

# Swindon Borough Council

## Licensing Committee

**Tuesday, 7 July 2009**

Committee Room 6, Civic Offices, Swindon (Anticipated meeting room)

**At 6.00 p.m.**

### **Conservative Councillors**

Eric Shaw (Chair)  
Andrew Bennett  
(Vice-Chair)  
Andy Albinson  
Rex Barnett  
Michael Bray  
Doreen Dart  
Michael Dickinson  
Nick Martin  
Kevin Parry  
Vera Tomlinson  
Steve Wakefield

### **Labour Councillors**

Maurice Fanning  
Fay Howard  
Robert Wright

### **Liberal Democrat Councillors**

David Wood

### **Independent Councillors**

**Committee Officer:** Shaun Banks (Telephone: 01793 463606)

[sbanks@swindon.gov.uk](mailto:sbanks@swindon.gov.uk)

Swindon Borough Council, Civic Offices, Euclid Street, Swindon, SN1 2JH  
(Telephone 01793 445500)

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## **AGENDA**

### **1. Apologies for Absence**

### **2. Declarations of Interest**

Members are reminded that at the start of the meeting they should declare any known interests in any matter to be considered, and also during the meeting if it becomes apparent that they have an interest in the matters being discussed.

### **3. Minutes (Pages 1 - 6)**

To receive the minutes of the meeting held on 22<sup>nd</sup> May, 8<sup>th</sup> and 15<sup>th</sup> June 2009.

### **4. Public Question Time**

See explanatory note below. Please phone the Committee Officer whose name and number appears at the top of this agenda if you need further guidance.

### **5. Re-designation of Some Town Centre streets for Street Trading Purposes (Pages 7 - 30)**

6. **Proposals for Reserved Use of Some Town Centre Consent Streets for Street Trading Purposes** (Pages 31 - 42)
7. **Revision of Street Trading Fees in the light of the Re-designation of some Town Centre Streets, for Street Trading Purposes** (Pages 43 - 46)

**Date of Despatch:** 29 June 2009

**Public Question Time** - Swindon Borough Council is committed to increasing its accountability to the public and to promoting active citizenship. Up to 15 minutes will be allowed at the start of all Council meetings for questions to the Chair from members of the public about the work of the Committee (except for confidential matters and specific planning applications). Questions must be relevant, clear and concise. Because of time constraints Public Question Time is not an opportunity to make speeches or statements. Prior notice of a question to the Director of Law and Democratic Services is desirable - particularly if detailed background information is needed.

**Access Arrangements** – The Venue is wheelchair accessible and an infrared receiver hearing system is provided. If you would wish to attend the meeting but have any special requirement to enable you to do so please contact the Committee Clerk above, as soon as possible prior to the date of the meeting.

If you would like to receive any of the pages contained in this agenda in a larger print size please contact the Committee Officer whose name appears on the first page of this agenda.

**LICENSING COMMITTEE**

**FRIDAY, 22 MAY 2009**

PRESENT:- Councillors Eric Shaw (Chair), Andrew Bennett (Vice-Chair), Rex Barnett, Michael Bray, Doreen Dart, Michael Dickinson, Maurice Fanning, Fay Howard, Nick Martin, Kevin Parry, Vera Tomlinson, Steve Wakefield, David Wood and Robert Wright.

**1. Minutes**

Resolved – That the minutes of the meeting held on 20<sup>th</sup> April 2009, be confirmed and signed as a correct record.

**2. Declarations of Interest**

The Chair reminded Members of the need to declare any known interests in any matters to be considered at the meeting. No declarations were made.

**3. Public Question Time**

No public questions were received during the meeting.

**4. Local Government Act 1989 - Section 15: Review of Political Balance Arrangements**

Resolved – That, further to Minute 13(2) of the Council, and having carried out a review under Section 15 of the Local Government and Housing Act 1989 this Committee continue to apply political balance arrangements under the Act.

**5. Appointments of Sub-Committees and Panel**

Resolved – (1) That an Ad Hoc Licensing Sub-Committee be appointed having the functions set out in the document “Swindon Council Constitution 2009/10” and comprising Councillors Andrew Bennett, Mick Bray, Maurice Fanning, Kevin Parry, Eric Shaw, Vera Tomlinson and Bob Wright.

(All Councillors serving on the Licensing Committee be appointed as substitutes to their respective political group.)

(2) That a Licensing Panel be appointed having the functions set out in the document “Swindon Council Constitution 2009/10” and comprising three Councillors to be drawn from Members of this Committee.

(3) That a Private Hire/Hackney Carriage Licensing Sub-Committee be appointed having the functions set out in the document “Swindon Council Constitution 2009/10” and comprising Councillors Andy Albinson, Andrew Bennett, Michael Dickinson, Maurice Fanning, Fay Howard, Kevin Parry and Eric Shaw.

(All Councillors serving on the Licensing Committee be appointed as substitutes to their respective political group.)

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## **LICENSING COMMITTEE**

**MONDAY, 8 JUNE 2009**

PRESENT:- Councillors Eric Shaw (Chair), Rex Barnett, Michael Bray, Doreen Dart, Michael Dickinson, Maurice Fanning, Fay Howard, Nick Martin, Kevin Parry, Vera Tomlinson, Steve Wakefield, David Wood and Robert Wright.

Apologies for absence were received from Councillors Andrew Bennett (Vice-Chair) and Andy Albinson.

### **6. Declarations of Interest**

The Chair reminded Members of the need to declare any known interests in any matters to be considered at the meeting. No declarations were made.

### **7. Public Question Time**

### **8. Revision of Street Trading Fees in the light of the Re-designation of some Town Centre Streets, for Street Trading Purposes**

The Committee considered a report of the Council's Licensing Manager setting out proposed modifications to the fee structure for street trading in the light of recent changes to the designation of some streets in the town centre for the purpose of street trading.

Resolved – (1) That consideration of the report be deferred pending a Member Briefing Meeting from InSwindon and the New Swindon Company on issues raised by Members relating to street trading.

(2) That, further to (1) above, the current fee structure applicable for street trading in the town centre remain in force until amended by this Committee.

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## **LICENSING COMMITTEE**

**MONDAY, 15 JUNE 2009**

PRESENT:- Councillors Eric Shaw (Chair), Andrew Bennett (Vice-Chair), Andy Albinson, Rex Barnett, Michael Bray, Michael Dickinson, Maurice Fanning, Fay Howard, Kevin Parry, Steve Wakefield, David Wood and Robert Wright.

Apologies for absence were received from Councillors Doreen Dart and Vera Tomlinson.

### **9. Declarations of Interest**

The Chair reminded Members of the need to declare any known interests in any matters to be considered at the meeting. No declarations were made.

### **10. Public Question Time**

The Chair reminded Members of the need to declare any known interests in any matters to be considered at the meeting. No declarations were made.

### **11. Re-designation of Some Town Centre streets for Street Trading Purposes**

Consideration of this item was deferred pending a Member Briefing Meeting from InSwindon and the New Swindon Company on issues raised by Members.

### **12. Proposals for Reserved Use of Some Town Centre Consent Streets for Street Trading Purposes**

Consideration of this item was deferred pending a Member Briefing Meeting from InSwindon and the New Swindon Company on issues raised by Members.

### **13. Proposed Designated Public Place (alcohol restriction) Scheme to Cover Public Land at Faringdon Road Park**

The Committee considered (a) a report of the Council's Head of Licensing setting out comments received regarding the proposed Designated Public Place Order covering land at Faringdon Road and the surrounding area, as set out in the map appended to the report, and (b) a letter from the Landlady of the Bakers Arms, Emlyn Square regarding the potential effects of any Designated Public Place Order.

Resolved – (1) That Council be recommended to approve the creation of a Designated Public Place Order covering land at Faringdon Road and the surrounding area, as shown in Appendix 2 to the report.

(2) That, subject to the concurrence of the Council to (1) above, the Designated Public Place Order commence on 1<sup>st</sup> August 2009.

### **14. Special Conditions to Sell Dogs from a Pet Shop**

The Council's Head of Licensing submitted a report concerning proposed conditions for inclusion in any authorisation to sell dogs under a pet shop licence.

Resolved – That, the conditions appended to these minutes, as amended by Members, be approved as default conditions for all sales of dogs under a pet shop licence authorised by this Authority.



**Re-designation of some town centre streets, for street trading purposes**

**Licensing Committee**

**Date: 7 July 2009**

**Author: Head of Licensing**

**Wards Affected: Central and Eastcott**

**Purpose**

- To recommend changing the designation of some town centre streets from consent to prohibited status, for the purpose of street trading.

**Recommendation**

Licensing Committee is asked : -

- To resolve that a policy resolution is put to full Council, as follows ~

“That the streets in the Borough of Swindon listed below, currently designated as Consent streets shall be given a new designation as Prohibited streets, that is streets where street trading is prohibited.

**New Prohibited Streets**

Canal Walk, The Parade, all of Regent Street, Regent Circus, Edgeware Road, Bridge Street from the junction with Canal Walk down as far as the junction with Fleet Street. The changes in designation will come into effect on 1<sup>st</sup> November 2009 [or such later date as the Council shall determine], being a date after the expiration of one month, beginning with the day after this resolution was passed”

**1. Reasons**

- 1.1 This resolution follows the decision to consult on the proposal, agreed by Licensing Committee on 26 February 2009.

**2. Detail**

- 2.1 Licensing Committee decided on 26 February 2009 to consult on two proposals for changing the designation of town centre streets. The first of those was to create new consent streets in a ring around the core town centre shopping area. The second was to convert some existing consent streets to prohibited streets. This report is about the second of these proposals. The new consent streets came into being on 9 June 2009.
- 2.2 The draft resolution set out above has been published in a local newspaper and the statutory consultation period has expired. Established town centre traders were advised in writing of both proposals originally and some have responded. Further letters have advised them that this meeting is taking place.

Further information on the subject of this report can be obtained from Lionel Starling on 01793 466118 or e-mail [lstarling@swindon.gov.uk](mailto:lstarling@swindon.gov.uk).

## **Re-designation of some town centre streets, for street trading purposes**

**Licensing Committee**

**Date: 7 July 2009**

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- 2.3 The comments from traders refer both to the creation of new consent streets and to the re-designation of some consent streets as prohibited streets but their comments relate primarily to the content of this report.
- 2.4 Comments from Mr & Mrs Carchedi are attached as Appendix Two.
- 2.5 Comments from Mr P Bretti are attached as Appendix Three.
- 2.6 Comments from Mr & Mrs B Mazzotta are attached as Appendix Four.
- 2.7 The essence of the traders' opposition to the removal of existing consent streets is that they offer the best commercial prospects. Locations with the highest footfall will almost always be favoured from a narrow commercial viewpoint. Unfortunately that is where street trading is likely to be most intrusive, precisely because those are busy areas, surrounded by shops.
- 2.8 The views of the New Swindon Company and of CIT plc (owner of the Brunel Shopping Centre) have also been sought.
- 2.9 CIT plc have responded, expressing themselves in support of the proposals but emphasising that the presentation of stalls is an especially important matter. Their letter is attached as Appendix Five.
- 2.10 The New Swindon Company has responded, expressing support for the proposals contained in this report. Their letter is attached as Appendix Six.
- 2.11 The history of street trading in the town centre has a bearing on this decision. For many years, there was a ban on street trading in the central pedestrianised area. The flower seller outside McIlroys in Regent Street and the toilet roll seller who appeared periodically at the crossroads may be remembered. They were illegal traders.
- 2.12 Pressures on this long-standing restriction mounted when ice cream and burger van traders began to challenge it by parking in side streets next to the pedestrianised area. They were continually moved by the police but drove round the block and started trading again. That placed a substantial enforcement burden on the police and in response, it was resolved in 1998 to open up the pedestrianised area to street trading, including trading in ice cream and fast food. Street trading in that area is therefore a comparatively recent phenomenon and was not permitted in pursuance of any strategic objective.
- 2.13 What is proposed is to a large extent a return to the pre-1998 situation. With the advent of decriminalised parking controls, similar challenges from illegal traders would be much easier to deal with today.

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Further information on the subject of this report can be obtained from Lionel Starling on 01793 466118 or e-mail [lstarling@swindon.gov.uk](mailto:lstarling@swindon.gov.uk).

## **Re-designation of some town centre streets, for street trading purposes**

**Licensing Committee**

**Date: 7 July 2009**

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- 2.14 If the resolution is adopted and is ratified by full Council, it is proposed that the change should come into effect on 1<sup>st</sup> November 2009. A further two public notices would be required to be published in advance of that date, in a local newspaper, advising of the impact of the resolution.
- 2.15 The effect of adopting this resolution would be to deny street trading at their existing pitches to several established traders. Those annual traders affected would be the fast food operator in Edgeware Road (Mr P Bretti), the flower seller in Edgeware Road (Mr P Jones), the flower seller at The Parade (Mr A Howes) and the doughnut seller at The Parade (Mr B Mazzotta).
- 2.16 There are in addition two seasonal traders who have consents which expire on 31<sup>st</sup> October 2009. They are the ice cream traders in The Parade (Mr M Bretti) and in Regent Street (Mrs B Mazzotta). The certain effect on them would be that they would not be invited to apply for the same pitches in 2010 and beyond. That consideration is however substantially diluted by the fact that the EU Services Directive takes effect before the 2010 season and seems to decree that consents (which are not renewable) cannot be preferentially offered to incumbent traders but must instead be opened up to competition (randomly chosen from those meeting the standard, not determined by a bidding process). This is a major departure from the status quo and is set to alter current practices radically, irrespective of any Council policy.
- 2.17 Even if the existing prime town centre pitches were allowed to remain, competition would likely be vigorous and there is no certainty that any established trader would have any of the existing pitches (let alone their habitual pitch) allocated to them in 2010.
- 2.18 It should be noted that while Mr Bretti has the benefit of an open ended planning permission, Mrs Mazzotta's planning permission expires on 31<sup>st</sup> October 2009. Without renewal of that consent, it would not be open to her – or anybody else - to make a further application for street trading at that pitch.
- 2.19 During the course of this year, it is still open to the Council to give some priority to existing traders, when allocating trading pitches in the newly created consent streets. There is no statutory obligation to do so and the balance is between any perceived moral obligation and the argument that we should adopt the spirit of the new Directive, before it becomes law.
- 2.20 Designating prohibited streets has no impact on businesses which are operated by fixed kiosks, neither does it have any effect on shops which use their frontages to trade, provided that the business on the frontage or pavement is the same as the one operated from the shop.

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Further information on the subject of this report can be obtained from Lionel Starling on 01793 466118 or e-mail [lstarling@swindon.gov.uk](mailto:lstarling@swindon.gov.uk).

## Re-designation of some town centre streets, for street trading purposes

Licensing Committee

Date: 7 July 2009

- 2.21 Funfair rides, leafleting and the promotion of services such as energy and satellite TV are similarly unaffected either way by the designation of a street for street trading purposes.

### Risk Management

#### *Financial and Procurement Implications*

The immediate cost arising is that of placing two public advertisements in a newspaper, if a resolution is carried, to notify the re-designation of town centre streets, for street trading purposes. A figure of £400 should be set aside for that, which will be taken from an existing budget for such purposes. In the course of a full year, the consent fees associated with the four annual pitches and the one seasonal pitch which would be removed by this process amount to a total of £21,467. Take up of pitches created in the newly created consent streets, either by displaced traders or by new traders can be expected to balance that to some degree but it is not possible at this stage to say to what extent those opportunities will be taken up.

For 2009/10 it is anticipated that any shortfall in net income which might result from this move will be managed within the framework of the existing Licensing budget.

*Legal / Human Rights Implications* All of the participants in any given context have human rights. Some of those are absolute, as in the right to life but more generally rights have to be balanced, one against the other. Traders have a right to be consulted about changes which affect them and a right to protection against arbitrary interference with their business. They do not have a right to trade in perpetuity, since that would negate the right of the Council to make appropriate strategic decisions on behalf of the wider community or residents and businesses.

#### *Links to Corporate Plans and Policies (in particular to Swindon 2010 Promises)*

This proposal relates to the 2010 Promise 35 that we will take all necessary steps to secure the regeneration of the town centre.

### Consultees

- Consultees. Existing street traders were consulted and a public notice was published in a local newspaper.

### Background Papers and Appendices

- Appendix One. Prohibited streets as proposed (New Bridge Square and Wharf Green are unaffected by this proposal and it is intended that they should continue as consent streets).

Further information on the subject of this report can be obtained from Lionel Starling on 01793 466118 or e-mail [lstarling@swindon.gov.uk](mailto:lstarling@swindon.gov.uk).

## **Re-designation of some town centre streets, for street trading purposes**

**Licensing Committee**

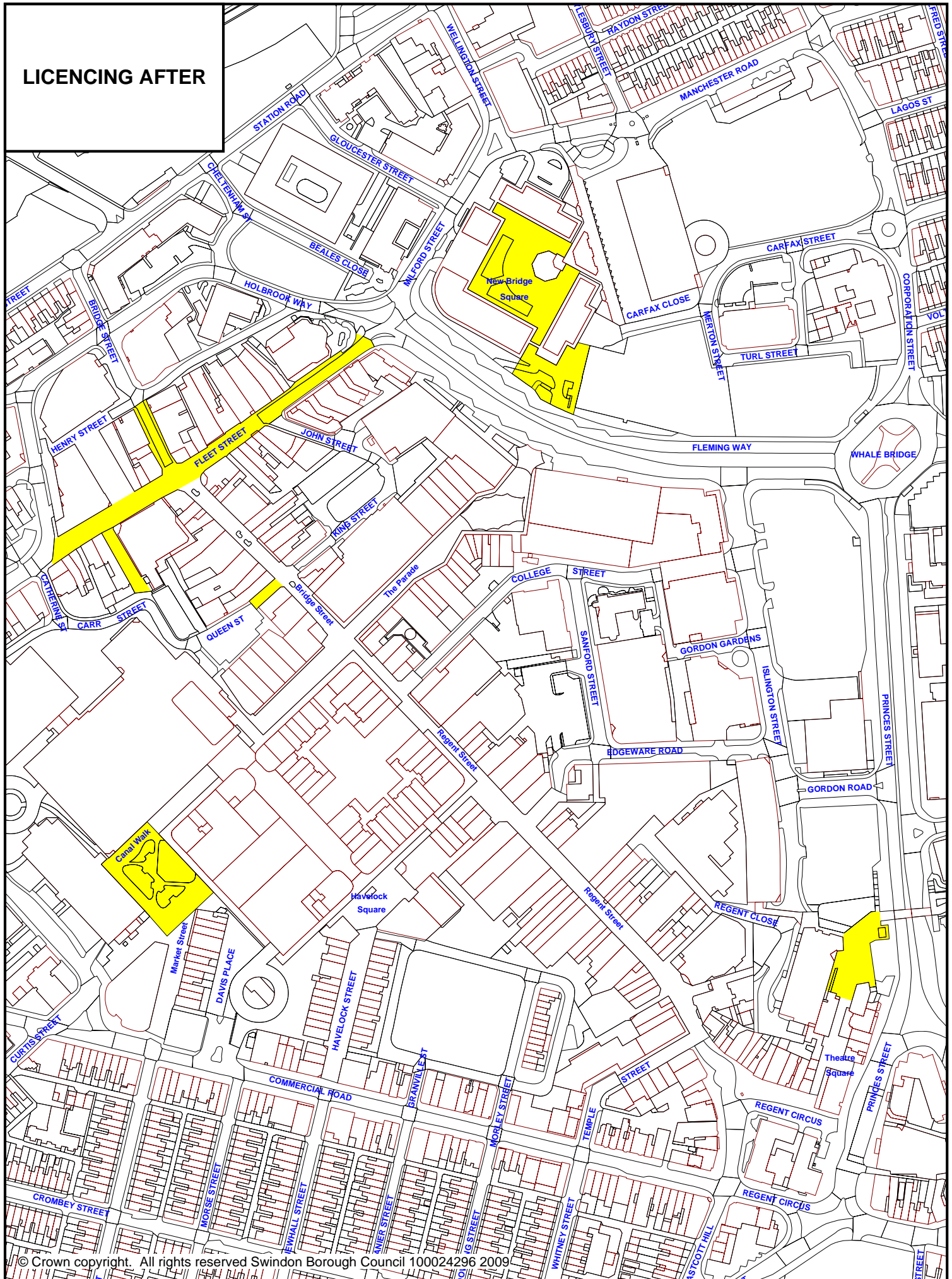
**Date: 7 July 2009**

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- Appendix Two. Comments from Mr & Mrs Carchedi.
- Appendix Three. Comments from Mr & Mrs Bretti.
- Appendix Four. Comments from Mr & Mrs B Mazzotta.
- Appendix Five. Comments from CIT plc
- Appendix Six. Comments from New Swindon Company.

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## LICENCING AFTER



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Mr L Starling  
Swindon Borough Council  
Premier House  
Station Road  
Swindon  
SN1 1TZ

Swindon  
Wilts

1/04/09

Re: Street Trading in Swindon Town Centre

1<sup>st</sup> April 2009

Dear Mr Starling,

Thank you for your letter dated 3/03/09 regarding the above.

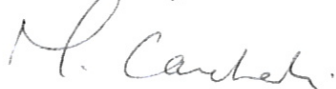
As a trader for the past 11 years in the town centre, I would like to have the following comments put to the committee;

1. The new pitches that will be available to Street Traders are not the most sufficient. There is a lack of public interest in these areas. How are we supposed to sell our products if we are out of sight?
2. Most of the Cafes in the town centre cannot cater for women with pushchairs, workmen, or the disabled. Being a Street Trader gives us the advantage to cater for these groups of people. We provide a quick and friendly service to all of our consumers.

As a Street Trader I would like the above comments put to the committee. I feel we should all work together to establish appropriate pitches for street traders.

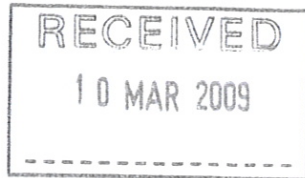
I look forward to your response

Yours faithfully,



Mrs. M. Carchedi

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Rodbourne Cheney,  
Swindon  
Wilts

Tel No

08 March 2009

Dear Mr Starling

**Re- Street Trading Policy, ongoing changes**

Regarding your recent letter dated 03 March 2009. We would like to thank you for inviting us to comment on the ongoing changes that may possibly occur later this year. We are not quite sure what is being suggested by the statement "Street Trading policy points in a different direction from planning policy, and the regeneration strategy" as it appears from meetings that we have attended that there is at present no clear and definitive objective that points a way forward whereby people won't be losing their livelihoods for the sake of an ambition that may or may not be realised. We believe that trading sites, should only be closed when regeneration actually is about to begin in those areas. It is simply unfair just to prohibit areas, for absolutely no valid reason and no indication of when any work will proceed.

I really don't feel that Swindon Street Traders deserve the same fate as those traders who were unscrupulously discharged from their trading sites in the tented market, and thereafter having the stress of having to re-establish their business's elsewhere, only to be invited back two years later, as all plans fell by the wayside leaving a redundant site, and many people angry and perplexed. With that in mind I hope every one who is involved in this policy making considers that we are in times when we should be creating jobs, not taking them away from people when it is not necessary, our business does well, so we are

obviously meeting a need that Swindon people want. Otherwise our business would have gone under. The government states that small businesses should be supported, does that not apply in Swindon.

Every time we get one of these letters we feel that there is a hidden agenda that creates uncertainty. We don't feel that you can use the word "fair", when in your letter you state that it is your intention too prohibit Street Trading in Edgeware Road. As you are well aware we conduct our business from this site, and we have only been informed of this as from the 03 March 2009. There has never been any complaint regarding our unit trading from Edgeware Road, there is no planned immediate development, and it has planning etc, need I continue. I must only assume that the reason again for this new development is due to the hypothesis that some day in years to come re-development may start in this area. Stating that these particular areas are just being prohibited, yet no other plans and no reasons why have been divulged that bear any certainty, we feel is unacceptable. We have spent a lot of time and money building up a business here that Swindon Town Council wanted and encouraged.

You also state in your letter that not all traders will be allocated new pitches, and further to that the new pitches will involve Street Traders being sent off to remote areas on the outskirts of the town, with very little foot flow, and no discussions on regeneration of these areas. I think that speaks for itself really.

We feel that change is inevitable, and we are more than happy to work alongside the council, but respect works both ways, at this present moment we are constantly receiving letters whereby goal posts are being changed, and nobody appears to be stating when this regeneration will be taking place and in what parts of the Town it will be occurring. It is our opinion that these policies should not be cast in stone, because it appears that every time a direction is stated, the consequences are revealed whereby Street Traders always lose out. I am really disappointed in Swindon Town Council, we have always had very good working relationships with all involved in the 12 years that we have traded, it is very difficult to stay positive and optimistic, when we really don't appear to be making ourselves heard. These are very difficult times already, and we feel that the promises

made regarding the kiosks and supporting us move onwards with our business do not seem to be in the plans regarding regeneration of this Town.

We do not agree with this proposal, and we feel that to ask us for our thoughts regarding your proposal too close Edgeware Road is extremely insensitive. We are very concerned with our futures being left in the hands of people who are not looking at the bigger picture, or considering the facts that we personally will be left with no way to support our family or pay our bills if we loose our site. We also feel that the people involved in this regeneration need to make clear their objectives, when and where the development without any doubt will proceed.

Yours Sincerely

Mr & Mrs Brett.

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Biage mazzotta

Swindon

20/03/09

To Lionel starling

Thank you for your latter dated 3 March

Can you please add this letter to your report with my other letter I wrote to you on the 2 March, which I am sending to you again?

Firstly I would like to say I was given my new pitch to trade from the parade back in February it has not even been 1 month and already you have started to move the goal post.

If as the council say they are going to invite new traders to move into the town why are you making it so difficult for existing traders?

We need to be in the centre of the town to be able to survive

By putting street trading in the street you say is unfair as there is no passing trade in Fleet Street we need passing trade.

Who is it that allowed all the pups in the bottom of the town to make it deserted?

Putting street traders there would not change anything. People have nothing to go down there for. All you see is pubs even the shops that were down there have moved to different locations.

Kind regards

Biage Mazzotta

Cc Robert Wright  
Anne Snelgrove  
Eric Shaw  
Shaun banks

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Barbara Mazzotta

Swindon  
Wilts

20/03/09

Dear Lionel starling

Thank you for your letter dated 3 March

I have tried on many occasions to ring you even leaving a message on your answering machine but you still haven't got back to me.

You say you had another meeting on the 26<sup>th</sup> February about street trading you have invited me for my comments on the proposed changes

These are my comments and I would like them to be added to the report.

I have been trading in regent street now for nearly 6 years without any problems ice cream is a seasonal trading and I don't understand why it has to be such a problem that you need to make these changes in regent street. There is no noise and I am not in anybody's way I have also paid over £3,000.00 to have an electric supply put in so I could run my ice cream machine without having to use a generator. as in Swindon (town centre management ) would not provide me electric from a lamp post only after I paid this money did they allow other traders including the fair people and the market traders to do so.

You say street trading might disappear if nothing is done to us it seams that the council is trying its hardest to have street trading removed or they wouldn't keep putting obstacles in front of us.

You also say that street trading is in areas where there are rows of shops and bustling crowds. How can the council expect a street trader to survive if they are not in the middle of a crowd? we need passing trade if we are to survive. If their are no crowds we are not going to sell anything its no point-putting traders where there is no passing trade.

Kind regards

Barbara Mazzotta

Cc Robert Wright  
Anne snelgrove  
Eric Shaw  
Shaun banks

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B mazzotta

Swindon  
Wilts  
2/06.09

To Lionel starling

Thank you for your letter dated 28<sup>th</sup> may

I hope that you have added mine and Barbara's letters, which I sent you on the 20/03/09 into the committee for this meeting.

You say in your letter that the new Swindon company and CIT have written in approving this scheme what has it got to do with them the streets are council owned and run by the council.

Why is it that you don't have a meeting with the committee yourself and with all street traders so we can discuss this. You don't really seem to care about what we have to say?

You are trying to put us somewhere where there is no passing trade so that we all go out of business you wouldn't put the French German or Italian markets there when they come to town you give them the prime spots so why put us there.

We pay our council tax to you not them, you allow them to come in the best time of the year and are allowed to sell anything they like.

It is a known fact that the redevelopment is not now happening and if it is, it won't be for a long time yet so why can't you leave us alone to try and earn an honest living and not put us out of work at this time when so many people are losing their jobs

All we ask is that you leave us alone until that time comes

What is the point of upsetting every one? If there has to be any repairs done in the parade I will move back to Havelock Square until it is done then go back to the parade when the work is complete

As you know Barbara has paid a lot of money to have an electric supply put in Regent Street for her ice cream trailer as the council would not supply it, yet they allow the fairs and markets to use their electric from the posts where you have written to me telling me that this is illegal

It seems to me that you have already made up your mind whatever we say doesn't even count.

You say you don't want to end street trading but it seems that this is what you are trying to do.

Regards  
Biage and Barbara mazzotta

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22 MAY 2009

Mr Lionel Starling  
Head of Licensing  
Swindon Borough Council  
Environment, Regeneration & Community  
Premier House  
Station Road  
Swindon  
SN1 1TZ

Our ref: Street Trading/PJ/sl

21<sup>st</sup> May 2009

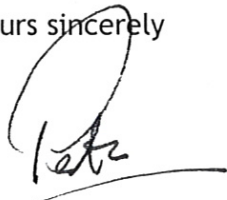
Dear Lionel

**RE: STREET TRADING POLICY**

Thank you for your letter of 28<sup>th</sup> April. Your proposals are now beginning to make real progress, the sooner the definition of the streets is agreed the better for the town. We confirm our support for the Consent Streets as stipulated in the Resolution and also for the potential adoption of Prohibition Streets in The Parade, Canal Walk, Regent Street and the bulk of Bridge Street. Wharf Green should be the main area for markets and the like.

There have been a number of objections to the street traders and they are dissuading some people from coming to the town centre. In current times this is the worst thing that can happen and we need to improve the feel good factor and arrest the diminishing numbers coming to the town centre. The refurbishment of Canal Walk, Regent Street and The Parade to the same or better standard as Wharf Green is important. Control of street trading is essential to the long term improvement of these public areas and also to the reputation of the town centre.

Yours sincerely



**Peter James**  
Chief Executive

e-mail: [pjames@newswindon.co.uk](mailto:pjames@newswindon.co.uk)  
telephone: 01793 429250

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Fax: 01793 619299  
[www.newswindon.co.uk](http://www.newswindon.co.uk)

Registered Office as above  
Incorporation No.: 4509901

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POST ROOM

13 MAY 2009

Lionel Starling  
Head of Licensing  
Swindon Borough Council  
Premier House  
Station Road  
Swindon, SN1 1TZ

9<sup>th</sup> May 2009

Dear Lionel

**Re: Swindon – Street Trading Policy**

Many thanks for your letter of 23<sup>rd</sup> April which we have considered.

I would advise that we are supportive of the principles of the revised proposals that you outline, subject to strict control over the permitted uses, and more importantly, presentation of the individual operations permitted onto the licensed sites. I say this particularly with regard to Wharf Green, given that the area is recently refurbished and it's close proximity to House of Fraser and other prime stores.

Yours sincerely

Howard Grace  
Director – Retail Asset Management

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**Report concerning proposals for reserved use of some town centre consent streets, for street trading purposes**

**Licensing Committee**

**Date: 7 July 2009**

**Author: Head of Licensing**

**Wards Affected: Central and Eastcott**

**Purpose**

- To recommend a modification of the policy for street trading in the town centre, to limit the scope of authorised street trading uses in some areas.

**Recommendation**

Licensing Committee is asked : -

- To resolve that Wharf Green is reserved for a 'farmers' markets' (stalls directly linked to regional growers and producers, to distribute their farm produce); b. 'continental markets (travelling markets which act as outlets for products characteristic of a particular country and sourced there); c. stalls of whatever description which are present as part of an event (e.g. the Christmas lights switch on or Wimbledon fortnight).
- To resolve that those parts of the existing street trading policy which seek to restrict fast food /hot food businesses in the town centre should be set aside in the case of the old post office site at Fleming Way.

**1. Reasons**

- 1.1 The existing street trading policy makes specific mention of the town centre but was agreed at a time when consent streets were concentrated in a very small area, with little differentiation. The new and emerging pattern of consent streets includes a more diverse range of locations, each with a different character. Rather than having a uniform 'town centre policy' it makes sense to refine the policy so that it reflects some of those differences.

**2. Detail**

- 2.1 New consent streets came into being on 9 June 2009 and since the existing street trading policy refers generically to the 'town centre' those areas are at the moment still subject to those parts of the policy.
- 2.2 There are two town centre consent streets which have distinct features and which merit their own particular use policy. These are Wharf Green and Fleming Way.

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Further information on the subject of this report can be obtained from Lionel Starling on 01793 466118 or e-mail [lstarling@swindon.gov.uk](mailto:lstarling@swindon.gov.uk).

## **Report concerning proposals for reserved use of some town centre consent streets, for street trading purposes**

**Licensing Committee**

**Date: 7 July 2009**

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- 2.3 Setting aside town and city centre sites for particular purposes is common practice. Gloucester and Oxford specify particular uses for city centre trading pitches.
- 2.4 Planning permission is needed before an application for street trading can be made. For an applicant, this means a non-refundable outlay of around £400. It is undesirable that a trader should make such a financial commitment, if they are unlikely to obtain a street trading consent for their particular proposal. Any location specific considerations should be made explicit.
- 2.5 Wharf Green has been substantially remodelled, at a cost of £2.5 million. It received a Green Flag commendation for environmental improvement. It functions as something of a show-case for Swindon and in Swindon are the first point of contact with the invited commercial users. A formalisation of the street trading policy for Wharf Green would bring that policy into line with the expectations for the use of that space.
- 2.6 The land in front of the old post office site in Fleming Way adjoins an area which has been cleared in anticipation of major redevelopment works. It enjoys a temporary 'vacant' status and does not suffer from conflicts of use. Short-term use of that space is desirable and street trading could fill that void. The only other development in the vicinity is the Tri-Centre. Fast food trading may not be the ideal use for the site but the area has been plagued by drug dealers and street drinkers in the past and a strategically located fast food van could help to prevent their return. There are good reasons for rejecting hot food trading in the core of the town centre but this location offers a possible alternative location for use of that kind.
- 2.7 Street trading consents cannot be issued for more than twelve months at a time, so flexibility can be maintained, in the light of any development plans.
- 2.8 The UK draft regulations for the implementation of the EU Services Directive set out the considerations which can be applied when deciding which of potential traders should be allocated a consent. The Act regulating street trading is cast in very general terms and gives local authorities a wide discretion. For the first time, the Services Regulations will give some statutory shape to the exercise of that discretion.
- 2.9 When deciding which applicant should be granted a consent, a local authority can take into account a). considerations of public health, b). social policy objectives, c). the health and safety of employees or self-employed persons, d). the protection of the environment, e). the preservation of cultural heritage, f). other overriding reasons relating to the public interest.
- 2.10 The limitations proposed above are compatible with these principles.

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Further information on the subject of this report can be obtained from Lionel Starling on 01793 466118 or e-mail [lstarling@swindon.gov.uk](mailto:lstarling@swindon.gov.uk).

## **Report concerning proposals for reserved use of some town centre consent streets, for street trading purposes**

**Licensing Committee**

**Date: 7 July 2009**

2.11 No specific policy changes are proposed for Fleet Street, Queen Street, the alley alongside the Mailcoach, Fleming Way, Theatre Square, the section of Bridge Street alongside Walkabout or for New Bridge Square.

2.12 All existing town centre street traders have been consulted on the proposals set out in this report.

### **Risk Management**

#### *Financial and Procurement Implications*

The immediate cost arising is that of placing two public advertisements in a newspaper, if a resolution is carried, to notify the re-designation of town centre streets, for street trading purposes. A figure of £400 should be set aside for that, which will be taken from an existing budget for such purposes. In the course of a full year, the consent fees associated with the four annual pitches and the one seasonal pitch which would be removed by this process amount to a total of £21,467. Take up of pitches created in the newly created consent streets, either by displaced traders or by new traders can be expected to balance that to some degree but it is not possible at this stage to say to what extent those opportunities will be taken up.

*Legal / Human Rights Implications* All of the participants in any given context have human rights. Some of those are absolute, as in the right to life but more generally rights have to be balanced, one against the other. Traders have a right to be consulted about changes which affect them and a right to protection against arbitrary interference with their business. They do not have a right to trade in perpetuity, since that would negate the right of the Council to make appropriate strategic decisions on behalf of the wider community or residents and businesses.

#### *Links to Corporate Plans and Policies (in particular to Swindon 2010 Promises)*

This proposal relates to the 2010 Promise 35 that we will take all necessary steps to secure the regeneration of the town centre.

### **Consultees**

- Consultees. Existing street traders were consulted and a public notice was published in a local newspaper.

### **Background Papers and Appendices**

- Appendix One. Prohibited streets as proposed (New Bridge Square and Wharf Green are unaffected by this proposal and it is intended that they should continue as consent streets).
- Appendix Two. Comments from Mr & Mrs Carchedi.

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Further information on the subject of this report can be obtained from Lionel Starling on 01793 466118 or e-mail [lstarling@swindon.gov.uk](mailto:lstarling@swindon.gov.uk).

**Report concerning proposals for reserved use of some town  
centre consent streets, for street trading purposes**

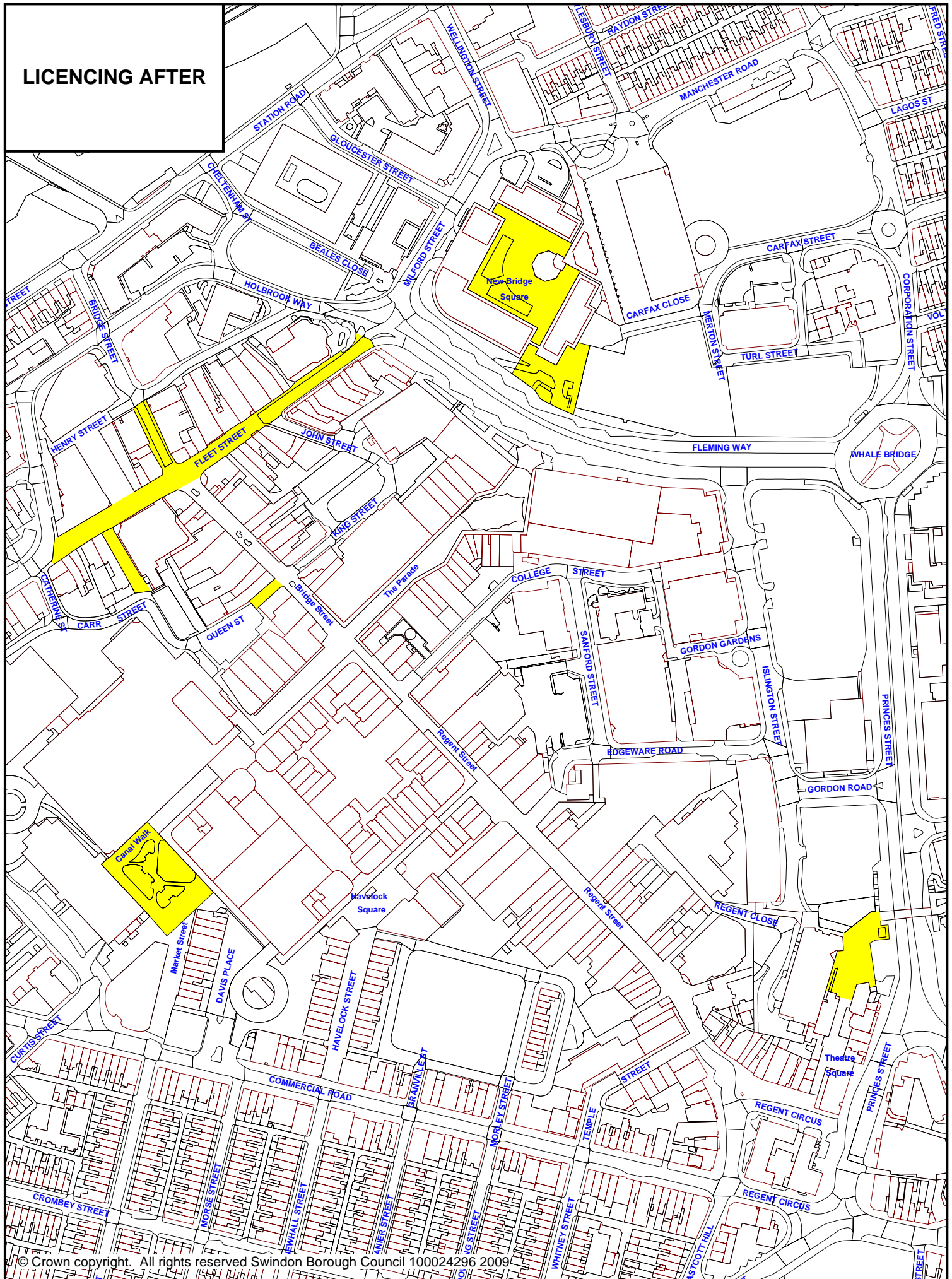
**Licensing Committee**

**Date: 7 July 2009**

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- Appendix Three. Comments from Mr & Mrs Brett.

## LICENCING AFTER



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Mr L Starling  
Swindon Borough Council  
Premier House  
Station Road  
Swindon  
SN1 1TZ

Swindon  
Wilts

1/04/09

Re: Street Trading in Swindon Town Centre

1<sup>st</sup> April 2009

Dear Mr Starling,

Thank you for your letter dated 3/03/09 regarding the above.

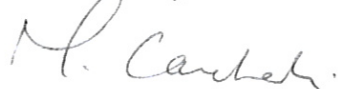
As a trader for the past 11 years in the town centre, I would like to have the following comments put to the committee;

1. The new pitches that will be available to Street Traders are not the most sufficient. There is a lack of public interest in these areas. How are we supposed to sell our products if we are out of sight?
2. Most of the Cafes in the town centre cannot cater for women with pushchairs, workmen, or the disabled. Being a Street Trader gives us the advantage to cater for these groups of people. We provide a quick and friendly service to all of our consumers.

As a Street Trader I would like the above comments put to the committee. I feel we should all work together to establish appropriate pitches for street traders.

I look forward to your response

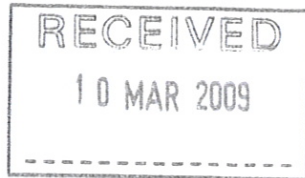
Yours faithfully,



Mrs. M. Carchedi

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Rodbourne Cheney,  
Swindon  
Wilts

Tel No

08 March 2009

Dear Mr Starling

**Re- Street Trading Policy, ongoing changes**

Regarding your recent letter dated 03 March 2009. We would like to thank you for inviting us to comment on the ongoing changes that may possibly occur later this year. We are not quite sure what is being suggested by the statement "Street Trading policy points in a different direction from planning policy, and the regeneration strategy" as it appears from meetings that we have attended that there is at present no clear and definitive objective that points a way forward whereby people won't be losing their livelihoods for the sake of an ambition that may or may not be realised. We believe that trading sites, should only be closed when regeneration actually is about to begin in those areas. It is simply unfair just to prohibit areas, for absolutely no valid reason and no indication of when any work will proceed.

I really don't feel that Swindon Street Traders deserve the same fate as those traders who were unscrupulously discharged from their trading sites in the tented market, and thereafter having the stress of having to re-establish their business's elsewhere, only to be invited back two years later, as all plans fell by the wayside leaving a redundant site, and many people angry and perplexed. With that in mind I hope every one who is involved in this policy making considers that we are in times when we should be creating jobs, not taking them away from people when it is not necessary, our business does well, so we are

obviously meeting a need that Swindon people want. Otherwise our business would have gone under. The government states that small businesses should be supported, does that not apply in Swindon.

Every time we get one of these letters we feel that there is a hidden agenda that creates uncertainty. We don't feel that you can use the word "fair", when in your letter you state that it is your intention too prohibit Street Trading in Edgeware Road. As you are well aware we conduct our business from this site, and we have only been informed of this as from the 03 March 2009. There has never been any complaint regarding our unit trading from Edgeware Road, there is no planned immediate development, and it has planning etc, need I continue. I must only assume that the reason again for this new development is due to the hypothesis that some day in years to come re-development may start in this area. Stating that these particular areas are just being prohibited, yet no other plans and no reasons why have been divulged that bear any certainty, we feel is unacceptable. We have spent a lot of time and money building up a business here that Swindon Town Council wanted and encouraged.

You also state in your letter that not all traders will be allocated new pitches, and further to that the new pitches will involve Street Traders being sent off to remote areas on the outskirts of the town, with very little foot flow, and no discussions on regeneration of these areas. I think that speaks for itself really.

We feel that change is inevitable, and we are more than happy to work alongside the council, but respect works both ways, at this present moment we are constantly receiving letters whereby goal posts are being changed, and nobody appears to be stating when this regeneration will be taking place and in what parts of the Town it will be occurring. It is our opinion that these policies should not be cast in stone, because it appears that every time a direction is stated, the consequences are revealed whereby Street Traders always loose out. I am really disappointed In Swindon Town Council, we have always had very good working relationships with all involved in the 12 years that we have traded, it is very difficult to stay positive and optimistic, when we really don't appear to be making ourselves heard. These are very difficult times already, and we feel that the promises

made regarding the kiosks and supporting us move onwards with our business do not seem to be in the plans regarding regeneration of this Town.

We do not agree with this proposal, and we feel that to ask us for our thoughts regarding your proposal too close Edgeware Road is extremely insensitive. We are very concerned with our futures being left in the hands of people who are not looking at the bigger picture, or considering the facts that we personally will be left with no way to support our family or pay our bills if we loose our site. We also feel that the people involved in this regeneration need to make clear their objectives, when and where the development without any doubt will proceed.

Yours Sincerely

Mr & Mrs Brett.

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**Revision street trading fees in the light of the re-designation of some town centre streets, for street trading purposes**

**Licensing Committee**

**Date: 7 July 2009**

**Author: Head of Licensing**

**Wards Affected: All**

**Purpose**

- To recommend modifications to the fees charged for street trading, in the light of recent changes in the designation of some town centre streets, for the purpose of street trading.

**Recommendation**

Licensing Committee is asked : -

- To resolve that the fee changes as set out in Appendix One are put as a recommendation to full Council.

**1. Reasons**

- 1.1 This resolution stems from the decision to create new consent streets in the town centre, with effect from 9 June 2009.

**2. Detail**

- 2.1 Licensing Committee resolved on 9 December 2008 to adopt a new scale of fees for street trading. When it did so, the new pattern of consent streets in the town centre had not been considered or acted upon. Current fees are a poor match for the new town locations.
- 2.2 When setting fee levels for a consent, local authorities are allowed to take into account “the street in which it authorises trading” and “the descriptions of articles in which the holder is permitted to trade”. The first of these implies that factors such as commercial desirability, pedestrian traffic levels, potential conflict between uses and the degree of enclosure or restriction of space can be taken into account when setting fee levels.
- 2.3 When the latest town centre fees were set, they related in practice to the core pedestrianised streets such as Regent Street and The Parade, as these were at the time the only consent streets available. The new consent streets around the periphery are significantly different in nature. Each of the factors set out above is scaled back, compared with the retail core. It is therefore appropriate to apply smaller fees to those new streets.
- 2.4 The annual fee now for a daily hot food trader in the town centre core is £5000. The equivalent fee for general goods, greengrocers etc. is £4300. In

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Further information on the subject of this report can be obtained from Lionel Starling on 01793 466118 or e-mail [lstarling@swindon.gov.uk](mailto:lstarling@swindon.gov.uk).

## **Revision street trading fees in the light of the re-designation of some town centre streets, for street trading purposes**

**Licensing Committee**

**Date: 7 July 2009**

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suburban areas, there is one fee for hot food traders and general traders alike, currently set at £2200.

- 2.5 It is proposed that the annual fee applied to the newly created streets in the town centre (taken together with New Bridge Square and Wharf Green) should be set at the same level as elsewhere for general traders, greengrocers etc. (i.e. £2200) but that an intermediate fee of £3000 should be set, for hot food traders.
- 2.6 It is not proposed that there should be any change to the fees for the existing core (including Regent Street, Edgware Road and The Parade). If they cease to be consent streets, the fee level for them will no longer be an issue.
- 2.7 The fees adopted in November 2008 were higher for traditional market stalls in the town centre than for those in suburban areas. The weekday rate was set at £20 in the town centre, £15 elsewhere. In each case, a premium of £5 was added for Saturdays. It is proposed that a single rate of £15 is introduced across the borough and that for the sake of simplicity the Saturday premium be dropped.
- 2.8 Traditional market stalls which are charged at the annual rate or its quarterly or monthly equivalent will pay around £7 a day if they trade six days a week. To bridge the gap between this and short term trading, it is proposed that where consent is sought for a minimum booking of any ten trading days, a daily rate of £10 will be applied, even where a mix of trading locations is proposed.
- 2.9 Provided that fee levels are modest in relation to turnover, they should not be a major consideration in decisions about whether or not to trade. Funding for the street trading function is more likely to be optimal if there is a large volume of applications. From the point of view of traders, a substantial cluster of stalls with diverse products will give a greater certainty of viability.
- 2.10 There are no traders in the new areas at the moment, so a consultation exercise with directly affected traders has not been undertaken. Some existing traders may wish to relocate to the new areas but there are no firm proposals of that kind on the table at the moment. Mr & Mrs Carchedi (formerly of Havelock Square) are not trading at the moment but have lodged an application for planning consent, for Fleming Way, one of the new areas.
- 2.11 It is to be hoped that by the end of the year there will be a more diverse spread of street traders in the town centre, with a new emphasis on traditional street markets. It is appropriate that fee levels should be kept

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Further information on the subject of this report can be obtained from Lionel Starling on 01793 466118 or e-mail [lstarling@swindon.gov.uk](mailto:lstarling@swindon.gov.uk).

## **Revision street trading fees in the light of the re-designation of some town centre streets, for street trading purposes**

**Licensing Committee**

**Date: 7 July 2009**

under review in the light of circumstances and that will be aided by feedback from those new traders.

2.12 Amongst other considerations, the Council must not set fees with the intention of making street trading unviable. Simply applying the existing core area fees to the new peripheral streets would leave us vulnerable to challenge.

2.13 inSwindon have been consulted on the content of this report and they are content with the proposals.

### **Risk Management**

#### *Financial and Procurement Implications*

The impact of these proposals is almost exclusively on areas where street trading could take place in the future but is not taking place at the moment. It cannot be said definitively that there will be any applications for street trading at all in those areas, so in theory there might be no income from those areas. That is nevertheless a highly unlikely prospect.

*Legal / Human Rights Implications* All of the participants in any given context have human rights. Some of those are absolute, as in the right to life but more generally rights have to be balanced, one against the other. The Council has a right to make appropriate strategic decisions on behalf of the wider community or residents and businesses.

#### *Links to Corporate Plans and Policies (in particular to Swindon 2010 Promises)*

This proposal relates to the 2010 Promise 35 that we will take all necessary steps to secure the regeneration of the town centre.

### **Consultees**

- Consultees. inSwindon

### **Background Papers and Appendices**

- Appendix One. Proposed street trading consent fee structure, incorporating the changes set out in the report.

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Further information on the subject of this report can be obtained from Lionel Starling on 01793 466118 or e-mail [lstarling@swindon.gov.uk](mailto:lstarling@swindon.gov.uk).

# **Revision street trading fees in the light of the re-designation of some town centre streets, for street trading purposes**

**Licensing Committee**

**Date: 7 July 2009**

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## **Appendix One**

### **Street trading consent fees**

#### **Town Centre streets as at April 2009, with the exception of New Bridge Square and Wharf Green**

Annual fee: Hot food / catering £5000    General merchandise / non-catering cold foods £4300

#### **Town centre streets becoming consent streets on 9 June 2009, plus New Bridge Square and Wharf Green**

Annual fee: Hot food /catering £3000    General merchandise / non-catering cold foods £2200

#### **All other streets**

Annual fee: £2200 irrespective of product range

#### **Traditional market stalls, irrespective of location**

Less than 10 days booked £15 per day; 10 or more days booked at a time £10 per day  
OR a proportion in whole months of an annual fee of £2200.

A credit of 4 days (after trading for those 10 days) for any new trader who books 10 days, the first time they trade.