

Adoption of Revised Street Trading Policy

Appendix 3

Response	Officer comment(s)
<p data-bbox="188 389 1243 453">Please find below my feedback regarding the consultation on the revised Street Trading Policy.</p> <p data-bbox="188 496 1243 635">Firstly, I do not have, or know anyone that does, a business or an interest in either an established or street trading business in Cheltenham. However, I do have concerns that the proposed revised policy wording below is vague and would be hugely open to interpretation:</p> <p data-bbox="188 678 1243 817">The council 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 be encouraged.</p> <p data-bbox="188 860 1243 1029">I saw the recent coverage regarding The Flower Man off the Promenade, which I happen to think is a quality, well-presented local business that adds variety and interest to the town without negatively impacting on surrounding businesses in any way. The Green Coffee machine coffee cart opposite Barclays Bank and the falafel cart outside Thomas Cook on the High Street also do this, mobile phone cover sellers less so.</p> <p data-bbox="188 1072 1243 1211">All of these long-standing quality Cheltenham small street businesses could be considered by some to be blocking lines of sight or restricting access in some way. But they also clearly support the third aim in your adopted policy: "maintain the quality of the townscape and add value to the town".</p> <p data-bbox="188 1254 1243 1393">So I would suggest that this proposed assessment criteria is poorly and vaguely worded, leaving room for personal or collective interpretation that could benefit some traders whilst negatively impacting others, for example those that necessarily require larger stalls or those that repeatedly have complaints raised against them by fixed site</p>	<p data-bbox="1270 389 2049 491">Licensing policy acts as a guide for officers, members, applicants and the public to aid understanding of the council's approach to, in this case, regulating street trading activity in the borough.</p> <p data-bbox="1270 534 2049 636">Whilst there is a general presumption that the council should not arbitrarily deviate from its adopted policies, it is also the case that policy cannot fetter the discretion of decision makers.</p> <p data-bbox="1270 679 2049 818">The wording referred to in the comment is deliberate as it acts as a guide on the general approach to be taken by the council whilst leaving sufficient scope for officers and Members to apply some discretion in cases where this is deemed appropriate.</p> <p data-bbox="1270 861 2049 963">It must also be made clear that nothing in the policy is specifically aimed at any particular trader as referred to in the consultation response.</p>

<p>retailers. This policy wording needs addressing and clarifying before being implemented.</p>	
<p>I assume Councillors, as local residents too, can respond to the consultation.</p> <p>I am delighted to support the proposed changes but do not feel they go far enough.</p> <p>On the appearance of the stall I would change ‘will not be encouraged’ to ‘will not generally be accepted’.</p> <p>On environmental credentials there should be a presumption against the use of single use plastic associated with catering stalls such as cutlery, cups, plates and other types of crockery, also straws. There is no reason to use these plastic items as alternatives are easily available, so stalls using single use plastic will not be permitted. THIS WOULD EXTEND TO INCLUDE BALLOONS AND OTHER SINGLE USE PLASTIC NOVELTIES.</p> <p>On real fur I would support a complete ban on the sale of any real fur products.</p>	<p>Policy amended accordingly.</p> <p>Officers are of the view that the proposed wording in the policy does this in practice already. The policy deliberately does not seek to define “single use plastic” as this will limit the effect of the policy provision. Instead, each case will be determined on its individual merits.</p>
<p>Please ban the sale of fur and single use plastic. I support restrictions being imposed on traders for them to get licenses to sell at markets.</p>	<p>Comments noted.</p>
<p><i>The council is seeking views on whether it should ban the sale of real fur relating to any street trading activities that require a consent.</i></p> <p><i>The council recognise the various views on the debate and also the fact that the sale of real fur in the UK is not unlawful. However, the council also acknowledge the animal welfare concerns associated with the trade and sale of real fur.”</i></p> <p>Background</p> <ul style="list-style-type: none"> • The fur trade is horrifically cruel and unnecessary. As such fur farming has been illegal in this country since 2000 and surveys after survey reveal that over 90% of people in the UK refuse to wear real animal fur (for example https://bit.ly/2MSKjLI) 	<p>The council’s proposed future policy on real fur is outlined in the officer’s report taking into account the comments made.</p>

- The public has a right to be able to exercise their ethical beliefs. However, recent years have seen the increasing problem of real fur being mislabelled as fake fur or not labelled at all (<https://www.hsi.org/news-media/online-real-as-faux-122017/>)
- There is no legal requirement to use the specific word "fur" on items containing real fur. EU regulations do require items defined as "textile products" to carry the confusing wording "contains non-textile parts of animal origin". However, as well as not clearly telling consumers it means "real animal fur", in practice this wording requirement is rarely adhered to at all. Furthermore, footwear or non-garment accessories such as handbags and keychains are excluded from even this confusing labelling requirement (ibid)

Local context

- In December 2018, I found the same brand of real fur gloves being sold as fake fur on two separate occasions in Cheltenham, once at Geraud market (<https://www.gloucestershirelive.co.uk/news/cheltenham-news/campaigners-anger-after-real-fur-2326778>) and once at a shop called Sugar Loaf in the Regent Arcade (now closed down).
- This was despite Geraud market stall holders being told they could not sell real animal fur.
- On both occasions the trader's paperwork stated the fur was fake, and the traders themselves did not appear to be able to differentiate between real and fake fur. However further inspection by market inspectors (and latterly Trading Standards) revealed it was real fur (I can provide a sample with a receipt and photographs if required).
- Furthermore, myself and my fellow animal rights campaigners did several outreach events in Cheltenham in response to this to teach people how to spot the difference between real and fake fur. We spoke with over 200 people in total. All of them were against wearing real animal fur. However, not only did the majority not know how to spot real fur, they thought the sale of it was illegal in the UK.

<p>Recommendations</p> <ul style="list-style-type: none"> Given the confusing labelling requirements around real animal fur and the fact that many members of the public are not able to spot real animal fur, it would appear there is a need for traders to take some responsibility in ensuring the public do not accidentally buy real fur. I would therefore recommend: A ban on the sale of real animal fur at street trading activities that require consent. However given that street traders I spoke with were unable to recognise real fur I would also recommend: Street traders are provided with instructions about how to spot the difference between real animal and fake fur To incentivise traders (or the market provider) to comply with a ban I would recommend: A penalty system for (e.g. a fine) if traders are found to be selling real animal fur 	
<p>I am writing to respond to the street trading policy consultation.</p> <p>The Flowerman Stall: I support this business retaining it's current pitch locations on Cheltenham High Street and Promenade.</p> <p>Furthermore I object to the addition in the assessment criteria – The council will generally not permit trading units where the unit fully or substantially blocks lines of sight to established retailers in the vicinity.</p> <p>Whilst neither of the Flowerman stalls blocks the view to other businesses near to them, this change of wording creates unacceptable business risk to not just this business but other stall holders because it will be down to members of the licensing committee to interpret what is meant by 'substantially'. The opinion of what is substantial can only be a subjective opinion of whoever is on the committee at any one time, this creates unfair and unacceptable risk to business owners and their employees. I fear it will be used by members of the committee to justify their personal opinion on the worthiness of the</p>	<p>The policy is not specifically aimed at any particular trader as referred to in the consultation response.</p> <p>Preventing the obstruction of the streets by street trading activities is an existing policy aim. The revised policy wording has taken learning from issues that has arisen since the last policy review including the revised provision that "The council will generally not permit trading units where the unit fully or substantially blocks lines of sight to established retailers in the vicinity."</p> <p>The revised wording makes it clear that the test will relate to "fully or substantially" blocking lines of sight. It is not intended that this proposed provision be used either in cases where the committee has deemed existing trader not to be "fully or substantially" blocking lines of sight or where the blockage is</p>

Flowerman stall or other street traders which will have the impact of creating more uncertainty to this sort of trade in the town.

I do strongly believe market stalls have the ability to add diversity to the retail offer in the town centre and complement fixed traders and should be encouraged to help foster a viable town centre. We should not be creating policies which will stifle entrepreneurial spirit and restrict retail to just fixed traders.

I would like to see Cheltenham Farmers markets allowed to trade until later in the day. Currently they start packing up at about 2.30pm which it seems to be is incredibly environmentally unfriendly if nothing else as they come here, some over quite long distances, I would like to see the time they are here be longer so they can trade more so the additional environmental impact is worth it. I actually really love the farmers market but I am not in town in the mornings so never get a chance to visit it, I really think it is a wasted opportunity for stall holders and the town as it currently is.

Also Cheltenham needs a night market with street food and live music <https://www.bristol.gov.uk/web/st-nicholas-markets/st-nicholas-night-market> . It really is incomprehensible to me that our market offer is so middle of the road and not seen by anyone with any power as a really useful means to bring more visitors to the town. I know that idea is sort of grudgingly understood but it is not grasped with enthusiasm for fear of irritating fixed traders. But if a market was in the evening with a retail offer as well as street food not available in the town it would really help create more of a family friendly atmosphere that just leaving the evenings to the theatre goes or clubbers.

On the note regarding real fur being sold on market stalls, I would suggest it would be a really good idea for the borough council to ban its sale on our street markets for a number of reasons. This is not simply from an anti fur perspective but because it has been reported widely that people who do not wish to buy real fur have inadvertently bought it when being told an item is faux fur <https://www.bbc.co.uk/news/newsbeat-46809757> It is very difficult even for traders to know if they are selling real fur or faux fur and some people just avoid buying any of it so they don't get caught out which is not beneficial to traders. It would be far better for us to have a clear, unequivocal policy

minimal.

As regulator, the authority will play its role in determining any applications for markets. It is not with the licensing committee's function to establish new markets.

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The council's proposed future policy on real fur is outlined in the officer's report taking into account the comments made.

which we can be supported to uphold by charities such as Respect for Animals who have resource to test samples of fur to see if they are manmade or not - <http://www.respectforanimals.org/>

From an environmental perspective using farmed animals to produce basically cosmetic trims like hat pompoms or glove decoration is not environmentally friendly - <http://www.respectforanimals.org/fur-is-not-green/> The council has agreed a climate change emergency but allowing animal trims to be sold on markets we license contributes to the very unhealthy state of our planet.

Real fur is cruelty, it is torture of sentient beings through incredibly awful lives then tortuous death for human beings vanity. I know from a marketing perspective that if CBC describe our street trading policy as anti real fur will be hugely beneficial to the image of our town as a compassionate, progressive and ethical place to visit and shop. People who do still want to purchase real fur will be able to via private shops if they wish so the licensing policy will not infringe civil liberties but it will make such a positive statement.

I really love the Christmas market that comes to Cheltenham but a large amount of the stalls are not really reflecting the change in consumer behaviour that is reflected in the huge increase in people rejecting the use of animal products as clothing, food etc. People are waking up to the cruelty to animals killed for food or other resources and also realising that animal industry hurts human beings too through the pollution and damage it is causing to our planet.

I really am passionate about Cheltenham trying to get a grip on being more progressive in the way we organise our public life and promote our town. Some times it all feels a bit tired and dated because well that is just how we do it here and we don't want to cramp people's style. Let's be bold for change and say its time to make real fur history because Cheltenham is too good for the cruelty and environmental damage it represents.

Real fur – The council is seeking views on whether it should ban the sale of real fur relating to any street trading activities that require a consent.

<p>Dear Sir / Madam,</p> <p>With reference to this matter I am totally against the trading if real fur items. Real fur is often mislabelled (illegal) and is immoral and extremely cruel. Cheltenham should not be promoting this evil trade. Thank you for noting my views.</p>	<p>The council's proposed future policy on real fur is outlined in the officer's report taking into account the comments made.</p>
<p>Sir/Madam</p> <p>I write in support of a total ban on the sale of real fur by street traders in Cheltenham.</p> <p>I have been opposed to the sale of real fur for many many years. The UK made fur farming illegal in 2000 but failed to make the selling of real fur illegal. Consequently, many people are under the misapprehension that the selling of real fur is also illegal because of this and having spoken to quite a few members of the public on this subject, I found that most were horrified to know that real fur is still being legally sold, here on the streets of Cheltenham and of course elsewhere. They were very concerned when they realised that products they had purchased as 'fake fur' could well be real, as there have been quite a few cases of this happening and even traders seem unaware of what they are selling.</p> <p>Animals are treated appallingly in fur farms, often killed in cruel ways to avoid pelt damage and just because it doesn't happen in the UK, we most definitely should not be complacent in our attitude towards the innocent victims of vanity.</p> <p>I am therefore requesting the Council bans the sale of real fur products by street traders and that it enforces this ban rigorously, by substantially fining traders who fail to adhere to this ban.</p>	<p>The council's proposed future policy on real fur is outlined in the officer's report taking into account the comments made.</p>
<p>Hi, here is my response to the street trading consultation. I live in Cheltenham.</p> <p>I don't own nor work in a shop, and I don't own nor run a street stall. I'm commenting as a resident.</p>	

1) The web page announcing the policy has this:

"The council 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 be encouraged."

a) Flower stalls are an attractive addition to the town and it is important to protect them, especially in Ormand Place. That street is somewhat unattractive. The view of the regent Arcade and car park isn't nice, and having the flower stall there very much improves the perceived quality of the town. That stall does not block visibility. Local shop keepers need to realise that any shop which is off a main thoroughfare will see reduced footfall irrespective of sightlines.

b) Some activities during Cheltenham Gold Cup Race week feel like they're disrupting cycling - all the gubbins along Winchcombe Street make cycling a bit more dangerous. (And it's already a bit more dangerous than it should be because of the weird mix of two-way cycles with one-way cars.)

2) The document talks about single use plastics. Of course single use plastics are an important issue. More important would be total carbon output. Switching away from single use plastics would increase CO2 being used to create and transport packaging. I'm not persuaded that I can support a restrictive policy on street traders using single-use plastic while allowing huge multi-billion dollar business to carry on as normal. (eg KFC distribute plastic straws packages in a plastic sleeve.)

3) I'd welcome a ban on real fur but the council would need to have a coherent policy. Would it only include fur from animals that we do not eat?

4) The policy talks about conflict with local established retailers. I think we need to look

The policy is not specifically aimed at any particular trader as referred to in the consultation response.

Not within scope of this policy review.

The council has given a commitment to address the use of single use plastics through this policy review and its recent climate emergency declaration. It is acknowledged that this will not be the entire solution but a start towards it.

The council's proposed future policy on real fur is outlined in the officer's report taking into account the comments made.

The policy recognises the contribution by street traders to the

<p>at the number of local closed shops and units and realise that a successful street stall is potentially a business that can move into one of these closed shops.</p> <p>5) There's a lot of talk about public safety and public nuisance. These require active enforcement. I don't know if all the shenanigans during race week count as street trading or not, but it's clear that there is a lot of litter and noise created by the gambling shops (again, multi-million pound businesses) that isn't cleared up and a lot of alcohol being sold to people who are obviously drunk (an offence) and there's no visible enforcement. Race week is pretty miserable for people who live on Winchcombe Street.</p> <p>To summarise: I like flower stalls. I welcome strong guidance for street trading, but this requires enforcement and we need to welcome small businesses. We also need a bit of parity of enforcement between small businesses and huge multinationals selling junk food, alcohol, or gambling products.</p>	<p>town. Whether they chose to occupy retail units or not is not in scope but the comments is noted.</p> <p>Not within scope of this policy review.</p>
<p>My response to the proposed changes to the street trading policy:</p> <ul style="list-style-type: none"> • I would fully support the banning of sale of real fur. • I would say that the issue of single use plastic is more complex and whilst it should be an ambition it needs more research and thought before a complete ban is introduced. This is for the following reasons: <ul style="list-style-type: none"> ○ Small independent traders need time to make changes to their business practices. ○ Some alternatives to plastic, whilst advertised as compostable, can only be composted in industrial composters – e.g. hot composters. They cannot be home composted and as some of them look very much like plastic if they were put in plastic recycling bins they could contaminate the plastic. 	<p>The council's proposed future policy on real fur is outlined in the officer's report taking into account the comments made.</p> <p>The consultation document acknowledged the complexities around this matter. Whilst the council has given a commitment to address the use of single use plastic is so far as it relates to street trading activities, we acknowledge the complications associated with this approach.</p>

<ul style="list-style-type: none"> ○ Some paper products have a larger carbon footprint than plastic products. ● I would be in favour of a longer consultation period for applications. 	
<p>I thought this website might be of relevance when communicating with traders in Cheltenham, and creating new policy: https://www.polybags.co.uk/shop/biodegradable-starch-based-carrier-bags_c1084.htm</p> <p>And of course you are aware of the Plastic-Free Cheltenham Facebook group and Foodloose.</p>	<p>Comments noted.</p>
<p>Response and questions from Cheltenham BID</p> <p>What is not clear in the policy are the benefits that it is felt that casual street traders bring to the town. Unless they offer products that are very different to what is already available from full-time businesses who are paying business rates and making a year-long contribution to the town, why are so many allowed to trade, often against the advice of the council's officers?</p> <p>The BID would also like to understand what commitment there is from councillors on the Licensing committee to follow the revised policy when they have frequently ignored its predecessor?</p>	<p>The Council recognises that street trading is a lawful activity and forms a legitimate part of the retail industry in the town. It is this council's role as the licensing authority to administer the licensing regime in accordance with the law.</p> <p>The council wish to regulate the retail market and access to that market through this policy.</p> <p>The council will deal with applications in the way prescribed in the constitution and probity guide acknowledging the general principle of not deviating arbitrarily from policy. However, the policy cannot fetter discretion and must leave scope for determining applications on a case to case basis.</p>

<p>The policy says that it aims to “sustain established shopkeepers in the town”. It would be helpful if the policy clarified how the council is doing that.</p> <p>We are concerned that the new policy seems to include a significant change in that it will no longer have clearly defined sites where particular goods e.g. flowers can/can’t be sold. We think other consultees could have missed this. Why is not highlighted in the “Proposed changes” section on the website?</p> <p>In 4.3, it is stated that when an application is made, the council will consider whether “The goods complement and do not conflict with the goods sold by other established retailers within vicinity”. The Licensing committee has frequently approved traders who are in direct competition with retailers nearby.</p> <p>There is a case for using streets like High Street and Regent Street for focussed, quality markets that would attract footfall to existing businesses but there seems to be an obsession in approving one-off stalls of lesser quality even when it is directly against the wishes of neighbouring businesses.</p> <p>Under 5. Renewals, it is stated that the council may consult again “if the street trader is a cause for concern or has been the subject of complaints”. Please add to this, words to this effect - “... or where the application was opposed when it was first made”.</p> <p>On the consultation timescale, I would support the proposal to extend the period for consultations from seven to 14 days to allow sufficient time for responses.</p> <p>On the map of the Cambray Zone, there does not seem to be any permission available</p>	<p>See comment above.</p> <p>This was noted in the consultation document under the “Street trading zones and points” section.</p> <p>Comments noted.</p> <p>As regulator, the authority will play is role in determining any applications for markets. It is not with the licensing committee’s function to establish new markets.</p> <p>The proposed wording as suggested by the response will only be relevant if, after a committee decision, there has been a material change that would/could alter the decision made by the committee previously. Officers retain the ability to refer any application to the committee at any time which could alleviate some concerns about this.</p> <p>Comments noted.</p> <p>The locations have been updated as per the revised policy.</p>
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<p>for traders to operate outside Next and the surrounding area. Has this changed from the previous policy?</p>	
<p>Please find as follows Environmental Protection’s comments on the proposed policy:</p> <ol style="list-style-type: none"> 1. We remain supportive of the principles of the policy and welcome the consistency it gives 2. Section 1: purpose – reference to ‘nuisance and annoyance’ – recommend this wording is changed to ‘public or statutory nuisance’, unless licensing are able to regulate against ‘annoyances’? 3. Section 4: the licensing and determination process – from a customer perspective, it may be useful to mention the role of consultees and what they would be commenting on or looking for in an application. 4.1 only states that the licensing committee will assess applications against the council’s criteria for assessment. In systems thinking terms, we are more likely to get ‘clean ‘applications if we set out the requirements of each consultee as well as committee 4. Para 4.2, second bullet point ‘Public Nuisance’ – we would have worded this para differently if it only applied to EP assessment of public nuisance, but we understand this in relation to the licensing committee’s assessment of it? For example – EP would deal with ‘misbehaviour’ as ASB not public nuisance. The other examples of emissions and smells are also more likely to give rise to statutory rather than public nuisance. 5. Para 4.2 Public nuisance – as an applicant or a complainant or Member, it would be useful to know what you mean by ‘a substantial risk of nuisance’ and how the cumulative impact of these applications will be assessed 6. There is no reference to statutory nuisance but this is covered in comment 3 above. Noise from a loudspeaker in a street is more likely to be a stat nuisance than a public nuisance for example. 	<p>No reference to annoyance in section one.</p> <p>These are already outlined 4.2 of the revised policy</p> <p>Comments noted.</p> <p>The individual circumstances will dictate how the application is determined, for example, the nuisance that may result from the proposed trading. Public Protection is a consultee and will have an opportunity to comment on the impact of proposed trading.</p>

<p>7. Para 4.2 third bullet point – public safety – would be useful to expand on what is meant by ‘substantial risk to the public’. If the ‘unhygienic conditions’ is supposed to relate to food safety, -please can you change the wording accordingly. It would be for useful to know how licensing assess this please, or maybe this is something we can work on together.</p>	<p>See comments above. In addition, the policy should avoid statutory duplication and where there is other primary legislation, i.e. food hygiene, this should take precedence. Public Protection are consultees and will have an opportunity to comment on the impact of proposed trading.</p>
<p>8. Para 4.2 last bullet point – environmental credentials – great to see this in the policy as sustainability should be a key consideration of all commercial enterprises/operations – as long as such schemes do not have the potential to give rise to a nuisance. We understand the council does not have a sustainability officer at the moment so it would be good to know who has the expertise to assess against this criteria in the interim. If we can be of help in this respect, do let us know.</p>	<p>It is acknowledged that this proposal requires further work to develop.</p>
<p>9. Section 5, renewals – ‘the council may consult further to determine if the street trader is a cause for concern or has been the subject of complaints’ – for our information, please can you advise who else would be consulted and what, if any, impact this would have on an EP representation</p>	<p>Will be dealt with on a case to case basis. This is not a new provision in the revised policy and no proposal to amend this.</p>
<p>10. Also section 5 – ‘where a renewal application has bene made and: 1) there have been no significant complaints or enforcement issues’ – please expand or define what is meant by ‘significant’ for example do you mean a certain number of complaints or enforcement issues, or substantiated ones or ones that you or LC would consider to be the most serious?</p>	<p>As per the above.</p>
<p>11. Section 7 markets – please be aware that although ‘the council...would be inclined to be supportive of market applications of this type’ – in the world of EP, the usual considerations re nuisance and pollution would still apply</p>	<p>Comments noted.</p>
<p>12. Annex 2 standard conditions – 2.3 – we would prefer this wording please ‘To adequately manage the street trading activity so as not to cause a statutory or public nuisance (from noise, fumes and odour, for example).</p>	<p>Comments noted and policy revised.</p>
<p>13. Annex 2, para 2.13 – please advise who in the council gives this express permission for the use of generators? We note there is reference to fumes and noise in this</p>	<p>Will be determined as part of application determination.</p>

<p>clause, which indicates the ‘permission giver’ would need to liaise with EP.</p> <p>14. Special conditions for ice cream traders – the 1984 CoP was revised in 2013 so these conditions should match the revised CoP please and reference should be to the current version</p> <p>15. Food safety – where the application relates to a food vendor, the Licensing Officer or committee could use the national food hygiene ratings website to ensure a high standard of food hygiene through street trading consents, if this is appropriate. A rating of 3 or above means the business is broadly compliant with food safety and hygiene legislation.</p>	<p>Already makes reference to the Code of Practice on Noise from Ice-Cream Van Chimes Etc. in England 2013.</p> <p>Comments noted.</p>
<p>I have only the following comment to add to the Licensing consultation on Revised Street Trading Policy.</p> <p>“There is reference at 4.1 to the need for a minimum clearance width for pedestrians ‘maintaining a 2m (6 foot) clear footpath’ . In the relatively recent past the Licensing committee has tended to use 1.8M, and this is much nearer to 6 feet than 2M. This difference is not a subtle one, and if the minimum clearance was increase to 2M a lot of locations would become effectively barred to being licensed. In practice 1.8M is generous I think, and more than enough for two mobility scooters or two double buggies to pass with more besides. I propose changing to ‘maintaining a 1.8M (6 foot) clear footpath’ .“ –END</p>	<p>Comments noted and policy revised.</p>

The Flowerman, Cheltenham – formal representation to Cheltenham Borough Council's Street Trading policy review

Dear sir or madam,

I am writing to respond to your current Street Trading Policy consultation. I am the owner of the business known as The Flowerman and trade from two Fixed Pitch town centre sites.

These are both shown in your consultation in **Annex 1, CBC PG T99-2 02 Promenade Zone and CBC PG T99-2 03 High Street Zone.**

I have worked on these stalls for 30years and owned the business since 1996

Owning a professionally run and attractive stall involves often hard, physical manual work and working outside in all weathers; not something all people would enjoy. The fantastic support our stalls have received over the years from members of the public has made it all very worthwhile.

At all times since my involvement with this business, I have prided myself on creating an attractive stall with high quality seasonal flowers, not only for people to buy but also to enjoy as they pass by. It has not always been an easy road however and at times other traders have tried to get our Promenade stall moved.

The locations shown on the map are essential to our takings and the sustainability of our business. We have moved at different times whilst temporary work was being undertaken to the detriment of our takings.

I must stress that not all traders have complained about us. Situated where we are on the Promenade for example, we often get asked for recommendations for businesses, for example coffee shops nearby.

None of the many cafes and restaurants in Regent Street is easily visible from the Promenade; *our stall does not affect this.* When asked we always suggest small local businesses nearby such as The Find which people may not otherwise know about.

As a small business ourselves we seek to actively work with existing traders in a harmonious way to benefit us all. Since the recent licensing applications reviews and renewals I have been working positively with neighbouring business Beard's, who had previously raised concerns about some breaches of our stall during our busiest times.

In February we ran a Valentines promotion jointly with them. We believe this joint working and support is the way all businesses in the town centre can flourish in an otherwise challenging environment for retail.

I also want councillors and licensing officers to understand that running a street stall is not just physically demanding but it is also an investment in a business which takes time and money to build. The Flowerman stalls have grown and improved over the years to respond to the demand for our products.

Any stallholder on a permanent pitch needs to make considerable investment in items such as vehicles, website, staff training etc. and all the behind the scenes equipment needed to deliver a first class business.

Because of this, the locations of our stalls, and subsequent ability to make the business profitable to cover the many costs, is essential. The location and importantly certainty about sites is so important for any street trader looking to invest for the long term; not just to create a sustainable business but also to have a business that is an asset for Cheltenham.

With these points in mind for the future of our business it is very welcome to see in the draft policy at **4.2 Street Trading Points** it says that -

These are special areas identified by the council where existing trading locations have historically existed and deemed to have worked well.

The thousands of people who have signed a petition in favour of our Promenade stall also agree this location works well. This is confirmed in the recent Decision Notice we received which stated at point 4. **The local support for the trading location evidenced through a number of petitions that have generated substantial signatories.**

In regard to 4.3 assessment criteria of the draft Policy, we work very hard to ensure our stalls –

- Complement the needs of the area they are in, as evidenced by the long period of time they have been on these sites and public support for them
- Do not create any public nuisance
- Have no impact on public safety
- Create an attractive floral display at key locations, enhancing public space
- **Environmental**

However, I wish to object to the addition in the assessment criteria – **The council will generally not permit trading units where the unit fully or substantially blocks lines of sight to established retailers in the vicinity.**

In point 5. of our most recent Decision Notice it says {..} **in the Licensing Sub-Committee's view, the stall does not substantially obstruct the lines of sight to either Beards the Jewellers and the Regent Arcade.**

Comments noted. Preventing the obstruction of the streets by street trading activities is an existing policy aim. The revised policy wording has taken learning from issues that has arisen since the last policy review including the revised provision that "The council will generally not permit trading units where the

We do not believe either of our stalls blocks the view to other businesses substantially but it is open to licensing committee members to interpret what is meant by substantially if this is left in the policy. Different interpretations of this as the committee membership changes could undermine the future of the business through no fault of anything we have done.

This is unacceptable when it comes to license renewals but it could make the establishment of any new pitches impossible, as *by their very nature being in the public realm stalls can prevent people stood next to them from viewing what is beyond them*. I urge the council to remove this part of the policy.

As outlined previously there is a considerable investment of both time and money to build up a sustainable street trading pitch. It is unfair for circumstances outside of the control of businesses in our situation to be suddenly introduced as reason to not renew a licence.

I also wish to object to 5. Renewals, 3. of the draft Policy **there has been no significant change to the retail environment in the vicinity of the trading location.**

I am aware of talks to make changes to the public realm in the area of Ormond Place and Regent Street, which I very much welcome. However, our Promenade stall should not be refused a renewal application in the future because of any such changes.

It would be very off-putting to anyone considering investing their time and money developing a popular and attractive street trading business if there is a policy which means it can be taken away at any time *through no fault of the proprietor* in this way.

I draw your attention again to our most recent licence renewal decision Letter –

- at point 2. **The fact that, in the Licensing Sub-Committee's view, there is sufficient egress and ingress access on either side of your stall.**
- at point 3. **The fact that you have been trading in the relevant location for the past 11 years and the number of complaints has been minimal.**
- at point 6. **The existence of the stall positively contributes to the "look and feel" of the Promenade, Ormond Place and Regent Street.**
- at point 7. **Whilst there has been evidence of breaches of the consent, these have been "deminimis" and dealt with at the time of the breach.**
- at point 8. **The fact that the objector submitted verbally that your trading location will not materially affect the commercial operation of their business in any substantial way.**

From these points it is clear that our Promenade stall does not impact the ability of people to walk past, nor does it substantially affect the view to the Regent Arcade or Beard's, any breaches in conditions which have occurred at peak times have had minimal impact and not affected the commercial operation of even the nearest of businesses. In fact the stall positively contributes to the look and feel of the area.

unit fully or substantially blocks lines of sight to established retailers in the vicinity."

The revised wording makes it clear that the test will relate to "fully or substantially" blocking lines of sight. It is not intended that this proposed provision be used either in cases where the committee has deemed existing trader not to be "fully or substantially" (unless there has been a material change) blocking lines of sight or where the blockage is minimal.

The council needs to be mindful of the impact of a developing public realm on its decisions in order to be able to respond in an appropriate manner.

This does not however restrict licence holders rights and the council's obligations to determine applications fairly and to provide reasons for these decisions.