

Appendix 4 – Consultation comments summary

Policy/Condition section reference	Comment	Source	Observation of Officers
Applications, Renewals and Fees – “Special events/markets” section	Add a final sentence to read – “The Consent Holder will be responsible for ensuring that conditions are met by all Traders”	East Sussex Fire and Rescue Service	
Applications, Renewals and Fees	<p>New section to be added regarding use of Lewes and Newhaven precincts to read – <u>“Charitable or Public Service Application for Consent to use Lewes or Newhaven Precincts</u></p> <p>The Council offers the opportunity for the free use of these areas for the promotion of Public Wellbeing and Charitable giving or involvement in Public or Charitable service. This can include the incidental sales of related goods. This opportunity is subject to conditions applied in line with the Councils Policy on Street Trading.”</p>	Licencing team	Committee will need to agree that no fee will be chargeable for such uses.
Applications, Renewals and Fees – Service standards section	Amend working time to process applications from six weeks to seven	Licensing team	To reflect the agreed consultation period and allow sufficient time to process paperwork and issues documents.
Applications, Renewals and Fees – Service standards section	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, plus I have requests to attend birthday	Charles Frowd	This problem is understood and the text has been revised to add “as far as reasonably practicable”

	and wedding parties. 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		
Appendix A – General Conditions – Consent holder shall not – 2.	Reword to read – “cause obstruction or danger to people using the street. In particular, not block access for disabled people, disabled parking or force disabled people to use inappropriately surfaced areas.”	Equalities Officer	
Appendix A – General Conditions – Consent holder shall:	Insert a new item as number 8 to read – “Ensure all risks in connection with the trading activity are assessed and reviewed periodically. Ensure any identified risk reduction measures are put in place. Risk assessments to be made available to an Authorised Officer of the Council for inspection.”	Licensing team	For the purposes of simplification
Appendix A – General Conditions – Consent holder shall not:	Number 14 to be amended to read – “Use any device for the generation of electricity, light or heat without the Councils permission.” The remaining text in 14 to be removed to a new appendix on the use of petroleum. New appendix will be appended to the revised report. Note the numbering has got out of sequence and 14 will be renumbered 13 – this will change subsequent numbers.	Licensing team, Legal	

Appendix A – General Conditions – Consent holder shall not:	Number 15 (new 14) to read – “Use oil burning appliances for lighting, heating or cooking. No naked flames, including candles, should be used.”	Licensing team and Legal	
Appendix B	Delete “approved by the Fire and Rescue Service” and insert “approved under the Petroleum Spirit (Motor Vehicles) Regulations 1929 or Petroleum Spirit (Plastic Containers) Regulations 1982	East Sussex Fire and Rescue Service	
Appendix B	Delete paragraph 3 as dealt with as part of general conditions number 3 and 4. Also unreasonable to restrict parking beyond existing restrictions enforced by others	Legal and licensing team	
Appendix B	Delete paragraph 7 as covered in general conditions “the consent holder shall not “ – item 4	Legal and licensing team	
Appendix B	Delete number 16 as repeat of General Conditions i.e. “Traders shall ensure that disabled people and wheelchair users can be adequately served. This may involve serving persons from outside the vehicle.”	Licensing team	
Appendix I	“trailer” added to definition of vehicle	Licensing and Legal team	
New Appendix G and	New appendix to be added re use of Lewes and Newhaven Precincts	Licensing team	
New Appendix H	New appendix to be added re use of petroleum	Licensing team	
Other appendices			

lettering altered to I, J and K			
OTHER:			
1) Policy section 2	<p>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 :-</p> <p>Proposals will limit household and community group sale of home- made and surplus produce as is common in rural areas</p> <p>The imposition of a Street Trading Fee & the requirement to take out third party liability insurance etc. would make such sales and community initiatives unviable</p>	<p>Judith Bradbury Clerk , Rodmell Parish Council Similar concerns raised by Mark Evans Parish Councillor at Chailey</p>	<p>The display of goods and articles outside private property in places to which the public have access will be drawn into control as a Consent needing activity. However the advertisement of the availability of such goods and their sale from within private property will not, although Planning issues may arise. There is discretion to adjust fees for particular circumstances. It is also possible to limit the effect of any Consent by agreeing reduced or different conditions or disapplying conditions. If members wish to respond positively to these concerns a new section could be included into the Applications, Renewals and Fees section. A suggested text is: <u>“Occasional or seasonal sale linked to private property or community sites</u></p> <p>It is not intended to unnecessarily prevent or restrict the ad hoc and occasional sale of goods such as surplus produce or homemade articles by individual householders or community groups, especially in more rural communities. Whilst such activity will need to be Consented only conditions to prevent nuisance, unfair competition or significant</p>

			<p>danger will be applied and only if essential.”</p> <p>Application forms etc. can then be adjusted accordingly</p>
<p>Policy and fees</p>	<p>Extending the charges to the whole District is taking a sledgehammer to crack a nut!</p> <p>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. .</p> <p>The proposals seem inappropriately burdensome, even bureaucratic. Given the fee-scales, the Council is reluctant to believe that income will outweigh the cost of supervision.</p>	<p>Chailey Parish Council</p>	<p>1 The majority of concerns relate to the extension of trading outside of the already regulated precincts in Lewes and Newhaven, mainly Lewes. There have been no issues around the stadium which has been subject to a Street Trading Prohibition Order. Note that the One District One Council policy urges a common cross district approach to policy application.</p> <p>2) This adds to concerns about fees to be levied. These are dealt with in the Committee report section 2</p> <p>3) The proposed easing of controls on private and community sale of seasonal or home made goods should respond to this.</p> <p>4) Sensible regulation and response to complaints will be built into existing Environmental Health team activity – there will be no additional costs and the approach will be in line with the</p>

			Environmental Health Enforcement Policy.
Policy and fees	<p>The proposals appear to be intended for use in towns and that they are not appropriate or necessary in villages. The Street Trading Consent Scheme, if adopted, will apply to area such as the Village Green or the Recreation Ground. This would put an unnecessary burden upon local organisations that arrange annual or one-off events for the benefit of the community. 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.</p>	<p>Sue Berry Clerk to Newick Parish Council</p>	<p>The proposed easing of controls on private and community sale of seasonal or home made goods should respond to this.</p>
Policy and fees	<p>The comments are as follows:</p> <ul style="list-style-type: none"> · 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 	<p>Lucy Clark Support Services Manager Seaford Town Council</p>	<p>12 month review included in committee report. Policy review in 3 years rather than 5 unnecessary if 12 month review undertaken.</p> <p>Clarification to be provided as requested.</p> <p>Definition of “Community Group” has been left deliberately wide to allow maximum discretion to be applied to fee</p>

	<p>rather than 5 years.</p> <ul style="list-style-type: none"> · 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. <ul style="list-style-type: none"> · To clarify difference between main areas and remote areas such as High and Over and South Hill Barn. <ul style="list-style-type: none"> · To suggest that this is a non-profit making initiative. · To ensure that the proposals are economically viable to encourage not discourage trade. 		<p>waiver.</p> <p>Concern over fee level dealt with in committee report</p> <p>The Council is not permitted to “make a profit” on this initiative however we must seek to ensure costs are recovered.</p> <p>The Policy is clear about trade and community balance in its aims.</p>
Policy and fees levels	<p>Stallholder suggestions re Lewes Town Centre:</p> <p>1) During winter months, Oct- March, can a pay as you attend arrangement be put in place whereby traders only pay if they attend</p> <p>2) also during winter months can the fee be reduced to £25</p>	Officer feedback from discussion with stall holders	<p>1) This can be examined to establish if those officers that are on duty at weekends can build this into their work programme. It is anticipated this would not involve taking money but just logging presence and billing later.</p> <p>2) For members to consider</p>
2) Policy section 2	Proposed fees are excessive and will be a	Adrian Halstead	Fee issues highlighted in section 2 of

<p>and fees levels</p>	<p>severe burden on local sustainable producers. They are likely to make the process of bringing local produce to local people loss making</p> <p>I don't object to there being licences but they must be affordable to small traders.</p> <p>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.</p>	<p>Barcombe Nursery</p>	<p>Committee report</p>
	<p>.</p> <p>I would like to make 3 specific points:</p> <p>1. That a special case be made for primary producers, ("fresh from the ground") because of the particular economics that apply to this sector.</p> <p>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</p>		

	<p>perfectly into the council's sustainability</p> <p>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?)</p> <p>3. That the fees currently imposed are, unreasonably, at the very top of the scale in Sussex with nothing being provided in return.</p> <p>.</p>		
<p>3) Policy section 2 and fee levels</p>	<p>Fees will significantly reduce profit and make local traders uncompetitive</p> <p>It is unfair to charge £30 in town but £25 outside of it</p> <p>Being totally weather dependent I make my decisions to come out on a week by week or day by day basis. It would be wholly impractical for me to buy a stall / spot weeks in advance only for the</p>	<p>Daniel Jensen</p>	<p>1-3 relate to fee level primarily</p> <p>4 A draft section dealing with traders ability to carry forward has been drawn up for members to consider inserting in the "Duration of Consents and Fees" section as follows:</p> <p>"Consent holders not able to make use of their Consent on the appointed day will be able to request that the Consent is carried forward to a date to be agreed</p>

	<p>weather to be bad.</p> <p>The controls are unnecessary as I have never seen any problem with vendors or traders in Lewes</p> <p>I am disappointed that what seems to be happening here is less an attempt to regulate bad traders but more to sanitise and sterilise local flavour.</p> <p>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.</p>		<p>with the Council. Such requests are likely to be agreed if conditions such as poor weather or serious family illness or bereavement are established and at least 5 working days' notice is given for the request."</p>
<p>Fee levels and banding</p>	<p>The Council should support local growers such as Barcombe Nursery at Lewes Market Fees proposed are likely to result in financial loss for such local sustainable traders</p> <p>.</p> <p>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</p>	<p>Frank Jay Director - Brighton & Hove Food and Drink Festival</p>	<p>See section 2 of Committee report</p>

	market without farms like Barcombe		
Policy and fees	<p>1)The fees are excessive and with other costs on small traders they will be forced out of business. Margins are very tight and prices cannot be charged at a level to cover fees. Fees do not offer traders any value in return.</p> <p>2)The new controls will upset agreements between traders about territories and operating areas and allow a free for all probably resulting in local traders losing out.</p> <p>3)She is excluded from attending major events across the District – can the new system offer any access, pitch or trading guarantees.</p>	Mrs S McCullough, ice cream sales business	<p>1)Fee level are for members to debate further see section 2 of Committee report</p> <p>2)The new controls can allow trading throughout the District for any trader and competition and market conditions will determine success.</p> <p>3)Access to sell at any sites that are freely available to the public can be applied for under the Consent. It is for traders to determine where they wish to trade and apply accordingly.</p>
Policy regarding Lewes Precinct	<p>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</p>	Hamish Elder Executive Chairman Harvey & Son (Lewes) Ltd	<p>Mr Elder’s initial questions and concerns are part of the reason for the Committee supporting the introduction of these controls on Street Trading. At present with the exception of the Lewes and Newhaven precincts and area around the football stadium there are no controls to police and trading is unregulated save for issues such as Food Hygiene.</p>

	<p>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.</p> <p>There appears to be no control at these stalls of health, Hygiene, safety, consumer rights, public liability insurance, or other compliance legislation.</p> <p>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.</p> <p>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.</p> <p>.</p>		<p>His later observations support the need for a more consistent and deliberate approach to the management of Street Trading in line with the Policy scope and purpose.</p> <p>Mr Elder's comments about a dedicated street marshal to control market and trading activities are for members to debate. The proposed monitoring by Environmental Health and other street scene staff will need good coordination and needs to be proportionate to the risks presented.</p>
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	<p>Mr Eade has forwarded a petition signed by 400 people protesting about the charges to be levied. However the subject of the petition is very misleading suggesting that he will be charged £40 per day which he projects as £14,600 per year. On that basis the signatories have requested the Council to reconsider the fees.</p> <p>Mr Eade goes on to request:</p> <ol style="list-style-type: none"> 1. Free parking permits for traders vehicles 2. That Council staff and Councilors should police trading on Saturdays and monitor issues such as amplified music use 3. Flexibility should be created in issuing Consents so that in the event of bad weather they can be carried forward without charge 4. Pitch fees to be lower in view of the economic situation 5. Refueling of generators should be banned in the street or near shop entrances 6. Stalls selling the same products as fixed shops should not be allowed in front of that shop. 	<p>Mr Eade, Beddingham Bushes – Lewes precinct trader</p>	<p>The petition should be disregarded as its basic premises are misinformed. However, Mr Eade's other comments echo those made by others.</p> <p>The issue of wet weather deferral of Consents is responded to above see Daniel Jenson's comments.</p> <p>Giving of free parking may need to form the basis of a referral to the appropriate Cabinet member.</p> <p>Policing of trading and enforcement has been dealt with above.</p> <p>Poor practices identified by Mr Eade and conflict of trading form part of the new conditions which will provide the basis for enforcement action if needed</p>