

<b>This report is public</b>	
<b>New Cherwell District Council Street Trading Policy</b>	
<b>Committee</b>	General Licensing Committee
<b>Date of Committee</b>	18 February 2026
<b>Portfolio Holder presenting the report</b>	Portfolio Holder for Healthy & Safe Communities, Councillor Rob Pattenden
<b>Date Portfolio Holder agreed report</b>	5 February 2026
<b>Report of</b>	Health Protection, Compliance and Licensing Manager, Jan Southgate

## **Purpose of report**

To present to the General Licensing Committee a new Street Trading Policy. The new policy is included in Appendix 2 together with proposed new standard conditions.

### **1. Recommendations**

The General Licensing Committee resolves:

- 1.1 To approve the new Cherwell District Council Street Trading Policy for adoption from the 1 April 2026.

### **2. Executive Summary**

- 2.1 Cherwell District Council Street Trading Policy was last reviewed in 2019.
- 2.2 The draft Street Trading Policy was consulted on from 25 November 2025 to the 23 December 2025. Six responses were received, these have been considered, and a list of responses is included in appendix 3. No material changes have been made to the draft policy post consultation.
- 2.3 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.
- 2.4 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.
- 2.5 The Local Government (Miscellaneous Provisions) Act 1982 Schedule 4 ("the Act") allows local authorities to adopt provisions concerning the control of street trading.

Cherwell District Council

## Implications & Impact Assessments

Implications		Commentary		
Finance		There are no financial implications arising directly from this report. Joanne Kaye, Head of Finance (D151), 15 January 2026		
Legal		The Local Government (Miscellaneous Provisions) Act 1982 Schedule 4 gives the power to local authorities to regulate street trading. Although there is no direct duty for a local authority to publish or update a policy, reviewing and updating the policy is necessary to ensure that the regulation of street trading is fair, safe, and within our legal powers. The report cites the appropriate legislation and does not exceed the Council's powers. Section 5 of the report ensures that the applicable legislation is properly cited within the report. 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. Denzil – John Turbervill Head of Legal Services 14 January 2026		
Risk Management		There are no risk implications arising as a direct consequence of this report. Any future risks related will be managed through the service risk register and escalated to the leadership risk register as and when deemed necessary. Celia Prado-Teeling, Performance & Insight Team Leader, 14 January 2026		
Impact Assessments	Positive	Neutral	Negative	Commentary
Equality Impact		X		There are no equalities implications arising as a direct consequence of this report. Celia Prado-Teeling, Performance & Insight Team Leader, 14 January 2026
A Are there any aspects of the proposed decision, including how it is delivered or accessed, that could impact on inequality?		X		The policy changes have no impact on inequality in either a positive or negative way.
B Will the proposed decision have an impact upon the lives of people with protected characteristics, including employees and service users?		X		Street trading Consent in the Cherwell district are not predominantly applied for be any groups with protected characterises therefore any changes do not predominately affect any particular groups.

<b>Climate &amp; Environmental Impact</b>				N/A
<b>ICT &amp; Digital Impact</b>				N/A
<b>Data Impact</b>				N/A
<b>Procurement &amp; subsidy</b>				N/A
<b>Council Priorities</b>	Economic Prosperity Supporting businesses, skills development, and the local economy to create growth and vibrant town centres.			
<b>Human Resources</b>	N/A			
<b>Property</b>	N/A			
<b>Consultation &amp; Engagement</b>	The draft policy was consulted via an open public consultation from the 24 November 2025 to the 23 December 2025. The following consultees were contacted to advise for the consultation, 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.			

## 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 The 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.
- 4.3 The new 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
- 4.4 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."
- 4.5 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.
- 4.6 The draft policy sets out the way in which applications will be consulted upon and determined.
- 4.7 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.
- 4.8 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.
- 4.9 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.
- 4.10 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.
- 4.11 List of changes from the current policy are provided 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
- 5.2 Option 1. Leave the current policy in place. The council policy would remain 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**

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.

- 6.1 It is requested that this Licensing Committee approve this policy for adoption by Cherwell District Council. If approved the policy will be adopted from the 1 April 2026.

## **Decision Information**

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

## Document Information

<b>Appendices</b>	
<b>Appendix 1</b>	Current Street Trading Policy 2019
<b>Appendix 2</b>	New Street Trading Policy 2025
<b>Appendix 3</b>	Consultation Responses
<b>Background Papers</b>	None
<b>Reference Papers</b>	None
<b>Report Author</b>	Jan Southgate, Compliance and Licensing Manager
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<b>Executive Director Approval (unless Executive Director or Statutory Officer report)</b>	Interim Executive Director Neighbourhood Services, Nicola Riley 14 January 2026