

Cheltenham Borough Council

Licensing Committee – 4 September 2015

Licensing Committee Response to Cheltenham Borough Council's Street Trading Policy Consultation

Report of the Licensing Officer

1. Executive Summary

- 1.1 Under the Council's constitution, the Licensing Committee acts as consultee to the Lead Member on the adoption and review of the Council's Street Trading Policy.
- 1.2 Under the above mentioned delegation, the Licensing Committee met on Friday 31 July 2015 to discuss the policy and formulate a response.
- 1.3 This report sets out the Committee's response for ratification.

2. Recommendation

2.1 The Committee is recommended to:

2.1.1 Note the comments in Paragraph 4; and

2.1.2 Approve these as the committee's response to the consultation.

3. Implications

How does the decision contribute to the Council's Corporate Priorities?

- Cheltenham has a clean and well-maintained environment.
- Cheltenham's natural and built environment is enhanced and protected.
- Carbon emissions are reduced and Cheltenham is able to adapt to the impacts of climate change.
- Cheltenham has a strong and sustainable economy.

Financial

Contact officer: Sarah Didcote
E-mail: sarah.didcote@cheltenham.gov.uk
Tel no: 01242 26 4125

Legal

Contact officer: Vikki Fennell
E-mail: vikki.fennell@teWKesbury.gov.uk
Tel no: 01684 272015

4. Committee's Response

4.1 Permitted Locations (para 4.1)

Members of the Licensing Committee felt that the proposal to have a limited number of prescribed locations in the town centre where trading will be allowed, thereby prohibiting street trading in any other location in the town centre, is far too restrictive. Whilst the Committee did not disagree with the proposal for having a number of pre-approved locations (listed in Annex 1 of the draft policy), Members felt that the Committee should retain the ability to determine applications on a case-by-case basis where they are not in an approved location.

Members felt that this power should be explicitly expressed in the Policy so that when the Committee approves such an application they will not be doing so in contravention of the Policy. The Committee felt strongly that the proposal to have prescribed, limited locations in the town centre should be referred to as *guidelines* to which the Committee should have regard when making its decisions, without it being a prescribed policy position.

In terms of the locations proposed in Annex 1 of the draft policy, Members felt that the sites shown are suitable but said that another location should be included, that being the site outside Marks and Spencer on the High Street (currently and in previous years occupied on a seasonal basis by a static ice cream trader).

In terms of “security of tenure”, members proposed the adoption of a 3 year street trading consent (subject to the ability for the Committee to review where necessary), however it has been clarified that the law permits a maximum 12 months for the duration of a street trading consent.

4.2 **Special Conditions for Mobile Ice Cream Traders** (Annex 2)

The current and proposed policies both prohibit trading by mobile ice cream traders in the following locations:

1. a) High Street (from Sandford Park entrance to Townsend Street)
- b) Promenade (from High Street to Montpellier Walk)
- c) Clarence Street
- d) North Street
- e) Pittville Street
- f) Regent Street
- g) Rodney Road
- h) Winchcombe Street (from High Street to Warwick Place)
- i) Imperial Square
- j) Montpellier Walk
- k) Montpellier Street
- l) Warden Hill Road (within 100 metres of frontage to Bournside School), both sides of the road in any direction, except in the lay- by opposite to number 89, during the period half an hour before school opening to 1 hour after closing during school terms).
- m) Loweswater Road (from the junction with Alma Road to the junction with Langdale Road during the above period and times).
- n) Evesham Road and roads adjacent to Pittville Park.
2. Trading prohibited within 75 metres of the gates of all schools, except Bournside School (see Special Condition 1) on both sides of the road in any direction during the period half an hour before school opening to one hour after closing during school terms.

Members of the Licensing Committee expressed a desire for this list of prohibited locations to be reviewed to ensure that they are still appropriate.

In terms of location (l), Warden Hill Road, Members felt that the section “except in the lay-by opposite to number 89” should be removed because trading is not appropriate in that location due to the heavy traffic and the proximity of the school.

In terms of the prohibition of trading within 75 metres of gates of all schools, Members felt that consideration should be given to increasing this prohibition to 200 metres.

Contact Officer

Contact officer: Phil Cooper
E-mail: licensing@cheltenham.gov.uk
Tel no: 01242 775200