

ITEM 4

To: GENERAL PURPOSE LICENSING COMMITTEE

Date: 15<sup>th</sup> June 2009 Item No: 4

Report of: HEAD OF ENVIRONMENTAL DEVELOPMENT

Title of Report: Proposed Changes to Street Trading Locations at  
Bonn Square and Castle Street

Summary and Recommendations

**Purpose of report:** To seek a decision regarding the siting of street trading pitches following the completion of the redevelopment of Bonn Square and in response to the Transform Oxford traffic scheme.

**Report Approved by:**

**Finance:** Anna Winship  
**Legal:** Daniel Smith

**Policy Framework:**  
Street Trading Consent Scheme

**Recommendation(s):**

**Committee is requested to:**

- 1) agree to consult with Oxfordshire County Council, Thames Valley Police and Central, South and West Area Committee and other interested parties on the following proposed changes to street trading sites;
  - a) to confirm the use of the weekly let pavement location, marked as No. 1 on Appendix 2, as a permanent location for weekly let traders,
  - b) to move the temporary pavement location, for daytime trading, currently on the south side of Bonn Square, to the pavement in front of New Road Baptist Church, marked as No. 2 on Appendix 2,
  - c) to move the temporary night time trading location for a hot food vehicle currently on the pavement, outside Goldsmiths jewellers shop,

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to a new location outside No 30 Queen Street, marked as No. 3 on Appendix 2,

d) to move the night time trading location for a hot food vehicle in the Castle Street lay-by, to a new location close to The Central Conservative in Club New Road, marked as No. 4 on Appendix 2,

e) to retain the two daytime trading locations on the south side of Bonn Square currently used for flowers and coffee and marked as such on Appendix 2, and

2) to receive a further report following consultation.

### **Introduction**

1. Oxford City Council introduced a Street Trading Consent Scheme in 1986 to regulate trading in the City centre and its suburbs. Under the scheme streets have been designated as either "Prohibited Streets" where street trading is prohibited or "Consent Streets" where street trading is prohibited without the consent of the Council. The number and location of pitches is regulated by the number of consents granted and each consent specifies the particular location within a street where trading is permitted.
2. At its meeting in April 2007, General Purposes Licensing Committee authorised the use of three temporary street trading locations on the south side of Bonn Square, close to the retail shop fronts, to facilitate continued trading while the redevelopment of Bonn Square took place.
3. The redevelopment was completed in December 2008 and it is now necessary to determine what approach should be taken with regard to the trading locations.
4. Oxfordshire County Council Highways Department has notified officers that there will be changes to the location of bus stops in both Queen Street and in Castle Street as the Transform Oxford proposals unfold in 2009. These proposals will affect some street trading sites in the City centre. Traders have been advised of these changes and have been asked to have a flexible approach should their allocated site be affected.

### **Proposals**

5. The use of the temporary sites at Bonn Square has permitted the street traders to continue in business and for the continued income to the City Council from street trading fees. The following table summarises the proposals which are also presented in, map form in the appendices.

Site	Current Location	Proposed Location	Notes
1 Weekly let	Bonn Sq. South	Bonn Sq. South	No change - rota of 12 traders selling jewellery, clothing, craft & tourist goods
2 Crepes	Bonn Sq. South	Bonn Sq. outside Baptist Church	Consent renewed for 2009/10
3 Hot food (evening)	Bonn Sq. South	Outside 30 Queen Street	Same trader for last 3 years. Consent renewed for 2009/10
4 Hot Food (evening)	Castle Street	New Road (close to Conservative Club)	Consent allocated by Lic & Reg Sub-Cttee 16/03/09. Lay-by site removed by Transform Oxford
Flowers	Bonn Sq. South	Bonn Sq. South	No change
Coffee	Bonn Sq. South	Bonn Sq. South	No change

### 1 Weekly Let Site

6. The weekly let site, for daytime sales, has existed for 2 years and has a rota of 12 traders, at present, selling jewellery, clothing and other craft and tourist goods. The consents are paid for two weeks in advance of trading and this short term scheme continues to be popular with the traders. The traders have asked to remain on the south side on Bonn Square. The reason given relates to the increased footfall on the south side of Bonn Square as pedestrians pass to and from the Westgate shopping centre. The Oxfordshire County Highways Department have no objections to this site remaining.

### 2 Daytime Pavement Site

7. The current site on the south side of Bonn Square is causing issues with Goldsmiths Jewellers. A recent security audit has identified the location as a security risk in that it obscures a clear view into the premises which may have facilitated two armed robberies. Discussions have been held with the trader who is currently selling crepes. He has stated a preference to continue trading in the Bonn Square area and has asked to return to the pavement in front of New Road Baptist Church where there is level

ground. This proposed site, is very close to the original trading location approved by full council in 1985 but now covered by the redeveloped and paved area of Bonn Square. The present trader has renewed his street trading consent for the 2009/10 financial year.

### **3 Hot Food Evening (Bonn Square) Site**

8. Although this was originally a roadside location the current trader has been allowed to park his trailer on the pavement at night, close to the front of jeweller's shop at the corner of St Ebbes Street, so that trading could continue in the Bonn Square area. This temporary arrangement has reduced the access to the retail shop at night. The roadside trading location was established in 1985 by the City Council and identified as outside Bank House, 13 New Road. The Transform Oxford proposals have placed bus stops on this original site and it is now necessary to find a new location. The trader has asked to move to the road in front of No 30 Queen Street. Oxfordshire County Highways Department have no objections to this proposal. Queen Street is designated a "Consent Street"

### **4 Hot Food Evening (Castle Street) Site**

9. The transform Oxford proposals include the provision of bus stops and a "Clearway" on both sides of Castle Street with the resulting loss of the night time hot food location in the lay-by. Discussions have been held with the County Council Highways Department representatives to find a replacement site. The nearest location that is acceptable to that department is in New Road near to the Central Conservative Club. New Road is designated a "Consent Street". This consent was granted to a new trader at the Licensing and Regulation Sub-Committee on 16 March 2009 and the trader was made aware of the likely removal of the site.

### **Consultation**

10. There is no statutory requirement for public consultation or advertising the relocation of pitches as the designation of the streets is not changing.
11. The current traders have been consulted on the effects of the proposals and their comments are included above. They have generally expressed the wish to continue trading in the Bonn Square area.
12. Informal discussions have been held with Officers from Oxfordshire County Council Highways Department. They are aware of the congestion being caused to the pedestrian flow on the south side of Bonn Square due to the funnelling effect of the trading pitches being close together. They have supported the intention to spread the trading locations over the Bonn Square area, New Road and Queen Street.
13. The Head of City Development has requested that there should be no site on Bonn Square or the pavement immediately in front of it.

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14. It is suggested that Thames Valley Police, Oxfordshire County Council, Central South and West Area Committee, New Road Baptist Church, Central Conservative Club and 30 Queen Street (currently vacant) should be consulted on the proposed changes should committee approve the recommendations.

### **Legal Issues**

15. Legal opinion was sought prior to moving three street traders to their temporary locations and it was advised that 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 was 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).

16. However, any decision to terminate street trading consents may be subject to a judicial review and therefore the Council was advised to consult the existing traders before making a decision.

### **Name and contact details of author:**

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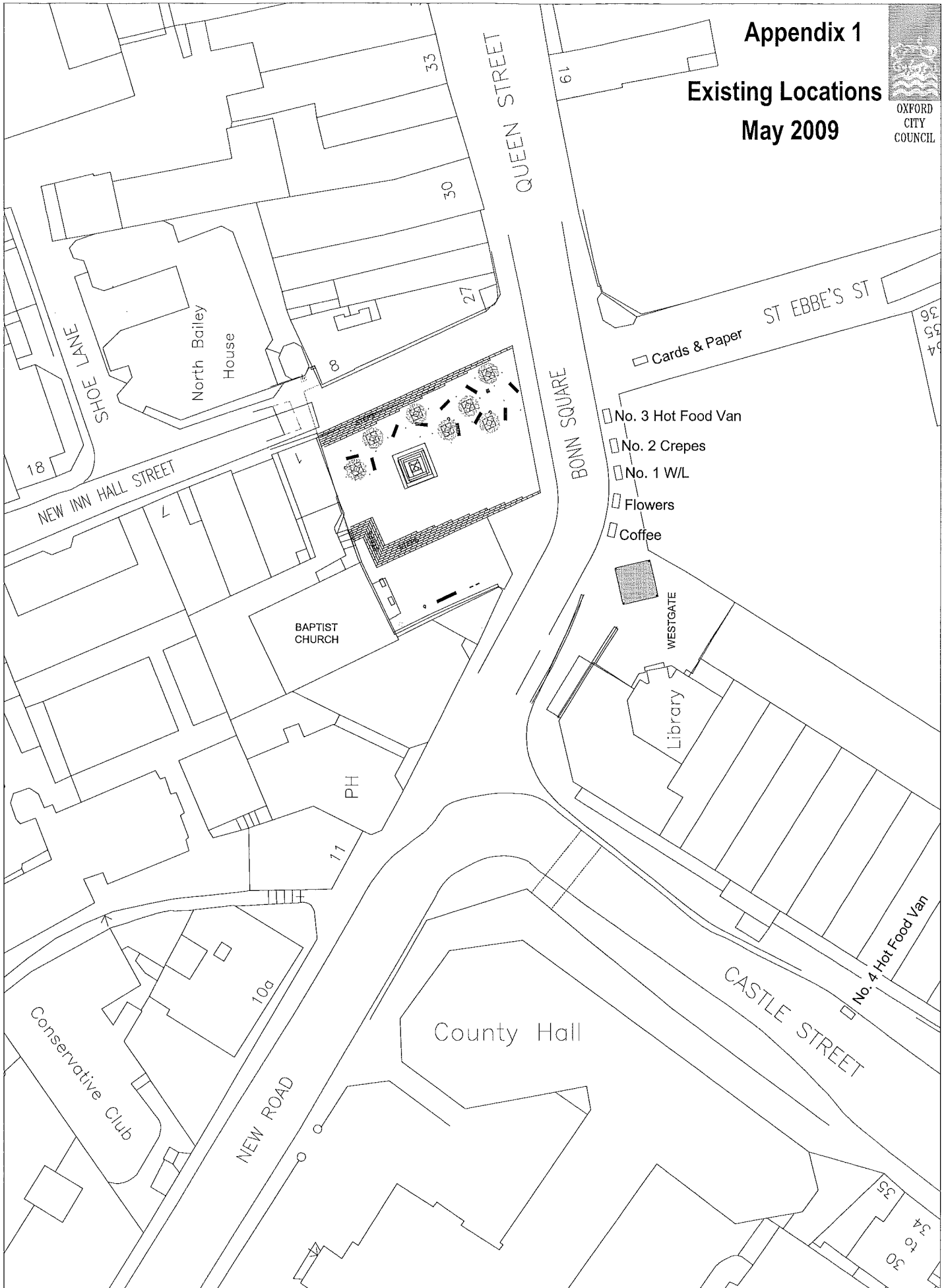
Background papers:

**Version number: 1.2**

Appendix 1

Existing Locations

May 2009

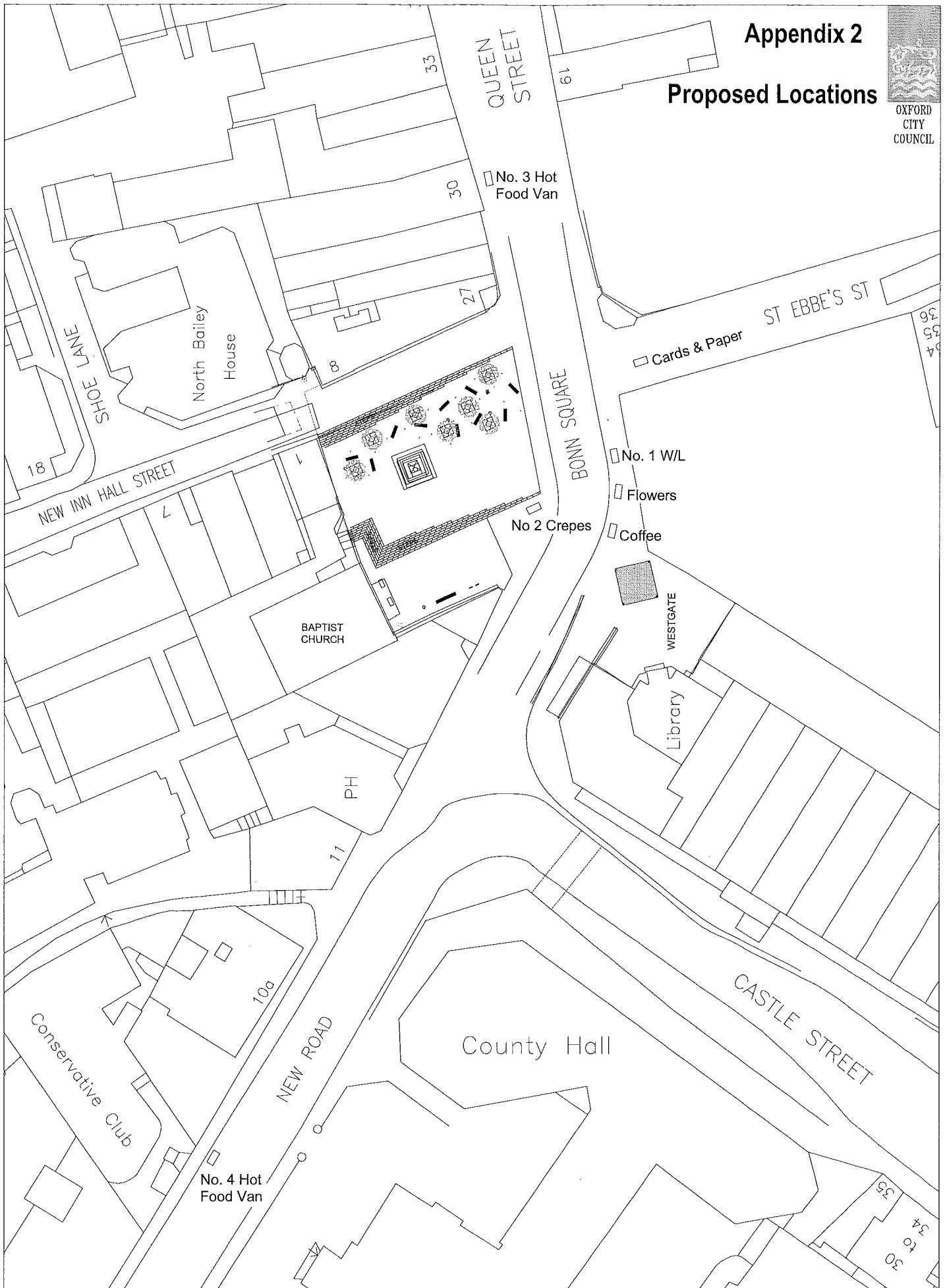


Street Trading Locations

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Appendix 2

Proposed Locations



Street Trading Locations