

# Cheltenham Borough Council

## Licensing Committee – Sub Committee (Miscellaneous)

### Local Government (Miscellaneous Provisions) Act 1982

#### Application for a Street Trading Consent

#### Moolicious – Reference: 26/00520/STA

#### Report of the Licensing Officer

### 1. Summary and recommendation

- 1.1 We have received an application from Mr Gary Scott Paterson for a street trading consent to sell milkshakes, hot/cold drinks and pastries and cakes from a catering trailer measuring 5m x 2.5m.
- 1.2 Mr Paterson has applied to trade on the pavement in front of Imperial Gardens. **Appendix 1** shows the location and scale plan of the proposed trading pitch.
- 1.3 Mr Paterson has applied for an annual consent on the following days and times:

Monday	11:00 – 19:00
Tuesday	11:00 – 19:00
Wednesday	11:00 – 19:00
Thursday	11:00 – 19:00
Friday	11:00 – 19:00
Saturday	11:00 – 21:00
Sunday	11:00 – 21:00

- 1.3.1 An image of the trading unit is shown in **Appendix 2**.
- 1.3.2 The applicant intends to apply for a Premises Licence if consent is obtained for Street Trading to enable him to sell alcoholic milkshakes from this location.
- 1.4 The Committee can:**
- 1.4.1 Approve the application because Members are satisfied that the application is suitable and complies with the Street Trading Policy,**
- 1.4.2 Approve the application with conditions, or**
- 1.4.3 Refuse the application because it does not comply with the provision of the Street Trading Policy.**

## 1.5 Implications

### Legal

The Local Government (Miscellaneous Provisions) Act 1982 provides that a local authority can grant a trading consent for an individual within their area. Under the legislation consent can be granted for a period not exceeding 12 months. Consent must therefore be reviewed every 12 months. A local authority can apply reasonable conditions to the consent.

Any application should be considered in line with the Council's policy on Street Trading.

**Contact officer: One Legal**  
**E-mail: [legalservices@onelegal.org.uk](mailto:legalservices@onelegal.org.uk)**  
**Tel no: 01684 272015**

## 2. Background

2.1 The current street trading policy was adopted by Council on 11 February 2020. A copy of the policy is attached **Appendix 3**.

## 3. Purpose of the Policy

3.1 This policy sets out Cheltenham Borough Council's ("the authority") framework and approach for the management of street trading in the borough.

3.2 Through the street trading scheme the authority aims to control:

1. the location of street traders;
2. the number of street traders; and

3.3 The scheme also aims to:

1. prevent unnecessary obstruction of the highway by street trading activities;
2. sustain established shopkeepers in the town;
3. maintain the quality of the townscape and add value to the town; and
4. encourage inward investment.

3.4 In doing so, the authority recognises the importance of licensed businesses to the local economy and the character of the area whilst trying to ensure that the activities do not cause public or statutory nuisance to the people in the area.

3.5 This policy will guide the authority when it considers applications for street trading consents. It will inform applicants of the criteria against which applications will be considered.

### Assessment Criteria

3.6 In considering applications for the grant or renewal of a consent, the following factors will be considered:

- **Needs of the Area** - The retail offer of each individual pitch. The goods complement and do not conflict with the goods sold by other established retailers within vicinity. This criterion permits the authority to undertake a qualitative assessment of the goods to be sold by each competing applicant against those on sale in the adjacent area. The authority does however recognise that the surrounding retail offer is subject to change, therefore, it will apply this criterion to applications for new or renewal applications.

- **Public Nuisance** – Whether the street trading activity represents, or is likely to represent, a substantial risk of nuisance to the public, or properties in the vicinity, from noise, misbehaviour, emissions, smells etc.
- **Public Safety** – Whether the street trading activity represents, or is likely to represent, a substantial risk to the public from the point of view of obstruction, fire hazard, unhygienic conditions or danger that may occur when a trader is accessing the site.

The authority would expect a minimum of 6 feet (1.8m) of unobstructed highway/walkway on at least one side of the proposed trading unit/location.

- **Appearance of the Stall or Vehicle** – Trading units must enhance the visual appearance of the street and street scene rather than detract from it and be constructed in a suitable scale, style and using appropriate materials. It should also be designed to be fully accessible for all customers and advertising material must be limited to the name of the stall, the type of product sold and a simple price list and be professionally designed and printed.

The authority will generally not permit trading units where the unit fully, or substantially, blocks lines of sight to established retailers in the vicinity.

Any street trading operation which negatively impacts public access by walking, cycling or public transport will not generally be accepted.

- **Environmental Credentials** - The impact of the proposed operation on the local environment, including street surfaces, tree pits & materials, power supply, carbon footprint, supply chain, packaging, waste minimisation and recycling, waste disposal and waste created by customers.

The authority will encourage the use of sustainable products and will consider the trader's environmental credentials in respect of these when considering whether or not to approve applications. The authority will expect applicants to submit environmental statements setting out how the applicant will operate in an environmentally sustainable way.

### 3.7 **Annex 2 – Standard Conditions**

The Consent Holder shall ensure that no mobile generators are used without the express permission of the Council. Where permission is granted generators shall be so positioned that they do not present a danger to the public, do not present a fire or similar hazard to the stall, goods displayed thereon, or adjoining premises and do not cause any contamination, noise or fume nuisance.

## 4. **Consultee Comments**

- 4.1 An objection was received against the application from Environmental Protection. Their comments are attached as **Appendix 4**. The objection from Environmental Protection concerned the environmental impact from the proposed type of generator to be used by the applicant. These same points were raised by Environmental Protection in the previous pre-application consultation for this proposal in February 2026.
- 4.2 Comments and proposed conditions were received from Marketing & Events. These are attached as **Appendix 5** along with the applicant's response to the comments.

## 5. **Licensing Comments**

- 5.1 The Committee must determine the application with a view to promoting the council's adopted policy and Members should not arbitrarily deviate from the council's policy.
- 5.2 The policy takes into account a number of factors when determining the permitted trading types. These are outlined in our policy and Members should take these into account when determining this application.

- 5.3 Whilst the policy creates a presumption against the grant of an application if the application does not comply with the policy, this position should not fetter the committee’s discretion to take into account the individual merits of the application and any circumstances that may warrant a deviation from the policy.
- 5.4 The “Environmental Credentials” element of the Assessment Criteria in the policy must be given consideration with the council’s Environmental Protection team being the leading authority for this determination.
- 5.5 It should be noted as per our policy, that no mobile generators are to be used without the express permission of the Council.
- 5.6 It should also be noted that the Council has declared a climate emergency and should promote the reduction of emissions.
- 5.7 Finally, members should consider if they are minded to refuse an application whether the attachment of conditions could mitigate any concerns to a satisfactory extent. If conditions are to be attached, they should be proportionate, appropriate, and enforceable.
- 5.8 Members are reminded that clear and cogent reasons should be given for decisions made by the committee particularly where the decision is contrary to adopted policy and/or is in conflict with representations made to the authority.
- 5.9 There is no right of appeal.

**Case Officer**

**Contact officer: Mr Craig Daly**  
**E-mail: [licensing@cheltenham.gov.uk](mailto:licensing@cheltenham.gov.uk)**  
**Tel no: 01242 264135**