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**COTSWOLD
DISTRICT COUNCIL**

Tuesday, 20 April 2021

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LICENSING SUB-COMMITTEE (PRIVATE HIRE, HACKNEY CARRIAGE AND STREET TRADING CONSENT MATTERS)

A meeting of the Licensing Sub-Committee (Private Hire, Hackney Carriage and Street Trading Consent Matters) will be held remotely, via Cisco Webex on **Wednesday, 28 April 2021 at 4.00 pm.**

Rob Weaver
Chief Executive

To: Members of the Licensing Sub-Committee (Private Hire, Hackney Carriage and Street Trading Consent Matters)
(Councillors Ray Brassington, Patrick Coleman, Stephen Hirst, Sue Jepson and Richard Keeling)

Due to the current social distancing requirements and guidance relating to Coronavirus Regulations 2020 – Part 3 – Modification of meetings and public access requirements this meeting will be conducted remotely using Cisco Webex.

Members of the public will be able to follow the proceedings through a broadcast on [Cotswold District Council Facebook account](#) (You do not need a Facebook account for this).

Recording of Proceedings – The law allows the public proceedings of Council, Cabinet, and Committee Meetings to be recorded, which includes filming as well as audio-recording. Photography is also permitted.

As a matter of courtesy, if you intend to record any part of the proceedings please let the Committee Administrator know prior to the date of the meeting.

AGENDA

1. **Election of Chair**
To elect a Chair of the Sub-Committee, to serve for the duration of the Meeting.
2. **Apologies**
3. **Substitute Members**
To note details of any substitution arrangements in place for the meeting.
4. **Declarations of Interest**
To receive any declarations of interest from Members and Officers, relating to items to be considered at the meeting.
5. **Application for a Street Trading Consent (STC) - Grass Verge near the Ford on Clapton Row, Bourton-on-the-Water (Pages 3 - 34)**
To consider an application for a Street Trading Consent.


Recommendation(s):

That the Sub-Committee considers the application and decides whether to;

- a) Refuse the application for a Street Trading Consent;*
- b) Grant a Street Trading Consent for a temporary period;*
- c) Grant a Street Trading Consent in respect of the application;*
- d) Grant a Street Trading Consent with additional conditions.*

(END)

Agenda Item 5

 <p>COTSWOLD DISTRICT COUNCIL</p>	<p>COTSWOLD DISTRICT COUNCIL</p>
<p>Name and date of Committee</p>	<p>LICENSING SUB-COMMITTEE (HACKNEY CARRIAGE AND STREET TRADING CONSENT MATTERS) - 28 APRIL 2021</p>
<p>Report Number</p>	<p>AGENDA ITEM 5</p>
<p>Subject</p>	<p>APPLICATION FOR A STREET TRADING CONSENT - GRASS VERGE NEAR THE FORD ON CLAPTON ROW, BOURTON-ON-THE-WATER</p>
<p>Wards affected</p>	<p>Bourton Village</p>
<p>Accountable member</p>	<p>Planning and Licensing Committee</p>
<p>Accountable officer</p>	<p>Andrea Thomas, Licensing Officer Email: andrea.thomas@publicagroup.uk</p>
<p>Summary/Purpose</p>	<p>To consider an application for a Street Trading Consent.</p>
<p>Annexes</p>	<p>Annex A - Copy of application Annex B - Location and tricycle photos Annex C - Comments from Parish Council and Highways Annex D - Objections from Members of the Public Annex E - Supporters of the application Annex F - Copy of Street Trading Conditions Annex G - Procedure sheet</p>
<p>Recommendation/s</p>	<p>That the Sub-Committee considers the application and decides whether to;</p> <ul style="list-style-type: none"> a) <i>Refuse the application for a Street Trading Consent;</i> b) <i>Grant a Street Trading Consent for a temporary period;</i> c) <i>Grant a Street Trading Consent in respect of the application;</i> d) <i>Grant a Street Trading Consent with additional conditions.</i>
<p>Corporate priorities</p>	<p>Ensure that all services delivered by the council are delivered to the highest standard.</p>
<p>Key Decision</p>	<p>NO</p>
<p>Exempt</p>	<p>NO</p>
<p>Consultees/ Consultation</p>	<p>Highways - Gloucestershire County Council Food Safety and Health and Safety – Cotswold District Council Gloucestershire Police Ward Member and Parish Council Public Notice for 28 days at the site</p>

I. BACKGROUND

- I.1.** The Local Government (Miscellaneous Provisions) Act 1982 allows applicants to apply for a Street Trading Consent (STC)
- I.2.** The Applicant, Mr. Allan Hymers, has applied for a STC in respect of the grass verge near the ford on Clapton Row, Bourton on the Water. Mr Hymers has applied to sell ice creams from Monday to Sunday 0900hrs to 1800hrs from April 2021 to September 2021.
- I.3.** A copy of the application is at Annex A. Photos of the proposed location can be found at Annex B. The applicant originally applied to be in front of the gates in the picture but the owner of these gates has withdrawn his consent for this area to be utilised, the location has now moved the right of the gates.
- I.4.** Mr Hymer has agreed to the following condition if the Consent is granted.
'access to the gates must be kept free at all times of customers when trading is taking place'

2. MAIN POINTS

2.1. Consultations

Consultee	Objection	No Objection	No response	Annex
Highways		X		C
Police			X	
Environmental Health			X	
Parish Council		X		C

- 2.2.** There have been objections received from residents and business these are attached at Annex D.
- 2.3.** Letters of support in respect of the application have been received these are attached at Annex E. These include local businesses, residents and visitors to the area.
- 2.4.** Under Cotswold District Council's Street Trading Policy, there are 3 Licensing Objectives:
- (a) Public safety
Whether the street trading activity represents, or is likely to represent, a risk to the public e.g. obstruction of a street or a danger to persons using the street, obstruction to key sight lines for CCTV cameras, obstruction for emergency vehicles.
 - (b) Public Order
Whether the street trading activity represents, or is likely to represent, a risk to public order. Gloucestershire Constabulary will be consulted on all applications regarding public order.
 - (c) Preventing nuisance or annoyance
Whether the street trading activity represents, or is likely to represent, a risk of nuisance or annoyance to the public e.g. from noise, odour, fumes, litter or waste.

Applications can be refused if valid representations are received that have an impact on one or more of these objectives.

- 2.5. A copy of Cotswold District Councils Standard Conditions are attached at Annex F
- 2.6. A suggested procedure for the Meeting is attached at Annex G

3. FINANCIAL IMPLICATIONS

- 3.1. There are no financial implications arising directly from this report.

4. LEGAL IMPLICATIONS

- 4.1. There is no right of appeal against the refusal to grant a Street Trading Consent. However, an aggrieved Applicant may seek a judicial review.
- 4.2. In light of the implications of the Human Rights Act 1998, the Sub-Committee must give the Applicant and other interested parties a fair hearing and consider this application paying special attention to the principle of proportionality between the protection of individual rights and the interests of the community at large.

5. BACKGROUND PAPERS

- 5.1. Cotswold District Council Street Trading Policy 2014.

(END)

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**LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982
GRANT OF STREET TRADING CONSENT**



**COTSWOLD
DISTRICT COUNCIL**

I /We HEREBY APPLY for the grant of a Street Trading Consent in accordance with Section 3 of and Schedule 4 to the Local Government (Miscellaneous Provisions) Act 1982.

Please fill in this form in **BLOCK CAPITALS**

Application type:

NEW

RENEWAL

C/19/00300/STC

GRANT NUMBER:.....

APPLICANT DETAILS (for ALL applicants)				
Surname	(Mr / Mrs / Miss) Hymers	Forenames	Allan	
Address	[REDACTED]		Post code	[REDACTED]
National Insurance No. or proof of eligibility to work in the UK)	[REDACTED]		Date of Birth	[REDACTED]
NOTE: The applicant will be required to produce documents to establish identity i.e. photo driving licence or passport and one original proof of address issued within 3 months of the date of Street Trading application e.g. utility bill (gas , electric), bank statement, mortgage statement.				
Home Telephone No.	N/A		Mobile No.	[REDACTED]
Email Address	[REDACTED]			

Surname	(Mr / Mrs / Miss)	Forenames		
Address			Post code	
National Insurance No. or proof of eligibility to work in the UK)			Date of Birth	
NOTE: The applicant will be required to produce documents to establish identity i.e. photo driving licence or passport and one original proof of address issued within 3 months of the date of Street Trading application e.g. utility bill (gas , electric), bank statement, mortgage statement.				
Home Telephone No.			Mobile No.	
Email Address				

TRADING SITE DETAILS	
Full details of site(s) on which you wish to trade. <i>NOTE: Please enclose a location map marking the site boundary with a Red line.</i>	Clapton Row, Bourton on the water, standing well off the road, close to the large gates keeping all road clear, enabling pedestrians to pass easily and un encumbered.
If your application is for a mobile street trader (e.g. ice cream trader) - list all Parishes in which you wish to trade.	

PERIOD OF TRADING	
Is this application for the whole Consent Year (i.e. 1st April to 31st March)	YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>
If NO, please state what period	20th APRIL 2020 - 30TH SEPTEMBER 2020
What days do you propose to trade	MONDAY - SUNDAY
During what hours	0900 HRS - 1800HRS

CURRENT STREET TRADING CONSENT	
Do you hold a current Street Trading Consent	YES <input checked="" type="checkbox"/> NO <input checked="" type="checkbox"/>
If YES, for which site	CLAPTON ROW, BOURTON ON THE WATER
When was the Consent granted	
When does the Consent expire	30TH SEPTEMBER 2020

VEHICLE / STALL DETAILS	
Mobile <input checked="" type="checkbox"/>	Static <input type="checkbox"/>
Full description of vehicle, stall or container to be used in connection with trading. NOTE: If details not available, supply drawing or brochure of proposed unit.	STATIONARY ICE CREAM TRICYCLE POSITIONED ON CLAPTON ROW off the road in BOURTON ON THE WATER
Dimensions of unit.	as previous by C Spedding
Vehicle registration number.	TRICYCLE
NOTE: Include colour photograph of vehicle / stall showing any signage.	

ARTICLES FOR SALE	
What articles do you wish to trade in. (Please give full details)	ICE CREAM

WASTE REMOVAL & TOILET PROVISION	
Details of the provision for removal of waste (including disposal of waste water).	TAKEN AWAY AND DISPOSED OF APPROPRIATELY KEEP AREA CLEAR OF RUBBISH, CLEAR ALL WASTE
Arrangements for access to toilet facilities.	MY HOUSE 100YDS AWAY

PREVIOUS HISTORY	
Have you ever been refused a Street Trading Consent in this or any other area.	YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>
If YES, please give details	

PUBLIC NOTICE	
Upon submission of the application, the applicant must affix the prescribed Public Notice (provided by the Council) in the location they wish to trade, for a period of 28 days. This must remain in place until the application has been determined.	
Date Public Notice displayed in trading location.	

DECLARATION	
I declare that I/we have checked the information given on this application form and to the best of my/our knowledge and belief it is correct. I/we am/are aware of the Council's Standard Conditions applicable to all Street Trading Consents and agree to comply with them.	

Signature of applicant(s):

A S Hymers

Dated:

19/9/19

NOTES

This application will not be considered unless accompanied by the following items:

- **Valid public liability and public indemnity insurance cover for not less than £5,000,000.**
- **Completed Street Trading Consent application form**
- **Location map showing the site boundary marked with a Red line.**
- **Colour photograph of vehicle / stall showing any signage**

(Full fee payable upon determination of the application)

The completed application should be returned to:

Business Support – Licensing
Cotswold District Council
Trinity Road
Cirencester
GL7 1PX

The information requested on this form is required in order to process your application.

All new applications will be subject to a 28 day consultation period. The consultation period commences on the next working day following the receipt of the full application.

Copies of your application will be referred for consultation purposes to other Council Departments, Ward Councillors, other local authorities and other agencies as appropriate.

Details may also be passed to agents employed by the Council to carry out any professional assessment required and provide expert advice. Information may become public if your application is reported to the Council's Licensing Committee or if your application or other information supplied is relevant to enforcement action taken by the Council. Where legally obliged by Court Order the Council may be required to disclose the information to third parties.

Application details can be viewed on the Licensing Register on the Council's website
(www.cotswold.gov.uk/licensingregister)

For all enquiries relating to Data Protection, please contact: Data Protection Officer Tel: 01285 623000





Parish Council Response

The Parish Council has no objection to this application but requests that appropriate permissions are received from the owner of the gates and conditions are applied regarding street calling noise, a concern expressed by near neighbours, and appropriate litter disposal arrangements are in place.

Response for new location

I can confirm that the Parish Council discussed the amendment to the location of the pitch at its meeting last night and does not wish to amend its comments. Therefore, it remains as No Objection from Council.

Highways Gloucestershire County Council Response

There is little difference in the location and the vendor will be set back from the running lane of the carriageway. No highway objections to this revised location.

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Objections to Street Trading Application

Craig Whitehouse

i notice a new application has gone up (without a reference number on for people to object to) for ice cream bike in bourton.

Can you please note my objection for all the reasons stated for the previous location as has literally moved 2 metres.

he will still be blocking public access over the footbridge

he will still be causing a nuisance to local residents wishing to sit outside (contradicting rule 4.1.C of your street trading policy.

still no where for him to wash hands with warm water.

still no where for toilet facilities.

still no food safety hygiene rating.

still only taking cash (covid risk)

also double yellow lines have been painted where he will be standing which i assume highways have done to keep the area for safe passage.

and also the permission he says has been granted by the owners of the gates is now being reconsidered due to all of above

(Following change in location of pitch)

This just makes him closer to residents who have been complaining about his noise.

also cars turn around there so is a health and safety risk.

maybe i would suggest grant him a licence to sell ice cream from his own front garden?

i also do not understand why the pitch keeps being allowed to move.

it is clear this is a health and safety issue aswell as a noise nuisance.

moving 5 metres either way does not prevent this

Pat Lawler

I have been told that the ice cream man, who operates at the end of Clapton Row is applying for a license again this year.

I would like to express my concerns about this and urge you to take into consideration the feelings of the residents of Clapton Row.

I am going to be eighty seven this year and I live in Hollyhock Cottage in Clapton Row and what usually is a little piece of tranquillity, away from the hustle and bustle of the village in the summer, is a noisy, busy and quite honestly, horrible area when he is trading.

All I can hear is him shouting at the visitors, to try and get them to buy ice cream from him, rather than the establishments further along the riverside. In fact, he is quite openly rude about some of the establishments, which is very unfair and not very Bourton friendly I feel.

I was unable to sit outside and enjoy my little patio while he was there, the sound of 'ice cream, ice cream, get the best ice cream in Bourton' etc etc, over and over and over again, hour after hour, just drove me to despair. It really is a public annoyance and I am very worried at the thought of having to endure that again this year.

I understand that the owners of The Painted House have given him permission to park in front of their gates rather than at the edge of the footbridge. However, I feel that this will cause an even bigger problem as so many tourists follow their sat nav's for Birdland and find themselves being directed down Clapton Row only to have to turn by the ford. With people potentially now going to be queueing there, it is just an accident waiting to happen. Also there will be no room for people to walk past and this would be bad enough in regular times, but at the moment, it makes social distancing almost impossible.

Some of the cottages on Clapton Row are holiday lets and this wouldn't be very fair on them either, it would only take one bad report on trip advisor saying that it was noisy and congested and people won't book again. Also there is access to Fairlie, which is a holiday cottage just along the river and again that would just be dangerous if people are congregating by the gates.

The large house just to the side of the gates has been bought by a young family and I'm sure they don't want to be listening to him shouting all day either while they try to enjoy their garden.

Before making any decision about his licence, please please think of the locals who have to put up with this public nuisance.

(Following change in location of pitch)

I certainly do NOT want to remove my objection. This position is even worse than before. With the amount of people and cars that come down Clapton Row, there will be an accident. I live almost opposite that position so know from experience how congested it can get. In fact I have witnessed cars being hit, so how long before it is a person. Absolutely ridiculous! Please add this to my previous objection.

Joanna Harvey

I am writing in relation to the application made by Allan Hymers T/A Cotswold Ice Creams. We'd like to object to this application, the tricycle in which he will be selling from in the proposed position in is only a metre away from our garden wall which we've just spent time and money clearing up and refurbishing. Therefore we would not want queues of people queuing outside our garden wall staring into the garden all summer, its going to be very busy anyway due to the UK staycation this year.

Julia Matheou

I would like to reiterate all my objections to the street vendor licence application for the Ice cream vendor in Clapton Row, Bourton on the Water.

If I understand correctly the owner of the property on which he wants to place his sales pitch has revoked his consent. Consequently all my previous objections stand.

blocks the road to the Ford, or the path and the Bridge, he has only moved 2 metres continuously shouts Ice cream, Ice cream, ice cream disturbing the residents of Clapton Row, who use the green.

claim there is Covid in the village, so buy your ice cream here.

took cash payments only with no hygiene facilities.

No warm water facilities

No toilet facility.

John Sidwell (Owner of gates near to location)

May I make two observations about such a site:

1. I notice the double yellow lines stop just beyond our gates, leaving cars able to park beyond

This means people can park where you propose to have your vending bicycle; and I notice today that there are two cars parked there, which, if so parked when you arrived to set up your ice cream site, would have the effect of pushing your vending bicycle out into the middle of the road, which would, I guess, have a similarly detrimental effect to the access to our property, particularly if surrounded by throngs of people?

2. Even when your vending bicycle is close to the verge, will there nevertheless be throngs of people standing in the middle of the road, likewise affecting access to our property?

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Jonathan Harvey (Local resident)

I would like to attend the meeting next Wednesday. I very much object to the application for trading immediately outside of our front garden. We have just moved to the area and have looked forward to bringing up our children in a wonderful village. If the licence is granted it is highly unlikely that we will be able to let the children or the dog have access to front garden as it we will be constantly overlooked by people from outside the village. We would have a fear for the health and safety of the children and the dog as a result. I also work from home and overlook the area that I proposed for trading. Given the new double yellow lines and the volume of traffic I witness turning around I cannot see how chaos does not take over at the end of Clapton row when we have throngs of people queuing for ice cream mixed in with constant turning of cars at the before the ford.

The given the level of local objection form the houses that live in the immediate vicinity is taken into account for this application.

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Paul Lee

I am writing in regards to the above ice cream stall at Clapton Row. I have taken my grandchildren there a few times last year. The business is run by Mr Allan Hymers.

I bumped into him recently and to my horror, he told me the council has refused not issue his license. I am surprised the Council is not supportive of small business. The ice cream stall has given the local community something to smile about at this difficult time.

I hope you can reconsider your decision

Sarah Prescott

I am writing to request your support for the application of a licence to trade.

Allan and Jill Hymers have applied for renewing their licence for serving ice cream in Clapton row at Bourton on the water. I wanted to highlight that I regularly visit this part of the Cotswolds and believe this ice cream cycle business adds real value to the local area and offering for its residents and visitors.

I hope you are able to note my views when considering this application

James

I feel compelled to write to you regarding the application from Allan Hymers to sell ice cream on Clapton row, Bourton on the water.

As the owner of a food outlet, selling ice cream myself also I am in full support of Allan's application.

Not only do I believe we should support a fellow villager with their employment; we are in need of support in Bourton to help dilute the concentration of consumers on the high street. Our high street is over run with queues for food, in particular ice cream, and poses a safety risk especially in the current pandemic. Furthermore it also dampens the experience and memories made in the cotswolds; having to queue for everything!

Allan and his ice cream bike, brings another outlet to the village helping the current problem at peak trade. He also brings charm and adds to the experience for our tourists who we obviously want to return and enjoy themselves!

I have no doubt there will be objections from other small minded business owners who want to capitalise on the opportunity this will highlight their narrow minded and selfish tendencies. In the peak of summer there isn't enough of us and if we were to put the

consumer first and their experience in Bourton, we would be wanting Allan to sell ice cream on Clapton Row.

Kevin Walsh

I am writing in support of a local business man Mr Allan Hymers. Mr Hymers sells ice creams from a bicycle on the above mentioned location. We are frequent visitors to Bourton on the water and consider Mr Hymers to be an excellent trader and advocate of the local traders as a whole. I would strongly support his continued trading from this location.

Nanang Suwandi

I am frequently visiting Bourton on the water and a highlight is always a visit to Mr Hymers ice cream cycle. He is always situated in a safe and convenient location, and is an enthusiastic promoter of the local amenities. I hope the council can continue to approve this long standing license, and support a local entrepreneur.

Richard Woodford-Poole

I fully support an application by Mr Allan Hymers of Bow Lane, Bourton on the Water to sell Ice Cream from a traditional style tricycle at a point of your acceptance adjacent the River in Clapton Row.

I have been a resident of Bourton on the Water for 16 years and am not aware that the positioning of the tricycle has ever caused an obstruction at the location in Clapton Row. The new parking arrangements in Clapton Row will cause more obstruction to traffic using the ford than the positioning of this tricycle

Phillipa

I am writing an e-mail of support to this ice cream guy in the corner street. I've gotten hold of a copy of a public notice for an application support on his behalf (Allan) re-applying to sell ice cream on the same spot this year and I'm very certain that this is the guy in the corner that we got our ice cream from last summer (took a photo with permission and sent it to our other family and friends who were planning a visit the following weekend). It was such a pleasant experience as he was funny and very helpful telling us what we could see and expect from Bourton and other neighbouring places - throwing in a few history here and there. I would have thought he's a permanent Bourton 'attraction' as he pretty much set the mood and the scene of what to expect in that beautiful quaint town. We are actually looking forward to going back and re-live the experience again with the kids. I hope he be granted

the licence as he is an asset to the local town. Given the situation that we are all in now, it think we should all support local and be neighbourly about it.

Melanie Gibson

I am contacting you to give my support to Mr Allan Hymer and his application for a licence to sell ice cream on Clapton Row, Bourton-on-the-Water. I believe that the village can support an additional business selling ice cream, given the level of tourism we are seeing and are likely to see in 2021. Allan brings an energy to the village and is a pleasure to see interacting with the tourists. So i wish to support the application he is progressing to sell ice cream in Clapton Row

Lindsey Summers

I am writing to support the application by Allan Hymers for his licence to sell ice cream from a tricycle in Clapton Row, Bourton on the Water.

I have been a resident of the village for 16 years and am not aware that the positioning of the tricycle has ever been an issue. I understand that concerns were raised that the tricycle is blocking vehicular access to the ford. The new parking arrangements in Clapton Row should be of more concern with access to the ford restricted if vehicles park where permitted between Well Cottage and Windrush House on the corner of Clapton Row with Riverside.

I fail to understand why local businesses objected as none of them have sold ice creams via a tricycle and cannot see that such a business would have an impact on their own.

Liam Nightingale

I am writing to you to give my full support of the planning application after noticing a sign that has gone up for the ice cream bicycle to be placed on Clapton Row. As a cotswold resident and trades person doing lots of work in Bourton on the Water me and my colleagues always look forward to visiting the ice cream Bicycle near the ford in Clapton Row of a lunchtime. Avoiding the busy high street ques at other ice cream retailers in the village. Alot of my customers who are residents of Bourton always comment how nice it is to visit the Bicycle away from the hustle and bustle. It would be a shame to see it disappear or be moved into the more commercialised area of the village.

Lesely Sammons

I am a regular visitor to Bourton on the Water and last summer I met Allan Hymers who had a bicycle ice cream stall in Clapton Row. I understand it is time for Allan to renew his licence so I would just like to support him in this. It was, actually, quite nice not to have to walk to the other end of the village last summer when it was so busy with visitors to buy my ice cream. Whenever I saw Allan he was always busy telling visitors good places to visit in

Bourton and what there is to see and do, alongside selling them his delicious ice creams. He is an absolute asset to the village and also lives in Bourton himself. I truly hope he will still be there selling his ice cream this year.

Many thanks for reading this support letter.

Julian Stocker

I understand that an licence application has been submitted for the above adjacent to the ford in Clapton Row Bourton-on-the-Water and that comments are requested. **I should like to support the application.** There has been a trader there for at least 30 years and is part of the character of Bourton during the summer. The location chosen will not cause any obstruction to the highway for motors or pedestrians and is an excellent choice

Jon Wearing

I am writing to endorse the application, made by Allan Hymers, for a street licence to sell ice-cream in Bourton-on-the-Water. I understand that a licence has been operative for over 20 years for such a business enterprise and was used for trade by a local couple.

Having street vendors (for any food and drink offerings in fact, provided these are sensitive and relevant to the look and feel of our community) has the potential to add to the diversity of experience for those visiting Bourton-on-the-Water. It also provides a useful human connection, invaluable given the accelerated trend for contact-free interactions, and also an opportunity to play a role as what is termed a "human directional", a mobile "visitor information centre" if you will, who can dispense advice in response to questions in a potentially high pedestrian-traffic area where otherwise there would be none.

Given the high probability of the village being overwhelmed again this summer, having well-briefed people in a position to "guide" visitors, and potentially to encourage some dispersal to experiences away from the Green during excessively crowded moments, could be a useful policy for CDC to embrace.

I believe that the applicant has addressed legitimate concerns regarding vehicle-traffic access and proximity to local residences and hope that the Council see fit to approve the application.

Jayne Knight

good morning, i live in Clapton row and have done since 1979; there has been an ice cream business on the corner of clapton row for many years, i should know my son ran it for the then owner after school and at weekends' i fully support Mr and Mrs Hymers and wish them all the luck with their application.

Jane and Tony Beach

We have been frequent visitors (pre Covid) to Bourton on the Water for many years. On our visit last year, in between lock downs, we were pleasantly surprised to be greeted by a

traditional ice cream seller on our way into the village. It was lovely to see and to receive such a warm, friendly welcome. It was also helpful to be offered information on where things were if this were needed as he clearly was very knowledgeable of the area. We thought this was a real asset to the village and indeed was a highlight, especially as we were able to enjoy a delicious local ice cream.

We have since heard that the seller's license may not be renewed this year. As there is clearly enough trade to go around, evidenced by long queues outside other establishments, if this is the case we would ask that you please reconsider. As a visitor we would like to have a choice of where to buy ice cream. This is especially important in terms of Covid and we felt safer not having to stand in the queues on the high street which was crowded, making social distancing difficult. Furthermore, the fact he had all the appropriate precautions in place really put us at ease.

All being well, the lock down will be lifted as planned. We really hope we will be able to once again visit the traditional ice cream seller.

Harriet Smaller

I visit Bourton on the water 2-3 times a week and last year an ice cream tricycle was positioned on Clapton Row, the guy was always helpful, jolly and a real asset to Bourton, it meant I didn't have to go into the 1000's of people in the centre to get an ice cream, being a woman on my own it was always nice to see a friendly face.

I saw on the post in Clapton Row today he was applying to be there again this year. I think he should remain there and be granted the licence, lots of locals love him being there and if it was not I'm sure many would be very disappointed. Please grant the licence

Colin Baldwin

I would like to voice my support for renewing this licence. The holder of this stall does a fantastic job and is a pleasure to buy ice cream from. I support this business and it is great to see a local chap here. This site is out of the way and helps to limit the number of people all congregated at the establishments around this area so better for social distancing etc. I have heard that several businesses in this area complaining about Alans mobile stall due to their own greed and wishing to monopolise this area which is not acceptable as there is enough business in a busy village for all to prosper. I look forward to seeing this licence renewed and support a local man with his business.

Clint Spedding

I am Clint Spedding, and the previous owner of Cotswold Ice Creams.

I am in full support of Mr and Mrs Hymers continued street trading license.

My original street trading license was rejected by Cotswold district council, but following an appeal was granted originally on a temporary basis, pending any complaints, of which there weren't any, and then granted fully the following year.

The only issues in that time, we're from other business owners within the village. This was made very clear when I attended the chamber of commerce for the appeal. The following claims of rubbish and obstruction of the footpaths we're overturned, and it was said that no other business owner has the right to stop another's business venture.

Cotswold ice creams was sold to Mr and Mrs Hymers in 2019, and to my knowledge, Mr and Mrs Hymers have continued a successful business. I've even visited for an Ice cream myself, and Mr Hymers does a fantastic job.

My staff, including my own family were subject to abuse and nasty comments from the owners of nearby businesses in the time we owned the business, we even had dog mess left at the ice cream tricycle location on occasions.

Cotswold Ice Creams tricycle is fully in-keeping with the village tradition, eco friendly, and extremely popular with the tourists, who adore the nostalgia.

I have lived in Bourton on the Water for 41 years, my entire life, worked at many of the cafes/restaurants as a teenager, and even on an ice cream tricycle at the current position, which was then owned by Peter Wilsdon. I have watched year on year, the village become more and more popular. It's estimated that some 2 million visitors a year frequent. The suggestion of an ice cream tricycle causing obstruction/rubbish is ludicrous. The village needs more eateries, toilets and parking, to accommodate the crowds. Mr Hymers position is actually easing congestion within the village centre. The more central eateries cause huge queues and cause visitors to congregate into the road.

In my opinion the continued harassment is nothing more than bullying by jealous business owners, and if continued, I'd report it to the authorities.

Catherine Kilhams

I am a regular visitor to Bourton-on-the-Water, although obviously not recently, and one of the attractions I most looked forward to seeing was the ice cream man in a boater selling the most delicious ice cream from his bike ice cream stall.

I hear that his licence is not to be renewed which I cannot understand.

One of the reasons the licence has not been renewed, I believe, is because it is perceived that he blocks the Ford but I gather that the owners of the wooden gates, near the Ford, are happy for the bicycle to be parked up against them, so that should leave enough room for people and cars to pass. But it is a bicycle so surely can easily be moved, if required any way?

When I have visited Bourton, and have bought ice cream, I have always been aware of the local shop owners sniping about this venture, but I gather that the site by the Ford has had a licence for over 24 years! It looks like they may be jealous of his success? As a visitor, it is much nicer to buy ice cream from a traditional seller, than go into a shop.

The ice cream man is a local man selling delicious local products. He is funny and I look forward to dealing with him. I think it would be a great loss to the visitors to Bourton-on-the-Water if he is not allowed to trade anymore.

I urge you to reconsider your decision

Brian Kirby

I would refer to the recent application made by Allan Hymers to trade in the for the sale of ice cream from a cycle at the end of Clapton Row, Bourton on the Water.

I would support this application because Mr Hymers and his family are local residents who wish to continue to run their cycle ice cream business from the same location as in previous years. Historically a trader selling ice cream was worked on the site for decades and there are photos about confirming this.

Mr Hymers and his bicycle bring colour and warmth to the village, he also has a very pleasant manner which can only add to the enjoyment of visitors to the village.

I hope that the council will look favourably towards this application and allow Allan to continue to trade and earn a living as others have done before him.

Andrew Lund-Yates

I have been made aware that Mr Hymers is currently applying for renewal of the street licence to sell ice cream from a mobile vehicle in Clapton Row, Bourton-on-the-Water. I understand that this licence has been in constant use for the past 28 years, being purchased by Mr Hymers in 2020, where his business has been severely hit by the current COVID-19 pandemic. We own and operate The Old New Inn and Model Village across the road from the ford where Mr Hymers plied his trade last year and it is true to say that there were concerns that his position caused some crowding at the south side of the pedestrian footbridge across the River Windrush at that point. We now understand that Mr Hymers has agreed to resite his position some metres from the end of the footbridge and where it is far less likely to cause any crowding, and we would support his application for renewal of licence.

In these extreme times we would expect the District Council to agree to this renewal of licence given that it supports employment and provides services to the visitor economy.

Barbara Kirby

Sirs, I write in connection with the licence application from Allan Hymers for an ice cream pitch on Clapton Row. I would like to offer my support for this application; Allan and his wife Jill are locals and Allan is looking to run an ice cream cycle business from a spot that, historically, has been connected to the sale of ice cream for more than two decades. I trust the council will look favourably upon this application and allow a local man to offer a simple service to locals and tourists alike.

STANDARD CONDITIONS FOR STREET TRADING CONSENTS

1. A Street Trading Consent is valid only for the period specified on the Consent.
2. The Consent Holder must pay the fee in full prior to trading.
3. Street trading is limited to the days of the week and between the hours stated in the Consent.
4. The valid identification disc or card issued by Cotswold District Council must be displayed on the trading unit in a conspicuous place, and must be clearly visible to the public.
5. The Street Trading Consent relates to the permitted vehicle/stall only.
6. The Consent Holder must ensure that the stall/vehicle is positioned only in the allocated space in the location for which the Street Trading Consent is issued.
7. The Council must approve any changes to or replacement of the stall or vehicle.
8. The Consent Holder must not use the site for any other purpose other than that of the operation of the Street Trading Consent.
9. The Consent Holder must not carry on their trade in such a way as to cause obstruction of any street or to endanger persons using the street or cause any nuisance or annoyance.
10. The Consent Holder and/or his/her employees must only sell or offer for sale those goods specified in the Consent granted to the Consent Holder.
11. The Consent Holder's vehicle/stall must be kept in a clean, safe and well maintained condition.
12. Every static street trading vehicle/stall must be removed from the site at the end of the trading day unless otherwise agreed by the Council.
13. Holders of mobile Street Trading Consents must not trade in one place for more than 30 minutes at a time and must not return to the same location within a period of two hours.
14. The Consent Holder must ensure refuse originating from their trade is disposed of by a licensed waste carrier, and they must leave the site and its immediate vicinity clear of refuse at the completion of trading.
15. No water or waste material must be discharged on to the highway or any adjacent property.
16. When trading from a layby, the Consent Holder must leave a maximum usable space to allow safe ingress and exit for vehicles.
17. No free-standing signs, for example, 'A' boards, are to be displayed on the street. No free-standing seating, tables, chairs, sunshades or other unapproved items are to be displayed.
18. No television, radio or other device used in the reproduction or amplification of sound whilst trading must be audible beyond a distance of 5 metres from the trading unit.
19. The granting of this Consent does not imply the right to violate any order or prohibition or restriction made under the various Road Traffic Acts and Highway Acts.
20. A Street Trading Consent cannot be transferred or sold to another person.
21. The sub-letting of a Street Trading Consent location is prohibited unless otherwise agreed by the Council.

22. The Consent Holder must be the principal operator and have day-to-day control of the stall/vehicle. The Consent Holder may employ any other person to assist in operating the stall/vehicle.
23. The Consent Holder must comply with the Equality Act 2010, ensuring they do not discriminate, harass or victimise customers or staff during the course of their trading. They will also ensure that disabled people and wheelchair users can be adequately served. This may involve serving persons from outside the vehicle.
24. The Consent Holder must have and maintain a proper insurance policy against public liability and third party risks. The minimum insurance cover must be £5,000,000 and must cover the operator's vehicle or stall, and any additional equipment under their control.
25. These general conditions, which apply to all Street Trading Consents, may be varied, having regard to a particular location. Additional Conditions may be required and will be displayed and listed on the Street Trading Consent.
26. The Consent Holder may terminate a Street Trading Consent by giving written notice to the Council.
27. Consent may be revoked by the Council at any time.

Failure to Comply with these Conditions

If the Consent Holder fails to comply with any of the Conditions attached to a Street Trading Consent, the Consent may be revoked. The Consent Holder may also be prosecuted for trading outside the location or times specified in the Street Trading Consent.

Additional Conditions (Where Applicable)

1. Where gas cylinders are used, a valid Gas Safety Certificate is required to ensure the safety of all gas appliances
2. Where the vehicle/stall has a 240 volt electrical system, a valid Electrical Installation Certificate is required.
3. A serviceable fire blanket and suitable fire extinguisher(s) must be provided at all times.
4. A basic first aid kit must be provided.
5. A mobile phone must be available for use.
6. All staff involved in the preparation of food must hold a current Level 2 Food Safety Certificate, accredited by the Chartered Institute of Environmental Health, the Royal Society of Health, or the Royal Institute of Public Health and Hygiene.
7. No signs or objects, for example, tables and chairs, are to be placed on the highway or the site without prior approval by the Council.
8. No generator must be used without the consent of the Council.
9. Where seating is provided for consumption of food on site, toilet facilities must be made available.
10. The Consent Holder must make arrangements to ensure that all persons connected with the operation of the vehicle/stall have the means and opportunity to visit suitable toilet facilities, when necessary.

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LICENSING SUB-COMMITTEE

PROCEDURE - APPLICATION TO GRANT A STREET TRADING CONSENT

1.	Identification of persons present (excluding the press, and members of the public observing). Officers and Members to be introduced.	
2.	Officer to take Members through the report and advise of any new information.	
3.	Applicant invited to present their application.	
4.	Sub-Committee questions the Applicant on their application.	
5.	Parish/Town Council, if present, invited to address Sub-Committee.	
6.	Sub-Committee question Parish/Town Council, if necessary.	
7.	Highways, if present, invited to address Sub-Committee.	
8.	Sub-Committee question highways, if necessary.	
9.	Other persons, if present, invited to address Sub-Committee.	
10.	Applicant invited to address Sub-Committee on representations referred to in 5, 7 and 9	
11.	Applicant invited to present any final submissions.	
12.	Sub-Committee retires to make decision.	
13.	<p>On return, the Chair of the Committee to notify the applicants of the decision, and advise that this will be confirmed in writing:</p> <p>(i) if grant, advise Consent will be subject to:</p> <p>a) Council's Standard Conditions;</p> <p>b) and, if appropriate, any Additional Conditions required by the Licensing Committee</p> <p>(ii) if refuse,</p> <p>a) to outline the reasons for refusal;</p>	

(END)

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