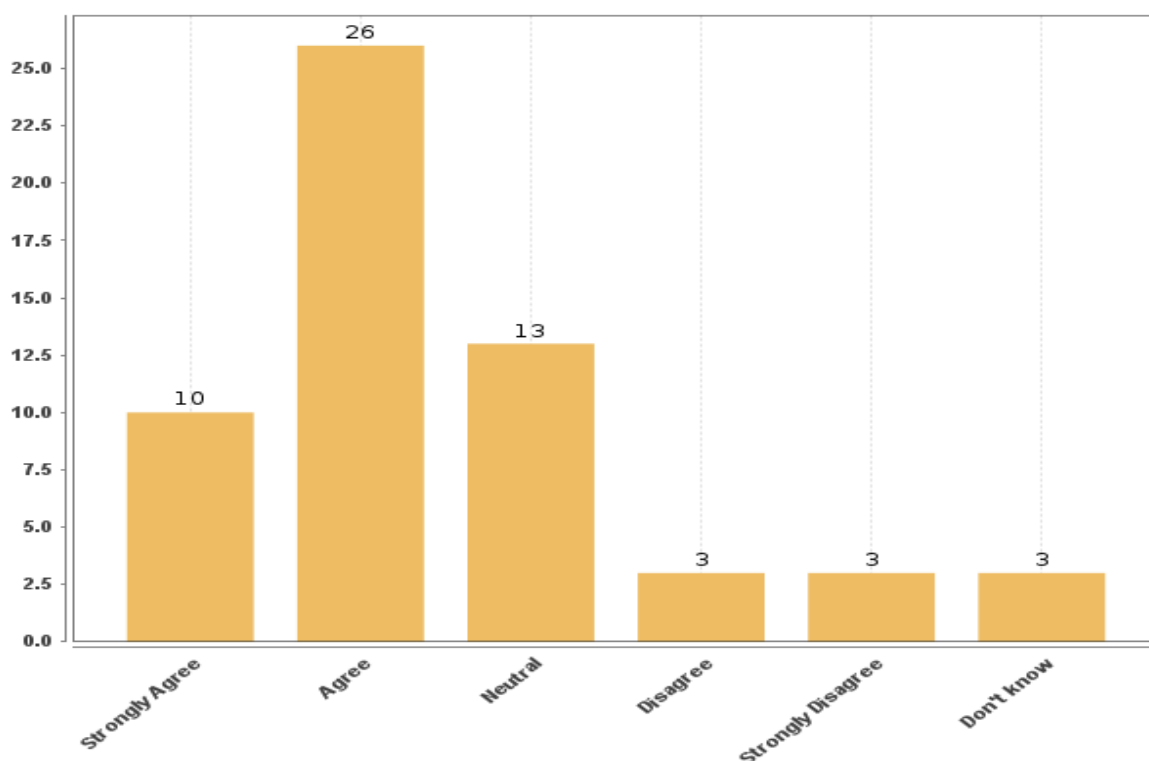


Street Trading Policy 2014 Consultation Responses

The following responses were received; where necessary, comments from the Licensing Team follows in bold black italic font:

1) To what extent do you agree with the proposed consultation process for new applications?



“I agree with the inclusion of food hygiene and environmental impact standards. However the fees are already so high that street trading is inaccessible to entrepreneurs or start-ups, and the inclusion of more regulations will only increase this exclusion. The 'appearance' seems subjective and likely again to possibly exclude traders who don't have a large amount of capital from being able to trade in Oxford. Waivers, discounts or longer-term payment options would make the local economy stronger.”

“I think the fees should be on a sliding scale that reflects the true commercial value of the trading event. e.g. the Cocoa Cola marketing event in Broad Street last Christmas must have a premium commercial value. Multinational conglomerates should pay more than local small traders!”

For legal reasons, we are not permitted to set street trading fees in this way.

“The current consultation process does not involve small trader tenants of Oxford City Council, who could be highly affected by street trading and ad hoc markets.”

Relevant amendments to the process have been made to address this.

“There is considerable scope across Oxford for more street traders. They broaden the portfolio away from boring chain stores and offer more local employment and sourcing (environmental).”

“To demonstrate a commitment to the promotion of healthy alternatives food handlers could be required/ incentivised to take a healthy eating qualification, such as the CIEH Level 2 Award in Healthier Food and Special Diets.”

“It seems inappropriate for small street traders to be regulated as though they were large fixed-site businesses. How many can jump these hurdles?”

“Try to make the process as smooth and easy as possible. Oxford could really benefit from street trade.”

“We feel that there should be opportunity for members of the public to comment on applications - this would allow both landowners and business occupiers within the vicinity to make representations on the proposals which should form part of any consideration of street trader applications. The Town Centre Manager should be consulted on any applications within the town centre.”

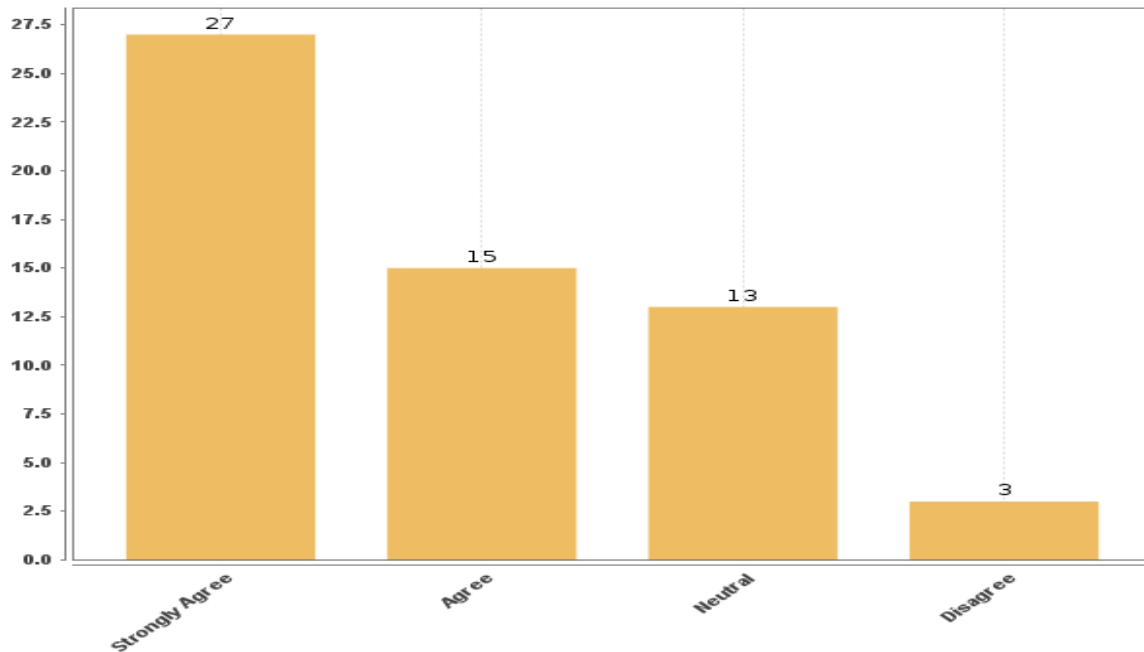
Relevant amendments to the process have been made to address this.

“5.3g would be over onerous if it applies to all traders in for example a street market or street fair.”

Small community events are exempt under the proposed policy.

“In general we wish to reduce litter and ensure high levels of hygiene are maintained in the serving of ready to consume food to the public. We welcome the consultation but do not agree in the proposal to limit vendors to specific packaging.”

2) To what extent do you agree with the proposed condition regarding Street Trading Consent not normally being granted within 100 metres of any school or college between the hours of 07:30 and 18:00?



“100m may not be enough.”

“Disagree if college includes any Oxford University College or any other establishment where the students are over 18.”

The proposed condition relates to colleges of higher education for under 18s. It does not refer to University or further education establishments.

“I agree providing we are talking about a school or college that has U18s present. If there are no U18s present then I fail to see the need for the restriction.”

“How can 'not normally' be circumvented? Also is 100 yards enough?”

The purpose of this condition is to help prevent children from eating at unhealthy fast food outlets in the school fringe in recognition that food takeaway diets can be a contributing factor in the rise of childhood obesity and other major health problems. This condition would not apply to applications for traders selling exclusively healthy options.

“Does this include Oxford University?”

“School yes, college no.”

“I see no reason why in the case of higher education institutions this policy should not be extended to midnight. There are two vans stationed in St Aldate's, one outside Christ Church and one outside Pembroke College. They create unnecessary congestion, smell and noise as well as obscuring site lines at both colleges' entrances. Moreover they do not assist

crossing what is an extremely busy street. In addition they sell food which could not be described as healthy.”

“This restriction makes the assumption that all street traders sell unhealthy food and will always continue to do so. If a street trader only sells unhealthy food consideration should be given to extending the exclusion zone around schools and colleges. Alternatively, if some street traders can be incentivised to sell only healthy food and drink they should be exempt from this restriction.”

“This should be left so that that individual cases are decided entirely on their own merits. It does not require a blanket policy.”

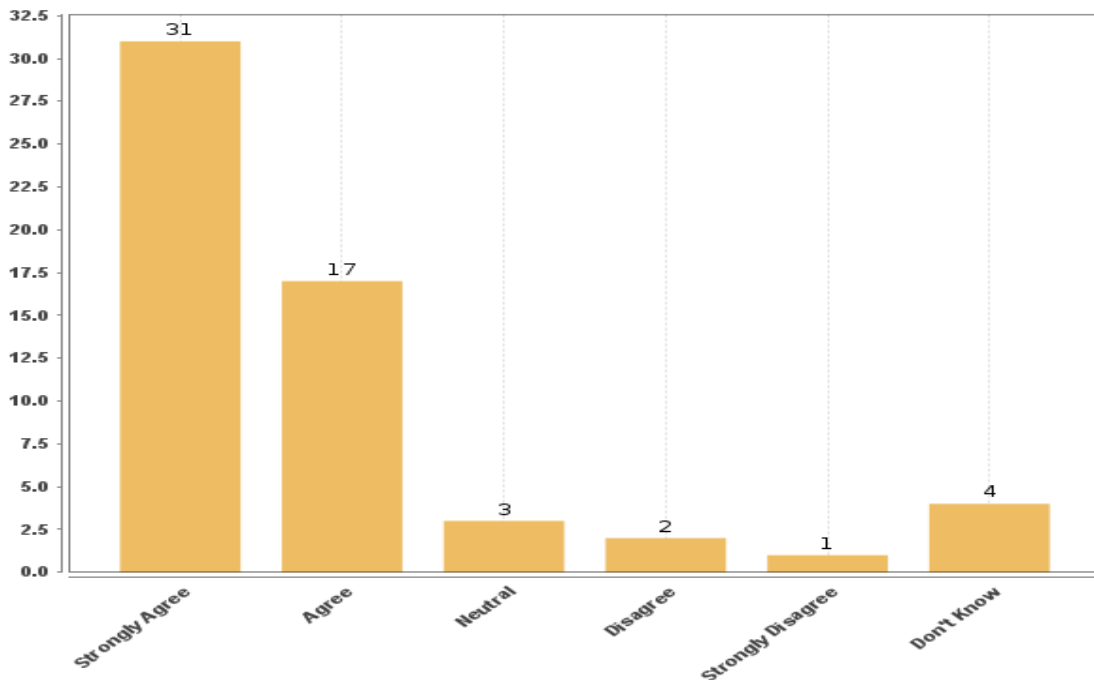
“100 metres is insufficient, suggest 250 metres minimum.”

A 100 metre distance is in line with the practice adopted by other Local Authorities for this type of condition.

“100m is no distance at all - to be meaningful would need to be greater than this.”

“I would caveat by saying that I would not necessarily object if the street trader in question was offering healthy food - the objection is to fast food operators close to schools offering unhealthy food.”

3) To what extent do you agree with the proposed condition that requires food businesses to achieve and maintain a minimum Food Hygiene Rating of '3 – Generally Satisfactory' under the Food Hygiene Rating Scheme?



“I'm still not going to eat them.”

“I think the minimum Food Hygiene Rating should be higher.”

“It has to be a 5 or they will work at a 3 level. Keep it tight. Far too important to allow a low minimum.”

“Of course food traders should be properly trained.”

“Generally Satisfactory doesn't sound very good to me!”

“To allow customers to make an informed choice about food safety standards all street traders should be required to prominently display an up to date Food Hygiene Rating Sticker.”

“I would prefer the requirement to be higher than this, but this is a workable minimum provided it is properly enforced.”

“5 would not be unachievable. Premises manage it.”

“Agree so long as this is the same standard for someone to trade from a fixed shop premises - wouldn't be fair to have a different standard.”

Compliance of food businesses with food hygiene law is measured on a 0-5 scale. Achieving a rating of 3 – Generally Satisfactory (or above) means that a business is considered to be 'broadly compliant' with the legal requirements. The council is committed to Building a World Class City and uses its regulatory influence wherever possible to raise standards. National legislation does not permit us to impose these standards on fixed premises. Any food business that fails to meet this standard (0-2 rating) is targeted for enforcement to improve their standards.

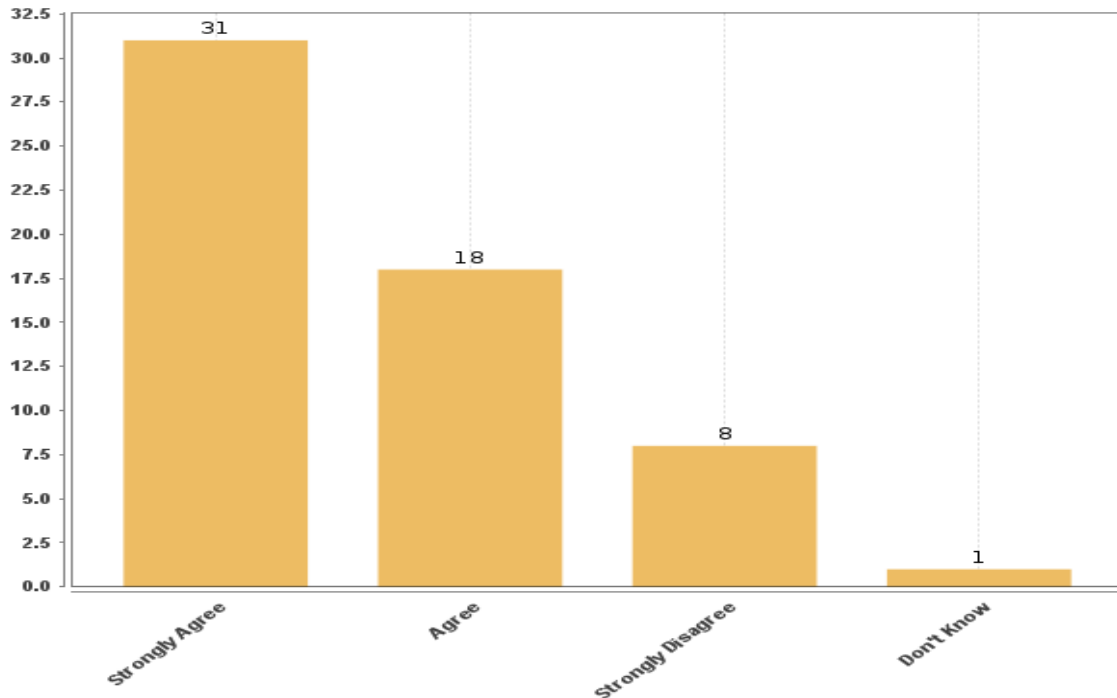
“This rule should also apply to traditional restaurants and cafés. No one should be able to trade with 0 or 1 hygiene rating.”

“Should be far better than that.”

“Should be higher.”

“Current Extruded Polystyrene (EPS) packaging is extremely hygienic and safe with evidence to prove so. This is why it used to a very large extent by the NHS.”

4) To what extent do you agree with the proposed condition for food traders which requires all packaging and utensils for use by customers to be made of biodegradable or recyclable materials?



“This will not prevent litter and will cause more problems. BIODEGRADABLE materials do not degrade overnight so need to be cleared away. Some people think it's acceptable to litter degradable items so litter may increase. RECYCLABLE materials need to be collected. Irresponsible people who do not use a bin are very unlikely to look for a recycling bin. Polystyrene (EPS) trays keep food hot so less chance of food waste. EPS is 98% air, has lowest carbon footprint of any plastic is recyclable.”

“There is no reason for street traders to have be treated differently to Marks and Spencers.”

As previously, the Council takes the opportunity to improve standards wherever it is possible to do so.

“A lot of 'biodegradable' materials are not very biodegradable. More exact standards would help. Although anything to lessen polystyrene is a start!”

“The policy should be specific in defining the terminology for and recyclable and biodegradable. In addition, compostable packaging should also be considered and mandating that packaging is certified to a standard e.g. BS EN 13432 Packaging: requirements for packaging recoverable through composting and biodegradation.”

“The environment is not a fringe issue. It has the potential to cause business real money and though perceived as indirect costs, this does not make them any less real. Environmental costs will be borne by someone. There is also a common misconception that bio material is more expensive. Depending on volume, this is not necessarily the case. Switching to bio-packaging allows business to leverage sustainability to enhance reputational value, reduce costs and secure their license to operate.”

"I support the direction, biodegradable and recyclable are 2 different things and you need to think hard about how all the waste does NOT end up in landfill. Disposal instructions must be included."

The council is committed to reducing waste sent to landfill year on year and to increasing the amount of waste we recycle. As a waste collection authority, the Council does not currently have the facilities to process biodegradable waste.

"If the Council is going to impose this cost on traders, in turn it should promote the traders as being sustainable and local sourced food."

"But this won't reduce litter nuisance: biodegradable/recyclable litter will still need to be collected and dealt with."

"Packaging and utensils should be functional and recyclable. Foam foodservice products are 100% recyclable, cost effective and have a low environmental impact. If compostable products are mandated, the city must have an existing, functional municipal wide composting operation that accepts foodservice containers. One cannot dispose of compostable products in a landfill or just toss away as litter as they will not compost. To properly dispose of them requires an industrial composting facility."

"It would be better if all packaging and utensils had to have vendor's name and then fines imposed when any bit of rubbish found. I live on a road where a lot of rubbish is tossed - it's not going to biodegrade in 10 minutes is it?"

"Yes packaging should be biodegradable and or recyclable and have printed on it PLEASE BIN ME, or something to that effect as nudges do work on the general public."

"But it still should not require local Council Tax payers to pay for cleaning up the streets. This cost should be levied on the street traders."

Legislation dictates that the cost of street cleansing cannot be levied on the street traders.

"The Polystyrene (EPS) trays currently used keep food hot thus minimising food waste. EPS is a good example of the efficient use of natural resources as it is 98% air. It is also recyclable. Biodegradability is a very complex field. Whilst there are some excellent applications for these materials, they can contaminate recycling streams and may actually encourage littering. Biodegradable materials require specific conditions to degrade - they will not simply disappear in the open environment."

"Polystyrene packaging is recyclable. Banning it will not reduce litter. Biodegradable packaging takes time and the correct conditions to biodegrade and can be an encouragement to litter. The effect will be to substitute one form of litter for another. EPS uses less resources in its creation than other materials so has a lower Co2 footprint."

5) Do you have any other comments in respect of the draft policy?

“Ensure the area where there stall is kept clean and tidy.”

This is already a general condition of consent.

“No. Well done.”

“INCPEN shares concerns about litter and we have worked with litter abatement bodies to prevent it. We would welcome the opportunity to meet with Oxford CC to discuss how we can help tackle the problem in Oxford.”

“We share concerns about our products & litter and we have already worked with litter abatement bodies to prevent it. We would welcome the opportunity to meet with Oxford CC to discuss this issue further.”

5.14 Who will the council consult with re nuisance complaints? Is there consistent checking procedure in place to confirm all stalls have been included in an application?

The Council refers any nuisance complaints to the Environmental Health Service. There is already a consistent procedure in place for checking applications.

“Biodegradable vs. Compostable. Compostable plastics are a subset of biodegradable plastics that biodegrade within the conditions and timeframe of the composting process. Compostable is always biodegradable. Biodegradable is not always compostable. For example the following are all of the following are biodegradable when they are scattered about as litter: cotton rags 1-5 months, paper 2-5 months, rope 3-14 months, orange peels 6 months, wool socks 1 to 5 years, cigarette butts 1 to 12 years, plastic coated paper milk cartons 5 years, leather shoes 25 to 40 years, nylon fabric 30 to 40 years, plastic 6-pack holder rings 450 years.”

“Fast food traders must provide bins and there should be strong enforcement to ensure that they are used. If there is rubbish in the street the next morning traders' licence should be reviewed (if necessary removed for persistent & offenders).”

“AOK to me, but we don't need any more street traders of any kind in the town centre.”

“Exempted community events should include the Cowley Rd Carnival?”

The proposed exemption regarding events is for small community events. As with any larger event, commercial stalls at the Cowley Road Carnival will be subject to a street trading fee.

“Oxford City Council has the opportunity to lead the way and set a positive benchmark for other councils to follow with regard to switching to bio-packaging material. There is a real push from smart business and the ethically minded consumer for councils to promote sustainable development and in a world of ever increasing extreme weather events, this pressure is only going to increase. Making the switch to bio-material has other exciting benefits, as well as offsetting environmental damage. With compostable bio-packaging, users have the opportunity to close the loop on this waste stream, a strategy London Bio Packaging specialises in. By closing the loop and ensuring used packaging is properly disposed of through the correct waste stream at its end of life, you eliminate waste altogether, as the bio-packaging material becomes the raw material supply for the another (composting) industry. Such an achievement would be totally possible for the Oxford area.”

“We suggest that pedlars should be only granted permission to trade in designated areas. Cornmarket Street is currently overrun with pedlars. We also suggest that buskers and entertainers be regulated with specific pitches. We suggest that Oxford City Council re-gain control of its only market square, Gloucester Green, which is currently as we understand being rented to a private company. We suggest that all ad hoc markets in Oxford City, should take place in areas that are designed for markets with proper power facilities. Currently markets are being held in inappropriate places, which is greatly affecting local small businesses. We also suggest that Oxford City Council devise a long term marketing strategy for utilising spaces which are currently under occupied, such as The Castle and Gloucester Green, rather than quick-fix flooding the city with events to increase footfall.”

Pedlars, buskers, Gloucester Green chartered market and farmers markets fall outside the scope of the Street Trading Policy.

“It seems to try to address some of the key issues of our time - obesity, type 2 diabetes, waste and landfill.”

The Council should be encouraging diversity of sourcing and small business provision (UK Government Treasury Policy). Street traders add life and vitality to Oxford and provide for a different market. I am concerned by the unqualified statements in the policy which are open to significant interpretation on adequacy of provision. That could only be tested by the market, not Council officials. The Council should be looking to international best practice such as street traders in Germany or Portland Oregon which promotes its thousands of food carts and they draw in tourists to the city.

“Rightly, the new policy places great emphasis on seeking to ensure that any food sold is microbiologically safe to eat and that consumers are in a position to make an informed choice about the safety of their food. In much the same vein the policy could easily be used to promote and incentivise healthy alternatives. To allow people to make more informed choices about the longer term health impacts of eating particular foods, all menu items including fizzy drinks could clearly state how many calories are contained in a single portion. Healthier choices could be prominently highlighted on the menu and a health rating score/award could be provided. Standards could be devised to control the amount of hidden fat, sugar and salt in condiments and sauces. To incentivise street traders to obtain a healthy eating qualification and provide healthier choices those meeting specified health promoting standards could be offered a reduced annual fee.”

“I should like to see the introduction of licence streets to raise the barrier to shorter hours for the evening sale of hot food (3am is unnecessarily late; 1am would be late enough) in order to reduce both litter nuisance and noise nuisance by removing incentives for people to hang around in the City centre in the small hours.”

The current scheme allows us to amend hours where necessary.

“It is important to achieve a balance which allows street trading to flourish where it is appropriate, and does not regulate it out of existence.”

“I would like to offer an invitation to council officers to use the CCTV suite for monitoring and enforcement opportunities with regards to breaches of licence.”

“How does this policy relate to community markets? Currently the Headington Farmers market is exempted from street trading fees. Our reading of the draft policy is that fees would apply. A £25 charge per trader would mean that Headington Action would no longer be able to run the market.”

The revised policy does not include community farmers' markets.

"I question the benefit of street vendors to the local economy and the fact they add to the character of the area. In a historic city such as Oxford I feel strongly that they detract from the overall streetscape and compete with existing traders who pay significantly more in rent and rates for the privilege. They have a place in controlled shopping centre environments but otherwise surely detract from the retail/ visitor experience."

"Litter is a social problem and not a material specific issue - plastic packaging products do not litter, people do. The British Plastics Federation (BPF) is committed to increasing plastics recycling and helping to reduce the wide social problem of litter. We would welcome the opportunity to meet with Oxford City Council to discuss how we can help tackle these issues in Oxford."

"The decision should include some consideration of the impact on the historic environment and conservations areas - it cannot be right to have vans like this outside tom Tower at Christ Church, for instance. We cannot support Broad street, High Street, St Aldates therefore should include the Castle which is allowed market trading 7.2 please add Oxford Open Doors/OPT."

"As the trade association representing the manufacturers and distributors of packaging used by the foodservice industry we are very committed to reducing litter and are working with Keep Britain Tidy, Defra and foodservice retailers to find ways of discouraging litter. Packaging manufacturers and most foodservice operators are not to blame for litter however there is much we can do together to discourage littering. Used EPS packaging has a value so we need to support an increase in bins designed to encourage the public to use them. We need to work together to educate the public and modify the behaviour of those who litter. In Oxford we need to work with vendors to help get the message across about disposing of packaging correctly. This could include labelling on packs and signs. We believe the most successful LA's with regard to waste are those who treat it as a resource and not a cost and so our industry needs to work with you to achieve this."

"Perhaps experience of a food trader outside 66 St Giles makes us feel that the use and sighting of generators needs to be included in the street trading policy."

Advice is already provided to applicants regarding the use of generators. The use of a generator is considered by relevant departments during the application process.

"In 5.6 - we wonder if 'immediate vicinity' needs further definition - what does this mean in practice?"

This wording is best practice amongst Local Authorities. The wording at 5.6 is provided as guidance for new applicants to consider.

In 5.8 (c) - nuisance from noise and odours can be caused to businesses as well as residents and this should be provided for.

Control of nuisance from noise and odours affecting businesses is dealt with under other legislation enforced by the Environmental Health Service.

In 5.8 (d) last sentence - "the unit will not detract from the appearance of the surrounding area" - we believe that the words "or character" need to be added in after the word 'appearance' - whilst appearance is important, different streets have very different characters and this should also be a factor in considering whether a trader is appropriate.

5.8 generally - the compatibility of the trader with the businesses in the immediate vicinity should be a factor in considering applications, to avoid incompatibility of uses e.g. fast food vans outside fine art galleries.

There should be consideration given to a healthy food policy in relation to food traders, to limit the amount of overall fast food vans in any one area and generally within the district. Ties in with Corporate Objectives - promoting healthy living.

The policy suggests that renewals of consents once granted will be virtually automatic, other than where there have been complaints or breaches of condition. We think that the original factors should be reconsidered at renewal to take account of changes, such as the changing nature of streets and environments, e.g. following development or pedestrianisation. What was once appropriate may no longer be so.

Traders must apply for Street Trading Consent annually. There is no automatic renewal. The original factors are reconsidered and where necessary, applications are referred to the Licensing Committee for a decision.

The street trading policy could be expanded to regulate the advertising on streets that currently takes place illegally e.g. the use of A boards and bikes and the like to advertise businesses, markets etc - it is unclear who currently enforces or controls these aspects. A formal policy and a clear consent process with enforcement powers is needed to tackle these issues.

The street trading legislation does not give powers to the Council to regulate advertising in the form of A Boards or bikes. There is other legislation in place to deal with these issues, e.g. the Highways Act 1980.

As regards Broad Street where the Council owns the main retail parade from no 1 to 23/25 - the allocation of 2 daytime sites outside no 14 and no 17 has caused controversy with some of the Council's tenants who trade from the retail units. From a property landowning perspective, we have a vision for Broad Street retailing to attract high quality tenants to form an alternative destination to the High Street, building on the historic character of the street. The presence of fast food street traders conflicts with that vision and there is already an incompatibility of uses e.g. outside no14. We would wish that no further sites be allocated in Broad Street and that the present allocation of daytime sites be reviewed."

"It is the City Council's proposal that environmental credentials will be considered when assessing applications for the grant or renewal of a Street Trading Consent that is of interest to us: specifically clause 31 within the general policy conditions that requires street traders to ensure that "all packaging and utensils for use by customers shall be made of biodegradable or recyclable materials."

We believe that this policy is a really positive step by the City Council and may be the first of its kind. Not only will this help tackle litter at source, but the policy will also increase the recyclability of any litter generated, reducing the prevalence of materials such as Styrofoam that are difficult to recycle.

A key consideration should be that any recyclable packaging distributed by street traders should be compatible with the Council's local recycling facilities; particularly with the on-street recycling bins located within the city centre. Some simple guidance to street traders on suitable packaging materials and advice on where these may be sourced would be beneficial.

We believe that it is preferable to specify recyclable packaging over biodegradable packaging. Generally, the term "biodegradable" is poorly understood by members of the public, whereas "recycling" has in recent years become a main stream activity that people

have grasped. Limiting the materials to recyclable (rather than biodegradable) will simplify the policy and improve public understanding.”

Biodegradable disposables. Reasonable choice of healthy eating options (e.g. not only fried foods) also healthy drink options (not only sweet fizzy drinks). Water always available. Site visits. Language and written skills of all employees at site to be of sufficient standard (e.g. to read instructions, labels etc., to deal with emergencies, to interface properly with public and inspectors, to understand any paper work they may have to deal with).

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