

LICENSING COMMITTEE (NON LICENSING ACT 2003 FUNCTIONS)

Agenda Item 15

Brighton & Hove City Council

Subject:	Street Trading Policy Review		
Date of Meeting:	23 November 2017		
Report of:	Director of Neighbourhoods, Communities and Housing		
Contact Officer:	Name:	Jim Whitelegg	Tel: 01273 292438
	Email:	Jim.whitelegg@brighton-hove.gcsx.gov.uk	
Ward(s) affected:	All		

FOR GENERAL RELEASE

1. SUMMARY AND POLICY CONTEXT:

1.1. The Council's Street Trading Policy was set by Members at Licensing Committee after extensive consultation in November 2009 and was last considered at Licensing Committee on the 21st November 2013. At the June 2017, Licensing Committee (Non-Licensing Act 2003) considered a report of the Executive Director, Neighbourhoods, Communities & Housing that consideration be given to re-designating some of the streets in Zones A & B and to prohibiting trading on yellow lines and where there are parking restrictions. The committee noted the contents of this report, recommending that officers should consult on amending conditions so that trading cannot take place on yellow lines and/or otherwise contravene TROs (Traffic Regulation Orders) including parking restrictions. Legislation allows for the Council to vary the conditions of a street trading consent as they consider reasonably necessary. Conditions may specify trading restrictions on yellow lines or parking restrictions.

2. RECOMMENDATIONS:

2.1. That members agree to approve the suggested varied conditions as listed below, in light of the consultation responses contained in Appendix B.

- F. The Trader shall operate in a manner which causes no nuisance, obstruction or danger to the Council or to the general public.
- L. The Trader shall be prohibited from trading on double yellow lines.
- M. The Trader shall be prohibited from trading in residential and shared pay display parking bays.
- N. The Trader shall be permitted to trade from pay and display parking bays providing they abide by any specified maximum waiting times and display a valid ticket for that bay.

In addition the suggested Time Limits for Zone B be removed or remain as a standard (8am-6pm) but we may accept special dispensation to depart from these times upon application in individual cases.

The conditions to take effect immediately for new applications and upon renewal for existing traders.

3. RELEVANT BACKGROUND INFORMATION/CHRONOLOGY OF KEY EVENTS

On 29 June 2017, Licensing Committee received a report and asked officers to initiate consultation regarding a review of the council's Street trading Policy.

CONSULTATION

Officers, in consultation with the Chair of Licensing and opposition spokespersons amended the street trading policy.

Consultation commenced on 1st August 2017 and lasted 8 weeks, closing on the 26th September 2017. The letter and revised Policy is contained in Appendix A and include:

three new conditions (L, M, N) have been added and an amendment to wording to condition F. Time limits were also added to Zone, suggesting 8am-6pm in line with Zone A.

- L. The Trader shall be prohibited from trading on double yellow lines, except for a maximum period of 20 minutes at any one location.
- M. The Trader shall be prohibited from trading in residential and shared pay display parking bays, except for a maximum period of 20 minutes at any one location.
- N. The Trader shall be permitted to trade from pay and display parking bays providing they abide by any specified maximum waiting times and display a valid ticket for that bay.

A copy of the letter and revised policy was emailed and sent to all Zone B traders on the 1st August 2017 and also advertised on the Council's consultation portal. In addition, on the 11th August all the Zone B traders were spoken to over the phone to confirm they had received the letter and revised policy and advised to send in their comments. Council Highways & Parking, Police, Local business forums and federations were also consulted.

A total of 37 responses were received; 6 from Zone B traders, 28 from local residents, the Joint Acting Head of Parking & Network Operations, Highway Enforcement Manager, and the Parking Strategy and Contracts Manager from BHCC. The responses can be found in Appendix B.

BHCC Highways and Parking support the proposed changes but highlight possible difficulties with enforcing conditions L & M that refer to "except for a maximum period of 20 minutes at any one location."

Generally the Zone B traders oppose the changes, particularly the prevention of trading on double yellow lines and residential bays. Others request flexibility to the operating times; 2 requesting earlier start times and 1 requesting a later finish times.

Residents' comments are details in full in Appendix B and are all in favour of the changes.

In line with the comments received we propose to amend Condition L & M to remove the reference to "except for a maximum period of 20 mins at any one location", as it is not considered necessary and may present enforcement difficulties. We also have recommended flexibility with the times for Zone B as this is not considered an issue.

Current street trading process

- 3.1. The city centre streets, with a few exceptions, are prohibited streets. There are five static pitches within the City Centre (Zone A), mainly off Western Rd Brighton (Castle Street, Clarence Square, Dean Street, Crown Street and Marlborough Street) where trading is permitted. Outside of the city centre (Zone B), traders with a consent can trade on the highway, providing they are not causing a nuisance, obstruction or danger to the public. The Council's street trading policy can be found from the following link <http://www.brighton-hove.gov.uk/content/business-and-trade/licensing-and-gambling/street-trading> and in Appendix A, which sets out in a table the type of trading permitted in certain areas of the city.
- 3.2. The Seafront area including Grand Junction Road and Kings Road is designated a consent street but is outside the trading policy established by the Council and control of that area is the responsibility of the Seafront Office.
- 3.3. Officers in Environmental Health and Licensing issue permits for street trading. Any appeals against officer's decisions are heard by the Licensing Committee (Non-Licensing Act 2003).
- 3.4. A street market is held each Saturday in Upper Gardener Street between the hours of 07.00 and 17.00. Occasional markets are held in Bartholomew Square and George Street Hove. New Road and Black Lion Street in Brighton need to be authorised for street markets.
- 3.5. Street artists and hot chestnut sellers are permitted to operate in East Street, Duke Street, Bartholomew Square and Market Street.
- 3.6. Ice cream and burger vans are issued permits by the Licensing Team giving them consent to trade as "Mobile Street Trading". This is allowed in Zone B (outside of the city centre), with the exception of Parks & Gardens and within 1 mile of the Falmer Community Stadium therefore it gives mobile trading a wide area to trade from. There are no stipulations of roads but only that trading takes place within Zone B in accordance with the Street Trading Policy. We have 18 Zone B permits currently issued.

- 3.7. 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. Street trading is also prohibited within 1 mile of the Community Stadium, but excluding council owned public spaces, which would remain undesignated.
- 3.8. The table in Appendix B lists the Zone A & B traders. We currently have 17 year round Zone B traders and 6 seasonal (ice cream traders). Of the 17 year round Zone B traders, 7 tend to trade on yellow lines or resident/display parking bays.

Commentary on street trading policy

- 3.9. Historically, parks have remained undesignated to allow Leisure officers flexibility in 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.
- 3.10. For members assistance and as reported last time:

The regulation of street trading by consents covers infrequent, itinerant trading. There is no right of appeal against refusal and so it is vital that licensing authorities behave in a fair and reasonable manner. An established street trader would have a reasonable expectation that his/her consent would continue. Street trading consent regulations' primary purpose is to prevent obstruction of the street or danger to persons using it, or nuisance or annoyance to people using the street or otherwise.

Street trading is selling articles on the street, including exposing or offering articles for sale. It does not include provision of services, like henna tattooing, hair braiding, tarot reading etc.

The following activities are not subject to street trading controls:

- Pedlars, with a pedlar's certificate issued by the Police under the Pedlars Act 1871. These are itinerant traders.
- Markets covered by enactment or order (ancient – none in Brighton & Hove)
- Trunk road picnic areas (none in Brighton & Hove)
- News vending
- Trading at petrol filling station

- Trading on the street adjoining a shop as part of the business of the shop
- Selling things on a round like milk doorstep delivery
- Objects on a highway licensed under highways legislation, like tables and chairs or A boards
- Recreation or refreshment facilities licensed under highways legislation
- Charitable street collections which are subject to separate permissions
- Controls only apply to the street or other public places.

3.11. Legal position - consents could include conditions that trading cannot take place on yellow lines and/or contravene TROs that are in place. Advice is based on the provisions of the Local Government (Miscellaneous Provisions) Act 1982. Schedule 4 of this Act deals with the issue of street trading licences and consents and includes the following powers:

a) Schedule 4, paragraph 7(4) provides that when granting or renewing a street trading consent the council may attach such conditions to it as they consider reasonably necessary.

Paragraph 7(5) states that without prejudice to the generality of (4) above, the conditions that may be attached to a street trading consent include conditions to prevent:-

- (a) Obstruction of the street or danger to persons using it
- (b) Nuisance or annoyance (whether to persons using the street or otherwise)

The Council may at any time vary the conditions of a street trading consent

It seems to be a reasonable condition to require street traders to comply with existing TROs; arguably to allow trading on double yellow lines for any length of time thwarts the purpose of the making of the TRO.

The consents could be issued with the condition that they are subject to any traffic regulation orders which would include single and double yellow lines, resident bays and pay and display bays.

3.12. Highways have indicated that they would support no trading on yellow lines.

3.13. A summary of complaints/enquires relating to street trading over the last 3 years is detailed in the table below (*six months of the year)..

Complaints	Illegal	Obstruction/Noise/Odour/Litter	App Enquiries	Misc	Schools
010417-061017*	12	12	3	4	0
2016-2017	16	15	10	8	2
2015-2016	13	8	21	16	1
2014-2015	16	17	13	22	0

The figures include complaints relating to Upper Gardner and George Street markets. The complaints about obstruction relate to traders obstructing the highway, pavements, parking bays or blocking access for residents/businesses and cycle lanes.

Where a trader is found to be causing a nuisance, obstruction or danger to the public the licensing team will consider revoking the street trading permit.

- 3.14. Changing the Street Trading Policy by re-designation of streets is subject to a statutory procedure which would require an extensive consultation exercise which would have resource implications and there would need to be valid grounds for triggering such a review. The basis for such change would need to be appropriate and lawful. The statutory scheme or imposition of conditions cannot be used to achieve an ulterior motive or aim outside the purpose of the enabling legislation. Concerns to protect existing businesses on Church Road may come within this category.
- 3.15. Varying the conditions of street trading consents is not subject to a set statutory process but consultation should be undertaken with existing traders and other relevant bodies such as the Highway authority.

4. FINANCIAL & OTHER IMPLICATIONS:

4.1 Financial Implications:

Street Trading fees are set at a level that officers reasonably believe will cover the costs of administering the service. Fees are set as part of the annual council budget setting process. The variations to conditions recommended in this report will not have a financial impact on this service..

Finance Officer Consulted: Monica Brooks Date: 12/10/17

4.2 Legal Implications:

The legal position regarding street trading consents and conditions is set out in paragraph 3.11 of the report. Appropriate consultation has taken place and the views of those consulted should be taken into consideration and given appropriate weight.

Lawyer Consulted: Rebecca Sidell Date: 6.10.17

4.3 Equalities Implications:

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

4.4 Sustainability Implications:

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

4.5 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.

- 4.6 Risk and Opportunity Management Implications:
Street trading is a crucial business and employment opportunity and unnecessary regulation might lead to legal challenge.
- 4.7 Corporate / Citywide Implications:
Street trading represents some traditional, historic heritage

SUPPORTING DOCUMENTATION

Appendices:

Appendix A – Consultation Letter and Revised Street Trading Policy

Appendix B – Summary of responses received via consultation process

Documents In Members' Rooms:

None

Background Documents:

None

Appendix A

Letter to Zone B traders

Date: 1st August 2017

Our Ref: STPZB2017

Your Ref:

Phone: (01273) 294429

email Ehl.safety@brighton-hove.gov.uk

Dear

Street trading - existing zone B traders, important information enclosed

Following concerns raised by residents, businesses, councillors and the Council's Highways team regarding street trading on double yellow lines and resident bays, the Licensing Committee have instructed officers to consult on reviewing the Council's Street Trading Policy.

The amendments are marked in red in the attached document, "Street trading Policy Review 2017". Three new conditions are proposed (L, M, N):

- L. The Trader shall be prohibited from trading on double yellow lines, except for a maximum period of 20 minutes at any one location.
- M. The Trader shall be prohibited from trading in residential and shared pay display parking bays, except for a maximum period of 20 minutes at any one location.
- N. The Trader shall be permitted to trade from pay and display parking bays providing they abide by any specified maximum waiting times and display a valid ticket for that bay.

In addition, condition F has been amended:

- F. The Trader shall operate in a manner which causes no nuisance, obstruction or danger to the Council or to the general public.

Also, specified trading times are proposed for Zone B traders of 8am-6pm. There may be special dispensation to depart from these times upon application in individual cases.

The aim of these proposed changes is to make Brighton & Hove's Street Trading Policy more transparent and enforceable; consistent with Traffic Regulation Orders (TROs).

Since these changes, if approved, may affect your existing trading arrangements, we would also consider a lead in period to allow existing traders to consider alternative trading arrangements.

I would be grateful if you could make any representations to the Licensing Manager within 8 weeks from the 1st August 2017 (i.e. by **26th^h September 2017**). Responses may be sent by email to the address given above or by post to:

Ehl.safety@brighton-hove.gov.uk

Licensing Team
Regulatory Services
Bartholomew House
Bartholomew Square
Brighton
BN1 1JP

If you need any further information, please do not hesitate to contact me.

Yours sincerely

Jim Whitelegg
Licensing Manager
Regulatory Services

SUPPORTING DOCUMENTATION

STREET TRADING POLICY

Consent Street	Purpose
Zone A	
City Centre Static consent sites (Dean Street, Marlborough Street, Castle Street, Crown Street, Western Road, Clarence Square)	General trading
Upper Gardner Street	Saturday market
Dukes Street, Market Street	Hot chestnut and other traditional Christmas trading activity
East Street, Dukes Street, Market Street, George Street Hove	Street artists who produce portraits on the street
George Street Hove, Black Lion Street, New Road Jubilee Street	Occasional markets including ethnic, farmers and crafts etc.
Zone B	
Area outside city centre	Mobile and static traders, both as regular occupation and community events and markets

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 and streets within 1 mile radius from the new Falmer Community Stadium 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 and 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.

Clarification

Times of trading:

Upper Gardner Street	7am – 5pm
City Centre	8am – 6pm
Zone B	No times set 8am – 6pm (there may be special dispensation to depart from these times upon application in individual cases).

- A waiting list will be administered where sites or types of street trading are oversubscribed.
- There will be no transfer of consents, no joint consents, preference will be given to local residents and consents will be issued not exceeding 12 months.
- 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.
- Traders will take reasonable fire safety measures.
- Consent will only be issued following receipt of appropriate fee. Fees shall be payable quarterly.
- If the site is temporarily unavailable, it will be relocated to a nearby site or suspended and a proportion of the fee remitted.

LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982 :
STANDARD CONDITIONS FOR STREET TRADING

- A. The consent may not be transferred and the Trader shall not permit any person to exercise the consent in his/her absence unless that person is employed by the consent holder and is at least seventeen years of age. The consent holder shall not employ more than two persons at any one time to exercise the consent in the absence of the holder and any contravention of the standard conditions forming part of the consent by these persons shall be deemed to have been committed by the consent holder.
- B. The Trader shall not stand or use any stall, barrow, basket, vehicle or other receptacle in any street except those specified in the consent. Such trading receptacle, including vehicle shall be removed from the trading site at the end of each trading day.
- C. The Trader shall not sell, expose or offer for sale any articles on days or at times other than those specified in the consent.
- D. The Trader shall not place, store or sell, expose or offer for sale any article outside the trading area marked out at the specified site (with the exception of Upper Gardner Street).
- E. 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. In Upper Gardner Street in lieu of this condition being complied with the Council will offer a refuse collection service upon payment of an appropriate fee.
- F. The Trader shall operate in a manner which causes no nuisance, **obstruction or danger** to the Council or to the general public.
- G. The Trader shall at all times whilst trading wear in a prominent position an identity badge provided by the Council. In addition, for town centre street trading consents, the consent, or copy thereof, shall be displayed on the stall/mobile vehicle.
- H. The Trader shall be insured against any claim in respect of third party liability whilst trading under a consent. No consent will be issued until a current policy has been produced to the Director of Environment and the Trader shall produce evidence of such insurance to an authorised officer of the Council within seven days of the officer's request.
- I. Where there is a potential ignition source present including cooking facilities, a 2kg dry powder extinguisher which complies with the standards set out in BS 5423: 1987 must be provided.
- J. Where hot fat cooking facilities are provided a fire blanket should be provided and so positioned as to allow the blanket to be withdrawn easily and quickly.
- K. Streets within 1 mile from Falmer Community Stadium shall be prohibited streets.
- L. **The Trader shall be prohibited from trading on double yellow lines, except for a maximum period of 20 minutes at any one location.**

- M. The Trader shall be prohibited from trading in residential and shared pay display parking bays, except for a maximum period of 20 minutes at any one location.
- N. The Trader shall be permitted to trade from pay and display parking bays providing they abide by any specified maximum waiting times and display a valid ticket for that bay.

GUIDELINES ON THE RELEVANCE OF CONVICTIONS

General Principles:

1. Each case will be decided on its own merits.
2. A person with a current conviction for serious crime need not be permanently barred from registration but should be expected to remain free of conviction for 3 to 5 years, according to the circumstances, before an application is entertained. Some discretion may be appropriate if the offence is isolated and there are mitigating circumstances. However, the overriding consideration should be the protection of the public.
3. The following examples afford a general guide on the action to be taken where convictions are admitted:

Offences involving violence

- It is imperative that applicants with convictions for offences involving violence are considered carefully. When applicants have convictions for causing grievous bodily harm, wounding or assault, or even more serious offences involving violence, at least five years should elapse before an application is considered.

Drug- related offences

- An isolated conviction for a drug offence, whether for unlawful possession only or involving the supply of controlled drugs, need not necessarily debar a candidate from registration, provided the applicant has at least three years free of convictions or five years since detoxification if he/she was an addict.

Indecency offences

- Applicants with recent indecency offences would normally be debarred.

Dishonesty

- Convictions for isolated minor offences should not debar an applicant, but in cases involving serious theft or fraud at least three years should elapse before an application is considered. When offences of dishonesty have been accompanied by violence, it is suggested that at least five years should elapse before registration.

Appendix B – Responses to consultation

Appendix2 – Consultation responses via letter, email and consultation portal

Responses from Highways & Parking (BHCC)

Charles Field, Joint Acting Head of Parking & Network Operations, Transport, BHCC

As this policy review would mean traders with a license can only park on DYL's and resident / shared bays for 20 mins and within exclusive P&D if they display valid ticket then I'm happy to support this from a parking perspective.

- Recent difficulties have highlighted traders vehicles parking on double yellow lines that are not suitable due to causing visibility issues.
- Complaints from residents about large vehicles parking on their road.
- Visitors to traders are causing obstruction issues.
- Traders want to park in residential areas which have a high demand for parking with limited supply.
- May be enforcement difficulties for a 20 min period as CEO's would need to visit twice.

David Fisher, Highway Enforcement Manager (Highway Enforcement), Transport, BHCC

The parking of street trading vehicles on some yellow lines can cause a danger and nuisance to all highway users. As it is not always clear when yellow lines would be suitable (and the majority are not) allowing some traders to use yellow lines encourages others to do the same.

This change in policy is welcomed as it will reduce dangers caused by street trading vehicles.

Paul Nicholl, Parking Strategy and Contracts Manager, BHCC

Sorry for the delay in replying, just back from leave. In addition to Charles comments about the complaints we receive on this issue I'd just add from an enforcement perspective....

The new condition of trading for 'a maximum period of 20 minutes **at any one location**' would be difficult to enforce as traders could just move their vehicles forward or back slightly and argue they were no longer trading 'from the same location'.

Civil Enforcement Officers measure valve positions to establish whether a vehicle has moved or not so this could be problematic.

To avoid this, perhaps the condition could be amended to a maximum period of 20 minutes trading at one location **in any street**, with no return within say 2 hours?

Responses from Zone B Traders

Bready Delights (Kevin Sappleton) - Street Trading in Zone B – Bready Delights, request for dispensation from proposed changes following review of Street Trading Policy

In response to your letter of 1 August 2017 I am writing to request dispensation from your proposal to restrict trading times in Zone B to 8 a.m. to 6 p.m. and that, in line with the existing conditions of my licence, I be allowed to trade up to 10 p.m. followed by half to one hour for clearing up quietly with the shutters down.

My business, Bready Delights, sells Jamaican food from my mobile catering unit which is located at the end of Selborne Road, Hove, BN3 3AJ. I am presently open from 11.30 a.m. to 10 p.m. Monday to Saturday.

I am a sole trader and set up my business less than two years ago. This involved me in considerable capital outlay to convert the van which I use, to equip it and to meet all the required regulations for trading, including for food hygiene and safety requirements. In addition I make substantial and recurring payments to BHCC, for example for the consent to trade and the disposal of trade waste. All of these expenses have to be covered before I can make any profit on my business.

Due to the quality of the food and the excellent reviews I have received my business has been steadily expanding and I have a considerable number of enthusiastic and loyal customers who return repeatedly as well as increasing passing trade. I open at lunchtime and continue to trade until approximately 10 p.m. Trading in this period after 6 p.m is vital for my business as a large proportion of my takings come when people are on their way home from work or on an evening out. I've also recently signed and paid for a contract with the local food delivery service, Dinner2Go, which can only continue if I am able to make food available for their drivers to collect up to 10 p.m.

It would not make economic sense for me to open my van earlier from 8 a.m. as the type of food I sell is not suitable for the breakfast trade.

In terms of location, my van fronts on to a car park rather than nearby houses which reduces any possible disruption to residents.

I've worked extremely hard to set this business up and my medium term plan is to reinvest the profits in order to expand into event and festival catering. Limiting my trading hours so that I have to close at 6 p.m. would affect the viability of my business and there is a possibility I would have to cease trading. I'm therefore asking you for a long term dispensation from your proposal to limit trading hours in Zone B and to permit me to continue trading up to 10 p.m. Monday to Saturday.

If this is not possible then please consider transferring my licence to another area of Brighton and Hove (for example in the centre of Brighton) if this would enable me to stay open until 10 p.m. as I do at present.

Please let me know the timetable for responding to my request. A reply asap would be appreciated as clearly it is necessary to enable me to plan my next steps for the future of my business.

Honey's (Kim Cogham) - Hi, I am writing with reference too the proposed new trading times in zone B. I trade at Honey's and cater for the business on Crowhurst road. I trade from 6am till 3 pm, and have been trading there for nearly 4 years and have built up a very good business.

Most of my trade is early morning with the police, Asda staff and the staff from the units, all coming too me when they swap shifts or before they commence work at 7am.

Please could you review my trading hours, as not only would I lose a lot of business, I would also find it hard too survive with the lack of the early morning trade.

Thank you very much, I look forward too hearing from you.

CJ's Snack Shack (Cheryl Johnson) - Thank you for your e mail dated 28th July 2017. I do not park on residential/pay and display parking bays or double yellow lines. I trade from the industrial estate in Newtown Road, Hove. The nearest residential homes to me are in Old Shoreham Road, quite a distance away. My busiest time of the day is at 7am when roofers and scaffolders come to collect their materials for the day, therefore I usually open for business at 7am. Would you consider allowing me to continue to do so as I would lose a substantial amount of trade by opening at 8am.

JL Burgers (Jamie English) - trades John St) - Hi I'm responding to your letter about changes to trading policy for what you are thinking about changing is crazy you want us to move are vans every one to hours now where is the health and safety in that when you have hot oil and hot water going everywhere. and also where I'm I going to trade there is only four spaces to park as one side of the road has had the bays suspended as they are building on the police station so where can I park my van it's hard to find a space to park as it is I've been trading on the same road and the same spot for 8 years now and never had any problems I've always payed my license fee with you and always done your rules and regulations state now if you decide to make these changes you will be putting me out of business.

Shelley Kenyon (Posh Nosh) - Thank you for your letter dated 1st August 2017 setting out the proposed amendments to the street trading policy.

I have reviewed the letter and I would like my comments to be considered during the review into the current policy.

Name of business: Posh Nosh

Proprietor: Shelley Kenyon
12 Merlin Close
Hove
East Sussex
BN3 6NU

Location: Sutherland Road, Brighton

Zone- B

- L - Our vehicle isn't located on double yellow lines.
- M - Our vehicle is located on a residential/pay and display parking bay but we would be agreeable to paying for a residents parking permit in addition to our permit charges .
- N - Due to the maximum waiting time in our location, it would be impossible to move the vehicle once open for trading, which is why we would agreeable to obtaining a residents permit badge.
- F - We operate in a respectful and professional manner, our current pitch location doesn't cause any obstruction, nuisance or danger to the public.

The proposed trading times are acceptable as we trade from 8am-2.30pm.

I have been trading successfully in our current location for over five years, without complaint from the public. We abide and comply with all of the current regulations. Our pitch isn't located on a residential street, with ample parking opportunities for the public. It doesn't obstruct neither the road or public walkways.

Kevin Varney (Nuance Ltd) - After spending eighteen months building up a business working twelve hours a day seven days a week I receive an email telling me that all the rules were potentially about to change.

What was the reason for this? Quite simply a counsellor, Mr Theobald didn't like looking out of his window at a burger van.

The article Brighton & Hove News ran on this could not have more bias. You got the impression he had broken many laws. When infant non were broken. And as a consequence the rules have to be changed.

Burger van opens can of worms...Yuck.

"If I was to park on double yellow lines all week I would be ticketed."

That is because you don't have a traders licence, obviously.

Mr Theobald goes on to say "direct competition with traders in Church Road. bla bla. Rent rates. bla bla. Level playing field. bla bla.

Some street traders have operated in the same place for up to eight years without moving. It's not until a trader pitches up outside the Town Hall it becomes a problem. This is a clear case of NIMBY.

Who was looking out for the traders in George Street when they gave Tesco planning? I was told one condition Tesco got planning was to supply a carpark. When it first opened we could park for three hours, then two, now we can't park there without buying something in Tesco. How did that happen?

Why should we have a zone A&B? Why should the shops be protected?

Business is Business the strong should be allowed to thrive and the weak should be left to fall by the wayside. Competition will always benefit the consumer.

Why not have mobile traders operating cheek by jowl with high street shops and do away with this protectionism?

On a hot summer day do you really want to queue for half hour plus to get an ice cream at Marrocco's, or would that area/consumer benefit from a mobile street trader?

I recently applied to run the Kiosk in the new Volks visitor centre. I was turned down in favour of an applicant that already ran two other units in that area. Really? A visit to Maderia Drive is like a trip to Benidorm circa 1983. This will not change by letting one company have a monopoly?

Every town today is now almost identical...WHSmith.Check. Boots.Check.

RobertDyas.Check. Costa.Check Starbucks.Check. Notoriously Starbucks don't pay tax. How do the independents compete with that?

We need a City that has flare and passion. We need to encourage entrepreneurs. Not everyone wants to work for the Majors. Mobile street trading is the perfect entry for someone with imagination and enthusiasm to enter their chosen market. Many of which go on to open high street shops.

Real Pizza Company Copthorne. Pizza Pilgrims Wandsworth, they now have a chain of venues. There are many many examples.

The Amendments.

L. Prohibit traders from parking on double yellow lines.

The customer needs to know where to find you. By allowing street traders to park on double yellows we can park in the same place each day.

Can you feasibly change the rules for ST and still allow Builders a permit to park their trucks on double yellows?

M. Traders prohibited residential and shared pay display, max 20 minutes.
Why change that?

N. Permitted to trade from Pay & Display abide by waiting times and pay.
If I had to pay in a bay in quite times the parking meter would be earning more than me.

F. Traders shall cause no nuisance or obstruction.
This maybe the only amendment needed. Provided it was implemented properly.

Specified trading times..?

What is the point in that? If your market is commuters you need to start selling as early in the morning as possible by 8:00am there is only a maximum of one hour left to do so. Should you wish to sell Pizza for example the best trading time would be from 5:00pm to 9:00pm

Before issuing a licence I would suggest that:

The trader has a minimum 4star food Hygiene rating.

They run off solar battery and gas. Not a generator or leaving the engine running.

They don't bellow out smoke or foul odours.

If these rules were put into practice it would all but kill off independent street trading in Brighton.

When I started for the first few months I would have days when my takings would be between £5-£10. Even now a good days takings on a cold winter day can be £30 gross.
If I had to feed a parking meter I would be paying to go to work.

Now I'm not the biggest fan of the traditional Roach Coach selling budget Booker Burgers. But I don't see why the actions of one trader, possibly two, should impact on the livelihood of the rest.

Responses from residents (via the portal)

<i>From</i>	<i>Response</i>
ID	Q1. - Please use the space below to comment on the proposed amendments to the current street trading policy.
4	About time too! I have no problem with anyone trading and trying to make a living but the inconvenience and obstruction some cause by stopping where they shouldn't is very frustrating.
5	I fully support the proposed changes to conditions F, L, M and N. Having checked the street trading zone map on the council's website, why is Zone B so big? Can it not be broken down into smaller zones? It currently contains a large amount of purely residential areas, for instance The Orchards (roads to the west of Hove Park) where we do not want these smelly street vendors causing a nuisance with fumes from their 'cooking'. I would also like to see the trading time further restricted to state Monday-Friday only.
7	I support these amendments
8	Having experienced a street trader parking on double yellow lines for days on end in zone B, I support these changes.
9	I think this is an excellent amendment - double le yellow lines are there for safety and to aid traffic flow. Food sellers should not be exempt from the law in this respect.
10	I think that the amendments proposed are very sensible and tighten up certain areas which have been a bit ambiguous. The double yellow line restrictions will clear up one area where a lot of upset has been caused
11	L. Assuming that double yellow lines are in place for well considered reasons of safety, I don't agree that trading should be allowed in that same location. A street trader would have the same effect as a parked vehicle. M. 20 minutes free trading in a residents' parking bay is using a parking space from paid permit holders. Not paying for the space through a pay and display ticket means no contribution is made. Unfair.
12	My view is that double yellow lines are there for a purpose, usually for reasons of safety, traffic control and access for essential services. With this in mind, how can these important factors be over ruled by people wishing to trade on them. From what I have seen, some traders are not always very respectful of these important factors - they just want to do business regardless. From the above list I would prefer option L. However my person view is that trading must not be permitted on double yellow lines.
14	I am all for private enterprise but I believe street traders in Zone B should abide by local parking regulations, especially the parking on double yellow lines. Double yellow lines are there for a reason, and allowing zone B traders to park all day encourages other people to do the same, illegally. It also takes away the parking for blue badge holders as there is very little disabled parking around the city. I have recently been affected by traders parking in effect a residential area opposite places of residence all day on double yellow lines which means I can no longer temporarily stop outside my own property to load/unload my car for example as I would cause an obstruction in the road due to it being too narrow so would fully support the 20 minute rule that has been proposed.
15	There are no conditions preventing trading in cycle lanes or which block cycle access. This is an issue in some areas eg Jubilee St cycle contraflow. A new condition should be added which prohibits trading on or in a marked cycle lane, whether advisory, mandatory or separated. This should also include streets such as Sydney St which are closed to motor vehicles at certain times but open for cycling.

16	yes these proposals area minimum in terms of regulating this activity. It is very important that residents and visitors can park and often traders take up places for days and cause a nuisance in terms of noise, smell and general disruption. They can be very unattractive and badly disrupt trade for local shops who have higher costs to factor into running thier business.
17	Don't support I or M, but do support N. Do not support F as its too subjective, unless its accompanied with scheme reserving pitches across the city. In general, I'd like to see the policy relaxed to encourage far more street trading, e.g. through a wide range of specified sites city centre and elsewhere that are deemed acceptable with the minimum of paperwork for the trader. Would there be a demand for a pilot scheme for residential trading pitches - parking reserved for traders selling fresh food or hot food? PS Please add a contact phone number to all highways enforcement signs so people can report e.g. people parked in disabled bays, A boards, or unlicensed trading.
18	The Street Trading Policy takes no account of restaurants and other traders that effectively block roads. This is particularly important for cyclists trying to navigate around the city avoiding busy and more dangerous roads. The Council allows restauranteurs to put tables on streets at various times, making cycling either dangerous or impossible, and thus forcing cyclists onto main roads. As the times of closure to motor vehicles vary, it is difficult to plan a journey through these roads, with some hope of them being free of obstruction. The result is that I permanently avoid these roads when cycling, and use more dangerous roads with higher volumes of traffic. Examples are: 1) Ship Street. At times of closure the main part of the street is virtually impassable to cycles near the junction with North Street. I have been forced to use the busier West Street and Old Steine as alternatives to reach the seafront and Lanes. 2) East Street. This is the main thoroughfare for cyclists to reach the safe crossing point on Grand Junction Road on the seafront, to access the seafront cycle path. This is often cluttered with street traders and restaurant tables. I now avoid this route and instead use the more dangerous roundabout at Grand Junction Road/Old Steine/Marine Parade. 3) New Road. I accept that this is a wider road and shared space. However, the restauranteurs and pubs push the limits of their boundaries and often make it almost impossible to pass through on a cycle. The limits of street trading here ought to be strict and strictly enforced. 4) Sydney Street. When Sydney Steet is closed to traffic, then cyclists have to use Tidy Street. But the problem is that at the junction of Tidy Street and Gloucester Road, the cyclist has to means of legally accessing a southbound street towards the seafront, without getting off and pushing. The reason they would want to do this is that Kensington Street, then Jubilee Street, then New Road, North Street and East Street provide the only safe route from the north of Brighton to the seafront for the cycle route and beach. By closing Sydney Street, that route becomes impossible, if done leagally. Again, I now use Grand Parade and the Old Steine to access the seafront, as the 'cycle' routes are becoming inaccessible. In terms of the changes to the Street Trading Policy, they are irrelevant and meaningless, unless the fundamentals of safe walking and cycling are addressed first.
19	Proposals seem very reasonable
20	Brighton would do well to take the lead and encourage all types of trading and reduce the restrictions. We live in a capitalist society after all.
21	Assuming this will not affect community events such as the kemptown festival it looks good. I think that the 6.00PM watershed of maybe a bit tight to allow packing up etc. Maybe define by time of plot left vacant rather than time to stop trading ?
22	OK
24	positive amendments
26	There still needs to be a stronger deterrent and penalty otherwise the new amendments will be ignored as much as the original are.
27	Should be no trading at all on double yellow lines or parking bays as enforcing a 20 min limit is too complex

28	It is disquieting to see this policy so set in stone - irrespective of the amendments proposed here. The residents are not taken into account when designing such policies. What we have is a city over-run with booths and stalls and barrows which are ugly and do not seem to provide a regular and needed service. Though the council generates revenue, the tax payers also generate revenue. Yet weekends always carry the risk of some 'event' taking precedence to piece and quiet in public spaces, including pedestrian areas and parks. Why can't we just have a peaceful city where the citizens not the visitors are considered and allowed our dignity . Everyone seems to be going round all wired and aggression is never far away. Just keep these trading permits for local COMMUNITY initiatives and forget the razzmatazz - the city might be visited then by a different set of tourists who would prefer to enjoy the character of the city and the space offered by the water front. It may even encourage the council to plant a few palms instead of steel posts and wires on the edge of the sea. Spend some money instead of grubby selling out rights to our assets.
30	The exception in ondition L goes against the whole purpose of double yellow lines which is to maintain traffic flow and access for essential services. Even a 20 minute obstruction can lead to disruption.
31	I support these proposed amendments. It would be helpful to define the nature of 'nuisance' at condition F.
32	Why should traders be allowed 20 minutes on double yellow lines and 20 minutes in residential parking bays. Surely this opens the door to abuse and complicates enforcement.
33	All sound resonable
37	I support these proposals to stop the practice of parking on double yellow lines causing safety issues for other road users
38	There is a vehicle barrier in Orchard Road opposite Orchard House and parking is restricted in the street near to it by double yellow lines. This creates a turning space for cars with good visibility of pedestrians and cyclists. On occasions when a large food trailer has been stopped in this part of the road turning has become much more difficult for drivers and safety is adversely affected by the obstruction to visibility. Furthermore it obstructs a useful pickup/dropoff point for taxi users which is a particular problem for disabled people who live close by. The above amendments (esp L) would therefore be appropriate.