

**To:** General Purposes Licensing Committee  
**Date:** 1 March 2011 **Item No:**  
**Report of:** Head of Environmental Development  
**Title of Report:** St Ebbes Street Trading Scheme

### Summary and Recommendations

**Purpose of report:** To seek Committee approval to relocate street trading pitches from outside the front of the Westgate Centre/St Ebbes Street.

**Report Approved by:**

**Finance:** Gillian Chandler (Approved)

**Legal:** Daniel Smith (Approved)

**Policy Framework:** Improve the local environment, economy and quality of life

**Recommendation(s):**

Committee is requested to approve the relocation of the three street trading pitches from outside the front of the Westgate Centre subject to their being no financial costs to the Council.

### **Summary**

- 1 Street trading is a regulated activity in the City to avoid the unwelcome impact of deregulated trading. The consent scheme controls the location of street trading and the hours of trading in particular. Street trading in the City centre has been the subject of a number of reports in the last 2 years. The desire to avoid street trading from the redeveloped Bonn Square and the Transform Oxford measures has resulted in daytime pitches being moved by agreement to their current locations outside the front of the Westgate Centre. The new owners of the Westgate Centre have asked for the relocation of the pitches outside the front of the building to provide a more attractive approach to the shopping centre.

## **Background**

- 2 Committee received a report at its meeting on 8th February 2010 following consultation on the Review of the Street Trading Scheme and Policy. In connection with street trading outside the front of the Westgate Centre/St Ebbes Street area, Committee resolved:
  - a) "To request the Head of Environmental Development to explore the feasibility of the new approach for street trading in the northern part of St. Ebbe's Street in conjunction with any plans to regenerate the area"; and
  - b) "Sites affected by the Bonn Square redevelopment and Transform Oxford. 5 Bonn Square outside 13a Bank House, 7 Castle Street, east side lay-by, 20 Bonn Square outside Westgate Library, 21 Bonn Square junction with New Inn Hall Street, 27 Queen Street outside New Look Fashions, Weekly Let site at Bonn Square south side (outside Westgate) – Status – These sites had previously been dealt with in a report to the Committee in June 2009. Proposals for the treatment of the evening hot food sites outside 13a Bank House and Castle Street lay-by have been dealt with. With regard to the site currently occupied by the Crepe Stall outside New Look Fashions and the Flower Stall and weekly lets temporarily trading from Cornmarket Street, to be dealt with in a report on feasibility of relocating these to St. Ebbe's."

## **Current Situation**

- 3 There are three traders located outside the front of the Westgate Centre; AMT Coffee, Michel's Crepes and Phil Brown the flower seller. There is one trader currently operating from St Ebbes Street; John Irvin's Cards and Souvenirs. Mr Irvin who has traded in this location over 20 years has submitted drawings of a new smaller trailer that is currently being constructed to replace his trailer which does not comply with the new Street Trading Policy.
- 4 The Westgate Centre was purchased on the 4th May 2010 by Crown Real Estate in partnership with Land Securities Group plc. The new owners have approached the Council through the Head of Corporate Assets indicating their dissatisfaction with the presence of three street trading pitches adjacent to the main pedestrian entrance to the shopping centre and have asked for them to be relocated and have offered to cover reasonable costs.
- 5 This request seems reasonable because they create an unnecessary pedestrian pinch point in a very busy and cluttered part of the prime shopping environment. Acceding to the request, with the cooperation of the traders, will result in a better environment and will also demonstrate goodwill to a potential major long term investor in the Oxford economy.

- 6 It had earlier been identified as a possible option to relocate the pitches to St Ebbes Street as a component of the larger public realm enhancement project, but this project was then deferred due to funding constraints.
- 7 One option is to terminate the consent of the traders on 31<sup>st</sup> March 2011. This would require a formal decision by the General Purposes Licensing Committee and would result in the loss of £21,000 per annum income to the Council. The traders have previously been moved across to these sites due to the redevelopment of Bonn Square. Such a termination could give rise to the traders making claims against the Council for loss of income arising from the Council's action. These may be upheld and so this is not the preferred course of action.
- 8 The preferred solution is to relocate the pitches with the cooperation of the traders from outside the front of the Westgate Centre to St Ebbes Street at the earliest opportunity (ie 1<sup>st</sup> April 2011) by undertaking minimal site works to St Ebbes Street to create the site for a small street market. This is seen as an early action component of two projects: the St Ebbes Street project; and the review of markets and street trading opportunities in the City centre being carried out by the City Centre Manager.
- 9 Plans have been drawn up to relocate the three street trading positions in the northern part of St Ebbes Street as an interim measure. These plans do not involve the removal of street furniture and include the provision of four electricity points to service the pitches, obviating the need for generators. The cost of this scheme is estimated to be in the region of £15,000 as set out in appendix II.

### **Consultation**

- 10 A meeting was held between the County Council, the City Centre Manager, City Council Corporate Assets and Environmental Development to discuss the feasibility of addressing the request from Land Securities. Corporate Assets was commissioned to produce a costed layout plan for the site with a view to maximising the number of pitches within the constraints of pedestrian and cycle requirements and necessary street furniture as set out in appendix I.
- 11 The opinions of the traders affected have been sought. The following comments have so far been received;
  - a) Mr Phil Brown – Flower Seller. His main concern is regarding the size and location of the stall. Where he is currently located has good foot fall and is a commercially viable site. He states trade has fallen away significantly just recently. He said in the flower business there has to be a good display to attract customers and remain profitable. He is extremely concerned at the new pitch size defined by the new policy and thinks if strictly applied, it will drive him out of business. This new pressure comes on top of the considerable loss he incurred during the recent extreme weather over Christmas that killed a lot of his

stock. He has grave reservations about moving to St Ebbes Street unless the scheme was of very good quality and well considered. He wishes the Committee to know the overriding consideration for traders is that it must be profitable. If the scheme encouraged good foot fall past his stall then a percentage of those people will buy flowers. He is just recovering financially from Christmas and could not absorb any further cost to his business. If the scheme goes ahead he has asked whether the Committee might approve a round stall that has significant commercial benefits and achieves the display necessary to his business.

- b) Mr John Dykes – Michel's Creperie. He is reserving judgement on the new scheme for St Ebbes Street until he can see the detail. He wished to point out that he has just taken on a 15 year lease in the covered market that is not proving as profitable as initial estimates indicated. Accordingly the street trading pitch he has outside the front of the Westgate Centre is vital to the survival of his business as this brings in income that buttresses his flagging business in the covered market. He reported that he has never known such difficult trading conditions.
- c) Mr Les Pearson, Manager – Goldsmiths. He will support a well considered scheme that does not block people seeing their shop. They have often expressed the view that they feel surrounded and obscured by Street Traders. They feel they are paying for a prime retail position that is principally being obscured by the presence of the card seller at the Northern End of St Ebbes Street (Mr Irvin) who in the past is alleged to have occupied too much trading area.
- d) Mr Ben Gosset – AMT Coffee. They have yet to express a view because they don't know the proposal in detail and haven't had an opportunity to assess what impact it would have on their business. He asked to convey to the Committee that if they do decide to implement this scheme to please consider that peoples livelihoods depend on the decisions they take.
- e) BHS. When this idea to regenerate St Ebbes Street was first floated it was received well by BHS who saw an opportunity to increase foot fall past their store and possibly increase their own business. They haven't been consulted recently to see whether their position has changed. If the scheme was to go ahead the store manager intended to approach the BHS Board to see if they were prepared to meet some of the costs of getting this new scheme launched.
- f) Modern Art Oxford. Again not recently consulted but when this scheme was originally proposed last year they were very supportive of the whole idea. They too, see the presence of street traders in St Ebbes Street as a mechanism that will bring more customers to their art centre.

- g) Ms Delanie Lawrence, Manager – OASIS. The main concern at the moment is the size of the stall operated by Mr Irvin who inhibits the visibility of Oasis from Queen Street. She has been informed that Mr Irvin is constructing a new stall to comply with the new policy on street trading and the size of his stall will be significantly reduced. The new scheme has been explained in brief to her and she will support any measure that drives away any of the undesirable people who tend to loiter outside the shop scaring the customers away.
- h) Mr John Irvin – Discount Card Stall. His main concern is that he keeps his pitch at the top end of St Ebbes Street, close to Queen Street.

### **Financial Implications**

- 12 The Council collects licence fees for the street trading function. Fees are reviewed annually on a full cost recovery basis prior to the Council setting its budget. The level of fees applicable takes into account the location, the duration of the consent, trading hours and the articles to be sold. The financial implications of the current stall holders situated outside the front of the Westgate Centre ceasing trading altogether would result in the Council losing £21,000 in revenue every year.
- 13 The proposal to relocate the three pitches will have no budgetary adverse implications if the costs are met by the Land Securities Group plc. Land Securities Group plc have been approached by the Head of Corporate Assets for funding and have indicated a willingness to cover reasonable costs.

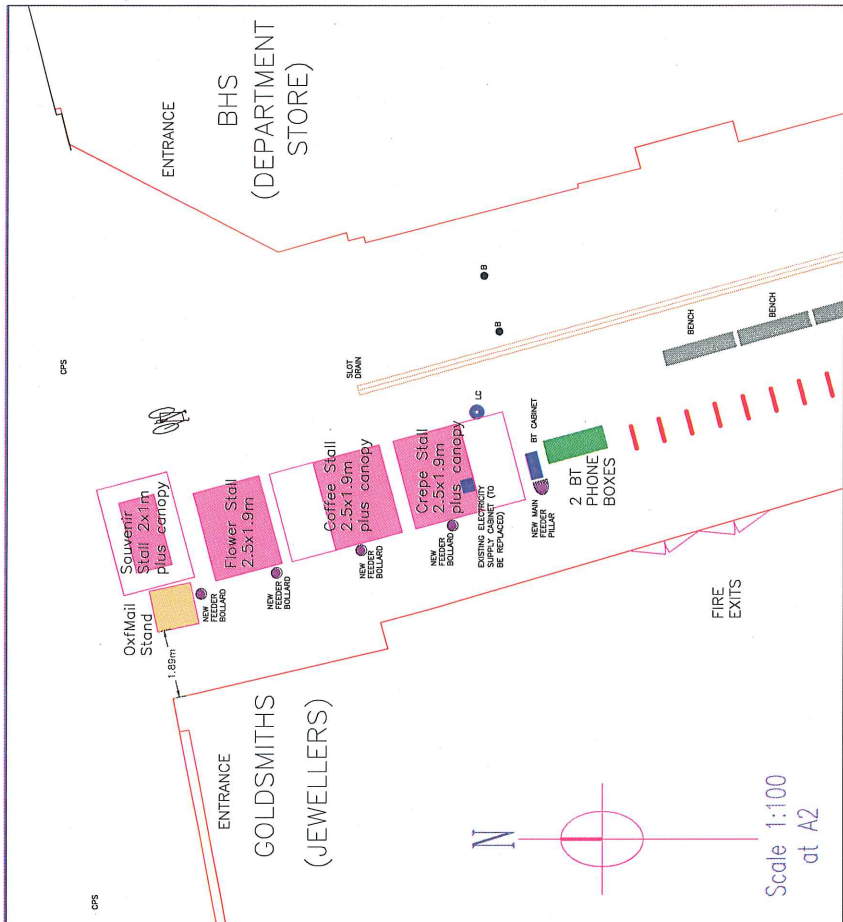
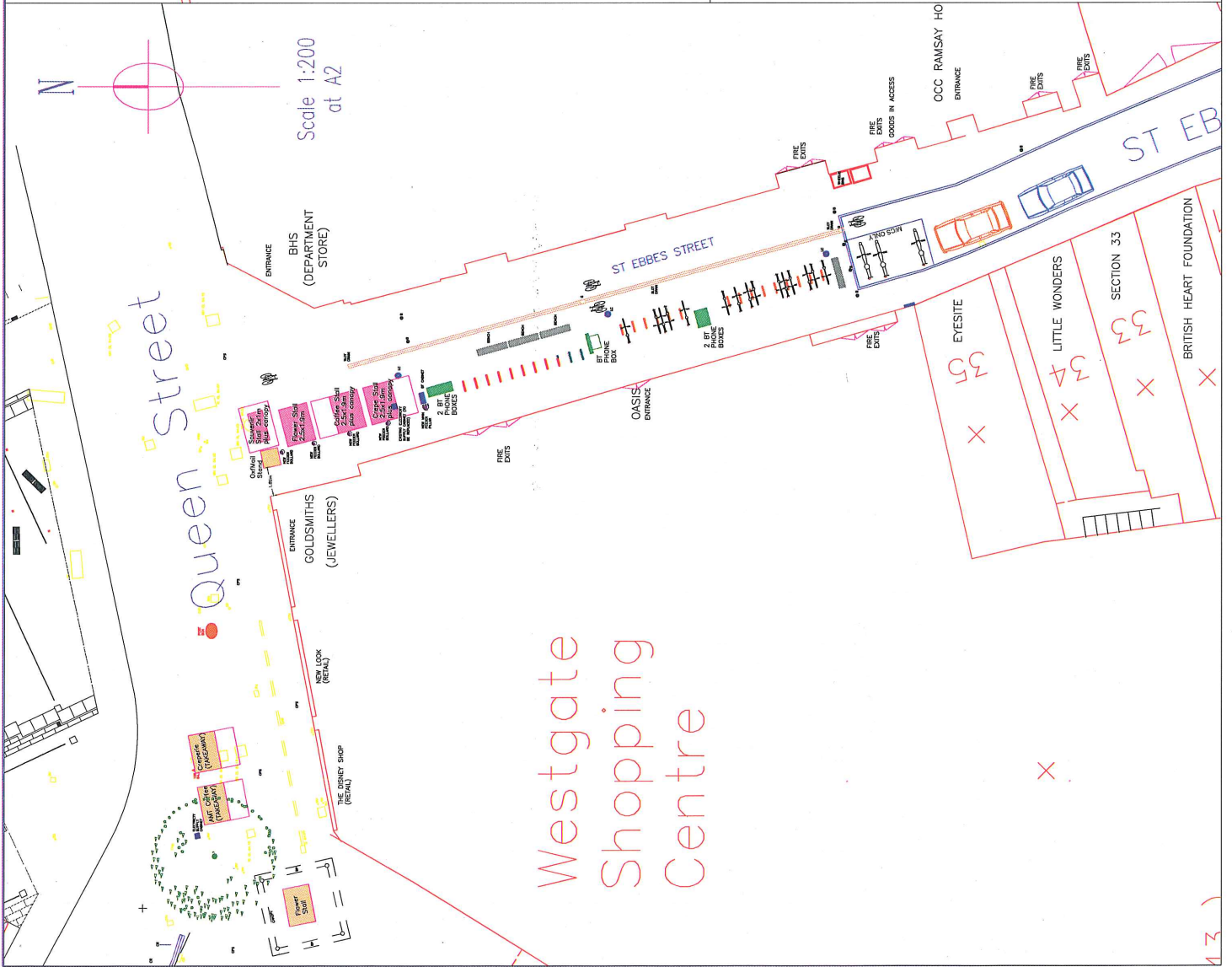
### **Legal Implications**

- 14 St Ebbes Street is a designated Consent Street therefore there will be no requirement to modify the Scheme.
- 15 Legal opinion was sought prior to moving three street traders to temporary locations to accommodate the Bonn Square redevelopment in 2009. A 'Consent' is not regarded as a possession under the European Convention on Human Rights and a Consent Holder cannot have a legitimate expectation that a Consent will be indefinitely renewed. It also advised that a Street Trader cannot be said to enjoy security of tenure and there is no requirement for the Council to give compensation for the loss of any consent (other than any refund of consent fees paid in advance). However, any decision to terminate street trading consents may be subject to a judicial review and if termination is held to be unreasonable then compensation may result. The advice was to always consult the existing traders before making any decision about a specific site.

**Name and contact details of author: Tony Payne & Dawn Cox**

**Background papers:**

**Version number: 1**



**CORPORATE ASSETS**

Building Design & Construction  
 St Aldate's Chambers  
 109-113 St. Aldate's  
 OXFORD  
 OX1 1DS  
 TEL : 01865 249811  
 FAX : 01865 252767

Client  
**ENVIRONMENTAL DEVELOPMENT**

Project title  
 Relocation of Market Trader Stalls  
 from Queen St to St Ebbs St

Drawing title  
**PROPOSALS**

Drawn by S. Therp	Scale at A2 1 : 100 1 : 200	Checked by	Approved by
Date Jan 2011	Drawing number C0500/01/01		Rev

**KEY:**

- Existing Stall Locations
- Relocated Market Stalls
- New Feeder Pillar/Bollards
- 26 Existing Cycle Stands
- Existing Benches
- Bollards & Light Columns
- Telephone Boxes
- Slot Drain & Gully

**NOTES:**

- Based upon the Ordnance Survey map with permission of the controller of H.M.S.O. Licence No. A100019348

City Design

<b>RELOCATION OF 3NO. MARKET STALLS FROM WESTGATE TO ST. EBBES</b>			
<i>St. Ebbes Electricity Stainless Steel Supply Units</i>	Rate	No.	
Replace existing supply cabinet with Stainless Steel unit			
Add 4 new Stainless Steel service bollards:-			
<b>Supplier : Lighting Design solutions</b>			
Supply LDS DSB380 Stainless Steel Main Pillar	£1,465.00	1	£1,465
Supply LDS RSB150 Stainless Steel Feeder Bollards	£695.00	4	£2,780
Delivery to Oxford - 4 weeks	£75.00	1	£75
Rewire new pillar including 4 meters	£2,000.00	1	£2,000
Lift slabs 3.6m2 and excavate for ducting 9m	£100.00	3.6	£360
Provide bases & underground ducting to each bollard	£500.00	4	£2,000
Reinstate paving 3.6m2	£50.00	3.6	£180
Carry out remote wiring to bollards and fittings	£1,000.00	1	£1,000
Provide individual sockets/keys	£200.00	4	£800
<b>Westgate Unit</b>			
Reinstatement / making good old unit	£500.00	1	£500
		Sub total	£11,160
Contingencies 12%			£1,339
Project Management Fees 15%			£1,875
		Total	<b>£14,374</b>