

# Cheltenham Borough Council

## Licensing Sub-Committee – 1 August 2018

### Local Government (Miscellaneous Provisions) Act 1982

#### Application for a Street Trading Consent

**Mr Richard Crabtree**

#### Report of the Licensing Officer

#### 1. Summary and recommendation

- 1.1 We have received an application from Mr Richard Crabtree for a street trading consent to sell sweets, pop and sandwiches from a Vauxhall Movano Van measuring 14ft x 6ft.
- 1.2 Mr Crabtree has applied to trade outside 43 Cleevemount Road. **Appendix 1 and 2** show the location of the proposed trading pitch. The applicant intends to park the vehicle on the road with the serving hatch facing the pavement.
- 1.3 Mr Crabtree has applied for an annual consent on the following days and times during the school term only:

Monday	08:00 to 09:00 12:00 to 13:00 15:00 to 16:00
Tuesday	08:00 to 09:00 12:00 to 13:00 15:00 to 16:00
Wednesday	08:00 to 09:00 12:00 to 13:00 15:00 to 16:00
Thursday	08:00 to 09:00 12:00 to 13:00 15:00 to 16:00
Friday	08:00 to 09:00 12:00 to 13:00 15:00 to 16:00
Saturday	None
Sunday	None

- 1.4 An image of the trading unit is shown in **Appendix 3**.
- 1.5 Comments have been received during the consultation process and for this reason the matter is being referred to the licensing sub-committee for determination.
- 1.6 The sub-committee can:**
- 1.6.1 Approve the application because Members are satisfied that the location is suitable, or**



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 The following 37 comments were received during the consultation period:

##### 4.2 Cheltenham Borough Council – Townscape

Townscape recommends refusal of this application on the basis that this is not appropriate for this residential road, and would set a poor precedent to others to submit similar applications if approved.  
Assistant Urban Designer

##### 4.3 Cheltenham Borough Council – Public Protection

The above application has been passed to me as a consultee for Health and Safety. I would like to advise that I have no objections to the application on the grounds of health and safety provided that the van does not obstruct other road users or pedestrians increasing the chance of accident or injury to either.

On a separate note I would like to object to the application on a general level, particularly in relation to the area of public health.

A recent article published on Gov.UK <https://www.gov.uk/government/news/englands-poorest-areas-are-fast-food-hotspots> stated -

Many local authorities across England have taken action to address their food environment and PHE is encouraging them to learn from each other. At least 40 areas have developed policies to restrict the growth of new takeaways and fast food outlets, and PHE has helped develop stronger planning guidance to support other areas in doing this. Some have developed 'healthier zones' to help tackle childhood obesity by limiting the number of outlets in areas with high concentrations of fast food outlets, high levels of deprivation, or where children gather – including near schools, community centres, parks, playgrounds and other open spaces.

Dr Alison Tedstone, Chief Nutritionist at Public Health England (PHE) said in the article:

“Local authorities have the power to help shape our environment and support people in making healthier choices. They need to question whether these fast food hotspots are compatible with their work to help families and young children live healthier lives.”

Another article <https://www.gov.uk/government/news/new-measures-announced-to-halve-childhood-obesity-by-2030> details that measures have been announced to tackle childhood obesity.

This information, coupled with guidance found in the draft document 'Planning for Healthy Weight

Environments' produced by PHE and a multi-authority working group, clearly demonstrates that tackling obesity is becoming a priority within local authorities starting at the planning process (although the application is not a planning application for a fixed premises, as a mobile food vendor they should still be subject to scrutiny by the LA). Unless the applicant is prepared to substantially alter the 'menu' to promote healthier eating choices I strongly object to this application being approved.

Technical Support Officer

#### 4.4 **Cheltenham Borough Council – Environmental Health**

I have no objection on the grounds of Environmental Protection; however I would like to lodge an objection to the proposed Street Trading Licence Application at "A bite to eat" 43 Cleevemount Road.

I wish to object to the application on the following public health grounds:

The proposed site of the van is on a residential street, about 150m from an access to Pittville School. The proposed opening hours between 08:00 to 16:00 during term times indicate that the van will be trading during the time children are going to and from, and whilst they are at, school. IT would indeed suggest that school children are the target customers. The applicant states they intend to sell "sweets, pop and sandwiches". This would appear to be food which is high in fat, salt and sugar and low in fruit, fibre and vegetables. Food with a high fat, salt and sugar content contributes to the problem of obesity within the population.

Obesity is recognised as a key public health issue because of its many health impacts leading to chronic disease and early death. It is particularly important for children to eat healthily because obese children become obese adults. An important action to target obesity is the modification of the environment to prevent easy access to unhealthy food.

I therefore object to the application on public health grounds.

Senior Environmental Health Officer

#### 4.5 **Gloucestershire Highways – Amey**

Unfortunately we didn't receive your application until after the consultation date. However our Area Highway Representative, asked we still make our concern's /comments known to yourselves:

The location is near a school and we are concerned over this and taking into consideration the Government Stance against unhealthy eating, let alone the effects on the resident of 43 Cleevemount Road.

#### 4.6 **Other people**

- i. I am writing to object to the approval of a license for a shop to be set up at the above address. This is in close proximity to Pittville School for which I am the lead Governor for physical education. At present, we have an obesity crisis in which the government has released its obesity plan last week. Having a sweet shop so close to a school is not conducive to the health wellbeing of young people for this exact reason. Given the associated health issues with obesity, I strongly advise to reject this application on the grounds of public safety and the prevention of children from harm.
- ii. Re roadside van sales, 43 Cleevemount Road, Cheltenham It is good that someone tries to start a business providing a service to the public. The suitability and location of this business must, however, be appropriate. The intention, obviously, is to take up the trade previously serviced by the shop. However, this shop was located away from the main flow of traffic, and had a wide pavement plus the green opposite where people could gather, without occupying the traffic carriageway. I believe comments can be made in four categories:  
The prevention of crime and disorder  
The van will encourage gathering of large groups, possibly school children, possibly others who may come to use the van's services. This is a quiet residential street, where such gatherings would be abnormal, and potentially invasive. Further, should the van attract customers who arrive by vehicle, there is very limited parking for such vehicles, even one at a time, never mind any larger number.

### Public safety

Cleevemount Road is reasonably narrow, and usually has cars parked on both sides. Unfortunately, not everyone drives with this in mind, with many vehicles travelling at considerable speed. It is also a bus route. Any gathering of people would most likely spill onto the road, making this a potentially very dangerous situation.

### The prevention of public nuisance

Gatherings, spilling onto the road, may impede traffic flow – indeed the presence of the van parked on the road (in addition to vehicles normally parked on the carriageway) would likely block the bus route. This may lead to conflict, which would be entirely unsuitable for a residential road.

Additionally, gardens along the road already suffer considerable littering from discarded wrappers. The presence of the van would only worsen this problem.

### The protection of children from harm

Given the speed of some traffic along this road, along with visibility being reduced by parked vehicles, any activity which would encourage children to stand on/in the street would pose a great potential risk to their safety.

It should be noted that the van has already been purchased, and sits on the driveway of number 43. Any intention to remove its goods from its current position (as opposed to on the public carriageway) would do little to alleviate any problems. Indeed, access to the serving hatch would be difficult, leading to more potential massing of people, and conflict arising.

### iii. To Whom It May Concern,

It has been brought to my attention that there is an application for a Street Trader – A Bite to Eat – to operate outside the rear of Pittville School.

As a Governor of the Pittville School I strongly object to this application. As a school we try to promote a healthy lifestyle and to have such a van near the rear access of the school would fly in the face of all we strive for. There are also issues on the grounds of safeguarding our young people and of general safety. Having previously been had a corner shop selling this type of fare I am also aware of the nuisance that this brought to the local residents in the form of littering and of loitering of students and others.

I trust you will take all of these concerns very seriously when considering this, and any other future, similar applications.

### iv. Street Trading Consultation (18/01095/STA) A Bite to Eat

I wish to object to the licence application from the premises of 43 Cleevemount Road for a van selling "sweets, pop and sandwiches". I am a local resident and a Governor at Pittville School. I object on several grounds:

a. Prevention of disorder: When I first moved to Cleevemount Road there was a convenience store selling predominantly sweets, drinks and newspapers, very close to where this van is proposed. The children would congregate and linger, there was considerable noise disturbance for residents and often 'scuffles' which sometimes spilled into the road. This was dangerous for the children and harrowing for drivers on the road.

b. Public Safety and Prevention of Public Nuisance: Aside from concerns outlined above about students in the road, I find it to be unacceptable for children to be encouraged to cross a road in front of or behind a van - this is in complete contradiction to everything we try to teach them about crossing roads safely and is highly likely to cause road safety incidences. The stretch of pathway that the students would need to queue on is only just wide enough for 2 people to pass. There is a narrow grass verge of uneven ground. The road is full of parked vehicles, both sides. At these times – in particular morning drop off – aside from the cars transporting students, there are many residents setting off for work and all the houses have off road driveways. It can get really busy and already it is scary enough with students on scooters and bikes, cars in and out of driveways and traffic weaving in and out of parked vehicles. With the new housing developments in the area traffic, both vehicular and pedestrian is going to increase. This pathway is used by many dog walkers and several elderly residents who use walking sticks. I fear greatly for public safety. On another point, going back to the day when there was a shop here, the amount of litter was unbelievable. This isn't just unpleasant to look at, but it is hazardous. Crisp packets and chocolate

wrappers flying around on a windy day are at best irritating for pedestrians, at worst a danger for a car driver. Abandoned bottles and cans are perilous for pedestrians.

c. Protection of children from Harm: Thinking about safeguarding not only the school children, but also the residents of this area, I am concerned about this man who wants to sell sweets to children and his motivation for attracting them to his white van. I would question whether he is trying to get to know children for other reasons. I realise this is a sad reflection of the times we live in but the manner of his application is unprofessional and seems odd to say the least. I am also concerned about the Harm sugar and fizzy drinks are doing to the health of our children. The Government is investing in programs to educate children about healthy lifestyle and most people are trying to curb the amount of sugar and other 'junk food ingredients' in order to safeguard against diabetes, obesity, heart disease, etc. To actively target school children going to and coming out of a school day, purely to encourage them to consume such things is highly irresponsible and any person seeking to do so can only be doing it for personal gain - either financial or otherwise. This is not acceptable.

If you have any queries relating to this objection please feel free to email me back. I would be grateful if you would update me when a decision has been reached.

v. Application for roadside van to sell sweets and pop outside 43 Cleevemount Road.

Dear Sirs

I would like to comment on the above application which I understand has been made by the resident of 43 Cleevemount Road.

I would like to object to any such application proceeding any further on the basis that the prime targets for this business are clearly schoolchildren, this is made apparent by the request for it to be in school term time only and to coincide with the times children will be walking to school and home at the end of the day. It also assumes that children will be allowed off school premises at lunchtime, otherwise would encourage them to break the rules.

You have asked specifically for comments to be in relation to:

a. Public safety - This is a residential street. Children of secondary school age can appear to be intimidating for any resident but particularly older or disabled people of which there are many in this area. They will cause an obstruction on the pavement, forcing concerned or wary residents into the road, where there is no clear view due to the obstruction the van will cause.

b. The prevention of public nuisance - When there was a shop in Cleevemount Road there were often children lingering outside at the beginning and end of the school day, annoying residents and getting into scuffles. There became the need for teachers from Pittville School to police the area at those times to move children along and break up such trouble. There was also an immense amount of rubbish blowing into people's front gardens due to discarded wrappers. There would be nobody of any authority present at this site or litter collection available or enforced.

c. The protection of children from harm - Secondary school children currently put themselves in danger each day as they slowly walk up and down the road to and from school, some on scooters or bikes by paying no heed to oncoming traffic. It is down to the residents who keep these children safe by driving slowly, however it is only a matter of time before an accident happens. This van will simply add to this problem by causing an obstruction to the view of both motorists and children. In addition there are already shops nearby offering sweets which children are free to use. Also selling fruit and other healthy options kept in the correct storage conditions. The Government has committed to reducing obesity in children, supported by schools and many parents. This blatantly obstructs those efforts. Cheltenham Borough Council must not be seen to be supporting this request. In addition, there will be no monitoring of what is sold from this vehicle or how safe the vehicle is. I do not want any child living in this area or attending local schools to be buying out of the back of a van. There are markets which are far better suited for this purpose which are properly regulated.

As a final note, I cannot believe this application would be given any consideration whatsoever.

There are plenty of events such a business can attend, in an appropriate atmosphere and at appropriate times. There is no need or desire for this in the current climate which we live. If this application is approved, I would request that Cheltenham Borough Council provide all local residents and schools who have commented with a watertight case for having granted a licence.

- vi. Dear Sir / Madam  
 I am writing in regards to the application for a Trade Van to park outside 43 Cleevemount Road, Cheltenham to sell sweets, pop and sandwiches.  
 I am against this application on two points:  
 a. Firstly I can only see that this is to provide children with unhealthy food, before school, at lunch time and after school, which I would view as going against current government polices to encourage healthy eating.  
 b. Secondly I expect without doubt that this will lead to an increase in litter in the road, which is currently a very clean area in general. Not only is this negative to residents, but could also have a harmful impact on wildlife in the area.  
 I see no benefit for those that live in the road for the application, as the majority will be working during the hours of trading, so would only entail the negative side. I would appreciate if you would take these points into consideration, and would hope you will decide to decline this application.
- vii. I am completely allowed to the suggestion of this application on the following grounds:  
 a. Goes against healthy eating for children as it clearly aimed at school children.  
 b. When the shop used to be open, there was trouble with the kids gathering- teachers had to be present to monitor behaviour- this is moving the problem outside residents houses.  
 c. Devalues the area  
 d. Does not promote any community value  
 e. Do not want to encourage more children to travel down Cleevemount Road as there is enough bad language and behaviour at these times already.  
 I live at and have lived here for nearly 18 years. I agree with positive change; however as a parent I do not want my children spending their lunch money on sweets
- viii. With reference to the application for a roadside van to sell sweets and pop outside 43 Cleevemount Road, I would like to object in the strongest terms.  
 My primary objection is that by applying to open between 08:00-09:00, 12:00-13:00 and 15:00-16:00 this is the deliberate targeting of students at Pittville School when childhood diet is known to be such an issue.  
 I also object on the following points:  
 a. This is a residential area and the application does not comply with the current street trading policy, in that the application is not for a position which has been designated by the council.  
 b. Students will be encouraged to leave the safety of the school premises during the lunch period.  
 c. The waste collection takes place during 08:00-09:00 on Wednesday mornings. The roadside van would hinder the operatives and the safety of the customers of the van could be an issue.  
 d. The van could become a point of congregation and possible anti-social behaviour.  
 e. There is already a van parked at 43 Cleevemount Road which is too big for the driveway and overhangs the pavement, already creating a hazard.  
 f. The residents of Cleevemount Road have only just been made aware of this application, giving us 2 days to respond at a time when some people are on holiday.  
 I hope that common sense prevails and that the application will be rejected.
- ix. I wish to object to the application for permission for a van to sell sweets and pop outside 43 Cleevemount Road.  
 Cleevemount Road is a residential area which already has an issue with parking and access to one's own drive. I feel that if a 'Mobile Sweet and Pop Van' should be granted permission to operate it would restrict access for emergency services and also pose a risk to the school children purchasing sweets etc. Also, there is wide spread obesity among children and should we really be encouraging children to purchase unhealthy snacks?
- x. Dear Sirs  
 Licence to sell sweets from 43 Cleevemount Road to children from Pittville School during term time. I live at and I have just been informed by a neighbour that the resident at number 43 Cleevemount Road has applied to sell sweets etc from his van parked on his drive to the school children from Pittville school during the term time.

The notice is not very obvious and if it had not been pointed out to me I would not have noticed it. I understand that if no objections are raised then he will be granted permission to trade, without this item even going before the licensing committee.

I wish to voice my strong objection to the application. There was small shop on the estate that sold these items and the only time that the area was clean and tidy was during the school holidays. This is a small residential estate and to encourage school children to loiter, drop litter and generally cause noise and trouble is not acceptable. I urge that this application is refused; it is not the right place for children to congregate.

xi. Dear Sirs,

I would like you to note my comments on the above application.

Cleevemount Road is a busy road during the hours referred to in the application due to:-

(A) Many residents leaving their homes to go to work.

(B) parents dropping off children at the rear entrance to Pittville School.

(C) children walking to the rear entrance to Pittville School. Children who are not concentrating due to being in groups or attached to mobile phones.

(C) dog walkers.

(D) residents on The Cleevemount Estate parking without consideration for others using the public highway.

Therefore it is not in the interest of public safety for the application to be given permission.

(E) There are already three shops in the vicinity (on the Prestbury Road) selling sweets, pop and sandwiches. There is no need for a further facility.

(F) There is already a problem with litter dropped by children going to and returning from school - the children do not see the litter bins which are current in situ on The Cleevemount Estate. This is a public nuisance.

(G) It would be far more sensible for such a van to be parked within the boundaries of Pittville School as this would protect the children from harm and the facility could be monitored.

(H) I believe that this facility may result in an increase in crime and disorder on The Cleevemount Estate.

I would be grateful if you would give my comments your consideration prior to granting any license.

xii. I live at and object to the application made by Mr Crabtree of 43 Cleevemount for a street trading licence to sell light refreshments to the local school children.

I have several concerns

Public safety - reversing my car out of the drive, my view of the road will be partially blocked by the van from children riding their bikes in the middle of the road & not paying attention. The children already do this especially on their way home

Queue/group of people standing across the pavement grass verge blocking my exit.

Prevention of crime & disorder - during this winter, I have had my car & several neighbours cars broken into. The police were aware of this spate of attacks on local residents cars. I feel with the attraction of cash taken by Mr Crabtree could entice burglars again to the area. This obviously is a great concern for our safety & our homes especially when we're out.

Public nuisance - I do not want people waiting around outside Mr Crabtree's or my home waiting to purchase refreshments, creating noise in a quiet residential area.

Litter from the sell of refreshments who will provide a bin, the council or Mr Crabtree. On the corner of Cleevemount Road & Cakebridge Road there used to be a newsagents this created a lot of litter from the children of Pittville school buying sweets on their way to & from school & coming of school at dinner time. This is a very strong possibility this could happen again. I do not want a bin on the grass verge out side either house.

Is the head teacher aware of the above proposal by Mr Crabtree which could entice pupils to leave the safety of school at lunch time, causing potential problems for the school. This is who the sell of sweets & pop is particularly aimed at.

There was a letter put through my door on the evening of 3rd July informing residents about the proposal. I don't feel this gave residents a lot of time to reply 3 days.

The letter had the wrong house number 53 was stated in the letter not 43 this could lead to confusion as to which house is intended to be used.

- xiii. Application for roadside van to sell sweets and pop outside 43 Cleevemount Road, Cheltenham  
Positioned near to Pittville school this facility would inevitably be a focal point where children would congregate.  
Unsupervised groups of children will cause nuisance to the neighbours from noise and litter.  
Cleevemount Road is an entirely residential street, with cars parked on both sides throughout its length, And quite narrow. It is also a bus route. Children milling around and criss-crossing the road on bicycles and scooters inevitably raises serious safety concerns, with potential for harm to the children and other road users.
- xiv. My neighbour has applied for a licence to trade from a van at 43 Cleevemount Rd.  
I would like to raise an objection.  
Currently the van is parked on the drive of number 43, however the van is too big for the drive and already obstructs the pavement.  
The groups of school children buying food outside my house will cause additional obstructions on the pavement as well as creating a huge increase in litter. Thank you for your consideration.
- xv. Dear Sirs,  
I have significant concerns for the welfare of children at Pittville School and the neighbourhood as a whole. With this in mind I wish to object to the licensing of this vehicle.  
Childhood obesity is a known and significant problem within the population as a whole. The current government legislation and things such as sugar taxing are trying to make inroads with this. Pittville School has a canteen which provides a range of food for the children to purchase. If the van is allowed a license then children will be encouraged to make unhealthier choices during the school day and before and after. This is not responsible and it is very clear that from the times the application has been made it is targeting these children. I am unsure of whether the school are aware of this application, but I will certainly bring it to their attention today as I ma sure it will not be something they would support.  
I also object on the following points:  
a. This is a residential area and the application does not comply with the current street trading policy, in that the application is not for a position which has been designated by the council.  
b. Students will be encouraged to leave the safety of the school premises during the lunch period.  
c. The waste collection takes place during 08:00-09:00 on Wednesday mornings. The roadside van would hinder the operatives and the safety of the customers of the van could be an issue.  
d. The van could become a point of congregation and possible anti-social behaviour.  
e. There is already a van parked at 43 Cleevemount Road which is too big for the driveway and overhangs the pavement, already creating a hazard.  
f. The residents of Cleevemount Road have only just been made aware of this application, giving us 2 days to respond at a time when some people are on holiday.  
I hope that common sense prevails and that the application will be rejected.
- xvi. Dear Sir,  
I would like to object to the above application as i believe that it would be detrimental to children's health and compromise local school strategies for improving the diet and general health of pupils. Unless it is a concerted attempt to promote healthy food options (which is unlikely to be commercially viable), it would be nothing more than a opportunistic 'Tuck Shop' that would not benefit the local area in any way.
- xvii. Dear Sirs,  
Re : Application for roadside van to sell sweets and pop outside 43 Cleevemount Road  
I would like to object to the above application for the following reasons :-  
a. This is clearly aimed at the students of Pittville School and encouraging them to consume more sweets and pop has to have a detrimental effect on their diets.  
b. The van is likely to become a gathering point and could lead to problems of anti-social behaviour and litter.

xviii. Dear Sir or Madam,

We have been notified that a trader has applied to park a van outside number 43 Cleevemount Road during school term time to sell to passers-by, including 'sweets and pop'. The days and hours in the application make it clear that it is to tie in with passing trade from the school children of nearby Pittville School.

We live at and we would like to object to this application on the grounds of it being a public nuisance and harmful to children.

Cleevemount Road leads to a cut through at the back of the school and so children from a wide area use it as a good quiet route. Unfortunately a few drop their junk food wrappers over our wall, stuff them in hedges and litter along the pavements. It is a small nuisance that would be made worse by a van selling junk food. There may also be increased footfall as result of more children choosing this route to pick up sweets and pop. If approved, would the council commit resources for the additional littering, a twice weekly litter pick along the school route?

More importantly the NHS advises that high sugar foods and fizzy drinks should be avoided by children completely as they are proven to cause harm to their health. Jeremy Hunt, secretary for Health and Social Care has urged local councils to work with government to fight the obesity and diabetes epidemic. A few days ago on the 25th of June the Government published the second chapter of its Childhood obesity plan. It offered a commitment to supporting local authorities who use their powers to limit children's access to sugary foods, specifically to protect the areas around schools.

Reference: Page 10 of the following link, under the headings Local Areas and Schools [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/718903/childhood-obesity-a-plan-for-action-chapter-2.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/718903/childhood-obesity-a-plan-for-action-chapter-2.pdf)

Permitting a van to sell sweets and pop, specifically to children on a residential school route goes against the recommendations of government, the advice of the public health service and the desire of parents to prevent their children's health being harmed. We urge you to refuse this application.

Kind Regards

xix. Dear Sirs,

With reference to the application for a roadside van to sell sweets and pop outside 43 Cleevemount Road, I would like to object in the strongest terms.

My primary objection is that by applying to open between 08:00-09:00, 12:00-13:00 and 15:00-16:00 during term time only this is the deliberate targeting of students at Pittville School at a time when childhood obesity is a cause for concern and the effect of diet on students' educational success is widely acknowledged.

I also object on the following points:

- a. This is a residential area and the application does not comply with the current street trading policy, in that the application is not for a position which has been designated by the council.
- b. Students will be encouraged to leave the safety of the school premises during the lunch period and prompt arrival at school may be affected. This will potentially impact on the education of a number of students.
- c. The waste collection on Cleevenount Road takes place during 08:00-09:00 on Wednesday mornings. The roadside van would hinder the operatives and the safety of the customers of the van could be an issue.
- d. The van could become a point of congregation and possible anti-social behaviour.
- e. There is already a van parked at 43 Cleevemount Road which is too big for the driveway and overhangs the pavement, already creating a hazard.
- f. The residents of Cleevemount Road have only just been made aware of this application, giving us 2 days to respond at a time when some people are on holiday.

I hope that common sense prevails and that the application will be rejected.

xx. Dear Sir/Madam,

Whilst I am very supportive of new business opportunities, as a resident of I am concerned about the request to have a pop up van selling confectionary for a number of reasons.

The application refers to serving passers by, but that is a false assumption of the potential customer market because there are no passers by as it is a relatively small housing estate with no through traffic - the prime customers are in fact the children going to Pittville School. Given the continuing official evidence regarding children's health, the Council would be failing in its duty to the health of Cheltenham's school children by allowing confectionary to sold within yards of the busy school gates. The proposed times that the van plans to operate confirms it is in fact targeted at the pupils of Pittville school (regarding the protection of children from harm licensing criteria). You will be aware of several prominent public health campaigns that have targeted excessive sugar in children orientated confectionary and the resulting removal of sweets from near supermarket tills, for example. Allowing the confectionary van to operate outside a school directly undermines these important health directives.

The proposed location of the van is not suitable from both the 'prevention of public nuisance' and 'protection of children from harm' licensing criteria; this is due to the estate roads already being clogged up with residents' cars, which regularly leads to near-misses and dangerous driving due to excessive speed and the obstructed view of the road due to the parked cars;and when combined with the distraction to children of this van, the risk of injury to school children will increase significantly (regarding the public safety licensing criteria).

On a practical point, that section of Cakebridge Road already regularly has 5 to 8 residents' cars parked by the kerbside - it is difficult to see where this van will actually park without blocking the road or someone's private driveway. A further consideration in this aspect is the potential for the school children to loiter near the van before and after their purchases which is contrary to the excellent approach the Pittville School have established in recent years for their pupils to promptly disperse after the school day finishes; prior to this current good approach by the school there were regular anti-social incidents in this very location involving pupils (regarding 'prevention of public nuisance' licensing criteria).

The Cleevemount housing estate is currently serviced by several local shops in Pittville/Prestbury Road area and I cannot see the demand for a pop up van. In fact, the previously long established newsagents in nearly the same location ceased trading several years ago because it could not exist on the apparently limited trade from the housing estate and school children.

Furthermore, the Cleevemount estate is currently free of rubbish, but with the sale of goods on the street would almost certainly result in an increase in discarded wrappers, cans and plastic bottles; particularly as the limited number of public bins will then soon become full and it seems unlikely the council can afford empty them more frequently than they already do and vendor is unlikely to pay for or arrange additional waste collection.

Finally, I would urge the Council to seek the views of the Pittville School Headmaster, I would be very surprised if Mr Gilpin was in favour of this proposal and its averse effect on his pupils and his school.

xxi. Dear Sirs,

We object to this application on the grounds of litter and public health.

When the shop at junction of Cleevemount and Cakebridge Roads was open, the children would leave a trail of sweet wrappers, crisp packets and plastic bottles in their wake as they walked home. Since the shop closure this has diminished. Trading from a van at 43 Cleevemount Road would cause this issue to return.

Research has shown that proximity to takeaway outlets is a key predictor of obesity. Without binding restrictions on the type of food sold this outlet would be an unwelcome source of additional calories for the children and just add to the obesity crisis.

We would request that this application is refused

xxii. To whom it may concern,

I am writing as headteacher of Pittville in opposition to the proposed licensing application for 'A Bite to Eat', Street Trading Consultation (18/0195/STA).

I am opposed to this for a number of reasons:

### Public safety

The Bite to Eat van would be located very close to my school and would be sited at a point where students walk to and from school. I would be concerned about students gathering in large numbers at the van and possibly becoming a nuisance to residents in the area. I am sure the residents would agree that we have worked hard as a school to promote sensible and safe behaviour from our students when they are walking to and from school.

The proprietor of this van is clearly targeting young people from my school. The opening times reflect when students will be walking to school in the morning and leaving in the afternoon. The fact that Cleevemount road is a busy road concerns me. Students gathering in large numbers on a busy road could easily lead to a serious accident. The litter that would be generated from this venture would undermine all the good work we have done and would be a real nuisance for local residents. The protection of children from harm

As headteacher of a secondary school my primary concern is the safeguarding and protection of my students. I would be very concerned about the location of this van and the possible consequences of other adults using the van or gathering by the van who might pose a risk to the safety of my students. Who would guarantee the safety of my students? It is absolutely clear that large numbers of young people gathered together do attract undesirable people who may wish to sell drugs and alcohol to them. Is this really something that we want to promote in our local community?

I would be very concerned about the type of food and drinks that would be sold from the van. As I am sure you are aware there are alarming figures which show the rising numbers of children who are classified as obese. At Pittville we pride ourselves on promoting healthy eating amongst our students. Who will monitor the types of food and drink being sold from this van? All of our invaluable work in this area would be undermined if this license was granted.

I am increasingly concerned about the impact of sugar and fizzy drinks on the health of young people but also on their ability to concentrate during the school day when they have consumed lots of sugar in the morning. Studies show this impacts on concentration levels. There is currently a huge focus from the Government about educating parents and young people about healthy eating and avoiding 'junk food' The rise in conditions of diabetes, obesity, heart disease, etc have been well documented in the media.

There is clearly a plan here to target my students and I object strongly to this license being approved. I am sure my parents and governors would support me in these objections.

If you have any queries relating to this objection please feel free to email me back. I would be grateful if you would update me when a decision has been reached.

Headteacher  
Pittville School

- xxiii. Re: Objection of 43 Cleevemount Road. Person for selling sweets is applying for licence. As this will cause much nuisance and litter problem as well. Closed to car driverpassing through the street and the van is just half in pavement. As selling sweet will also problem for obesity and diabetic problem for children. I strongly object for regeting his application for best for Cleevemount Road.
- xxiv. Dear Sir/Madam  
I am writing with regard to the above to register my strong opposition to this application. Cleevemount Road is a quiet residential street with no other commercial enterprise and as such it does not warrant any form of trading. The van would present a permanent obstacle in a street which already has issues with parking for residents, as it is a popular place to park during the football season due to it's proximity to Whaddon Road football ground. It is also very popular with visitors to the Racecourse. The van would impact on road safety and would cause an obstruction, hindering access to the regular bus service and, more importantly, access for emergency vehicles. There is already a problem with litter, noise and bad behaviour from some of the schoolchildren and this would without doubt increase were this application to go ahead. A van selling sweets and soft

drinks would also impact on the children's health and considering the Government's current policy on obesity and sugar in food and drink, surely we do not want to promote this venture.

xxv. I strongly object to the proposal for a roadside van to sell sweets etc at 43 Cleevemount Rd. For the following reasons:

a) Safeguarding - prevention of children from harm - are these people CRB checked? As a school teacher, I wonder if the local school is aware of this application? I don't think the pupils are allowed out at lunchtime. The owner of the van is a well known 'drinker' and has been seen driving while under the influence of drink.

b) Public nuisance - this will create noise and litter on the street and there is no litter bin. We already suffer from little with children dropping litter on the way on school. This is a residential area and people work all hours of the day/night.

c) Crime and disorder - health and safety hazard on the road.

Please let me know if you require further details.

xxvi. Good Afternoon,

I would like to put on record that I do not agree to the application from Richard Crabtree to apply for a Street Trading Licence at the above address.

Selling food / drink from a burger van parked in his driveway cannot be right.

This is a nice road and the last thing we need is children buying sweets etc and causing more litter.

xxvii. Dear councillors,

In response to this application I object on the following grounds:

With any group of unsupervised children there is the potential for safety and nuisance issues. I am assuming that there won't be a teacher in attendance.

High spirits and preoccupation with mobile phone social media, etc. causes a lack of attention to their current surroundings and the concerns of other people not in their immediate group.

Children could run, unthinking, into the road potentially causing harm to themselves and road users.

All though the hours are short, adjacent residents could be troubled by noise.

Lastly, although 'sweets and pop' may be a legal term that is troubling. It is fairly widely accepted that childhood obesity is a major problem today. The hours of trading show that this is specifically aimed at children. The council has no control over what children consume at home or when out with parents but I don't think they should be 'promoting' bad habits.

xxviii. Application for street trading consent

We understand that the application covers a van which will be parked on Cleevemount Road and will offer the sale of sweets, pop and sandwiches to passers by.

We live on Cakebridge Road and have a couple of concerns:

Based on previous experience when the shop on the corner of Cakebridge and Cleevemount Roads was open there was a significant litter issue that was not caused by residents. School children would buy sweets, pop etc and drop wrappers and bottles on the ground despite there being a bin outside the shop. The school could not help as it happened outside the school grounds and they advised that due to health and safety concerns they could not ask children to pick up the litter. They sensibly suggested that it would be better not to have a source of such confectionery so close to school. Now that the shop has closed, it would recreate the same public nuisance issue to have a food van parked at times that children would visit it on their way to and from school. There is no bin outside number 43 Cleevemount Road so the litter issue is likely to be as bad or worse than before if permission for the van is allowed. Who will address this problem and clear up the litter?

We have a national obesity crisis and the Gloucestershire Director of Public Health Report [https://www.gloucestershire.gov.uk/media/1518094/gcc\\_2040-director-of-public-health-annual-report\\_dev6.pdf](https://www.gloucestershire.gov.uk/media/1518094/gcc_2040-director-of-public-health-annual-report_dev6.pdf) shows that a third of Y6 pupils are overweight or obese in Gloucestershire and that 80% of children who are obese at age 10-14 years will be obese as adults with all the health issues and costs that go with this. It states that obesity can be harmful to children and young people (leading to a risk of a range of health issues including premature mortality in adult life) and that a whole system approach is required to tackle this issue. Granting a licence for a van to sell high

calorie, low nutrient food at times that school children are most likely to visit is an action which is likely to increase the risk of harm to children and runs counter to the whole systems approach. Public money is being invested in tackling obesity and it does not seem sensible for a council to grant permission to enable easy access to the types of food that Public Health are encouraging the population to eat less often.

- xxix. Dear Sir/Madam,  
I wish to object to the licence application for a van selling "sweets, pop and sandwiches" to be granted permission to sell on Cleevemount Road.  
I object on several grounds:
- a. I used to live on Cleevemount Road at the time when there was a sweet shop very close to where this van is proposed. The children would congregate and linger, there would often be 'scuffles' sometimes spilling into the road. This was dangerous for the children and harrowing for drivers on the road.
  - b. Similarly I find it to be unacceptable for children to be encouraged to cross a road in front of or behind a van - this is in complete contradiction to everything we try to teach them about crossing roads safely and is highly likely to cause road safety incidences.
  - c. I also wish to raise the questions - who is this man? Is it financial motivation for wanting to sell children sweets? Has he been CRB/DBS checked? Is he trying to get to know children for other reasons? I realise this is a sad reflection of the times we live in but the manner of his application is unprofessional and seems 'strange.' I do consider this to be a safeguarding incident.
  - d. I also consider the selling of such unhealthy options to be a safeguarding issue. With the government investing in programs to educate children about being healthier and parents desperately trying to curb the amount of sugar and other 'junk food ingredients' in order to safeguard our children from diabetes obesity, heart disease, etc. To actively target school children going to and coming out of a school day, purely to encourage them to consume such things is highly irresponsible and any person seeking to do so can only be doing it for person gain - either financial or otherwise. This is not acceptable.
  - e. When living in the road and the children were able to buy sweets from the sweet shop, there was a very large amount of litter that would blow across the road and accumulate in peoples front gardens. I believe this would happen again.
- xxx. I am a resident of Cleevemount Road, Cheltenham and would like to add a concerned voice to the application listed above.  
Without wanting to seem mean spirited I really do feel that placing a van selling 'pop and sweets' on Cleevemount Road is a very bad idea. As a dentist I'm on the front line of dealing with the effects of sugar and tooth decay on children and young adults. Bearing in mind many children will pass the van on their way to/home from Pittville School I assume this is the target demographic.  
Please note and read the articles below:  
[www.bbc.co.uk/news/amp/health-42662425](http://www.bbc.co.uk/news/amp/health-42662425)  
[www.bbc.co.uk/news/amp/health-44261065](http://www.bbc.co.uk/news/amp/health-44261065)  
Both of these articles are from this year and highlight the enormous health crises that tooth decay and obesity in children are causing to the NHS. This massive drain on the NHS is absolutely preventable, by children making the right choices and not having bad food choices tempted on them as they go/return home from school. As I am aware of it now many schools actually prevent the sale of fizzy drinks and sweets to help support this.  
Thanks for listening. Prevention and education are our main tools for helping to change the behaviours of our children and unfortunately many are unaware of the health implications a diet high in sugar causes.
- xxxi. I am writing in response to the notification I received yesterday regarding an application for a van to trade outside no 43 cleevemount road. I am concerned the permission for this to go ahead will encourage young people to loiter in the street and that the litter level will rise again to how it was when the shop was trading on the corner a few years ago. Which included empty cans and wrappers pushed into our front hedge. Also isn't this going against government guidelines of reducing sugar levels sold and consumed by minors? At no ! we are quite opposed to this proposal.

xxxii. With regard to the letter we have just received from Councillor Dennis Parsons about an application for a trader to park a van outside 43 Cleevemount Road selling sweets, pop, etc to passers-by, we have the following objections:

Public safety: large numbers of school children & others will congregate on the pavement/road by the van (as they did by the shop, where there was a larger area for them), which could cause road safety issues & difficulties for residents trying to walk/drive to their houses on crowded roads/pavements.

The prevention of crime & disorder: the larger number of people in the area will increase the likelihood of more crime/disorder, strangers looking into gardens & around houses will not be so obvious (there are already enough burglaries in the road, we have had a bike stolen from our locked shed).

The prevention of public nuisance: see above, plus extra noise & even more rubbish thrown into gardens. I also struggle to see where those buying sweets etc would actually stand as with the van on the road they would have to congregate on the grass verge, a key element for the whole street, which would very quickly be ruined. Currently the children going to and returning from school generally pass quickly so disturbance is relatively short lived. This would not be the case with this van as even if they didn't buy anything they would simply congregate. Also we do not get school lunchtime traffic as they have no reason to leave the school premises via Cleevemount during the day - this van would simply give them that excuse.

The protection of children from harm: road safety as above, there is nowhere safe for children to congregate in that spot. Also I don't think it a good idea to be enticing children to buy more sweets & fizzy drinks etc that they do not need, fuelling the obesity epidemic. I cannot believe that Cheltenham would welcome the negative publicity this would bring given the current view of poor health in our children.

We have only received the letter three days before the deadline, which I do not feel is long enough for people to submit their objections.

xxxiii. I've only seen limited details on the application as there appears to be very little online. I had something through the door a few days ago from the local councilor so my comments are purely based off that. Therefore all of the below may have already been addressed:

- My first comment relates to litter. Does the application include extra provision of waste bins or litter picking? Ensuring there is at least a bin with the van is important to try and stop people littering having made a purchase (although I appreciate this will only go so far and if people want to litter then they will).

- My second comment is around traffic and safety. At certain times of the day the road gets very busy and becomes a slalom of cars parked on either side of the road. Where will the van be left? Ideally it won't be on the road to avoid clogging up an already congested street.

- The third comment is around the well-being of our children. Again this may have been addressed, but the paper I've had suggested it will be open at 3 times in the day, pretty much aligning with pre-school, lunchtime and after-school. As such the audience is likely to be children so will there be a provision of healthier snacks/food for people to buy?

As I've said at the top, all of the above much be caveated with my limited view on the application so these concerns may have already been addressed.

## 5. Licensing Comments

### 5.1 Comments from Cheltenham Borough Council Licensing Team Leader

I would like to refer this application to the licensing committee for the following reasons:

a. The area where he proposes to trade (i.e. on the road) is likely to cause an obstruction. The hours proposed seems to coincide with school hours which will bring more traffic into the area and the van parked may exacerbate the obstruction.

b. He seems to be targeting the local primary school trade. This is clear from the location, the proposed goods for sale and the trading times/dates that coincide with school hours and term dates. I think it is important for the Members to take a view on this and whether this will be appropriate.

- 5.2 The proposed trading location is outside the town centre zone of street trading control and therefore there are no specific policy restrictions regarding street trading in this location.
- 5.3 Each application should be dealt with on its own merits based on the overarching aims of the policy, which 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.
- 5.4 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.

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**Background Papers**

Service Records

**Case Officer**

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**Tel no: 01242 262626**