

- * Councillor Mike Hurdle (Chairman)
- * Councillor Jennifer Jordan
- * Councillor David Quelch

*Present

Officers in attendance:

Sophie Butcher (Committee Officer)
Bridget Peplow (Senior Lawyer Litigation)
Mike Smith (Licensing Team Leader)

Applicants in attendance:

Mr and Mrs Mayne

Other Persons:

Amanda Masters (Experience Guildford) and representing Mr Shah of iFix Gadgets.

1 LOCAL CODE OF CONDUCT - DISCLOSURE OF INTERESTS

There were no disclosures of interest.

2 STREET TRADING CONSENT APPLICATIONS - FAMILY FAVOURITES

The Licensing Team Leader informed the Sub-Committee that they had convened to consider two Street Trading Consent applications for mobile food catering stalls on the High Street. The Applicant has had two stalls selling German Sausages and Dutch Pancakes since 2008. The Sub-Committee noted that the Council had recently adopted a Street Trading Licensing Policy in relation to issuing Street Trading Consents, which provided for applications to be assessed against varying criteria, which included the character of the area and avoidance of nuisance. Two objections had been received, one from Experience Guildford referring to the potential obstruction to two established High Street retailers and the other from Mr Shah of iFix Gadgets at no 64 High Street in relation to the obstruction to his retail frontage and the odour from sausages. Mr Shah had made a similar complaint about the obstruction of his shop frontage earlier this year. The Licensing Team Leader suggested that an alternative location for Family Favourites was in North Street where food stalls operated Friday – Saturday.

The Chairman invited the applicants to make their representation. Mrs Mayne made the following comments:

- When they set-up their stall, they left a clear gap to iFix Gadgets at no.64 High Street. Unfortunately, parked vehicles caused Family Favourites to have to set-up their stall near iFix Gadgets, which was the day on which the iFix Gadgets shop owner Mr Shah made the complaint.
- Mrs Mayne saw Mr Shah taking photographs of their stall and then took photographs herself to counter those images.
- The stalls used by Family Favourites were pre-approved by Guildford Borough Council when they first obtained their consent.
- They had held street trading consents since 1996 and could produce paperwork from that time.
- Family Favourites had been selling German sausages and Dutch Pancakes decades prior to these food items becoming popular and sold widespread.
- Family Favourites would be trading under a Christmas licence. The consent applied for was a safety net to cover the leaner months. Currently they had permission under

their consent to trade on the High Street every Saturday with their sausage cart but did not trade every weekend, as that sort of food was not suitable in the summer months.

Amanda Masters who had submitted an objection to the street-trading consent applications on behalf of Experience Guildford made the following comments:

- The High Street shops were Experience Guildford's stakeholders and paid high rents, rates and other costs, including paying into BID, towards the upkeep and running of their shops. Mr Shah of I-Fix Gadgets had asked Amanda Masters to represent him at this hearing. The main concerns were that the stalls caused a potential obstruction to retail frontages as well as odour from sausages.
- Permitting Family Favourites to trade would potentially open the floodgates to create a precedent by allowing other street traders along the High Street. The new Street Trading Policy had to be considered, which emphasised the impact such stalls would have upon the character of the area.
- An alternative suggestion put forward was for Family Favourites to apply to trade from the Rotunda or in the North Street market.

In response to the comments made by Amanda Masters, Mr Mayne stated:

- Family Favourites would not be opening the floodgates for more applications from market stall traders given that they had already traded for a long time and were already a feature of the High Street. The applicants, due to their presence on the High Street had helped to identify and stop street crime from occurring.
- Family Favourites was not part of the Guildford Farmer's Market and they had already confirmed with the organisers of North Street market that it was full and there was currently a waiting list.
- It had taken many years for Family Favourites to be established in Guildford High Street.
- The Rotunda was where the applicants had originally started trading from and there were drug dealers in the vicinity.

The Sub-Committee asked Family Favourites, if their application were to be turned down, would it result in the loss of their only source of income.

Mr Mayne confirmed that it did not generate great business in the New Year, but provided enough to pay essential bills. He explained they were in debt and his wife had become sick with cancer over the last two years with the stress. They did not wish to trade in Rushmoor because the type of foodstuffs required there was not what they sold. It was also confirmed that Family Favourites had been operating their stalls in Guildford High Street since 1 August 1996.

The Chairman asked the Licensing Team Leader what opportunities there were for street trading in North Street who confirmed that applications had to be submitted to trade on the Rotunda in exactly the same way as Street Trading applications. The market on North Street was not managed by Guildford Borough Council but did appear to have two vacant stalls when he last walked by. Whether that was due to street traders not turning up that day or an actual vacancy was not clear.

The Chairman invited Amanda Masters from Experience Guildford, who had objected to the application, to make any closing speeches. Amanda Masters stated that she was not anti-trading and recognised the quality of product, which Family Favourites had provided over the years. However, owing to the change in licensing policy, which placed emphasis on protecting

the character of the High Street, this was an important consideration, as was protecting the viability of Guildford's High Street shops.

The applicant, Mr Mayne stated in his concluding remarks that their business Family Favourites had been a feature of Guildford High Street for a long time. If the consents were refused, he was not sure what they would do. Mr Mayne reiterated that Family Favourites was only present in the High Street for a short period and they made every effort not to block shop frontages.

The Chairman advised that after consideration of the two applications and issues raised by the objectors, the Sub-Committee had determined that the Street Trading Consents for Family Favourites to trade on the High Street to sell German sausages and Dutch pancakes would be refused. The Sub-Committee recognised the merits of the company's offering and it was hoped that Family Favourites 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 two applications for Street Trading Consents for Family Favourites to trade on High Street, Guildford, to sell German sausages and Dutch pancakes be refused.

REASONS: The Sub-Committee was not satisfied that the application from Family Favourites met the criteria set out in the Council's new Street Trading Policy in terms of the stall's failure to enhance the historic character of the High Street. Historic 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

Chairman

Date