

Cheltenham Borough Council

Council – 23 March 2026

Confirmation of Resolution to Promote and Deposit Cheltenham Borough Council (Markets) Bill

Accountable member:

Councillor Izaac Tailford, Cabinet Member for Economic Development, Wellbeing, Culture and Public Realm

Accountable officer:

Louis Krog, Head of Public Protection

Ward(s) affected:

All

Key Decision: Yes

Executive summary:

The purpose of this report is to seek a resolution in accordance with section 239(2)(b) of the Local Government Act 1972 (the 1972 Act) to confirm the promotion and deposit of a new bill before Parliament: the Cheltenham Borough Council (Markets) Bill.

Recommendations:

- 1. That the resolution of this Council passed at a meeting of the Council held on Monday 17 November 2025 to promote a Bill in the present Session of Parliament, pursuant to which the Bill entitled “A Bill to make provision for the repeal of section 83 of the Cheltenham Improvement Act 1852 and for connected purposes” has been deposited in Parliament, is hereby confirmed.**
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1. Implications

1.1 Financial, Property and Asset implications

There is a requirement to publicise the meeting in a locally distributed newspaper that have incurred costs, but these are not substantial. No other financial matters arising from this report.

1.2 Legal implications

The legal implications are set out at paragraphs 2.3 and 3.1 below.

Signed off by: Alison McKane, Interim Deputy Monitoring Officer,
alison.mckane@cheltenham.gov.uk

1.3 Environmental and climate change implications

Not Applicable.

1.4 Corporate Plan Priorities

This report contributes to the following Corporate Plan Priorities:

- Reducing carbon, achieving council net zero, creating biodiversity
- Taking care of your money

1.5 Equality, Diversity and Inclusion Implications

As outlined in Appendix 2.

1.6 Performance management – monitoring and review

As outlined in the report.

2 Background

2.1 On 17 November 2025, this Council unanimously passed a resolution, in accordance with section 239 of the 1972 Act, to promote a new private bill before Parliament, the Cheltenham Borough Council (Markets) Bill.

2.2 The Bill will repeal section 83 of the Cheltenham Improvement Act 1852 (the “1852 Act”), empower the authority to adopt local market byelaws and give the authority new enforcement powers.

2.3 Under section 239(2)(b) of the 1972 Act, this Council is required to confirm the resolution of 17 November 2025 at a Council meeting held as soon as possible

after the expiration of 14 days after the Bill has been deposited in Parliament. The purpose of this report is therefore to seek a resolution from Council in accordance with section 239(2)(b) of the 1972 Act.

2.4 As a reminder, the Bill provides for the repeal of section 83 of the Cheltenham Improvement Act 1852 (which prohibits market and related activities on the High Street or any other street in the borough of Cheltenham) and for connected purposes:

- 1.1. Clause 1 gives the short title of the Bill and provides for the date on which the Act comes into force.
- 1.2. Clause 2 defines certain expressions used in the Bill.
- 1.3. Clause 3 repeals section 83 of the Cheltenham Improvement Act 1852.
- 1.4. Clause 4 provides a power to issue fixed penalty notices for breach of any byelaws made under the Food Act 1984, with certain notice requirements detailed in subsections (3)-(5). Subsection (6) provides that no proceedings may be taken against a person to whom a fixed penalty notice is issued within 14 days of the notice being issued and that such a person cannot be convicted if a fixed penalty is paid before the end of that period. Subsection (7) provides that the amount of the fixed penalty is to be prescribed by the Council and subsection (8) prescribes the form of evidence applicable to the proceedings. This clause is preceded in section 8 of the Norwich Livestock Market Act 2025.
- 1.5. Clause 5 enables an authorised person (including a constable or a person authorised by the Council) to require a person suspected of acting in breach of byelaws made under the Food Act 1984, to give their name and address so that enforcement action may be taken against the person. Subsection (2) provides that it is an offence to fail, without reasonable excuse, to provide such information. This clause is preceded in section 9 of the Norwich Livestock Market Act 2025.

2.5 For reference, the Cheltenham Markets Bill passed both its 1st and 2nd readings in the House of Commons unopposed. The Bill will progress to a Select Committee at the House of Commons on 24 March followed by a report and further reading in the House of Commons before it progresses to and through the House of Lords before Royal Assent. Members can track the progress of the Bill online at <https://bills.parliament.uk/bills/4044>.

3 Reasons for recommendations

3.1 A statutory requirement of section 239(2)(b) of the 1972 Act.

4 Alternative options considered

4.1 Council can resolve not to pass such a resolution. This implication of this would be that the Bill will not make any further progress.

5 Consultation and feedback

5.1 There is a statutory requirement to give 30 days' advance notice of this meeting and resolution through a publication in a locally distributed newspaper. Such a notice was published on 5 February 2026 for the required 30 days.

6 Key risks

6.1 As outlined in Appendix 1.

Report author:

Louis Krog, Head of Public Protection

Appendices:

- i. Risk Assessment
- ii. Equality Impact Assessment – Screening

Background information:

Council, 17 November 2025, Agenda Item 10 - Cheltenham Borough Council (Markets) Bill.

Appendix 1: Risk Assessment

| Risk ref | Risk description | Risk owner | Impact score (1-5) | Likelihood score (1-5) | Initial raw risk score (1 - 25) | Risk response | Controls / Mitigating actions | Control / Action owner | Deadline for controls/ actions |
|----------|---|---------------------------|--------------------|------------------------|---------------------------------|-----------------|---|---------------------------|--------------------------------|
| | If Council does not resolve to repeal section 83 of the 1852 Act, the authority risks an operationally and financially unsustainable approach to licensing markets which is likely to jeopardise the economic and social value attached to markets. | Head of Public Protection | 3 | 5 | 15 | Reduce the risk | As outlined in the report and resolution. | Head of Public Protection | As outlined in the report. |
| | If Council does not resolve to repeal section 83 of the 1852 Act and continues to rely on the alternative licensing approach, it risks reputational damage for being overly bureaucratic in its approach. This, in turn, may impact on the | Head of Public Protection | 2 | 3 | 6 | Reduce the risk | As outlined in the report and resolution. | Head of Public Protection | As outlined in the report. |

| Risk ref | Risk description | Risk owner | Impact score (1-5) | Likelihood score (1-5) | Initial raw risk score (1 - 25) | Risk response | Controls / Mitigating actions | Control / Action owner | Deadline for controls/ actions |
|----------|---|---------------------------|--------------------|------------------------|---------------------------------|-----------------|---|---------------------------|--------------------------------|
| | desirability of the borough to hold markets. | | | | | | | | |
| | If Council does not resolve to repeal section 83 of the 1852 Act, the authority risks future legal challenges and claims to its licensing approach with regards to markets. | Head of Public Protection | 4 | 2 | 8 | Reduce the risk | As outlined in the report and resolution. | Head of Public Protection | As outlined in the report. |
| | If Council does not resolve to repeal section 83 of the 1852 Act and continues to rely on the alternative licensing approach, the authority will need to subsidise market activity on an ongoing basis to make up for the income v cost variance. | Head of Public Protection | 4 | 3 | 12 | Reduce the risk | As outlined in the report and resolution. | Head of Public Protection | As outlined in the report. |

Appendix 2: Equality Impact Assessment (Screening)

1. Identify the policy, project, function or service change

a. Person responsible for this Equality Impact Assessment

| | |
|----------------------------------|-------------------------------------|
| Officer responsible: Louis Krog | Service Area: Public Protection |
| Title: Head of Public Protection | Date of assessment: xx October 2025 |

Signature: 

b. Is this a policy, function, strategy, service change or project?

Function

c. Name of the policy, function, strategy, service change or project

If other, please specify: Resolution in accordance with section 239 of the Local Government Act 1972 (the 1972 Act) to promote a new private bill before parliament.

Is this new or existing?

**Already exists
and is being
reviewed**

Please specify reason for change or development of policy, function, strategy, service change or project

Resolution required by Council to promote a new private bill before parliament.

d. What are the aims, objectives and intended outcomes and who is likely to benefit from it?

Aims: Promote a new private bill before parliament.

Objectives: To:

| | |
|-----------|--|
| | <ul style="list-style-type: none"> a. Repeal section 83 of the Cheltenham Improvement Act 1852 (which prohibits market and related activities on the High Street or any other street in the borough); b. Apply Part III of the Food Act 1984 to any market in the borough; and c. Introduce a power for an authorised person to issue a fixed penalty notice to any person who the authorised person has reason to believe has committed an offence contrary to byelaws made under section 60 of the Food Act 1984. |
| Outcomes: | As above. |
| Benefits: | Improved market licensing process, ability to regulate markets locally via local byelaws and additional enforcement powers. |

e. What are the expected impacts?

| | |
|--|-----------------|
| Are there any aspects, including how it is delivered or accessed, that could have an impact on the lives of people, including employees and customers. | Yes |
| Do you expect the impacts to be positive or negative? | Positive |
| Please provide an explanation for your answer: | |
| <p>The promotion of the Bill is seen as a tool to bringing wholesale improvements to the way street markets are licensed and regulated locally. This will empower the authority to regulate street markets in the interest of local people, communities and businesses and with local considerations. The restriction imposed by section 83 of the 1852 Act is considered an obstacle to achieving this.</p> | |

If your answer to question e identified potential positive or negative impacts, or you are unsure about the impact, then you should carry out a Stage Two Equality Impact Assessment.

| f. Identify next steps as appropriate | |
|--|-----------|
| Stage Two required | No |
| Owner of Stage Two assessment | |
| Completion date for Stage Two assessment | |

Please move on to Stage 2 if required ([intranet link](#)).
