

Street Trading Hearings for Pitch 5 and 7

Guidance for Members of the Licensing Sub-Committee and applicants

Background

If more than one application is received for any one pitch a meeting of the City Council's Licensing Sub-Committee is convened to consider the applications. This Committee is made up of a panel of elected members who then assess the applications against set criteria.

Hearings were originally held on the 20th March for Pitches 5 and 7 as two applications were received for each pitch. However, after concerns that the guidance given by officers to members may have contained omissions which could have led to inconsistencies at the original hearing, fresh hearings have been organised for Friday 11th May.

This document sets out guidance to members of the Licensing Sub-Committee on how to apply the criteria and helps applicants to understand how their applications will be assessed. A copy of this Guidance Note is to be given to the applicants in question and the Licensing Sub-Committee may expect them to be familiar with it when they attend for the hearing of their application.

It should be noted that issues have been raised regarding the criteria the City Council applies when granting street trading consents, including the preference given to existing traders. A full review of the policy is being carried out in time for decisions on consents for 2013/14. The City Council will consult interested parties, including successful and unsuccessful applicants for consent, over the summer.

However applications for the 2012/2013 year remain to be considered in line with our current policy and assessment criteria.

Format of the hearing

As part of the hearing there will be an opportunity for each applicant to give a 10-minute presentation on their business proposal. As each applicant knows of the assessment criteria, further explained by this Guidance Note, their proposal should be focused on how and why they meet the criteria.

Decision-Making

Members of the Sub-Committee will then assess each application against the criteria as set out below. As there are two applicants for each pitch this necessarily entails assessing one application against the other.

In carrying out their assessment for each pitch, it is a matter for the Sub-Committee how much weight they give to each criterion. The Sub-Committee is not bound, for example, to give the most weight to the fact that one

applicant is an existing trader of many years' standing (although it may do, depending upon its assessment).

What is important is that the Sub-Committee reaches a reasoned decision which explains why, overall, one application has been preferred over the other, following assessment against the published criteria.

The Assessment Criteria

The published criteria appear in bold, with the guidance appearing in italics.

- **Existing Trader – number of years trading**

Consideration should be given to the number of years an existing trader has been trading on a Council pitch, the level of investment they have made in their street trading pitch, and other related matters which the Sub-Committee considers are relevant. These may include, for example, the number of people they currently employ.

- **Complaints/concerns – have there been any complaints or concerns received about a trader over the past year**

Has the City Centre Management team received any complaints or concerns about an existing trader over the past year? If complaints have been received these would need to be put before the Sub-Committee with a summary of how these complaints were investigated and what the outcome was.

- **Design of stall – Stall design meets with Council guidelines**

*In assessing the application please refer to the Council's **Street Trading Scheme – Code of Practice leaflet (January 1989)**. This provides that the Code is intended to "enhance the visual appearance of the street scene in the areas where street trading is carried on" and that "Stalls should enhance the visual appearance of the street rather than detract from it..."*

If the Sub-Committee, in the light of the Code's intention, has concerns over an applicant's existing or proposed stall, it may wish to ask the applicant what enhancements or replacements they may be willing to undertake to alleviate those concerns, and then take their responses into account.

In addition the Sub-Committee should note the following Environmental Health considerations of the stall design:

For Enclosed Food Mobiles

The internal arrangements should be such that:

- *There is suitable and sufficient hand washing facilities with hot water*
- *The work surfaces are impervious to water and readily cleansable*
- *There is sufficient compliant temperature controlled food storage facilities appropriate to the business*
- *The gas and electrical installations are certificated and deemed to be safe by a competent and suitably qualified engineer; any gas store cupboard should be outside of the food area*

The external arrangements should be that the mobile is sufficiently weather and pest proof so as to not risk the contamination of the food

For Market-Stall or Street-Barrow type food mobiles

The stall should:

- *Be covered to prevent the risk of matter falling on to the food*
 - *Ensure that the work surfaces likely to be in contact with the food should be impervious to water and readily cleansable*
 - *Ensure that any intrinsic storage food area should be able to be secured against the intrusion by pests*
 - *Ensure that if temperature controlled food is to be stored on the mobile, it is capable of maintaining the food in a legally compliant manner*
 - *Adequate hand washing facilities*
- **Types of goods sold - The goods sold do not conflict with other retailers within a certain area**

Consideration should be given here to the adjacent retail offer to each individual pitch. The street trading offer should complement rather than compete directly with this. This criterion permits the Sub-Committee to undertake a qualitative assessment of the goods to be sold by each competing applicant, against those on sale in the adjacent area.

To assist both the Sub-Committee and applicants, the retail offers adjacent to each pitch, may be characterised as follows:

Pitch 7 - At the front of the Guildhall

Adjacent retail offer includes the 7-day a week Market and retail units in Market Street. Don Pasquale sell ice cream from one of his restaurant windows but this is a relatively new development of his business and began long after ice cream street vendors have been located in the Market Square area. There are no other ice cream traders on the Market or in any of the retail units in the surrounding streets.

Pitch 5 – on the corner of Benet St and Trumpington St

Adjacent offer includes clothing, galleries and restaurants. One of the cafes on Kings Parade also sells ice cream but this café opened long after an ice cream street vendor had been based in this area.

- **Hygiene record if applicable- all food regulations have been adhered to in the past and will do so in the future**

The applicant will need to demonstrate that they have

- *Registered with their Home Local Authority*
- *That all food handlers have received adequate food safety training appropriate to their job role; ideally, the manager should be trained to Level 3 and non-managerial staff should be trained to Level 2*
- *That the food business has a legally compliant Food Safety Management System (e.g. Safer Food, Better Business)*
- *That if there is a history of non-compliance, it has been addressed and accepted by the Enforcing Officer, or that the food business is in the process of addressing the issues in circumstances where the Enforcing Officer has not considered the defect too severe so as to prohibit the food business from trading.*

- **Equal opportunities- due consideration has been given to equal opportunities**

The applicant is asked to demonstrate how they take equalities into consideration with their service provision. For example, how would they look after a customer with a sight or speech impairment?

- **Local person – whether the trader is local and employs local people**

This is one of the City Council's published assessment criteria. However, legal advice is that it may be an impermissible matter to take into account, and the Sub-Committee is advised not to do so. In the instant cases, in any event, each set of competing applicants are local, and it is considered this criterion would not make any difference.

In order to help members of the Sub-Committee in assessing each application they will have copies of the following in support of each application:

- The application forms for each pitch
- A copy of the Council's **Street Trading Scheme – Code of Practice leaflet.**

- A map illustrating the location of Pitches 5 and 7
- Where applicable - an update from Environmental Health on each applicant's hygiene record (if they are an existing business already supplying food to the general public).

Emma Thornton – 26th April 2012
Head of Tourism and City Centre Management
Cambridge City Council