

This report is public	
New Cherwell District Council Street Trading Policy	
Committee	General Licensing Committee
Date of Committee	22 October 2025
Portfolio Holder presenting the report	Portfolio Holder for Safer Communities, Councillor Robert Parkinson
Date Portfolio Holder agreed report	3 October 2025
Report of	Health Protection, Compliance and Licensing Manager, Jan Southgate

Purpose of report

To consider and agree a draft Street Trading Policy for consultation with Oxfordshire Country Council as the Highways Authority, Thames Valley Police, Environmental Health, Fire Authority, along with other Stakeholders including Current Licensees, Local Ward Councillors, and Parish and Town councils. The current Policy is attached at Appendix 1. The proposed draft policy is attached at Appendix 2 together with proposed new standard conditions.

Following consultation and any changes deemed necessary, the Policy will be submitted to the Committee for approval.

1. Recommendations

The General Licensing Committee resolves:

- 1.1 To approve the new draft Cherwell District Council Street Trading Policy for consultation with the trade and members of the public.

2. Executive Summary

- 2.1 Cherwell District Council Street Trading Policy was last reviewed in 2019.
- 2.2 The Council aims to regulate the location and number of street traders. The scheme also aims to prevent the obstruction of streets in the district by street trading activities. In doing so it recognises the importance of regulated businesses to the districts economy and the character of the district whilst trying to ensure that the activities do not cause nuisance or annoyance to people who live and work in the district.
- 2.3 This policy is intended to help prospective street traders to understand where trading might be encouraged. It is however important that sites are properly administered and managed to ensure that they meet legal requirements and the high standards expected by the Council.

Implications & Impact Assessments

Implications		Commentary		
Finance		There are no financial implications arising directly from this report. Joanne Kaye, Head of Finance (D151), 3 October 2025		
Legal		The report cites the appropriate legislation and does not exceed the Council's powers. Appendix 2 cites applicable legislation. As the recommendation within the report is to approve the policy for public consultation there are no legal implications arising directly as a result of this report. The legal services department provide assistance with implementing and enforcing the existing policy and are able to continue to do so should the new policy be approved by the committee following the consultation exercise. Denzil – John Turbervill Head of Legal Services 9/10/2025		
Risk Management		The report is to seek approval to consult of a new draft policy. There are no risk implications arising as a direct consequence of this report. Celia Prado-Teeling, Performance Team Leader, 3 October 2025		
Impact Assessments		Positive	Neutral	Negative
Equality Impact			X	
A Are there any aspects of the proposed decision, including how it is delivered or accessed, that could impact on inequality?			X	
B Will the proposed decision have an impact upon the lives of people with protected characteristics, including employees and service users?			X	
Climate & Environmental Impact				

ICT & Digital Impact				N/A
Data Impact				N/A
Procurement & subsidy				N/A
Council Priorities	Economic Prosperity Supporting businesses, skills development, and the local economy to create growth and vibrant town centres.			
Human Resources	N/A			
Property	N/A			
Consultation & Engagement	If agreed by the Committee, officers will consult on the new draft policy with Oxfordshire County Council as the Highways Authority, Thames Valley Police, Environmental Health, Fire Authority, along with other Stakeholders including Current Licensees, Local Ward Councillors, and Parish and Town councils. A 4-week consultation period is proposed.			

Supporting Information

3. Background

- 3.1 The council has designated all streets within the district as consent streets, this means that, subject to certain legal exemptions, nobody can trade in any street in the district without first obtain a street trading consent from the council.
- 3.2 The Local Government (Miscellaneous Provisions) Act 1982 Schedule 4 (“the Act”) allows local authorities to adopt provisions concerning the control of street trading. Under the Act there is no legal requirement for the Council to have a policy on how it proposes to control street trading under the Act, however it is considered best practice for a Council to adopt a policy to encourage consistency and transparency in the way that its functions are carried out. It is also considered best practice to review any such policy adopted from time to time. Cherwell’s current Street Trading Policy was last published in 2019.

4. Details

- 4.1 A copy of the Council’s current street trading policy and standard conditions can be seen at Appendix 1. The policy and standard conditions have been in place since 2019. It has therefore been more than five years since these have been formally reviewed. Officers believe the policy and conditions should now be subject to review.
- 4.2 A draft new street trading policy has been produced and is attached at Appendix 2. The new draft street trading policy is a more comprehensive and detailed document than the

current street trading policy and incorporates new standard conditions. The draft policy aims to provide as much information and guidance as possible to assist applicants, consent holders, officers and members with a view to achieving a transparent and consistent approach to how the Council's Street trading functions are carried out.

- 4.4 The draft policy begins by giving an introduction to the District. This is followed by a section explaining what the policy is and what objectives it seeks to achieve
- 4.5 The draft policy then sets out the legislative framework within which the Council controls street trading and explains that streets in the District have been designated as "consent streets" and those that are designated as "prohibited streets.
- 4.6 The draft policy goes on to explain the requirements involved in making an application for a street trading consent. This includes reference to the documentation that must be submitted with an application.
- 4.7 The draft policy sets out the way in which applications will be consulted upon and determined.
- 4.8 The application will be notified to a number of relevant stakeholders and other interested parties so that they have the opportunity to pass comment on the application and lodge any objections during a period of 28 days following on from the date that the application is made.
- 4.9 In addition however a further requirement is proposed in respect of applications for new and variation consents, where the trading is proposed to take place from a fixed location. The applicant in these circumstances would be expected to display a public notice at the site of the proposed trading and notify local residence by delivering notification of the application to properties and businesses within a minimum radius of 100m of the proposed site for at least 28 consecutive days from the date the application is made.
- 4.10 The draft policy explains that where representations or objections are received, officers will, in the first instance, explore the possibility that a compromise solution can be reached between the applicant and the person or persons making the objection or representation. If this is not possible, the draft policy explains that the applicant has the right for their application to be referred to a Licensing Sub-Committee for determination.
- 4.11 The draft policy also seeks to set out the Council's approach to enforcement and complaints in respect of street trading activity. This is done in the interests of fairness and transparency and with a view to promoting consistency.
- 4.12 This report has been submitted to seek approval of the draft policy so that it can be consulted upon with the public and relevant stakeholders.
- 4.13 The changes to the current policy are set out below:
 - Amendments to Contents Page - Page 1.
 - Addition of Definition Page – not provided in the current policy. Page 2.
 - Addition of Consultee on the policy section 3 - the current policy does not provide details of who is consulted regarding the adoption of the policy. Page 3.

- Addition of Legislation and Current Provision section 5 –to provide a more comprehensive section covering activities that are exempt from the need to hold a consent. Page 4.
- Addition of Delegation of functions section 6 –addition of this section to provide a clear and consistent licensing service for applicants and consent holders. This section is not contained with the current policy. Page 5.
- Addition of types of consent and definitions, together with the criteria required to make an application on each type of consent. Addition of section 7, 9,10,11. The current policy covers only Peripatetic Street Trading and Special Events. Pages 6-8.
- Mobile Street Trading Consent section 8 (d)– addition of trading restrictions relating to educational establishments without formal invitation from the establishment. Not currently contained within the current policy by approving this it would allow officers to undertake enforcement action if no formal agreement is in place. Page 7.
- Amendments to the application process section 12.1 – to increase the consultation period from 14 days to 28 days. Street Trading Consent applications typically have a 28-day consultation period not 14 days. The consultation period allows time for feedback from organisations like the police, highways and local ward members. Page 8.
- Amendments to the application process section 12.3 (c) - the applicant to include to include a Basic Disclosure & Barring check for new and renewal applications to assess suitability of the applicant. The council needs to be satisfied that the applicant is a suitable person to trade, the certificate would reveal any unspent convictions or cautions. This is not currently checked as not required under the current policy. Page 10.
- Amendments to the application process section 12.3 (d) Proof of Right to Work - the applicant would need to provide Proof of their Right to Work in the UK. This is currently not requested under the current policy. Page 10.
- Amendments to the application process section 12.3 (k) an increase of public liability and public indemnity insurance from £2 million to £5 million. This is the most common requirement for market organisers and local council to grant a licence. Most street traders are food vendors therefore due to the increased risks from food poisoning the higher cover should be required. Page 10.
- Amendment to the length of a Street Trading Consent section 12.4 – policy change required the current licensing system has been set up that no renewal application is required after 12 months. Consent have been issued with no expiry date and if the consent fee is paid then the consent holder can continue to trade. This practise is not in line with legislation - a street trading consent may be granted for any period not exceeding 12 months. Approval required to prevent consent being issue unlawfully. And leaving the council open to challenge. Page 10.
- Addition of renewal application sections 12.5 and 12.6 required as this is currently not being completed see 12.4 above - page 11.
- Addition of transfers section 12.8 and 12.9 addition as the current policy does not refer to transfers of street trading consent; they are only covered on a street trading consent - page 11.
- Proposed set of new Street Trading conditions for both static and mobile traders to replace the existing conditions contained with the current policy. The new conditions are enforceable and separate static and mobile traders each having specific set of conditions relevant to their activity. Appendix 1 – pages 14-15 and Mobile Street Traders Appendix 2 – pages 16 – 17.
- Addition of Guidelines on the suitability of applicants – Appendix 3 this is not provide in the current policy page 19.

5 Alternative Options and Reasons for Rejection

- 5.1 The following alternative options have been identified and rejected for the reasons as set out below

Option 1. Leave the current policy in place. This is rejected as the Policy would be out of date; safeguarding and right to work checks would not be carried out on existing and new applicants and legislation would not be administered within the requirement set out in legislation.

6 Conclusion and Reasons for Recommendations

- 6.1 Officers believe that it is important that where a Council decides to exercise control over street trading, the Council should adopt a street trading policy, which sets out clearly how applications for street trading consents will be dealt with and what principles will be applied when determining the suitability of applicants. The policy should be reviewed every 5 years to ensure it is still appropriate and in line with the Council's aims and objectives and relevant legislation updates.
- 6.2 The General Licensing Committee is recommended to agree this Policy for public consultation to ensure that this policy remains fit for purpose, taking into account any legislative changes and guidance issued to local authorities.

Decision Information

Key Decision	N/A
Subject to Call in	N/A
If not, why not subject to call in	N/A
Ward(s) Affected	All

Document Information

Appendices	
Appendix 1	Current Street Trading Policy 2019
Appendix 2	Draft Street Trading Policy 2025
Background Papers	None
Reference Papers	None
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Corporate Director Approval (unless Corporate Director or Statutory Officer report)	Corporate Director for Communities, 4 October 2025
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