

**NON LICENSING
COMMITTEE
(LICENSING ACT 2003
FUNCTIONS)**

Agenda Item 5 (c)

Brighton & Hove City Council

Councillor Phélim Mac Cafferty
Brighton & Hove City Council
Hove Town Hall,
Norton Road,
Hove BN3 3BQ

Geoff Raw - Chief Executive
Brighton and Hove City Council
Hove Town Hall,
Norton Road,
Hove BN3 3BQ

15 June 2017

Dear Geoff,

I am submitting the following letter under Council Procedure Rule 23.3 to be included on the agenda for the Licensing Committee meeting of 29th June 2017.

I write to express my concern at the council's current policy position with regard to on-street trading. I have been in regular contact with residents of Selborne Road in my ward since early January about a particular street trader.

My discussion with my residents echoes the frustration expressed by other Councillors at licensing committee in March. I welcomed the moves at that committee to begin the necessary discussion about a fresh look at street licensing including the new approach outlined viz: *"2.3 That the committee requests officers to explore options for a review of the street trading policy with a view to changing the designation of streets in zones A and B and consider options to prevent or restrict traders from trading on yellow lines or otherwise (potentially) contravening any road traffic regulations, and bring a report to the next committee for consideration."*

I have been in regular contact with residents and raised queries with the city's parking highway, enforcement, environmental health and licensing teams, however nothing has changed sadly. Please find attached Appendix A my email to council officers from 9th March which outlines some of the overarching concerns we continue to have. The same trader has been parked in a pay and display parking zone now for over half a year.

Residents are exasperated by what they see as a faulty policy framework with little or no effective enforcement mechanisms. The trader in question is trading at all times of the day and night; is causing nuisance in parking for weeks at an end- without the trading receptacle being removed from the trading site at the end of each trading day; and further has taken no effort to provide for collection of rubbish. They have been able to do this because of the lack of clarity over zoning including the attitude of enforcing officers to the edge of the zone.

Tel: 01273 291357

Email: phelim.maccafferty@brighton-hove.gov.uk

Green Councillor for Brunswick & Adelaide Ward with Councillor Ollie Sykes

I have a number of outstanding questions around the policy:

- What evidence is currently required by council officers to demonstrate compliance with policy?
- What monitoring is undertaken about street traders complying with policy in Zone A?
- Under the existing policy is there a provision for rejection of street traders if they continue to cause problems for residents as outlined in the street trading policy? http://www.brighton-hove.gov.uk/sites/brighton-hove.gov.uk/files/docforms/STREET%20TRADING%20POLICY_0.pdf

In the circumstances I would argue the licensing authority should now consider much more robust policy which will be fairer for all- residents as much as street traders. At the very least it should include:

- Consideration of Zone A expansion;
- Or, at the very least, clearer policy for the edge of Zone A;
- Tougher rules and much clearer enforcement mechanisms for traders unprepared to follow policy, including transparent warning signals.
- Changing the designation of streets in zones A and B;
- Consideration of options to prevent or restrict traders from trading on yellow lines and contravening any road traffic regulations.

I would appreciate your response on this matter.

Yours sincerely



Councillor Phélim Mac Cafferty

Green Party Councillor for Brunswick and Adelaide
Convenor of the Green Group of Councillors, Brighton and Hove City Council
Green Group Spokesperson on the Policy and Resources Committee and Planning Committee

p: 01273 291357

e: phelim.maccafferty@brighton-hove.gov.uk

a: Hove Town Hall, Norton Road, Hove BN3 3BQ

t: @phelimmac

w: <http://www.brighton-hove.gov.uk>

Ward surgeries at 7.15pm on last Weds of every month at the Cornerstone Community Centre, Palmeira Square (except August and December)

Appendix A

From: Phelim MacCafferty
Sent: 09 March 2017 4:11 PM
To: Charles Field; Mark Savage-Brookes; Paul Nicholls; Jim Whitelegg
Cc: Ollie Sykes
Subject: Selborne Rd trader

Dear all

Thank you for all of the work that you have done on resolving the many questions and points that have been raised. I continue to get correspondence on the matter and would appreciate your assistance with some remaining queries below.

On 15th January the van was first spotted. It is now almost two whole months later. The van is operating just on the very edge of the prohibited zone A- a few feet the other side of the demarcation line in Church Road flies in the face of the purpose of having zones. The policy states that in the City Centre trading is allowed between 8 am – 6pm and in Zone B there are no times set so I would assume that because of the proximity to Zone A the trader would be bound to the 8am- 6pm hours. They clearly are operating at all hours of the day, evening and night- and that has been evidenced by residents as well as Councillors.

The regulation of street trading covers infrequent and itinerant trading. This trader has been parked in the same road for two months- this is neither infrequent or itinerant. The van is parked in a pay and display parking zone and on a double yellow line. There has been one notice served but otherwise no action taken against them.

In relation to the council's [policy](#):

- Consent holders shall be fit and proper, the activity will cause no danger, obstruction, **nuisance or annoyance to people in the vicinity** and will leave 2m unobstructed footway.
- Preference will be given to existing traders at existing sites at renewal.
- Traders will ensure suitable refuse storage and remove refuse at the end of trading (with the exception of Upper Gardner Street).
- Traders will wear identity badges issued by the Council.

In relation to all of these points, I would argue the trader is in violation of all of these areas of the council's policy. I have had several pieces of correspondence from residents talking especially about the smell / odour from the van which is causing annoyance too.

Further

*The Trader shall not stand or use any stall, barrow, basket, vehicle or other receptacle in any street except such as are specified in the consent. **Such trading receptacle, including vehicle shall be removed from the trading site at the end of each trading day;***

--This is not happening

The Trader shall not sell, expose or offer for sale any articles on days or at times other than those specified in the consent.

--hours for the trader are not clear and not therefore regulated

The Trader shall at all times whilst trading provide a suitable receptacle for rubbish and litter and remove the rubbish and litter from the site at the end of each days trading. Such rubbish and litter is not to be placed in municipal litter bins.

--there is ample evidence of rubbish from the trader

A vehicle carrying a Residents permit should have a maximum height of 2.25 metres and a maximum length of 6 metres. The vehicle in question debatably needs a trader permit. Nowhere in the conditions is it stated that the mis-use of parking permits can be used to contravene the Street Trading Policy. The trader is permanently occupying a whole parking bay which in an area of huge parking stress is causing residents considerable annoyance.

Can you bring us up to speed on where we stand with all of these points please.

Thank you.

Yours sincerely

Councillor Phélim Mac Cafferty

Green Party Councillor for Brunswick and Adelaide

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