

Licensing and Appeals Committee

26 November 2025

Part 1 - Public

Matters for Decision Under Delegated Powers



Cabinet Member	N/A
Responsible Officer	Eleanor Hoyle, Director of Planning, Housing and Environmental Health
Report Author	Crispin Kennard, Interim Regulatory Services Manager

Street Trading Policy Review 2026-2029

1 Summary and Purpose of Report

- 1.1 The current policy on Street Trading has been reviewed. It is proposed to consult on renewing the current policy which will then run 2026-29.

2 Corporate Strategy Priority Area

- 2.1 Efficient services for all our residents, maintaining an effective Council.
- 2.2 Licensing Services ensure that all licensable activities taking place within the Borough are granted the appropriate permissions under the relevant legislation.

3 Recommendations

- 3.1 Members are recommended to approve the policy at **Annex 1** for public consultation. Any objections/comments from the consultation will be brought to the Committee for discussion in March 2026.
- 3.2 If no responses to the consultation are received, policy approval shall be delegated to the Director of Planning, Housing and Environmental Health.

4 Background

- 4.1 The original street trading policy was introduced circa 2009 and covered only three areas of the Borough: Tonbridge Town Centre, Bluebell Hill Area and Hadlow Village. The rest of the borough had not been included and therefore there were no restrictions on trading, and the licensing team were not able to issue consents or regulate the number or location of traders across large parts of the borough.

- 4.2 In 2021, Street Trading was one stream identified as protentional area for revenue growth.
- 4.3 Following a lengthy consultation process the current Street Trading policy (2023-2026) was introduced in June 2023 designating the whole of the boroughs streets as 'Consent Streets'.
- 4.4 Owing to the staff resources required to implement and run the Street Trading consents, the licensing leam have not yet to be able to implement this policy.

5 Current situation and Policy Review

- 5.1 Since it was adopted in 2023 the resources required to implement and run the Street Trading policy, have not been available to the licensing team and so far, no consents have been issued. Tonbridge & Malling Borough Council are therefore missing out on a large amount of revenue and the businesses that are currently trading, are in some cases, completely unregulated.
- 5.2 By reviewing and renewing the Street Trading policy this revenue stream option is maintained, whilst options for fully implementing this policy can be explored within the new directorate arrangements for the licensing team.
- 5.3 With the renewal of this policy and its eventual implementation it is hoped to make the borough an attractive place to trade, whilst ensuring street traders compliment the local businesses and offer quality goods and services to our residents. Within the policy we have strict criteria to ensure the highest possible standards.

These include, but are not limited to:

- a) Minimum food safety ratings for food traders
- b) Priority can be given to those traders who use local produce
- c) Environmentally sustainable businesses
- d) No consent will be granted for an area that could cause a risk to the business owners, staff, customers or residents
- e) We will assess each application for its location suitability, taking into account surrounding business/schools/wildlife/local amenities

6 Proposal

- 6.1 It is proposed to put the Street Trading policy as shown at **Annex 1** out for public consultation with the life of the policy running 2026-29.

Consultation timetable

- 6.2 The proposed timetable for consultation in respect of the policy is:
- Licensing and Appeals Committee – 26th November 2025
 - Public Consultation – 1st December – 27th February 2026

- Responses to Licensing and Appeals Committee 25th March 2026
- Council – 21st April 2026
- New policy comes into force – June 2026

6.3 A feedback form for use during the consultation is shown at **Annex 2**

6.4 As per recommendations, should no responses be received policy approval shall be delegated to the Director of Planning, Housing and Environmental Health.

7 Other Options

7.1 It is an option that this policy could be renewed as is without the need for public consultation.

8 Financial and Value for Money Considerations

8.1 There are no statutory fees for Street Trading. The level of fee is therefore at the discretion of the Licensing Authority, subject of course to the general principle that the income generated should not exceed the costs of providing the service.

8.2 Street Trading fees already feature in the Licensing Fee chart and will come under annual review.

8.3 The current total licence fee for an annual Street Trading consent is £433 (with proposals in place to raise this to £452 from 1st April 2026 following the annual review of fees and charges).

9 Risk Assessment

9.1 The retention and suitable updating of a policy should provide a transparent and consistent basis for decision making. This in turn should reduce the risks of decisions being challenged in the Courts.

10 Legal Implications

10.1 There is no statutory requirement to have a licensing policy for Street Trading. However, it is considered best practice and also an effective policy document will ensure that the trade and public alike will have a document that fully explains the elements of the regulatory process. This will include the principles to be applied when considering applications, the application process itself and the grounds for objection/refusal.

10.2 Any criteria applicable to applications for Street Trading must meet the requirements of the Provision of Services Regulations 2009. It is considered that the policy complies with these regulations.

11 Consultation and Communications

- 11.1 The proposal is to consult on renewing the existing policy for three years (2026-29).

12 Implementation

- 12.1 If the recommendations are agreed the existing policy will be consulted on and any objections brought to the next Committee for discussion prior to the policy being renewed for three years. How best to implement the policy will be reviewed as part of the new arrangements to bring the Licensing Team into the Planning, Housing and Environmental Health Directorate.

13 Cross Cutting Issues

13.1 Climate Change and Biodiversity

- 13.1.1 Limited or low impact on emissions and environment.

- 13.1.2 Climate change advice has not been sought in the preparation of the options and recommendations in this report.

13.2 Equalities and Diversity

- 13.2.1 The decisions recommended through this paper have a remote or low relevance to the substance of the Equality Act. There is no perceived impact on end users.

13.3 Other If Relevant

- None

Background Papers	None
Annexes	Annex 1 – Street Trading Policy Annex 2 – Consultation Feedback form