

LICENSING COMMITTEE

Street Trading Review

12 March 2026

Report of Licensing Manager

PURPOSE OF REPORT

To provide a legislative overview of street trading and set out current arrangements locally. Members are asked to consider a review of street trading, including engagement with internal and external stakeholders.

This report is public.

RECOMMENDATIONS

- (1) That members note the legislative overview and current local arrangements regarding street trading set out in the report.
- (2) Instigate a review of street trading in the district.

1.0 Introduction to Street Trading

1.1 The Local Government (Miscellaneous Provisions) Act 1982 sets out the legislative arrangements for street trading.

1.2 Under schedule 4 of the abovementioned act "Street Trading" is defined as the selling or exposing or offering for sale of any article (including a living thing) in a street.

A "Street" is defined as any road, footway, beach or other area, including private land, to which the public have access at any time without payment.

1.3 Local Authorities may designate streets within their district consent, licence or prohibited for the purposes of street trading.

If a street is designated as a prohibited street, then a criminal offence is committed by any person engaging in street trading in that street. Licence streets and consent streets enable street trading to take place upon it, subject to a street trading licence or street trading consent, respectively. There are key distinctions between licences and consents, including the discretion the council has to refuse new licences.

1.4 There are a number of exemptions from street trading requirements, including.

- Shops and petrol filling stations (including selling in the street adjoining such premises provided it is part of the business of the premises).
- Operating as a Pedlar
- Markets or fairs where the right is granted through any enactment or order,

- Trading in a trunk road picnic area,
- News vendors (unless the stall exceeds a certain size) and
- Roundsmen, for the purposes of exemption, being defined as a person who regularly travels a set route making deliveries to regular customers. The legal precedent in case law (Kempin t/a British Bulldog Ice Cream V Brighton and Hove Council), ruled that a roundsman was someone who delivered pre-ordered goods within a locality.

1.5 Local Authorities can introduce a fee for such consents/licences, as with all fees, they must be at a level to cover the administration and monitoring of the licence to which the fee relates. Fees cannot include service costs associated with enforcement of unlicensed activity, nor can they make a profit/allow the scheme to run at a deficit.

2.0 Current local arrangements

2.1 Lancaster City Council currently operate a consent scheme, with a long list of prohibited streets for trading across the district.

A list of current designations is attached at **Appendix 1**.

2.2 Historically the consent scheme has been administered by property services. Any enquiries that come through the Licensing Service are signposted to property services for consideration.

3.0 Next steps

3.1 It is the intention of the Licensing Service to bring together interested parties to discuss local arrangements for street trading, with a view to reviewing street designations, development of a street trading policy and introducing a fee structure.

3.2 Under the Councils constitution, Street trading consents come under the terms of reference for Licensing Committee. This includes setting policy, application standards, including licence conditions and associated fees.

*The designation of streets is however a function of Full Council.

3.3 A report, including a suggested policy and fee structure will be brought before a later Licensing Committee meeting, dependant on engagement outcomes and matters for consideration.

4.0 Options and Options Analysis (including risk assessment)

Members are asked to

- a) Note the contents of the report and,
- b) Determine whether to instigate a review of street trading, including engagement with internal and external stakeholders.

5.0 Conclusion

- 5.1 A review of street trading arrangements have not been considered for many years, as the matter comes under the terms of reference of the Councils Licensing Committee, the Licensing Service is best placed to lead on the undertaking of the review, creation of a policy and development of a fee structure.
- 5.2 It will be important to include both internal departments of the Council, such as Public Realm, Markets, Planning and Regeneration Colleagues and external stakeholders, including Business Improvement District(s), Lancashire Police and Highways Authority. Members may wish to include or invite other interest parties to contribute to discussions.

CONCLUSION OF IMPACT ASSESSMENT

(including Health & Safety, Equality & Diversity, Human Rights, Community Safety, Sustainability and Rural Proofing):

All assessment criteria will be considered as part of a review, including consultation and engagement with relevant parties.

LEGAL IMPLICATIONS

Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982 sets out the legislative arrangements for street trading.

FINANCIAL IMPLICATIONS

Any fees introduced as part of the review will be required to be cost neutral, achieving full cost recovery.

OTHER RESOURCE IMPLICATIONS, such as Human Resources, Information Services, Property, Open Spaces

None identified.

SECTION 151 OFFICER'S COMMENTS

None.

MONITORING OFFICER'S COMMENTS

None.

BACKGROUND PAPERS

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