

**LICENSING COMMITTEE**  
**(Non Licensing Act 2003 Functions)**

**Agenda Item 34**

Brighton & Hove City Council

**Subject:** Street trading – designation of streets  
**Date of Meeting:** 24 April 2009  
**Report of:** Assistant Director Public Safety  
**Contact Officer:** Name: Jean Cranford Tel: 292550  
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**Wards Affected:** All

**FOR GENERAL RELEASE**

**1. SUMMARY AND POLICY CONTEXT:**

1.1 Brighton & Hove City Council introduced a street trading policy on 2 April 1998 which was an amalgamation of policies from Brighton Borough Council and Hove Borough Council adopted under the provisions of the Local Government (Miscellaneous Provisions) Act 1982.

**2. RECOMMENDATIONS:**

- 2.1 That committee authorises officers to publish Notice of Intention to designate streets as set out in appendix 1.
- 2.2 That the committee authorises officers to serve a copy of Notice on Chief Officer of Police and the Highways Authority.
- 2.3 That the committee authorises officers to consult further with existing street traders.

**3. RELEVANT BACKGROUND INFORMATION/CHRONOLOGY OF KEY EVENTS:**

**Current Process**

- 3.1 Officers in Environmental Health and Licensing issue permits for street trading (see 3.2 – 3.4). Any appeals against officers decisions are heard by the Licensing Committee (Non-Licensing Act 2003).
- 3.2 Currently, the following are consent streets: Castle Street, Clarence Square, Dean Street, Crown Street and Marlborough Street, Upper Gardner Street, Bartholomew Square, George Street Hove, East Street, Duke Street and Market Street.
- 3.3 There is a designated area (zone B).
- 3.4 There are areas throughout the city in which street trading is prohibited. These areas are generally main thoroughfares or areas in the city centre and run from the

western boundary of Brighton & Hove in Vale Road, Portslade, along Portland Road, Sackville Road, Church Road, Western Road, Montpelier Road, Chatham Place, Viaduct Street, Upper Lewes Road, then southwards down Lewes Road, Albion Street and Grand Parade before heading East along Edward Street, Eastern Road and finishing in Arundel Road.

- 3.5 A meeting was held with Brighton & Hove Albion Football Club regarding street trading in the streets surrounding the new Community Stadium at Falmer. It was agreed that street trading will be prohibited within 1 mile of the Community Stadium, but excluding council owned public spaces, which would remain undesignated.
- 3.6 There are requests for street trading/markets in New Road, Black Lion Street and Jubilee Street.

#### **Commentary on street trading policy**

- 3.7 Historically, parks have remained undesignated to allow Leisure officers flexibility permitting outdoor events. The Seafront has been a consent street managed on a day to day basis by Seafront officers. Economic development members and officers are considering corporate market policies and officers are working to ensure corporate market policies and street trading policy work in harmony.
- 3.8 It is proposed to prohibit street trading in the city centre, with the exception of particular streets which may be used in accordance with policy (see report "Street Trading Policy"). Parks, gardens etc would remain undesignated. Street trading would be permitted outside the city centre, known as Zone B.

#### **4. CONSULTATION:**

A full and measured consultation will involve residents (including the citizens panel and via the council's website), residents associations and Community Associations including the North Laine Community Association, businesses (including individual street traders) in Brighton & Hove, Police and Highway Authority, Economic Development and Regeneration regarding the corporate markets policy, Tourism, Events Office, Seafront Office (including Seafront Trader Association), Trading Standards, Education Authority (Children's Trust), City Clean, Legal, Finance, Ward Councillors, City Centre and Hove Business Fora, Trader Associations including North Laine Traders Association, Upper Gardener Street Traders Association and the Brighton & Hove Albion Football Club.

#### **5. FINANCIAL & OTHER IMPLICATIONS:**

##### **5.1 Financial Implications:**

Revenue: Street Trading fees are set at a level that officers reasonably believe will cover the costs of administering the service. Licensing functions should neither be subsidised by the general fund nor raise revenue. The costs of the aforementioned notices will be met within existing Licensing budgets.

Capital: There are no capital implications.

*Finance Officer Consulted:* Karen Brookshaw

*Date:* 23/02/09

## 5.2 Legal Implications:

Section 3 of the Local Government (Miscellaneous Provisions) Act 1982 enables a district council in England and Wales to adopt a code for the regulation and control of street trading within its area. Once Sch 4 to the Act is adopted, a district council may chose to designate any street within its area as a prohibited, licence, or consent street.

Certain types of trading are excluded from the definition of street trading and these traders are not required to obtain a licence or consent to trade on a licence or a consent street. Similarly, a trader falling within the exclusions may trade in a street designated as a prohibited street.

*Lawyer Consulted:* Rebecca Sidell

*Date:* 06/04/09

## 5.3 Equalities Implications:

Diversity is valued and strong, safe communities are vital to future prosperity.

## 5.4 Sustainability Implications:

Some street trading supports recycling of goods. Farmers markets may reduce "food miles".

## 5.5 Crime & Disorder Implications:

Transparent, proportional street trading controls minimise danger of obstruction and nuisance. Street trading can be a source of stolen or counterfeit goods.

## 5.6 Risk and Opportunity Management Implications:

Street trading is a crucial business and employment opportunity and unnecessary regulation might lead to legal challenge.

## 5.7 Corporate / Citywide Implications:

Street trading represents some traditional, historic heritage of the city. Many characters and activities are interwoven into the city's history.

## **SUPPORTING DOCUMENTATION**

### **Appendices:**

1. Designation of Streets.
2. Map of Street Trading Zones.

### **Documents In Members' Room:**

None.

### **Background Documents:**

None.

## APPENDIX 1

### **Designation of streets:**

Previous resolutions by the licensing authority shall be varied as follows:-

Streets south of Vale Road, Portslade, along Portland Road, Sackville Road, Church Road, Western Road, Montpelier Road, Chatham Place, Viaduct Street, Upper Lewes Road, then southwards down Lewes Road, Albion Street and Grand Parade before heading East along Edward Street, Eastern Road and finishing in Arundel Road shall be prohibited streets with the exception of Kingsway, Kings Road and Seafront, Castle Street, Clarence Square, Crown Street, Dean Street, Marlborough Street, Western Road, Upper Gardner Street, Bartholomew Square, George Street Hove, New Road, Black Lion Street, Jubilee Street, East Street, Duke Street, and Market Street which shall be designated consent streets, and the Council's Parks and Gardens which shall be undesignated.

Streets North of Vale Road Portslade, along Portland Road, Sackville Road, Church Road, Western Road, Montpelier Road, Chatham Place, Viaduct Street, Upper Lewes Road, then southwards down Lewes Road, Albion Street and Grand Parade before heading East along Edward Street, Eastern Road and finishing in Arundel Road shall be consent streets, except that the Council's Parks and Gardens will be undesignated.

# Street Trading Zones



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Public Safety

