

Appendix 5 - Consultation comments regarding Street Trading 2014

Adrian Halstead the owner and manager of Barcombe Nurseries

My name is Adrian Halstead and I am the owner and manager of Barcombe Nurseries. We grow vegetables on ten acres in Barcombe and sell them locally through our box scheme.

For 5 years I have been selling my vegetables in the precinct and the stall more or less breaks even but offers us the opportunity to promote our box scheme. The introduction of a charge by the council will insure that the stall more or less always makes a loss. I don't object to there being licences but they must be affordable to small traders.

It seems to me that we are just the sort of enterprise that LDC should be supporting, promoting, or even funding (!) as we are providing a service that brings local, healthy vegetables into town, each week, particularly as there are now no greengrocers in Lewes. We grow organically protecting biodiversity and employ ten local people. Adding this extra charge is making me wonder why I bother! Basically the consequence of these charges will be that only traders with high margins will be able to afford to be in the High Street.

Barcombe Nurseries have been trading in the Cliffe for over 5 years and have built up a committed customer base for our Organic Vegetables and Fruit. (See attached document for background information on Barcombe Nurseries.) Initially we were told there was no system of licenses and no-one has contacted us since then. We are concerned about the proposed changes in registration of market traders.

I would like to make 3 specific points:

1. That a special case be made for primary producers, ("fresh from the ground") because of the particular economics that apply to this sector.

The following is a breakdown of costs based on £300 takings typical for this time of year, it is consistently way below this in bad weather.

MARKET TAKINGS
£300

MARKET EXPENSES

Nursery & Produce cost (including picking) 50%
£150

Van costs - Tax, insurance, Servicing, MOT, Depreciation, Fuel
10

Parking
5

Disposable - paper/plastic/carrier bags, pens, notebooks, labels
5

Hardware - label pins, market boxes, barrows, display, calculators, scales etc
5

Market Prep (Tom/Maggie)
25

Market Stall Labour (Maggie/Freya)
60

Waste (10% back to compost)
30

TOTAL EXPENSES
£290

PROFIT
£ 10

(Takings in late Summer/ early Autumn when we are producing higher value produce can be in the £400s. Takings in mid-Winter are nearer £200/250.)

As you can see it's very tight and my only real justification for selling vegetables on a Saturday in Lewes is as a platform for promoting our vegetable box delivery scheme. I think vegetables are a particularly difficult commodity to trade in, witness the shortage of green-grocers; you need very high volumes and have to expect waste because they are perishable, (we compost all our waste, returning fertility to the farm.)

In the current climate with the drive for healthy eating, and sustainably produced food (we are registered and inspected by the Soil Association and therefore also create many benefits to the environment, locally) we feel that what we offer fits perfectly into the council's sustainability remit – see the 'Environment and Sustainability' page on the Lewes District Council website (also attached) - so why not really support us. We also know from our customers that many are attracted into Lewes on a Saturday specifically to buy our salad which is somewhat unique.

2. That there is a strong case to encourage start-up businesses and young entrepreneurs to 'have a go' with initially, low overheads. (Where will bigger businesses come from otherwise?)

It could be the ideal opportunity for Lewes District Council to encourage young entrepreneurs and start-up enterprises to try out ideas; without big overheads. While trading at Upper Gardener Street market Brighton I have seen several businesses start there for £12 a pitch and go on to rent premises and employ local people. I think it is really important for young people, in particular, to be encouraged, and have the opportunity, to have their first business experiences. It is not possible for everyone to start halfway up the ladder.

3. That the fees currently imposed are, unreasonably, at the very top of the scale in Sussex with nothing being provided in return.

The pitch fee seems to me unjustifiably high. Other markets we attend, do charge, but are managed ie. they are established, promoted and supported in practical terms eg. provision of stalls, clean-up etc. Please see attached letter of support from Churchill Sq and Brighton Food Festival organiser Frank Jay. Upper Gardner St in Brighton is £12/pitch; and a stall in the well organised bi-monthly Lewes Farmers Market in the same precinct as we are discussing is less than LDC want to charge for a bare pitch. I feel that we have already invested our time and money in developing a customer base for our stall in Lewes which is now very popular. We did this totally independently and I feel that LDC are now exploiting that investment.

I feel that Lewes District Council should be able to encourage Barcombe Nurseries, and maybe also young and start-up enterprises, with perhaps a one-off registration fee; or a fee-waiver for the less productive six months of the year; or a reduced weekly fee; encouraging the sale of, and reflecting the importance of, fresh, locally grown vegetables. There is no other supplier in the town on a Saturday.

Chailey Parish Council

At its meeting held on 18th March Chailey Parish Council discussed the proposals and wished to make the following comments:

- 1. Chailey Parish Council noted that Street Trading charges already applied to Lewes and Newhaven which are clearly defined urban areas: the Parish Council believes that the proposed extension to the whole District has been occasioned by difficulties in the specific neighbourhood of the Brighton Football Club stadium.*
- 2. Extending the charges to the whole District is taking a sledgehammer to crack a nut!*
- 3. Street trading in this rural area is not a problem: it takes the form of occasional, and seasonal, produce being put out for sale by householders, or of seasonal vendors of, specifically, Kent cherries. These sales are sustainable, and present no threat to local stores and, usually, no obstruction to traffic. They save householders from driving a distance to purchase the same product and are a summer/autumn phenomenon.*
- 4. It is difficult to see how the regulations can be enforced, when there is no regularity nor geographic focus about such sales. The procedure proposed (with references to safety legislation) seems inappropriately burdensome, even bureaucratic. Given the fee-scales, the Council is reluctant to believe that income will outweigh the cost of supervision.*

Lewes District Council Officer

Having carried out some enforcement work for the above during the previous two weeks, I have listened to some of the concerns raised by traders in the precinct. I thought I would make a couple of suggestions for you to consider during the 28 day consultation period.

1. During the winter months (e.g. October to March), could we operate a pay-as-you-go system, whereby a trader pays on the day and is issued a signed pass?
2. Also during the winter months, could we reduce the cost of a pitch from £40 to £25?

A pay-as-you-go system would require an Officer to visit on a weekly basis, but it would help avoid confusion caused by traders when they pay up front for weeks on which they do not trade due to poor weather (and then claim to me that they are using un-used permits at a later date!). It may also result in more traders using the precinct as the conditions would be more attractive to the traders during unpredictable winter weather.

Charles Frowd

Thank you for the letter on proposed street trading controls. I would like to offer my thoughts from the point of view of an mobile Ice Cream trader

Whilst I generally welcome some form of control over street trading in the Lewes district area to protect bonafide traders we have the ice cream mobilers code of conduct drawn up by the Ice Cream alliance

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/245699/pb14030-ice-cream-vans.pdf

Plus, of course I respect that shops are trying to make a living as well and do not trade near retail premises.

I do feel that this certainly covers my modus operandi on a full busy days work I can cover up to 60 stops a day plus the 'stop me and buy one'. It would be impossible to list all 60 + stops which are on residential roads and estates apart from 10 or so which are factory tea break stops, plus of course, I have requests to attend birthday and wedding parties to chime and pull up at. I think a better scheme would be to put exclusion zones i.e. Broad St. Church St. Seaford, Meridian centre Peacehaven where I know they have had problems and have had local councillors phone me up to ask advice how to remove them. (I referred them to you!)

The old bylaws used to cover problems and certainly have been applied, in my knowledge in the 1990s

With the decline of the Ice Cream van trade we do not have the problems we used to have . In the Lewes district and indeed along the coastal area on a hot day at the weekends there have been instances of vans unconnected with any one locally coming down to the coast in the hope of a quick profit, I know that traders on authorised sites call the police to remove them.

Since most of my trade (over 250 days a year and 90% of trade) is to regular customers with regular stops I feel this qualifies me as a rounds man.

Daniel Jensen
Lewes Resident

I am writing to voice my concern after receiving a letter recently from district council at the up coming proposals to increase regulation and charges for individual traders who wish to operate in the Lewes environment and am also concerned that you wish to charge more for the privilege of doing so in Lewes and Newhaven than anywhere else in the district as highlighted here

<http://www.lewes.gov.uk/environment/21784.asp>

I am a resident of Lewes and operate on a strictly part time ad hoc basis an ice cream business called " Sussex Scoops" which I operate from a vintage style tricycle. When the weather is good I will bring my tricycle down into Lewes and

operate from a couple of spots either in the area of the Pells pools or in the area of the bridge down in the high street on the other side of the pedestrianised plaza which is operated by Lewes council, sometimes i go to Seaford and operate on the beach front . I feel that my presence on an old style tricycle adds to the charm of this beautiful town we all love and allows me to contribute in some small way to the local economy, in that all my ice cream is sourced locally from Downsview farm in Ringmar, this ice cream is not the cheapest but it is good, and I do not charge excessive prices so my profits are not large either, this is just a small enterprise i run because it is simple and I enjoy it.

My concerns are

1. By charging me £30 for the day to operate in my home town rather than £25 elsewhere seems a little unfair, especially on top of the fact that the council is already making me pay more for my Council tax to contribute towards the national park, it seems that you are just trying to squeeze Lewes as you feel it is some sort of cash cow.

My profit margins are already quite low considering the ice cream is not cheap and I only charge £2.00 a cone, (compare that to the prices the National Trust charge at Birling Gap) also being a tricycle I cant carry vast amounts of stock so the economies of scale are not on my side ,i might make £50-60 profit on an afternoons trading which would be automatically halved if you start charging me £30 a day, my primary aim is not to make loads of money but rather provide a little local colour when the weather is nice and i feel having to pay for the privilege will force me out in favour of some corporate big boy with loads of cash.

2. Another of my concerns is that being totally weather dependent i make my decisions to come out on a week by week or day by day basis , if i think its going to be nice

then ill come down , it would be wholly impractical for me to buy a stall / spot weeks in advance only for the weather to be bad.

- 3 In the letter i received in the post it was cited that one of the main reasons to introduce regulation was "because of" an increasing number of concerns" I don't know about the Amex of Newhaven that were cited along side Lewes but i have never seen any problem with vendors or traders in Lewes, there are a couple of regulars on the bridge, a guy who sells essential oils, a fruiterer and a teenage entrepreneur who sells ice cones by the Pells , please don't make the mistake of treating all three zones (which have very different uses and needs) the same. If the Amex has problems of dubious hot dog vans then that should be treated as a separate issue.

4. Lewes is a place of character individualism and expression , when I first set up last year I was told by Lewes council that I had to pay to operate on the pedestrianised precinct , and that everywhere else was the remit of District Council, when i spoke to district i was told categorically that as long as i didn't cause a nuisance or block the highway I could trade freely (assuming i had relevant food certificate and insurance etc)I have not encountered any issues with any rogue traders at all , and i am disappointed that what seems to be happening here is less an attempt top regulate bad traders , but more to sanitise and sterilise local flavour .

I hope you can take my views on board and perhaps offer something slightly more imaginative than uniform regulation , we have a charm and character in this town that shouldn't be crushed by unfeeling bureaucratic processes.

Frank Jay

Director - Brighton & Hove Food and Drink Festival

Ref: Barcombe Nursery – Lewes Market

As Director of the Brighton & Hove Food and Drink Festival and Brighton Farmers Market outside Churchill Square, it has come to my attention that Adrian's Barcombe Nursery has been informed of pitch rate changes to the Lewes Market. Understanding how fine profit margins are for small organic growers like Barcombe, and that the current pitch he has with you is the ONLY regular market he makes a slight profit on, we are distressed to hear of your new rates that could mean him being unable to afford to trade with you and possibly put him out of business.

At the Brighton & Hove Food and Drink Festival (and Kingston Food Festival), we adjust rates according to the type of business, with 'fresh from the ground' subsidized so they can make a profit. You (we) really don't have an authentic market without farms like Barcombe, who add the integrity the public have come to expect.

At the Brighton Farmers Market outside Churchill Square, we teamed up with the big commercial enterprise to agree a subsidized pitch fee. We certainly don't make a profit from the markets; our aim is to keep the small local producers alive.

The business model we use at the Brighton Farmers market from the pitch free charged is:

Rent of site 25%

Stall hire company/site manager 70%

Insurance/admin 5%

Profit 0%

We strongly suggest you return to the original arrangement you had with Barcombe Nursery before he is forced leave and the entire negative PR that could follow.

We challenged Brighton Council over such matter recently and MP Geoffrey Bowden championed our case, which we won.

Hamish Elder, Executive Chairman
Harvey and Son (Lewes) Ltd
(proud sponsors of the Farmer's Market category of the Sussex Business Awards)

Like many other people's, our view is clouded by a few unknowns such as:

- How is street trading currently policed ?
- Can any stall holder pitch-up Free of Charge ?
- Are these unregulated trader's profits effectively subsidised from the business rates of the permanent traders from whom they attract their business ?

With so many unknowns, the following can be treated as observations

Most people recognise that, to some degree, "certain weekend market stalls" act a draw to the town. Yet for those traders who have fixed overheads, permanent staff and **soaring business rates** it can be more than frustrating to tolerate 5 days of meagre high Street pickings. Then on Saturday, (the only day the town has a reasonable throng of shoppers,) to witness swathes of customers drawn away from the shops by bargain market stalls who have no administrative costs.

There appears to be no control at these stalls of health, Hygiene, safety, consumer rights, public liability insurance, or other compliance legislation.

for example:

1. Last Saturday we witnessed a child sneeze repeatedly over an open table of pastries.
2. I have seen a passer-by hit by a falling brace from the structure of a market stall (no injury sustained)
3. alcoholic drinks seem to be sold (as off-sales) unregulated. No licence is displayed, seemingly no T.E.N. has been obtained.
4. Perfumes, herbal remedies and other concoctions containing goodness knows what ingredients.

Similar questions also seem to apply to mobile fast food units on bonfire night/ late night shopping evening and there are enough street buskers in Lewes to form an orchestra (each varies from the appalling to the expert) but without control these musicians at best become monotonous to those fixed traders who cannot escape the umpteenth rendition of some tuneless dirge.

Whatever the council decides to do it must be clear and transparent. A uniformed street marshal, funded by stall holders, collecting ground rents, checking licenses, permits, insurances and qualifications would seem to be the bare minimum requirement. But there should be discussions about reasonable thresholds for: how many itinerant bakers, butchers etc should be permitted to trade in competition with

the indigenous rate paying bakers butchers etc.

Addendum points

The number of 'rate free' charity shops in the high street speaks volumes for the plight of current retail shop activity, already competing as it must with 'rate free' internet businesses.

On a more positive note Lewes has a good proportion of independent shops which tend to re-circulate their profits locally , maintain pride in their community and are good local employers.

Graeme Lake BEng (Hons) MCIHT
Traffic Manager
Team Manager - Network Management
ECONOMY, TRANSPORT & ENVIRONMENT
EAST SUSSEX COUNTY COUNCIL

Thank you for the opportunity to comment on your draft Street Trading Policy.

I have no adverse comments to make on behalf of the Highway Authority for the area. I support your intention to sensibly control Street Trading and look forward to being consulted on street trading applications where there may be an impact on access or highways safety.

Sue Berry
Clerk to Newick Parish Council

The District Council's proposed street trading controls for the Lewes District were considered by Newick Parish Council at the Parish Council meeting held on Tuesday 25th March. The Parish Council also took into consideration comments on the proposals made by a representative of Newick Bonfire Society.

The Parish Council has concerns that the proposals appear to be intended for use in towns and that they are not appropriate or necessary in villages such as Newick. However, it is understood that as the whole District has been designated under the Street Trading Consent Scheme the policy, if adopted, will apply to area such as the Village Green or the Recreation Ground. This would put an unnecessary burden upon local organisations, such as Newick Bonfire Society, Newick Horticultural Society and others that arrange annual or one-off events for the benefit of the community. It was not clear from the draft policy that has been published for consultation how these events would be treated and whether or not licences would be required. It is hard enough to get volunteers to run these traditional events that

are popular with the local community and another layer of bureaucracy may well signal the end for some of them.

Judith Bradbury
Clerk , Rodmell Parish Council

This matter was discussed at the March meeting of Rodmell Parish Council & at your request I am now writing formally to you so that the views of Rodmell Parish Council can be part of your consultation.

Firstly I would say that the Councillors do understand the rationale behind the proposals . Rodmell is a small village with 334 on the Electoral Roll. For comprehensive shopping residents have to visit either Newhaven or Lewes although there is a farm shop at Middle Farm & a small shop in the reception area of Monks House in Rodmell.....both are understandably geared toward the tourist trade.

Our main concern about the new proposals is that they fit well into a town scenario but are not well suited to a small rural community such as ours. Observations from Councillors include :-

- ⤴ how would small ad hoc sales of surplus produce eg the odd bucket of sweet peas, eggs etc be treated ? I believe a suggestion has been made that Parish Councils could make representations for such sales to be exempt.....but such trade is by its very nature transient & it would seem a bureaucratic burden to ask Parish Councils to do this each time a resident put something for sale outside their property. It may also be possible to exempt sales within the curtilage of a resident's property...although we felt we would need some guidance as to what that was !
- ⤴ Last year any interested residents in Rodmell collectively sold surplus produce on a Rodmell Produce stall. The plan at the moment is to run this again for 2014 , perhaps once a week. The turnover in 2013 was about £900 & 10% was donated to the Parish Council ...it helped us to fund repairs to a vandalised bus stop. The stall operated on the corner of a pavement & typically sold fruit & veg but some items of home made jewellery etc too. It was manned by a volunteer rota. The imposition of a Street Trading Fee & the requirement to take out third party liability insurance etc would make such a project unviable....which is a bit harsh when we don't have a village store!

Some suggested work arounds that have been mooted include :-

- ⤴ exempt any trading activity with an annual turnover of less than £x. But I understand you feel this might be vulnerable to abuse by larger stall holders fraudulently claiming the exemption , the need to monitor etc .
- ⤴ Exempt activity allowed where there is no shop within a radius of x milesbut we would perhaps become unstuck because of trade such as Monks House reception shop.
- ⤴ Delegate the power to allow rural Parish Councils to issue an exemption

under certain tightly defined circumstances ?

Lucy Clark
Support Services Manager
Seaford Town Council.

Following our Planning & Highways Committee Meeting held on 13 March 2014 I would like to inform you of the comments our Councillors made in respect of the proposed Street Trading Controls.

The comments are as follows:

- To request further information be provided on special events organised by Councils such as Late Night Shopping.
 - To seek a review 12 months after implementing the new Street Trading Controls.
 - Reduce the review term to 3 years rather than 5 years.
 - To gain clarification of what is meant by charity and seek inclusion of community groups and whether there is an exemption if a percentage of profits goes to charity.
 - To request clarification with regards to information on Seaford Bonfire Night.
 - To express concerns on the level of FEES especially at not town centre locations.

 - To clarify difference between main areas and remote areas such as High and Over and South Hill Barn.

 - To suggest that this is a non-profit making initiative.
 - To ensure that the proposals are economically viable to encourage not discourage trade.
-