



**SOUTH  
KESTEVEN  
DISTRICT  
COUNCIL**

## Environment Overview and Scrutiny Committee

30 November 2021

**Report of:** Councillor Linda Wootten  
Cabinet Member for Corporate  
Governance and Licensing



## Review of the Street Trading Policy

This report proposes updates to the existing Street Trading Policy and a 4-week consultation period with the public, local businesses, partner agencies and other organisations.

### Report Author

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Corporate Priority:	Decision type:	Wards:
<b>Healthy &amp; Strong Communities</b>	<b>Non-Key</b>	<b>All Wards</b>

<b>Reviewed by:</b>	Anne-Marie Coulthard (Assistance Director Operations and Public Protection)	15 November 2021
<b>Approved by:</b>	Gary Smith (Director of Commercial and Operations)	17 November 2021
<b>Signed off by:</b>	Councillor Linda Wootten (Cabinet Member for Corporate Governance and Licensing)	15 November 2021

### Recommendation (s) to the decision maker (s)

1. Considers the draft South Kesteven District Council Street Trading Policy and agrees it, with or without amendments as the basis for public consultation.

## **1 The 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 effect of this designation is that any street trading in any street is prohibited, subject to legal exemptions, without first obtaining a Street Trading Consent from the Council.
- 1.3 The current Street Trading Policy ("the Policy") was approved by Cabinet on 3 October 2011, effective from 1 January 2012.
- 1.4 There are currently 8 consented Street Traders operating across the district. A Street Trading Consent is not required for traders operating in one of the Charter Markets or where entrance is by payment.
- 1.5 The Policy outlines how the Council will undertake its decision-making functions when dealing with applications for Street Trading Consents.
- 1.6 There is no statutory requirement for a local authority to adopt a Street Trading Policy; however, the adoption and subsequent review of the Policy benefits customers, the public, partner agencies and other organisations. It also provides clarity and a framework which reinforces effective practices, and aids transparency and consistent decision making by Officers and Members.
- 1.7 A full review of the Policy has been undertaken, the proposed amendments are highlighted in red in Appendix 1 and are more specifically detailed in Appendix 2). The changes seek to make the Policy more robust in terms of the application process and requirements and seek to make it clear that mobile traders such as ice cream vans, mobile sandwich and hot food sellers (that do not have specific customers to whom they visit on a "round") are required to hold a Consent.

## **2 Consultation and Feedback Received, Including Overview and Scrutiny**

- 2.1 The Licensing Committee in their meeting on 12 November 2021 reviewed the draft updated policy. As a result, one paragraph was re-phrased to provide greater clarity.
- 2.2 There is no legal duty placed upon the Council to consult on the Policy. However, it is good practice to consult with existing consent holders, the public, local businesses, partner agencies and other organisations. A 4-week consultation is proposed, commencing in January 2022 to allow for the Christmas period.

## **3 Available Options Considered**

- 3.1 The Environment Overview and Scrutiny Committee are asked to review the revised policy providing relevant feedback to be incorporated into the draft document prior to a 4-week public consultation period.
- 3.2 The Committee could recommend that the Street Trading Policy is not updated. The existing policy would remain in force.

## **4 Preferred Option**

- 4.1 That the Environment Overview and Scrutiny Committee review the updated Street Trading Policy and provide relevant feedback.

## **5 Reasons for the Recommendation (s)**

- 5.1 The review of the existing Street Trading Policy supports the Authority in fulfilling its statutory duties associated with street trading, providing guidance for both Officers and Members when decision making.
- 5.2 Whilst the legislation in this area has not significantly changed, updating the Policy and documentation provides an opportunity to update the intention of the Policy as well bring all aspects of Street Trading into one policy document, providing clarity for all users.

## **6 Next Steps – Communication and Implementation of the Decision**

- 6.1 Any feedback from the Environment Overview and Scrutiny Committee will be incorporated into the draft Policy prior to a 4 week public consultation.
- 6.2 The consultation responses will be collated and subject to no significant amendments being proposed as a result of the consultation, the revised draft Policy will be presented to Cabinet.

## **7 Financial Implications**

- 7.1 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

**Financial Implications reviewed by: Alison Hall-Wright, Head of Finance & ICT**

## **8 Legal and Governance Implications**

- 8.1 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. Any departure from the Policy should be based on material evidence and documented giving clear and compelling reasons.

**Legal Implications reviewed by: Mandy Braithwaite, Legal Executive**

## **9 Equality and Safeguarding Implications**

- 9.1 An initial equality impact assessment has been undertaken and is at Appendix 3. It has not identified any significant negative impacts.

## **10 Risk and Mitigation**

- 10.1 No specific risks have been identified.

## **11 Community Safety Implications**

- 11.1 It is important that the public, businesses in the locality and those using highways are able to do so safely. The policy puts into place conditions and standards for all street traders to adhere to maintain community safety.

## **12 How will the recommendations support South Kesteven District Council's declaration of a climate emergency?**

- 12.1 The changes proposed do not impact the declared climate emergency.

## **13 Other Implications (where significant)**

13.1 None identified.

## **14 Background Papers**

14.1 [Existing General Policy and Conditions for Street Trading 2012](#)

## **15 Appendices**

15.1 Appendix 1 – Draft revised Street Trading Policy (incorporating feedback from the Licensing Committee).

15.2 Appendix 2 – Specific updates to the Street Trading Policy.

15.3 Appendix 3 – Equality Impact Assessment.