

* Councillor David Elms (Chairman)

* Councillor David Quelch

* Councillor David Wright

*Present

Officers in attendance:

Driver in attendance:

7 LOCAL CODE OF CONDUCT - DISCLOSURE OF INTERESTS

There were no disclosures of interest.

8 STREET TRADING APPLICATIONS - SUMMARY OF PROCEDURE

The Sub-Committee approved the new summary of procedure for dealing with Street Trading applications.

9 STREET TRADING CONSENT APPLICATION - OLLO FOODS, GUILDFORD HIGH STREET

Following introductions, the Chairman confirmed that the Sub-Committee had read all of the paperwork associated with the Street Trading Consent application from Ollo Foods and were familiar with it.

The applicant, Mr Sharma, was invited to make his representation. Mr Sharma stated the following, some of which was in response to questions and comments from the Sub-Committee:

- Ollo Foods had been trading from a mobile food catering 'pod' at the Friday and Saturday Market on North Street and at the monthly Farmers' Market on the High Street. As the North Street Market did not suits his needs, Mr Sharma sought a Street Trading Consent to trade for up to 28 days per year on the High Street outside the GAP clothing store where the footfall was greater and takings were up to six times higher. Both managers of GAP had been consulted by Mr Sharma and as neither had raised any objection to the pod being located outside the store, he had submitted the application.
- There was a high turnover of fast food retailers at the North Street Market as there were insufficient customers to make trading there viable.
- The pod was a self-contained purpose built unit with a high food hygiene rating.
- Mr Sharma favoured a vacant pitch at the bottom of the High Street previously occupied by a baked potato seller.
- Mr Sharma had read the Council's recently adopted new Street Trading Policy.
- The Sub-Committee's wish to preserve the historic nature of the High Street was recognised.

The Licensing Team Leader informed the Sub-Committee that it had convened to consider an application for the grant of a Street Trading Consent in respect of a mobile food catering 'pod'

to trade between the hours of 09:00 to 19:00 on Friday and Saturday for up to 28 days per year on the High Street, on the corner with The Shambles, outside GAP. The application had been the subject of consultation from 21 March to 18 April 2018 and copies of it had been distributed to the Responsible Authorities and local ward councillors. Representations had been received from the Council's Economic Development Service, Street Scenes Operations Manager, Environmental Health (Food and Safety) Team, Parking Enforcement Service, and Waste, Fleet and Parking Services Manager on the grounds of trading clashes with High Street events when trading should not be permitted, potential additional litter caused and the disposal of any waste produced, public safety on the highway and the negative impact on the long standing and successful North Street Market. A further representation had been received from Experience Guildford Business Improvement District (BID) on behalf of a manager of GAP objecting to the application on the basis of loss of custom on its busiest trading days. In his written response to the representations, the applicant stated that he could negate some of the issues raised by limiting trading to the hours when the High Street was pedestrianised, providing a litter collection bin at the stall and rearranging trading days to avoid events in the High Street.

The Licensing Team Leader explained that the new Policy guided Members on how to determine Street Trading Consent applications. Whilst the previous policy had focused on public safety and avoiding nuisance as the main factors, the new Policy was more holistic taking account of the aim of Street Trading Consents to create a street trading environment which complimented premises-based trading, was sensitive to the needs of residents, provided diversity and consumer choice, and sought to enhance the character and safety of the local environment. The applicant was advised that his application, which had been referred to the Sub-Committee for determination owing to the receipt of objections, would be judged against these criteria. The Chairman elaborated on the criteria used to determine suitable trading sites and applications under the Policy and advised that the applicant needed to demonstrate that his application met all of the criteria to receive a Consent.

The Chairman invited Amanda Masters of Experience Guildford BID to make her representation, which was as follows:

- The BID, which represented 600 leisure and retail businesses and guarded their interests, had been requested to object to the Consent application on behalf of a manager of GAP. The grounds for the objection were that the food catering pod sited directly outside GAP's shop front on Farmers' Market days reduced customer footfall into the shop and it was considered unacceptable for the shop to suffer a loss of footfall and revenues on its busiest trading days over a period of 14 weeks.
- Although the applicant claimed that no objections had been raised when he discussed the matter with GAP's managers previously, this may have been due to initial confusion over the exact pitch of the pod.
- The giving of consent in this case may set a precedent for other street food caterers to operate on the High Street.

Having been invited by the Chairman to make his representation, Chris Wheeler, Waste, Fleet and Parking Services Manager, advised:

- The North Street Market was a historic and well managed marketplace which had been trading successfully on Fridays and Saturdays for many years as a vibrant food environment accompanied by some non-food outlets. Ollo Foods added to the spread and mix of street food available.
- It was necessary for traders to build a customer base to ensure successful trading and this may take some time.

- There was concern that the granting of a Consent to enable this unit to operate on the High Street may detract from the Market's success and compromise its viability.

The applicant, Mr Sharma, was invited by the Chairman to sum up his case for a Street Trading Consent:

- When Mr Sharma had met one manager of GAP on two occasions and the other manager on one occasion, no objections had been raised to the siting of the pod in front of the shop.
- North Street Market was not a good venue for selling street food and the only other such retailer was a burger van.
- All refuse arising from Ollo Foods' street trading was removed and the applicant was prepared to be flexible during the 28 day trial trading by avoiding dates of events in the High Street.
- Although the applicant had been invited back to trade in other areas such as Walton-on-Thames, Cobham and Kingston-on-Thames, they were considered to be too far away and he had been attempting to secure a site in Guildford during the last year. The Council's assistance with securing an acceptable site was sought.
- The fees for a pitch at North Street Market were significantly higher than the cost of a Street Trading Consent for the High Street which, together with the lower number of customers in North Street, made the Market unviable for Ollo Foods. Also, the Market required traders to commit to renting a pitch for a period of one year and was inflexible around trading days. For these reasons Ollo Foods would cease to trade in Guildford in the event its application for Consent was refused.

Amanda Masters declined the invitation to sum up her objection, and at the Chairman's invitation, Chris Wheeler summed up his objection to the application by stating:

- North Street Market welcomed a diversity of traders and in addition to Ollo Foods benefited from 'food on the go' in the form of an Italian outlet, a burger van and two bakeries. Power, water and waste management facilities were provided in the trading package. There was some site flexibility as some pitches were vacant.

The Sub-Committee was advised by the Litigation Lawyer that there were no statutory guidelines in relation to the determination of Street Trading Consent applications, which may be granted if the Sub-Committee thought it fit to do so. Therefore there was wide discretion in determining applications. The issues raised by the Responsible Authorities and other persons were relevant matters to be taken into account and the Sub-Committee needed to consider if the objections raised could be satisfactorily met by conditions attached to a Consent. The Sub-Committee should be satisfied that the application met all of the criteria contained in the Council's Street Trading Policy before granting consent. As each application was judged on its individual merits, a precedent would not be set.

The Licensing Team Leader, in response to comments made, clarified the following:

- It was not Council policy to identify and recommend pitches for street traders who should choose where they wished to trade and submit an application for consent, demonstrating that the application met the criteria set out in the Street Trading Policy. The applicant's frustration at failing to secure a suitable pitch to date was understood.
- The offering from Ollo Foods differed from that offered by other traders in the area.
- There was a conflict between the evidence given by the applicant and the Experience Guildford BID in relation to GAP.

- This was the first application to be considered under the new Street Trading Policy and any new applications for trading from the two pitches at the bottom of the High Street would be considered on their own merits under the Policy.
- Changes to the proposed trading hours to reflect the pedestrianisation of the High Street and the removal of refuse may negate some of the concerns raised.

The Chairman advised that after consideration of the application and issues raised by the Responsible Authorities and other persons, the Sub-Committee had determined that Street Trading Consent for Ollo Foods to trade on the High Street should be refused. The Sub-Committee recognised the merits of the company’s offering and it was hoped that Ollo Foods would continue to trade at the North Street Market as it offered a quality product which increased diversity and consumer choice. The proposal to redevelop North Street was expected to increase future footfall in the area which would improve trading viability. The Licensing Team Leader would be asked to offer every assistance to the applicant to identify a suitable alternative trading location.

RESOLVED: That the application for Street Trading Consent for Ollo Foods to trade on High Street, Guildford, be refused.

REASONS: The Sub-Committee was not satisfied that the application from Ollo Foods met the criteria set out in the Council’s Street Trading Policy in terms of the pod’s failure to enhance the historic character of the High Street. Occasional trading events in the High Street such as the Farmers’ Market were considered acceptable as they heightened the overall shopping experience. North Street was the designated place for fast food trading.

Signed

Date

Chairman