



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

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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Does the report contain any exempt or confidential information not for publication?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.