

Cheltenham Borough Council

Licensing Sub-Committee – 6 December 2017

Local Government (Miscellaneous Provisions) Act 1982

Application for a Street Trading Consent

Mr Robert Ursell

Report of the Licensing Officer

1. Summary and recommendation

- 1.1 An application has been made by Mr Robert Ursell for a street trading consent to sell cut flowers, pot plants and seasonal floral goods at the corner of High Street and Church Street. **Appendix A** shows the location of the proposed trading pitch.
- 1.2 Mr Ursell has applied for consent to trade every day from 7th December to 24th December 2017 inclusive, between 07:00 and 19:00 hours.
- 1.3 An image of the trading unit is attached at **Appendix B**. The unit measures 2.1m x 1.2m.
- 1.4 The committee can:**
- 1.4.1 Approve the application because Members are satisfied that the location, size of unit and type of goods are suitable;**
- 1.4.2 Refuse the application because it does not comply with the council's adopted policy as the location is not approved for street trading.**
- 1.7 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.

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2. Policy Principles, Aims & Objectives

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

2.1 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. In the town centre zone of control, several limited locations have been identified as suitable for street trading. No such restriction applies outside the town centre, where each application is determined on its own merits.

2.2 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.

3. Consultee Comments

- 3.1 No issues in relation to public realm/townscape but this is highway land and there may be access issues (I did see that GCC Highways were also emailed so I would think this has been picked up by them) - **Townscape Team, Cheltenham Borough Council**
- 3.2 Highway have no objection to the Flower Stall this should not interfere with the access from Church Street onto the High Street, Cheltenham. - **Highways, Gloucestershire County Council**
- 3.3 No objection. - **Planning Enforcement, Cheltenham Borough Council**

5. Licensing Comments

- 5.1 The proposed trading location is within the town centre zone of street trading control, but is not in one of the locations that has been identified in the council's street trading policy as approved for street traders. The application therefore does not comply with the policy and will be determined on its individual merits.
- 5.2 The sub-committee must determine the application with a view to promoting the council's adopted policy and Members should not deviate from the council's policy unless there are clear and justifiable reasons to do so.
- 5.2 The overarching aims of Cheltenham Borough Council's street trading policy are to:
- 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.
- 5.3 Other considerations when deciding whether street trading is appropriate are:
- The needs of the area;
 - The potential for public nuisance;
 - Public safety;
 - The appearance of the trading unit; and
 - The impact on the environment.
- 5.4 All applications should be determined on their individual merits taking into account the policy considerations and the comments made, whilst balancing the needs of the community with the legitimate aspirations of businesses.

Background Papers

Service Records

Adopted Street Trading Policy

Case Officer

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