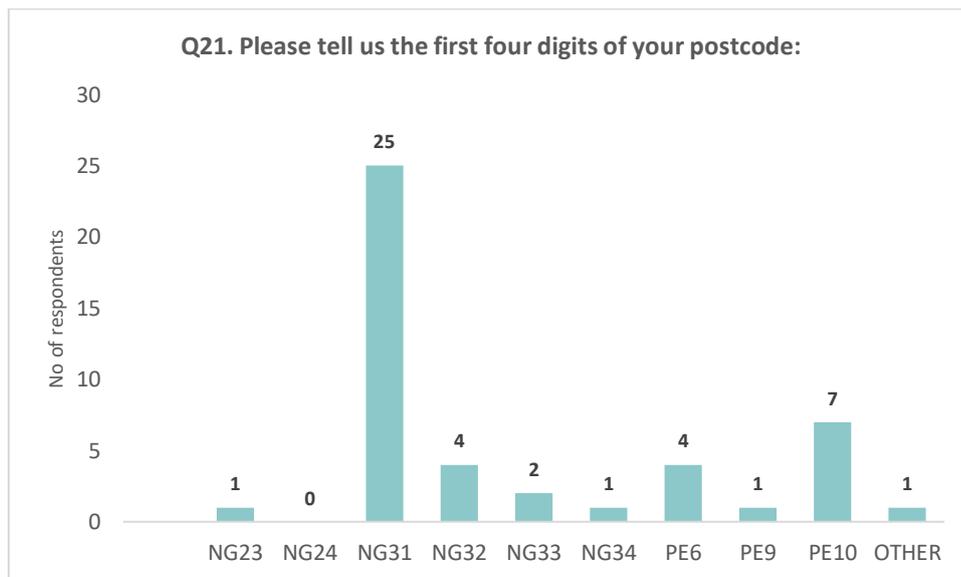
“A street should be exactly that. One which is owned by LCC or highways including the footpath. Not private land.”

Section Eight – About you

42. Most respondents (46 or 85.2%) were residents of the district, as illustrated in the graph overleaf. Four responses (7.4%) were received from mobile traders, with another four respondents (7.4%) stating that they either had a current street trading licence or were thinking of getting one. Eight responses (14.8%) were from town or parish councils:



43. Feedback about the policy was received from across the district. Just over half (25 or 54.3%) were from those living in the Grantham area (NG31), as shown here:



44. The final question on the survey asked respondents if they had any questions or wanted to comment on anything included in the survey. An analysis of the comments made by respondents revealed some had reservations about the policy – that it may have unintended negative consequences - especially for small businesses and community events. Respondents were concerned that a blanket approach and high fees could discourage participation, reduce profitability, and add unnecessary bureaucracy, as expressed in the quote overleaf:

“I am deeply concerned that this policy has not been fully thought through in terms of its likely impacts. ... If we inflict this licensing on the many small home based/artisan craft businesses that attend these events they simply won't come.”

“The fees are far too expensive now, when trying to provide a service to the public.”

45. Some offered constructive feedback on how the policy and how it's administered could be improved. Respondents suggested streamlining processes, making renewals easier for ongoing license holders, and ensuring requirements are not overly burdensome.

“We think there should be a way of renewing licenses for ongoing license holders, that doesn't require the whole process.”

Conclusion

46. Undertaking this consultation has been a worthwhile exercise. Most respondents support most of the parameters of SKDC's Street Trading Licensing Policy. There is, however, some evidence that some of the policy requirements are viewed by respondents as being overly prescriptive and expensive, which means some traders – particularly those operating at a more amateur level - are dissuaded from applying for a licence.

“Please make the policy to allow small community events to continue and remove over complicated and expensive requirements which are off putting for both stallholders and event organisers.”

47. It should be noted that, in contrast to the consultation undertaken in 2022, where no responses were received from mobile traders, four responses have been received from individuals currently operating as mobile traders. Three responses were from current street trade licence holders and one from an individual thinking about applying for a street trading licence. Perhaps not surprisingly they were keen to make the application process less onerous, with quicker turn-round times. Each thought six weeks to process a licence application was too long:

“Needs to be express, we are playing with peoples' livelihoods here.”

48. Some respondents used the free text options available in each section of the survey to comment on specific elements of the Street Trading Policy arguing that some conditions are too restrictive and could discourage street traders from taking part in community activities and events.

“over-regulation could stifle community engagement and vibrancy.”

“I also think expecting all stallholders to have a DBS check is completely ridiculous, the DBS check is designed to protect children and vulnerable people who are likely to have contact with people in a one-to-one setting not as part of a busy street market event.”

49. Some respondents called for a distinction to be made between regular commercial trading and occasional community activities, allowing the latter to proceed without excessive paperwork.

“The definition needs to change to allow local community events like Christmas events, fundays, car boots to continue without unduly onerous legislation, requirements and paperwork which discourages the organisers and participants.”

50. Members of SKDC’s Licensing Committee, Rural and Communities Overview Scrutiny Committee and Cabinet are asked to note the results of this consultation.

Prepared by Deb Wyles
Communications and Consultation
November 2025

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SOUTH
KESTEVEN
DISTRICT
COUNCIL

Joint Meeting of the Environment and Rural and Communities Overview and Scrutiny Committees

Tuesday, 24 February 2026

Report of Councillor Philip Knowles,
Cabinet Member for Corporate
Governance and Licensing

Hackney Carriage and Private Hire Licensing Policy

Report Author

Karen Whitfield, Assistant Director (Leisure, Culture and Place)

✉ karen.whitfield@southkesteven.gov.uk

Purpose of Report

To consider a proposal to amend the Council's Hackney Carriage and Private Hire Licensing Policy to mandate the need for all vehicles licensed to have an appropriate CCTV monitoring system installed.

Recommendations

The Joint Committee is asked to consider whether the mandatory installation and use of CCTV cameras should be included in the Council's Hackney Carriage and Private Vehicle Licensing Policy.

Should the proposal be supported, the Committee is requested to make a recommendation to Full Council that consultation should be undertaken prior to a final decision being made.

Decision Information

Does the report contain any exempt or confidential information not for publication?	No
What are the relevant corporate priorities?	Effective Council
Which wards are impacted?	All Wards

1. Implications

Taking into consideration implications relating to finance and procurement, legal and governance, risk and mitigation, health and safety, diversity and inclusion, safeguarding, staffing, community safety, mental health and wellbeing and the impact on the Council's declaration of a climate change emergency, the following implications have been identified:

Finance and Procurement

- 1.1 There are no direct financial implications associated with this report. The fees have been set for 2026/27 by Council on 29 January 2026. Whilst the outcome of including mandatory CCTV will not affect the charges there could be an impact on income received should drivers chose to apply for their licence from alternative authorities.

Completed by: David Scott, Assistant Director of Finance, and Deputy s151 Officer

Legal and Governance

- 1.2 Legal Services Lincolnshire ('LSL') have been consulted on the contents of this report.
- 1.3 LSL have advised that in order to comply with the Department for Transport ('DfT') Guidance, the Council would be expected to consult locally to determine whether local circumstances would justify mandating CCTV. The DfT's statutory guidance states that authorities "should consult to identify if there are local circumstances which indicate that the installation of CCTV... would have either a positive or an adverse net effect on the safety of taxi and PHV users..." and must also consider privacy issues. If CCTV is mandated within a policy without consultation this would not be lawful.
- 1.4 LSL have confirmed that the Council cannot take action to enforce the use of CCTV in relation to vehicles which have had licenses issued by another authority. As drivers would not be bound by local conditions, the Council would have no enforcement powers in this regard.

- 1.5 The Joint Committee's role is advisory only. Taxi licensing policy is a non-executive function. Any proposal arising from this report would need to be referred to Full Council to consider whether to undertake consultation and to determine any subsequent policy change.

Completed by: Graham Kitchen, Director of Law and Governance and Monitoring Officer

Community Safety

- 1.5 The use of CCTV, where operated appropriately and lawfully, can provide evidence for police investigations, offer some protection to drivers against false allegations, and provide a level of reassurance for vulnerable passengers. However, it would only apply to SKDC's licensed Hackney and Private Hire Vehicles and may cause an increase in private hire vehicles choosing to operate in South Kesteven but be licensed out of the area by an authority where CCTV is not mandated. In addition, the driver/ operator would need to adhere to data protection legislation. As the use of CCTV should be proportionate and necessary, a consultation should be undertaken, to determine this, before any change in Policy is made.
- 1.6 The Council currently has no evidence from either a public protection or safeguarding perspective that indicates that mandating CCTV in hackney carriages and private hire vehicles licensed by the Council is required. Following consultation with safeguarding colleagues it was observed that, potentially, the greater safeguarding risk is not from the drivers licensed by South Kesteven (as the Council ensures compliance with all licensing requirements which includes safeguarding and disability awareness training), but from those who are licensed outside of the area but legally able to operate within South Kesteven.

Completed by: Ayeisha Kirkham, Head of Service (Public Protection).

Equalities, Diversity and Inclusion

- 1.7 An Equalities Impact Assessment has been undertaken and is attached to this report at **Appendix One**.

2. Background to the Report

- 1.1. At a meeting of Council held on 29 January 2026 Members received a report which requested the consideration and adoption of a refreshed Hackney Carriage and Private Hire Licensing Policy (the Policy). (See Background papers for report and details of the work undertaken to respond to feedback).
- 1.2. Consultation has been undertaken on the proposed changes to the Policy at a number of Committees during December 2025 and January 2026. In addition two workshop sessions had been held for taxi and private hire drivers in October 2025. It was clear from the feedback received that there are significant challenges facing

drivers and operators in South Kesteven, particularly in relation to the cost of a licence. The Policy addresses some of the concerns raised including the difficulties being experienced in recruiting and retaining drivers and operators in South Kesteven.

- 1.3. At the meeting of Council on 29 January 2026 an amendment was proposed to the Policy. It was proposed that the following section of the policy which states:

Hackney Carriage and Private Hire Licensing Policy - Part 2, Point 8 – Driver Safety and CCTV – further point 2.8.3.

“Measures such as CCTV are not required as part of the licensing regime, as it is considered that they are best left to the judgement of the owners and drivers themselves.”

Be replaced with:

“All private hire limousines, taxis and hackney carriages licensed by South Kesteven District Council must be fitted with an approved CCTV system”

- Any CCTV system must be installed and maintained in accordance with relevant data protection legislation and with the Information Commissioner’s Office (ICO) Guidance

- Be operational at all times when the vehicle is being used as a hackney carriage or private hire vehicle

- The purpose of this requirement is to enhance passenger and driver safety, support safeguarding obligations, deter criminal and inappropriate behaviour, and assist investigations where allegations are made.”

- 1.4. As the proposed changes to the Policy detailed in paragraph 2.3. had not been part of the consultation undertaken, advice was provided that it would not be appropriate to make a decision at the meeting of Council on 29 January 2026. Consultation would be required on the proposed change to the Policy, and it would also be necessary to ensure that any proposed changes were in accordance with the Guidance provided by the Department for Transport. The motion was therefore withdrawn.

- 1.5. Following a vote, the Policy was adopted as originally drafted but it was suggested that the proposal for the Council to mandate the use of CCTV in taxis and private hire vehicles should be considered by the appropriate scrutiny committee.

3. Key Considerations

- 1.1. Licensing Authorities are responsible for determining their own policy and making decisions on individual licensing matters whilst applying the law and any other relevant considerations. Due regard must be given to the Statutory Taxi and Private Hire Vehicle Standards 2020 (updated 25 November 2022) and Updated Guidance (November 2023) issued by the Department for Transport (DfT), the latter being guidance rather than a statutory requirement.
- 1.2. The DfT guidance recognises that CCTV can enhance public safety, but it is not a mandatory requirement for taxis and private hire vehicles to have this installed.
- 1.3. Some licensing authorities have implemented the mandatory requirement for CCTV in taxis and private hire vehicles. This includes:
 - Brighton & Hove from 2012
 - Southampton from 2013 (currently CCTV is in the form of non-continuous recording due to an Information Commissioners review)
 - Portsmouth from 2016 citing the decision was made to enhance safety and to act as a deterrent against violence, abuse and crime for both passengers and drivers.
- 1.4. It should be noted that there are other authorities that have consulted or are considering running a limited trial (feedback pending). This includes Crawley Borough Council who undertook consultation in July 2025 on the implementation of CCTV. The subsequent consultation report (see Background Papers) shows that drivers and the public did not support the mandatory installation of CCTV in taxis.
- 1.5. When considering mandating the installation of CCTV, the DfT Guidance states that licensing authorities should consult locally to see whether this would have a positive or negative safety effect considering the protection of children and vulnerable adults, privacy implications and whether the introduction of a blanket CCTV requirement is proportionate. It is recommended a strong justification is required for mandatory CCTV and this must be kept under regular review.
- 1.6. If CCTV is installed the system must comply with General Data Protection Regulations (GDPR) and data protection laws. This includes displaying visible signage, using secure storage and registration with the Information Commissioner's Office (ICO). The DfT Guidance provides that cameras should be professionally installed, and if audio is being recorded it must be justified why this is the case. Audio recording is considered highly intrusive to privacy, and it should only be activated when required, for example during a dispute.
- 1.7. If CCTV is mandated within a policy, the licensing authority becomes the data controller and then must comply with the Data Protection Act 2018 and GDPR. As such the authority would be responsible for compliance and risk and must consider:

- Fair and lawful processing
 - Secure storage and encryption
 - Retention and disposal policies
 - Access controls.
- 1.8. As the data controller the Council could be liable from significant fines from the Information Commissioner's Office, or receive compensation claims from affected individuals, should there be any breaches in the collection, processing or storage of recorded information.
- 1.9. Should the Policy be amended in line with the proposal it would be necessary for the Council to carry out a Data Impact Assessment (DPIA). This is required under GDPR to identify, evaluate and minimise any privacy risks.
- 1.10. The installation of CCTV and the ongoing maintenance of the system would be a cost to drivers and operators. The cost of a system typically ranges between £400 and £1000 for installation alone. Given the feedback received by the Council that it is difficult to recruit and retain drivers, this cost could be seen as a further potential barrier to the recruitment and retention of taxi and private hire operators within the district.
- 1.11. The current rules allow hackney carriage and private hire operators who have obtained a licence from an alternative authority to trade in South Kesteven. In these circumstances, due to this licensing loophole, the Council would have no means of enforcing the installation and use of CCTV for all hackney carriage and private hire vehicles operating in South Kesteven, when the respective licensing authority do not have this requirement.
- 1.12. In November 2025 the Government announced they are considering significant reforms to taxi and private hire licensing in the UK. Subsequently a consultation was launched on 8 January 2026 which is due to run until 1 April 2026. It is being proposed that the responsibility for taxi and private hire licensing be transferred to local transport authorities. For Lincolnshire this would be the Greater Lincolnshire Combined County Authority (GLCCA). The Council is in the process of compiling a consultation response.
- 1.13. The consultation states that the changes aim to address safety concerns, standardise rules across different regions, and tackle the issues associated with out of area licensed drivers. The consultation does not include proposals to include the mandatory installation of CCTV cameras in taxis and private hire vehicles.

4. Other Options Considered

- 4.1. At the meeting of Council held on 29 January 2026 the Hackney Carriage and Private Hire Licensing Policy was adopted. This does not currently include the mandatory installation and use of CCTV in vehicles licensed by the Council.
- 4.2. As detailed within this report the Council could make an amendment to the Policy to make the use of CCTV in taxi and private hire vehicles mandatory. The implications of this and the need to consult are set out within the body of this report.

5. Reasons for the Recommendations

- 1.1. A proposal was made at the meeting of Council on 29 January 2026 to introduce the mandatory installation of CCTV equipment in all vehicles licensed to trade in South Kesteven. Although the motion was withdrawn for reasons outlined earlier in this report, the consensus was that the proposal should instead be considered via the appropriate scrutiny committee to ensure any change in the policy was lawful.
- 1.2. Should the proposed change to the Policy be supported, in line with the legal advice received, it will be necessary for Full Council to request that a public consultation is undertaken to assess whether this is supported locally and is proportionate, prior to a decision being taken.

6. Background Papers

- 6.1. [Licensing Committee on Monday, 15th December, 2025](#)
- 6.2. [Environment Overview and Scrutiny Committee on Tuesday, 13th January, 2026](#)
- 6.3. [Crawley Borough Council Consultation Results](#)

7. Appendices

- 7.1. **Appendix One** - Equality Impact Assessment

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Equality Impact Assessment

Question	Response
1. Name of policy/funding activity/event being assessed	Hackney Carriage and Private Hire Licensing Policy – Mandating CCTV in vehicles.
2. Summary of aims and objectives of the policy/funding activity/event	To assess the impact of mandating CCTV in taxis on protected equality characteristics.
3. Who is affected by the policy/funding activity/event?	Hackney Carriage and Private Hire licence holders and members of public.
4. Has there been any consultation with, or input from, customers/service users or other stakeholders? If so, with whom, how were they consulted and what did they say? If you haven't consulted yet and are intending to do so, please complete the consultation table below.	Not currently, however should the joint Rural Environment Overview and Scrutiny support the proposal to mandate the use of CCTV in taxi and private hire vehicles a full public consultation would be required, and the responses considered by Council as part of the decision-making process as outlined by Department for Transport Guidance (Nov 2023).
5. What are the arrangements for monitoring and reviewing the actual impact of the policy/funding activity/event?	The policy can be reviewed in light of any operational issues found and will be reviewed if there is any guidance or legislative change. The Policy is reviewed every 5 years in the absence of the above.

Protected Characteristic	Is there a potential for positive or negative impact?	Please explain and give examples of any evidence/data used	Action to address negative impact e.g. adjustment to the policy <i>(The Action Log below should be completed to provide further detail)</i>
Age	Positive	<p>Without leading the narrative of the consultation an element of it would concentrate on outlining the benefit for both drivers and passengers from travelling in a safer environment. Whilst it is acknowledged that any traveller could be viewed as vulnerable in certain circumstances, CCTV could result in increased security for young and older people travelling in hackney carriages and private hire vehicles.</p> <p>Following the consultation, it will be determined whether the Council mandates the requirement for CCTV in vehicles. If it does go ahead a further Impact Assessment would be developed with the</p>	



		findings of the consultation taken into consideration	
Disability	Negative	<p>Visually impaired passengers may not be aware of audio/video recording or know how to activate a system if they wished to if it was not a CCTV that recorded continuously.</p> <p>Without leading the narrative on the consultation an element of it would concentrate on understanding the benefit for both drivers and passengers from travelling in a safer environment. Whilst it is acknowledged that any traveller could be viewed as vulnerable in certain circumstances, CCTV could result in increased security for disabled travelers in hackney carriages and private hire vehicles.</p> <p>Following the consultation, it will be determined whether the Council mandates the requirement for CCTV in vehicles. If it does go ahead a further Impact Assessment would be developed with the findings of the consultation taken into consideration</p>	The Policy could include the requirement for drivers to verbally inform passengers of the CCTV presence and how to activate it.
Gender Reassignment	Positive	<p>Without leading the narrative on the consultation an element of the consultation would concentrate on outlining the benefit for both drivers and passengers from travelling in a safer environment. Whilst it is acknowledged that any traveller could be viewed as vulnerable in certain circumstances, CCTV could result in increased security for people from the trans</p>	



		<p>community in hackney carriages and private hire vehicles.</p> <p>Following the consultation, it will be determined whether the Council mandates the requirement for CCTV in vehicles. If it does go ahead a further Impact Assessment would be developed with the findings of the consultation taken into consideration</p>	
Marriage and Civil Partnership	No impact	<p>Whilst it is acknowledged that any traveller could be viewed as vulnerable in certain circumstances, this protected characteristic does not affect the consideration or application of this requirement.</p>	
Pregnancy and Maternity	No impact	<p>Whilst it is acknowledged that any traveller could be viewed as vulnerable in certain circumstances, this protected characteristic does not affect the consideration or application of this requirement.</p>	
Race	Positive	<p>Without leading the narrative on the consultation an element of the consultation would concentrate on outlining the benefit for both drivers and passengers from travelling in a safer environment. Whilst it is acknowledged that any traveller could be viewed as vulnerable in certain circumstances CCTV could result in increased security for people from different races, ethnicities and cultures in hackney carriages and private hire vehicles.</p> <p>Following the consultation, it will be determined whether the Council mandates the requirement for CCTV in vehicles. If it</p>	



		<p>does go ahead a further Impact Assessment would be developed with the findings of the consultation taken into consideration</p>	
Religion or Belief	Positive	<p>Without leading the narrative on the consultation an element of the consultation would concentrate on outlining the benefit for both drivers and passengers from travelling in a safer environment. Whilst it is acknowledged that any traveller could be viewed as vulnerable in certain circumstances CCTV could result in increased security for people of differing faiths and beliefs in hackney carriages and private hire vehicles.</p> <p>Following the consultation, it will be determined whether the Council mandates the requirement for CCTV in vehicles. If it does go ahead a further Impact Assessment would be developed with the findings of the consultation taken into consideration</p>	
Sex	Positive	<p>Without leading the narrative on the consultation an element of the consultation would concentrate on outlining the benefit for both drivers and passengers from travelling in a safer environment. Whilst it is acknowledged that any traveller could be viewed as vulnerable in certain circumstances CCTV could result in increased security for both women and men in hackney carriages and private hire vehicles.</p> <p>Following the consultation, it will be determined</p>	



		<p>whether the Council mandates the requirement for CCTV in vehicles. If it does go ahead a further Impact Assessment would be developed with the findings of the consultation taken into consideration</p>	
Sexual Orientation	No impact	<p>Without leading the narrative on the consultation an element of the consultation would concentrate on outlining the benefit for both drivers and passengers from travelling in a safer environment. Whilst it is acknowledged that any traveller could be viewed as vulnerable in certain circumstances CCTV could result in increased security for people of all sexual orientations and identities in hackney carriages and private hire vehicles.</p> <p>Following the consultation, it will be determined whether the Council mandates the requirement for CCTV in vehicles. If it does go ahead a further Impact Assessment would be developed with the findings of the consultation taken into consideration</p>	
Other Factors requiring consideration			
Socio-Economic Impacts	Positive	<p>There is the potential for both drivers and passengers to benefit from a safer environment in which to travel and increased user confidence may facilitate higher passenger demand from more vulnerable groups such as the elderly or those with disabilities.</p> <p>Following the consultation, it will be determined</p>	



	Negative	<p>whether the Council mandates the requirement for CCTV in vehicles. If it does go ahead a further Impact Assessment would be developed with the findings of the consultation taken into consideration</p> <p>Any changes to mandate the introduction of CCTV in all licensed vehicles following the consultation will have a financial impact on operators, drivers, vehicle owners and ultimately travelers if the costs then have to be passed on to passengers. An increase in fare charges could mean the difference on affordability for some people.</p>	
<p>Carers (those who provide unpaid care to a family member, friend or partner)</p>	Positive	<p>There is the potential for both drivers and passengers to benefit from a safer environment in which to travel and increased user confidence may facilitate higher passenger demand from more vulnerable groups such as the elderly or those with disabilities</p> <p>Following the consultation, it will be determined whether the Council mandates the requirement for CCTV in vehicles. If it does go ahead a further Impact Assessment would be developed with the findings of the consultation taken into consideration</p>	

Consultation

Negative impacts identified will require the responsible officer to consult with the affected group/s to determine all practicable and proportionate mitigations. Add more rows as required.

Group/Organisation	Date	Response



Proposed Mitigation: Action Log

To be completed when barriers, negative impact or discrimination are found as part of this process – to show actions taken to remove or mitigate. Any mitigations identified throughout the EIA process should be meaningful and timely. Add more rows as required.				
Negative Impact	Action	Timeline	Outcome	Status

Evaluation Decision

Once consultation and practicable and proportionate mitigation has been put in place, the responsible officer should evaluate whether any negative impact remains and, if so, provide justification for any decision to proceed.		
Question	Explanation / justification	
Is it possible the proposed policy or activity or change in policy or activity could discriminate or unfairly disadvantage people?		
Final Decision	Tick	Include any explanation/justification required
1. No barriers identified, therefore activity will proceed		
2. Stop the policy or practice because the data shows bias towards one or more groups		
3. Adapt or change the policy in a way that will eliminate the bias		
4. Barriers and impact identified , however having considered all available options carefully, there appear to be no other proportionate ways to achieve the aim of the policy or practice (e.g. in extreme cases or where positive action is taken). Therefore you are going to proceed with caution with this policy or practice knowing that it may favour some people less than others, providing justification for this decision		

Did you consult with an Equality Ally prior to carrying out this assessment? Yes

Sign off

Name and job title of person completing this EIA	Heather Green, Licensing Manager
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Officer Responsible for implementing the policy/function etc	Ayeisha Kirkham, Head of Public Protection
Date Completed	16 February 2026
Line Manager	Karen Whitfield
Date Agreed <i>(by line manager)</i>	16 February 2026
Date of Review <i>(if required)</i>	

Completed EIAs should be included as an appendix to the relevant report going to a Cabinet, Committee or Council meeting and a copy sent to equalities@southkesteven.gov.uk.

Completed EIAs will be published along with the relevant report through Modern.Gov before any decision is made and also on the Council's website.