



**Notice of a meeting of
Licensing Sub-Committee - Miscellaneous**

**Wednesday, 3 April 2019
6.00 pm
Pittville Room - Municipal Offices**

Membership	
Councillors:	David Willingham (Chair), Dennis Parsons (Vice-Chair), Mike Collins, Diggory Seacome and Simon Wheeler
Officers:	Louis Krog and Vikki Fennell

Agenda

1.		APOLOGIES	
2.		DECLARATIONS OF INTEREST	
3.		APPLICATION FOR A STREET TRADING CONSENT	(Pages 3 - 10)
4.		ANY OTHER ITEMS THE CHAIRMAN DETERMINES TO BE URGENT AND WHICH REQUIRE A DECISION	

Contact Officer: Sophie McGough, Democracy Officer,
Email: democratic.services@cheltenham.gov.uk

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Licensing Committee – 3 April 2019

Local Government (Miscellaneous Provisions) Act 1982

Application for a Street Trading Consent

Mr Ahmed Mohamed

Report of the Licensing Team Leader

1. Summary and recommendation

- 1.1 We have received an application from Mr Ahmed Mohamed for a street trading consent to sell fresh fruit and veg from a market stall measuring 3m (19 ft) x 2m (6 ft).
- 1.2 Mr Mohamed has applied to trade at the High Street 7 (Cambray Place) location. **Appendix 1** shows the location of the proposed trading pitch.
- 1.3 Mr Mohamed has applied for an annual consent on the following days and times:

Monday	08:00 - 18:00
Tuesday	08:00 - 18:00
Wednesday	08:00 - 18:00
Thursday	08:00 - 18:00
Friday	08:00 - 18:00
Saturday	08:00 - 18:00
Sunday	08:00 - 18:00

1.4 The Committee can:

- 1.4.1 **Approved the application because Members are satisfied that the location is suitable, or**
- 1.4.2 **Refuse the application because it does not comply with the provision of the Street Trading policy or the location is deemed unsuitable for the proposed trading.**

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
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2. Background

- 2.1** The current street trading policy was adopted by Council on 12 February 2016. A copy of the policy has previously been circulated to Members and extracts are included in the application pack that was given to the applicant.

3. Policy Principles, Aims & Objectives

This section outlines the policies the council will apply when making decisions on applications for consents.

Each application will be determined on individual merits and in view of promoting the principles and objectives contained in this policy.

In particular the policy aims to promote the following aims and objectives in reference to street trading activities:

- prevent the obstruction of the streets by street trading activities;
- sustain established shopkeepers in the town;
- maintain the quality of the townscape and add value to the town;
- encourage inward investment; and
- promote quality markets.

3.1 Permitted locations for street trading

The council's adopted policy prescribes a number of permitted trading locations and associated permitted trading goods. These locations and permitted goods are outlined in the council's adopted policy that is available on the council's website.

3.2 Assessment criteria

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 retailers (including other street traders) within vicinity. This criterion permits the council to undertake a qualitative assessment of the goods to be sold by each competing applicant against those on sale in the adjacent area. The council 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.
- **Appearance of the Stall or Vehicle** – Trading units must enhance the visual appearance of the street rather than detract from it and be constructed in a suitable scale, style and of 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 council will generally not permit trading units over 3 meters tall to avoid obstruction of sight.
- **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, waste disposal and waste created by customers.

4. Consultee Comments

- 4.1 A number of comments and objections were received in relation to this application. These are attached at **Appendix 2** of this report.

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 above ("Permitted Locations") and Members should take these into account when determining this application.
- 5.3 The committee is to note that the proposed trading location permits the sale of fruit and veg as suitable for that location.
- 5.4 Whilst this is a case, this 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.
- 5.5 Members are reminded that clear and thorough reasons should be given for decisions made by the committee particularly where the decision is contrary to adopted policy.

6. Officer recommendation

- 6.1 The officer recommendation is that this application be granted.

Reason(s): The trading pitch allocated as High Street 7 is currently unoccupied. The policy states that the sale of fruit and veg is appropriate for this allocated location.

Based on the policy's assessment criteria and objectives, there are no retailers in the immediate vicinity of the trading location that also sell, to a significant degree, fruit and veg. To this extent the goods complement and do not conflict with the goods sold by other retailers (including other street traders) within vicinity (para 4.2).

The width of highway is sufficiently wide in the location.

Background Papers

Service Records

Case Officer

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rev.	date	description	by
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CHEL TENHAM
BOROUGH COUNCIL

Environment and Regulatory Services
Municipal Offices
Promenade, Cheltenham, Gloucestershire
Tel: 01242 264328 Fax: 01242 264328

PROJECT Street Trading Policy
TITLE Sheet 3 High Street
CLIENT CBC Licensing

scale	status	
date	drawing number	revision
	CBC_E&RS_T_28_P_03	

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Wedding Days of Cheltenham

We have been made aware of an application for a street trader.

We wanted to put our thoughts across as we OBJECT to this.

1. With John Lewis here this whole end of town has and is changing and for the better....surely a street vendor would once again cheapen this end
2. The noise.....as per the one down the lower end they are constantly shouting it's bad enough some days with the flower sellers on a weekend
3. Food remnants – bad enough now as we are forever cleaning our stairs
4. Blocking view to my business which has been here nearly 30 years!!!
5. Performance area for festivals is perfectly acceptable as it is not permanent a stand open from 8am-6pm is not
6. Four premises have chairs/tables outside already and to have then another stand which would be about 6ft high will block anyone walking up from High Street. We are trying our best to sell Bridal gowns £900-£3500 to then have a fruit & veg stand right outside, we totally object!!

Soho Coffee

Dear Sir / Madam

We would like to comment on the above application for a fruit and veg market stall in Cambray Place.

We do not have an objection to this under the following provisos:

- That the Council ensures that our store sight lines are not obscured from the Main Street
- We would ask that the Council is clear and prescriptive about the demise. The application details a unit size of 3m (19ft) x 2m (6ft). 3m is not 19ft. We have no objection to 3m x 2m bearing in mind the above point.

We would also ask the Council to enforce the following:

- a) that the stall holder does not spill out further than the agreed stall size
- b) that the stall holder is only able to sell fruit and veg in its raw state and therefore, no pre-prepared 'on-the-go' fruit offerings.

We thank you for the opportunity to register our comment.

Cheltenham BID

Dear Sir or Madam,

Cheltenham Business Improvement District (BID) opposes the application for a fresh fruit and veg stall on Cambray Place.

We are concerned that this would add another significant obstruction to the sight lines to a number of businesses in Cambray Place, who were impacted for many months by the public realm work on the street's junction with High Street.

While I understand the licensing committee has given general approval in the past to a fruit and veg stall in this location, activity in this area of the town centre has changed in the last two years. There is significant concern from both the BID and our businesses about the seemingly uncontrolled and haphazard spread of stalls across the town centre. Our businesses pay significant sums in business rates that the market stall holders are not liable for.

There are several other points to consider:

- There are already full-time businesses nearby, notably Sainsbury's and Iceland, that sell fresh fruit and veg.
- We have been working with the borough council and businesses on individual delivery plans to minimise the impact of vehicles on the road surfaces following the High Street improvement works. This includes strict adherence to the loading times of 6pm-10am. Allowing this stall to open as early as 8am would cause problems for any vehicles trying to access the site between 8am and 10am. Many of the businesses do not have rear access for deliveries.
- The BID and other local organisations, notably Cheltenham Festivals, are getting a lot of support for events we organise in Cambray Place. Any market stall presence could directly impact on events like the Chilli Fiesta and Jazz Festival scheduled for May and June this year.
- We are all working to improve the quality of the area, with the arrival of John Lewis and Partners, the marketing of the new retail and office space next door and the arrival of many excellent independent businesses. We do not believe a market stall would support this ambition
- The stallholders will presumably be expecting to shout their offers to passers-by, which would produce constant noise that would not be welcomed by many
- If the committee is minded to allow this application despite all the issues we have raised, we would ask that it would initially be for a month's trial to confirm the impact on businesses in Cambray Place and that they should not trade until after 10am