



Pembroke College
Oxford OX1 1DW

tel: 01865 276403
secretary: 01865 276401
fax: 01865 276446

2nd September 2011

Mr John Copley
Head of Environmental Development
Oxford City Council
Ramsay House
10 St Ebbe's Street
Oxford OX1 1PT



Dear Sir

Proposed Amendments to Designation of Streets for Street Trading

This letter of representation is written by Pembroke College, St Aldates Church and Commonwealth House in response to your notice of 11th August 2011 seeking views on the Council's proposed amendments to Designation of Streets for Street Trading.

As we understand the current position, streets are currently divided into three categories: 'Designated' (also called 'Consent') Streets, 'Undesignated' Streets and 'Prohibited' Streets.

'Designated' Streets mean that street trading in such streets is governed by the Council Street Trading Policy and the Council is therefore able to enforce that policy.

'Undesignated' means the Council has no control over street trading and is unable to enforce its policy. Effectively therefore anyone can set up on these streets.

'Prohibited' Streets are those where street trading is not allowed. They do come under the jurisdiction of the City Council's Trading Policy, like Designated Streets, but no street trading is allowed.

We can therefore clearly see that it would be in the interests of the Council and Oxford as a whole for the category of Undesignated Streets to be removed so that there is no longer a category of streets where the Council's policy on street trading cannot be enforced. However, the proposed amendment in the published notice of 11th August does not seek merely to achieve this, but instead to designate all streets as Consent Streets. We are strongly against amendment in this form for the following reasons:-

1. Making every street in Oxford a Consent Street prima facie enables one or more applications to be made for a street trading licence in every single street in Oxford. Apart from the increased administration that this will involve for the Council, this result produces the highly unfortunate consequence that all people living and working in every street in Oxford will need to be on their

toes watching out for applications for street trading which may be made in their street, even though that street may, in their view, be inappropriate for such trading.

2. We are aware from the Council's Street Trading Policy issued in July 2010 that there are present a large number of streets which are classified as Prohibited Streets. We believe that it is in the interests of the Council and Oxford as a whole, not least considering the Council's strategy of 'building pride in our City', that there continue to be some streets in the City where street trading is at all times and for all purposes prohibited.
3. We have seen that your briefing note on this proposal gives only one reason for removing the designation of streets as Prohibited. This is that 'if an organiser of an event/street party wanted to have stalls selling goods in a Prohibited Street (even if the event was properly organised and the proceeds were going to charity) they would not be able to do so'. We would suggest that those people living or working in a street which regularly holds, or believes that it may well in the future want to hold, any such event/street party as described above would apply for their street to be designated as a Consent Street rather than a Prohibited Street. On the other hand, we feel certain that there will be many streets where the people living and working in them would prefer an outright prohibition on street trading and hence maintaining the designation of 'Prohibited' Streets would be appropriate.

In summary, therefore, we urge the Council to adjust its proposed amendments to move to two categories of designation of streets: one being 'Consent' Streets and the other being 'Prohibited' Streets.

There should also be a mechanism for applying for the designation of a street to be changed from Consent to Prohibited and vice versa.

Also the criteria for designating streets as Consent or Prohibited should be set out. In default of a case being successfully made to the Council to designate a street as a Consent Street, the street should be a Prohibited Street.

To illustrate the point we make above about the desirability of a designation of Prohibited Street, may we mention the case of our own street, Pembroke Square. The signatories to this letter are the three institutions located in Pembroke Square. We would wish to lobby the Council strongly for the reclassification of Pembroke Square as a Prohibited Street. We can confirm that there is no likelihood of any of us wanting to organise an event or street party with stalls selling goods in Pembroke Square. We would all therefore wish street trading to be prohibited altogether.

We would each state our opposition to street trading in Pembroke Square as follows:-

Pembroke College

We have set out our issues on the kebab van in Pembroke Square in several meetings and in extensive correspondence with the Environmental Development section of the City Council over the past ten years. These relate principally to nuisance from noise and other anti-social behaviour. More recently, however, there are additional reasons in the case of Pembroke why we would strongly urge the Council to prohibit street trading in Pembroke Square. These reasons relate to the major new building development of the College now underway in Brewer Street of which the Council is of course fully aware. This major new £30m development will have two main outcomes:-

1. It will increase by 96 the number of students that the College can itself house, thus removing the students from the rental market within the City, an objective strongly and understandably pursued by the Council; and
2. It will house a multi-purpose auditorium and art gallery in which, in addition to student activities, there will be events and exhibitions open to the public.

The additional students to be housed and the public coming to events in the new development will enter the College through the existing main entrance of the College in Pembroke Square. The current effect of street trading in Pembroke Square through the large kebab van sited at the very entrance to Pembroke Square is to produce both an unattractive, uninviting and restricted entrance to the College, particularly during the van's busy hours from 6.30 pm onwards. This is because the van, given its position in Pembroke Square, attracts numerous customers who park (illegally) in Pembroke Square while collecting and sometimes continuing to eat their purchases while so parked. In addition, as the night wears on and particularly in the early hours of the morning, large numbers of people congregate around the van and Pembroke Square. This contrasts with the position with many other street trading sites within the centre of Oxford where customers tend to purchase and then move on. In Pembroke Square there is the opportunity and the attraction of lingering and congregating around this van.

These features of the entrance to Pembroke Square brought about by the kebab van located there are unsightly and extremely unattractive to those coming in and out of the College. This affects not only the large numbers of students and staff but also the visitors the College already attracts in the evenings. Both the number of students and the visitors will increase in the light of the new development referred to above.

The new development will also address the Council's objective of regenerating that part of the City centre. In this context it should also be noted that it has been agreed that the substantial Section 106 payment of £166,000 made by the College in respect of the new development will be used to fund improvements to the areas surrounding the College, The removal of the kebab van would add to those improvements and make the investment much more complete and worthwhile.

St Aldates Church

We support the general points made by Pembroke College above. In addition, we have found continuing examples of anti-social behaviour having an adverse effect on our congregation's ability to safely enjoy events in the church, particularly when leaving events in the late evening.

The positioning of the kebab van and its associated equipment makes car, bicycle and pedestrian access difficult for our staff and congregation arriving at and departing from the church. This is particularly relevant for children's and youth events in the evenings, when families can face both difficult and dangerous restrictions to access and sometimes a rather threatening atmosphere as large numbers of people congregate around the van. Again, this is most evident in the late evening. This access question is also a strong cause for concern in relation to emergencies. We will often have several hundred people in the church building during events, and we rely on swift and safe access to all our doors in the event of emergency. The van's size and position is a significant and dangerous barrier to such access.

Our Sunday evening services are often affected by disturbing levels of noise coming from the area around the van, which is directly alongside the church building.

Of particular concern to our staff and congregation is the concentration of those who are clearly intoxicated by drink and/or drugs around the van late at night. Apart from the issues of anti-social behaviour mentioned above, this unfortunately leads to a very unpleasant burden placed on our verger team in having to clean up urine, vomit and occasionally syringes on and around the church building prior to Sunday services.

Commonwealth House

We support the general points made by Pembroke College and St Aldates Church above. In addition, the issue of late night noise from the van and its activities has been a particular concern for the Warden and residents for some years. The parts of the House towards the St Aldates end of Pembroke Street are particularly badly affected by this and the summer months are made very difficult by the need to keep windows open on the upper floors to make living bearable, thus making the noise intrusion even worse. We have noted that noise levels are high both from the clients of the van, who typically become progressively more drunken and raucous as the evening progresses, and also from the operators of the van even after they have finished serving food.

We would add that we simply see this commercial operation as being completely out of keeping with the academic and residential nature of Pembroke Square.

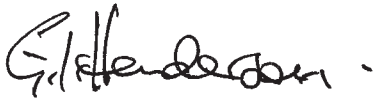
For all these reasons the three institutions signing this letter would wish to argue strongly for the classification of Pembroke Square as a Prohibited Street.

We are happy of course to answer any questions you may have on this letter of representation.

Yours faithfully

For Pembroke College

For St Aldates Church



.....
Giles Henderson, Master

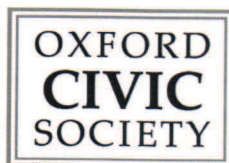


.....
Revd Charlie Cleverly, Rector

For Commonwealth House



.....
John Tranter, Chairman - Management Committee



Street Trading - Designation of Streets

Response by **Oxford Streets for People** and **Headington Action**

We are responding to the proposed changes on behalf of two organisations:

Oxford Streets for People, a group within the Oxford Civic Society which is promoting street parties as a means of community development;

Headington Action, an 'umbrella' group of Headington organisations which, amongst other things, runs the Headington Farmers market and Headington Festival.

We wish to make the following comments:

We appreciate that the change is being made to regularise the consent process across the city and to control undesirable activities. But we infer that the level of cost is set for revenue raising purposes (the current charge of several thousand pounds for an annual licence is clearly not related to the Council's administrative cost).

The proposed change will have little impact on street parties, as most street parties do not include any form of trading. However, organisers of some street parties may wish to raise small amounts of money to cover costs by selling, for example, cakes or to raise money for charity. It will be regrettable if the proposed cost, and associated paper-work, prevents such beneficial activity.

We are unsure how the proposed changes will apply to farmers' markets. The levy may have an impact on a market's viability – particularly those such as at Headington which are community organised.

We note that the purpose of the policy is to regulate the location and number of street traders and prevent the obstruction of the streets so that the activities do not cause nuisance or annoyance to the people in the area. It is not necessary to regulate community supported markets and festivals further as these activities do not relate to the purpose of the policy. Therefore, **we ask that the proposal does not relate to small scale one-off community activities in streets**. We see no justifiable reason why the Council should attempt to raise revenue from such community activities. If it is argued that the cost is applied to cover the cost of consent administration then we suggest such cost is best avoided by dispensing with the process! A key principle of regulation is that it must be proportionate – to regulate these activities is not proportionate.

We note that a street trading consent will require the approval of not just the City Council but the Highways Authority, Nightsafe, Oxfordshire Fire & Rescue Service, the Planning Authority at the City Council and Thames Valley Police. We assume the City Council will be the sole point of contact to obtain such consent.



We have been informed that events such as the Headington Festival will also fall into the category of needing a trading licence. This is odd; parks are not streets, trading activities in parks are already regulated and significant charges are already levied. We can see no case for adding more cost and more paper-work to park-based events. Already we are aware that some park events do not take place because the organisers find the process too burdensome. **We ask that street trading consent regulations do not apply to park-based events and the whole process for park-based events is examined to make it simpler.**

We note that you intend to consult with local residents and retailers when you receive an application for consent. What mechanism are you going to use? Will it be the same process which Planning uses, which allows interested parties to receive an alert for any application within x meters of their home? We will be very concerned if the consultation process involves the applicant in further bureaucratic processes.

9 September 2011

Richard Bradley
Coordinator, Oxford Streets for People

24 Beaumont Road
Headington
Oxford
OX3 8JN

Tel: 01865 762418

Patrick Coulter
Chair, Headington Action

20 Stapleton Road
Headington
Oxford

Tel: 01865 766341

Environmental Development
Oxford City Council
13 SEP 2011
Received

Christ Church
OXFORD OX1 1DP

RECEIVED 05 SEP 2011

*— Acknowledged & advise pushed to Mary from
— Send to my Payne
for feed of into the street
& consent of street.
Ask him to respond i
done same to college.*

Mr. T. Sadler
Executive Director
City Services
Street Trading
Oxford City Council
Oxford OX1 1PT

1 September 20 11

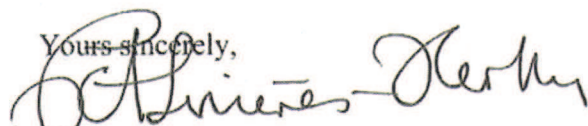
Dear Mr. Sadler

Street Trading Outside Christ Church

I have recently taken over as Steward at Christ Church following the retirement of John Harris. It has been brought to my attention by the Domestic Bursar at Pembroke that there is a plan by OCC to reclassify all streets in the city as 'designated' that requiring consent for street trading. Whilst Christ Church would be in favour of this reclassification we would be against the reclassifying of 'prohibited' streets. I note that there is to be wider consultation and no doubt you will be writing to all colleges including Christ Church in due course.

I would also like to take this opportunity to say that Christ Church would very much appreciate it if the location of the pizza van trader which is parked immediately to the left of our main entrance in St. Aldate's be relocated further down the street so that it is no longer outside student and senior members' rooms. We fully understand that traders need to make a living but would ask that due consideration be given to not disturbing those who live and study in the immediate vicinity and have to contend with noise from those hanging around the van inevitably talking etc, cooking smells and the even noisier late night revellers.

Thank you for your consideration and I look forward to hearing from you.

Yours sincerely,

Steward

Pauline Linières-Hartley, Steward of Christ Church
Tel: 01865 286580 • Fax: 01865 286328 • email: pauline.linieres-hartley@chch.ox.ac.uk
Registered Charity No. 1143423.

P.O. Box 581

Banbury
OXON

OX16 6BS

Environmental Department

10th Abbas Street

Oxford

OX1 1PT

09/09/11



Ref - Redesignation of Streets

Dear Sir/Madams,

I would like to make the following points with respect to the above proposal and would like my submission to be attached to any relevant council appendices.

1. In principle I am supportive of the extended street trading scheme. However, I am a very small trader and will be severely affected by this scheme. My current trading comprises of two business units.

① Organic Bacon Baps & ② Organic Ice Cream. Some of my hot food sales take place on private land

and are unaffected by your new scheme²¹⁷. But for 1 hour per day between 13:30 - 14:30 during term time I trade on Mill Street outside Bellerbys College. My maximum turnover for this site is £25 per day (£4000 PA) and if the Council were to apply a charge of £7000 then this will clearly put me out of business - I am requesting some sort of "Roundsman" licence to cover this activity.

I also trade at Port Meadow with my Organic Ice Cream unit at the weekends during the summer. This year I have had a maximum of 10 days, I typically take £150 per day (£1500 PA) and feel that even your ~~max~~ minimum fee of £3500 for six months trading is excessive. During the school holidays weeks I also sell ice creams outside the Natural History Museum on Parks Road and take approximately £80 per day for 5 days per week (10 weeks per year). The total maximum takings¹⁴² are £4000, but

in reality, due to the weather my takings ^{3/7}
this year were about £2200. Again the
licence fee of £3500 is excessive and
will put me out of business and force
me to apply for benefits, which is not an
action I would like to take.

2. That the charges being proposed are too
great and need to be justified - I am
a sole trader and my business isn't too
dissimilar to that of a taxi driver. My
business expenses and income are similar and the
amount of council involvement in my business
is ^{also} not too dissimilar. The council currently
charge £282 PA for a private taxi licence
and £296 PA for a Hackney Cab licence.
These licences allow the vendor to operate
24 hours a day 365 days per year.

3. The charges being proposed are completely

out of line with the City Business Rates. ^{4/7}
Business Rates are based on Rateable Value
x the Government weighting (currently 0.433).
I have contacted 2 or 3 commercial agencies
and they tell me that the maximum annual
rental in Central Oxford is about £70 per
square foot. Some given examples are both
from Nick Berrill a Director of Savilles in Oxford.

① Richer Sounds in Park End Street at £16.04
per square foot.

② Culpeper in New Hall Street at £63.76 per
square foot.

An A1 commercial premise in Oxford of 1000
square ft would command a rental of
£70000 and have a rateable value of
 $£70000 \times 0.433 = £30310.$

The average kebab van measures approximately
15 x 6.5 feet or 97.5 square feet.

If the council were to apply the same financial charge to this van based in Central Oxford then the business rates would only be £2955 rather than £7000. The kebab van is subject to the same conditions as any other normal business i.e. Environmental Health, Trading Standards etc. and should not cost the council any more per unit. Therefore it is difficult to understand why the licence fees are so much greater. It should also be remembered that the trading hours of these kebab vans is also highly restricted. In my own example my unit occupies 18 square feet and would have a rateable value of no more than £272.79 for six months trading (which is coincidentally very similar to a taxi licence). It also makes more sense to charge

larger mobile units more per year as they are likely to have higher takings and employ more staff. Rateable values should be assigned to location i.e. the council could look at the rateable value ~~of~~ ^{being} used for businesses adjacent to the proposed mobile site and use the same value per square foot.

4. I understand that the Street Trading Scheme is ~~not~~ designed to neither make a profit or loss for the council. I also understand that the council incurred a loss of (a) £7000 last year due to legal matters. I believe that the council has also ~~not~~ ~~recently~~ redesigned the main licencing officer and redelegated his work to others in the office which must be a saving of (a) £30 k PA. My suggestion for the council to use the Business Rates section of the council would definitely save further costs

and ~~make~~ ^{make} the activity more efficient. 9/17

5. My final point is that the Street Trading Scheme was designed to encourage new businesses - the fees being proposed actually discourage new business and I believe are wholly unfair. I would like you ~~to~~ to seriously reconsider the impact that this scheme will cause and take on my suggestion of using a business rates type calculator which gives all businesses in Oxford the ^{same} competitive edge.

Yours sincerely



Alan Joyce

This page is intentionally left blank