

Appendix A – Consultation Document and Policy

Upper Gardner Street Trader/Resident	Date:	28 th October 2019
	Our Ref:	JW/UGS/STP2019
	Phone:	01273 294429
	Email:	Ehl.safety@brighton-hove.gov.uk

Dear Sir/Madam

Street trading – Upper Gardner Street Market traders, important information enclosed

Following visits to Upper Gardner Street Market, officers have observed traders operating outside their specified marked site and refuse being left at the end of the trading day. This has led to obstruction and litter complaints from residents and other traders. The Council's licensing team are consulting on reviewing the Council's Street Trading Policy, in particular removing the exception wording applying to Upper Gardner Street in conditions D and E and notes attached. This would also bring Upper Gardner Street in line with the rest of the Street Trading Policy and citywide market policy.

The amendments are marked in the attached document, "Appendix 1 – Street Trading Policy" and detailed below:

- Traders will ensure suitable refuse storage and remove refuse at the end of trading (~~with the exception of Upper Gardner Street~~)
- 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.~~

The aim of these proposed changes is to make Brighton & Hove's Street Trading Policy more transparent, enforceable and consistent. Officers can see no rationale for making an exception for Upper Gardner Street Market

I would be grateful if you could make any representations to the Licensing Manager within 4 weeks from the 30th October 2019 (**i.e. 27th November 2019**). 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

A handwritten signature in black ink that reads "J. Whitelegg". The signature is written in a cursive style with a loop at the end of the last name.

Jim Whitelegg
Regulatory Services Manager (Licensing and Trading Standards)

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	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.

- 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.

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.

