

Appendix C – Responses Upper Gardener Street Market consultation

Upper Gardener Street Traders

Hi Dean,

Just for your information, I always clear my litter up. However, a few weeks ago, at the end of the day, I popped to the toilet and there were 2 empty coffee cups that I was going to take with me on my return. However, they were already cleared up by the lady at number XX. Just in case she complains.

Dear Jim

Thank you very much for your very nice reply to my email.

That's good all views will go towards the consultation document and you feel the market is positive. Also, excellent that a journalist is looking to do a feature on the market. There are some very interesting things on sale.

Best wishes

On 20 Nov 2019, at 11:51, Jim Whitelegg <Jim.Whitelegg@brighton-hove.gov.uk> wrote:

Dear XXXXXXX,

Apologies if the letter came across as too formal and officious. The purpose of the consultation document was purely to seek your views on removing some anomalies in the wording of the Street Trading Policy regarding Upper Gardner Street market.

Please be assured we do value the market and recognise and welcome that it has been in existence for well over 100 years. Only last week we were contacted by a journalist who had heard great things about the market and is looking at doing a good news feature on the market in spring next year.

Thank you your comments which are noted and will be included in the report going to committee.

Kind Regards, Jim

Jim Whitelegg | Regulatory Services Manager (Licensing & Trading Standards), Safer Communities | Brighton & Hove City Council

2nd Floor, Barts House, Barts Square, BN1 1JP

T 01273 292438 | brighton-hove.gov.uk

From:

Sent: 20 November 2019 11:07

To: EHL Safety <EHL.Safety@brighton-hove.gov.uk>

Subject: Your recent letter regarding Upper Gardner Street Market

Dear Dean

I was rather shocked by the tone of the Council's recent letter regarding Upper Gardner Street Market. It seemed very officious and generally negative - all the points seemed to be saying what we, as traders, were doing wrong and how we should change our behaviour. I could see nothing positive in the letter, which is rather demotivating, and sad.

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Firstly, regarding the litter, it is, sadly, the case that pedestrians also leave their litter in the street - in fact people can leave disposable coffee cups etc on traders' stalls if not reminded (politely!) to please take them with them, so it may well be that the main provenance of the litter is not actually traceable to the stallholders.

Secondly, it seems very curious not to allow stallholders to use empty space if there is some adjacent to their pitches. Generally markets look better when they're fuller and therefore more interesting to visitors. I can see no good reason for asking traders not to make the market look better. If there is a good reason for this, it would be interesting to know what it is.

So, this leads into my next point. There appeared to be nothing positive in the Council's letter. Hopefully, as a very longstanding, traditional street market, this should be a point of interest to visitors and residents. It's a place where traders have an opportunity of selling somewhere at a reasonable pitch cost and so offering people on low incomes an alternative as there are many bargains there. Also it's a good way to recycle goods that would otherwise probably end up in landfill. It would have been nice if there had been some acknowledgement of this market being a positive contribution to Brighton and some modest thank you to the traders for continuing to stand and trade outside despite the cold and rain.

Also there was no mention of any publicity that the Council plans to do for this market. We have had several inspections of late and I wonder how much money has been spent on promoting the market versus wages for inspection? If you could let me know of any plans for publicising the market, I would be very interested to know.

Dear Mr Whitelegg

Thank you for yours of 28th Oct.

In it, you asked for representations to be made by today's date regarding proposed changes to the, longstanding, Street Trading Policy for Upper Gardner Street Market.

I stress that this is a Street Market and as such has not been subject to the Market Traders pitches having boundary restrictions such as are appropriate to sole traders working across the city. Unless all the pitches in this Street Market are let and occupied, which currently they are not.

This note is to respectfully request that you reconsider proposed changes to the Trading conditions in this Market. There is support from Traders and the public, the users of this Street Market for this request.

Petitions, both paper and on -line give evidence to this.

The first , a paper petition, entitled 'Upper Gardner Street Traders Response ' Nov 2019. is attached.

This is still gathering signatures as Traders come into the market.

As is the second petition, being signed by the public, shoppers in the market.

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You will understand that as the last few Saturdays have been wet, the market has been sparsely populated.

It has even, at times, been rained off completely with no traders on site. This has limited the number of signatures to date. There have been fewer people in the market to sign.

However, here is also a growing online petition which contains many supportive comments and rationale for keeping the market as it is, without needless restrictions.

There seems to be no justification for condensing this market to a skeletal and barren form, particularly at this time of year when fewer traders have stalls and the weather keeps some away. Traders spreading keep this market alive through the winter months until the part time summer traders come.

If they are condensed to trading within the marked boundaries then this one time attractive feature of Brighton's character will be reduced to a shadow of what it was and what it could and should be.

I would ask therefore that you give due consideration to the points made and revoke any decision to try to adjust the regulations regarding Traders in Upper Gardner Street Market and the current exception to the rule D, regarding the spreading beyond boundaries.

The issue of rubbish removal is not one that I can address here as I always sweep the area around my pitch and remove any rubbish or litter, including that dropped or left by the public, before I leave the area.

There are no litter bins in the street but many local coffee shops serve take away refreshments and the cups and other waste get left in the street. This is evident across the city and is not the traders fault.

I hope that it is clear that my requests are in the best interests of this market, those who attempt to trade there and the public who historically have used the services we try to provide.

I hope too, that given these points you will look favorably upon these requests to allow this historic market to continue to function and serve the town/city as it has done since it's introduction by Harry Cowley in 1920.

Leave the rules for this historic market unchanged

543 have signed. Let's get to 1,000!

Poppy Rose signed this petition

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[Steve Swain](#) started this petition to Jim Whitelegg and 6 others

Brighton and Hove City council want to impose a new rule to the historic and popular Upper Gardner Street Saturday Market in Brighton that has been in its present form with marked and numbered pitches since the 1920's.

The ruling has **always** been that Licensed Street Traders in Upper Gardner Street, **could** 'place, store or sell, expose or offer for sale any article **outside** the area marked at the specific site.'

If that space was clear.

Now the Council licensing team are '*consulting on reviewing their policy so that traders in Upper Gardner Street **can no longer** spread beyond marked pitch boundaries*'

Even if there are several empty pitches.

Those that have not been let or that are unattended on the day.

There are, consistently, many clear spaces.

If traders cannot spread this will leave the market looking nearly deserted, more than half empty and completely uninviting.

Consent holders trading at specific registered sites outside of this market and across the city **are** limited to boundaries. These tend to be **sole** traders. Fruit or seasonal sellers, Christmas papers, chestnuts and the like and these boundary rules seem appropriate to their work pattern and are not in dispute here.

Upper Gardner Street Saturday Market is and always has been a **number** of Stalls set up in **rows** along both sides of the street.

To enforce needless restrictions such as are suggested will be to destroy the ambience and character of the market. If the traders are constrained without any flexibility then the market will lose the appeal that it functions on.

The Council have stated that the aim of this change '*is to make their policy more transparent, enforceable and consistent. Officers can see no rationale for making an exception for Upper Gardner Street.*

I have attempted above to offer the 'rationale' for leaving the regulations for Upper Gardner Street as they stand and have stood in this feature of Brighton's character since 1920 and before.

Thank you for considering this information.

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Please note that it is not always possible to use our pitch number due to obstacles such as parked cars, scaffolding, e bikes as this is a STREET market. As stated in previous correspondence (21/12/14) the council has no powers to move these obstructions and therefore the trader has to use a different pitch at times.

Upper Gardener Street Market Traders Response Nov. 2019

We the undersigned, as licensed traders, would request the following. That the Council reconsider their plans to change the very long standing rules for traders in Upper Gardener Street pitches.

For as long as it has been operating it has been the case that in this market, if space is available, it may be used by licensed traders. Otherwise there will have been gaps with unoccupied stalls.

Unless and until all the available pitches have been let and are regularly occupied we can see no justification for limiting current traders from keeping the market looking busy by spreading into the otherwise empty spaces.

We appreciate that this ruling might apply in other, general trading sites, across the city where expansion might impose upon or inconvenience the public or other traders. This is not the case in Upper Gardener Street

Imposing this rule will be the end of the longest established market in this city.

It is a *Street Market* and has been for longer than most of us have been alive. It is steeped in and is part of Brighton's history, as research back to its origins and later developments in the 1920's under the support of Harry Cowley, show.

Social media feedback gives evidence to the popularity and individual style of this market. It should be preserved to operate in its present state.

Please give consideration to these points when making your decision.

NAME	Pitch Number	Email	Other Contact
JIM FLUDE	PITCH NO 62		85 BROOK WAY LANCING WEST SUSSEX BN15 8PH

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Upper Gardener Street Residents

From:

Sent: Saturday, April 6, 2019 11:55 am

Subject: ugs "market"

Hi,

Following your visit to my home and my complaint against the "Saturday market", (as I said it is not officially a market but a collection of street traders.)

The photo (06.04.2019) attached shows how this trader intimidates any resident who try to park in "his" residents bay. The new xxx car valued at least 23k is surrounded by the traders stock and he and his stall table leans on the car potentially leaving scratches. I have previously had problems with the same trader who deliberately scratched my car with his display and verbally abused me when i asked him to move his displays and suspect that he or others have broken my car window, wing mirror and punctured various tyres of other residents cars. I have photos of some of these incidents.He used the same tactic on the photo of the blue vw which I showed to the police but they said they couldn't prove that the dents on the bonnet were caused by the traders furniture and didn't follow it up. I have asked David Fisher to withdraw his trading licence or at least move him to further down the street away from my home but he refused. The traders sells haberdashery.As he is a infrequent trader I suspect that he doesn't even have a licence to trade. I have also asked David Fisher to remove the " Please do not park on traders pitches" sign which is the cause of the intimidation from traders but he has refused.

I have asked him to publish which traders have which pitch but he has refused.

I have seen warning notes on residents cars from traders to move the car "One warning only." Residents comply with these intimidating warnings to safeguard their property and their safety when the street is taken over by strangers but **who know where we live!**

This "market" is not managed responsibly by the council which should at least protect the interests of their council tax payers and use other pitches within the street which has 92 spaces for trading compared with a maximum of 40 traders in the busiest time of the year. I have also complained to the police in the past who have shown no interest in following up. There is a "culture of intimidation" from a lot of traders on Saturdays which can only be ended by proper management and the interests of both the traders and Y zone residents taken into account.

I have also contacted various officials of the North Laine residents Association in the past who have shown no interest in this situation. would you accept your home street being taken over by strangers under these conditions?

Please do something to rectify this problem.

From: Sent: 27 November 2019 14:52

To: EHL Safety <EHL.Safety@brighton-hove.gov.uk>

Subject: Street Trading Upper Gardner Street

Dear Sir/Madam,

Thank you for your letter dated 28th October 2019 re. Upper Gardner Street market.

We bought X Upper Gardner St in 2015. The Saturday market was factored into our decision to purchase.

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However, we were unaware that traders outside my property (and indeed along the whole street) were able to get away with the following:

- Using our house to lean, display and attach their stall and items for sale
- Block doorways and restrict access
- Repeatability violate the terms set in their trading policy/contracts
- Create a conflictual, even hostile, atmosphere for residents by ignoring repeated polite requests to stop creating a nuisance

I have had to contact the council about the above problems with the market traders on several occasions. Each time a new trader is pitched outside my house I then have to communicate with them, all over again, to reset clear boundaries around not leaning, blocking or using the front of my house for their trading. Because of damage caused to our front door by one of the traders, we have since had to install a security camera to ensure we're covered for any future incidents. At one stage, I even had to call the community police who were very helpful - but this obviously increased bad feeling with the people trading outside.

I welcome the amendments outlined in your letter, but wish to state that I want traders to be clearly away from our property at all times - at least by say, 1 metre - this includes the entire wall of our house, the window and also the front door. I do not understand why traders can have their stalls, canopies and goods directly on top of residents' houses. If traders cannot abide by their terms, or indeed the street is too small for such a market, then perhaps it should not be there at all.

The whole situation around dealing with trader nuisance and abuse is stressful and unnecessary, and if it does not get resolved then we'll be happy to join together with other residents to demand action.

Thank you for your letter regarding street trading on Upper Gardner Street.

I have lived on the street for just over 6 years and I love the street market and the character that it adds to our street and the North Laine. It is this kind of thing that makes Brighton, Brighton.

I would therefore ask that you do not make too many changes that would discourage the life of the market. For example, I feel that changing the exemption wording on condition D is unnecessary. Going outside of the lines has never been a problem. Unless people are blocking doorways (which I've never seen), then I think D should stay as it is.

Regarding the rubbish, I've always felt that the street is in relatively good condition soon after the market closes. I don't see a necessary haste to change this either.

Anyway, I realise that you will get many emails with differing views but I ask that you do all you can to keep encouraging the life of the market.

Appreciate all you do. Thank you for taking the time to read this.

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From:

Sent: 27 November 2019 00:11

To: EHL Safety <EHL.Safety@brighton-hove.gov.uk>

Subject: re JW/UGS/STP2019

I am responding to your letter dated 28th October regarding the market on Upper Gardner Street.

Before commenting on the proposed changes I have the following observations

1. I have no objection per se to the market. It has operated long before I moved into the street and I want it to continue into the future. I do not wish to deny anyone making a living. However there are a number of quality of life issues for residents that the council must address.
2. The majority of traders act in a responsible manner and it is a small number that don't.
3. Unlike the other markets listed in the policy UGS is primarily a residential street (though with some commercial properties occupying the southern end of the street towards the North Road end of the street with residences above). The market rules should specifically recognise the residential nature of the street and the need for traders to acknowledge and respect this fact.
4. The market causes significant disruption to the residents by drawing to it non residents who wish to visit the market and who would otherwise not visit / use the street. This generates noise and disruption significantly over and above the level nearby residential streets experience on a weekend.
5. Residents and their visitors cannot park their cars on the street on Saturdays despite paying for annual and visitor permits. Because of this residents have to move their vehicles to other streets in the area which affects the ability of residents in neighbouring streets to park near to their homes. Whilst no one has a right to park outside their own home or even on their own street the loss of parking spaces on a Saturday does place pressure on the other streets in the area. If residents cannot park then traders should not be allowed to either.

I now refer to the page 2 of the street trading policy headed 'Clarification'

Trading Hours

The UGS market is listed as starting at 7 am.

This is an hour earlier than the 8.00 AM listed for other markets (on non residential streets!).

At the very minimum UGS should have the same 8.00AM start time as the other markets. In fact given the residential nature of the street there is an argument to be made that UGS should have a later start time of 9.00am with the same 5pm finish as current in order to reduce the disruption to the residents.

Bullet point 3

States 'the activity will cause no danger, obstruction and will leave 2m of unobstructed footway'

However some, though not all, traders on UGS do significantly obstruct the pavement. This includes their tables and even goods being on the pavement and not on the pitch which is marked on the road. And as you are already aware some park their cars and vans across the pavement which is clearly an obstruction.

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It should be a clear licence condition that traders cannot occupy **any** part of the pavement and nor should they use any part of a property to display their goods on.

Standard Conditions for Street Trading

D - I support the proposal. But I have concerns over some traders complying and the councils willingness and ability to enforce this.

E - I support the proposal. The vast majority of traders already remove their rubbish (and some even remove bottles etc dropped by visitors). But again I have concerns over the councils willingness and ability to enforce this against those that don't. Will council officers really attend at the end of the day on a Saturday to ensure traders actually comply?

G - Is a requirement that 'traders wear identity badges ...'. However I have yet to see any trader wear such a badge.

HOWEVER I see no mention in your proposed changes that Traders on UGS Market **should not park their vehicles on the street or pavement** during trading hours (with an exception for short periods to allow unloading at the start and loading at the end of the market day)

I believe this must be a clear, specific, condition for the UGS Market even if you believe it is covered by other conditions such as not causing an obstruction and I do not understand why you have chosen not to make it a clear condition.

From:

Sent: 22 November 2019 12:45

To: EHL Safety <EHL.Safety@brighton-hove.gov.uk>

Subject: Upper Gardener Street Market

Good afternoon,

Recently at my business we have received multiple letters from a neighbour called 'XXXX' in regards to the Saturday market on Upper Gardener Street.

This neighbour obviously has some issues with the market being on his doorstep which we understand cannot be easy. He has made accusations about being 'intimidated' and claims that damage has been made to his vehicle.

Whilst I cannot comment on whether his claims are true I can state with fact that the Saturday market has been here for well over 100 years and anyone that has moved onto Upper Gardener Street must of known about its occurrence every Saturday.

Some people that work on the market have been doing it for over 50 years themselves.

(Although for at least the last 6 weeks the market has not even been set up due to adverse weather conditions).

The market provides good income for many of the traders who pay their way towards the council rain or shine and provides the businesses on the street with a healthy footfall of potential customers. I cannot stress enough how important that footfall is to local business.

With issues of rubbish being left out after the market ends we personally have not seen this.

We're not saying there has never been anything left out but we have not seen evidence of this claim.

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It appears to be a classic case of someone moving into a central city location and then complaining that a city centre isn't what they expected.

The reason for this message is simple, there are people on Upper Gardener Street who love the market and believe it to be an integral part of Brighton's history and future.

Thank you for your time.

From:

Sent: 23 November 2019 17:04

To: EHL Safety <EHL.Safety@brighton-hove.gov.uk>; Lizzie Deane <Lizzie.Deane@brighton-hove.gov.uk>

Subject: the Saturday "market"

23rd November 2019.

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

The last time that the Council surveyed our views was to increase the market trading times, from the 26 residential homes and 10 businesses in Upper Gardner Street regarding "the market," was in 2007. The application from the "market" traders was passed to extend the trading time to 5pm **no doubt** helped by allowing the "market" traders to vote for their own application and overwhelm the votes from the street residents. A classic Council stitch up.

Since then, 21 new homes were created from warehouses, the old school and vacant plots and we now have another chance to give our views providing the survey is restricted to Upper Gardner Street residents and council tax paying companies. (ie, don't allow the market trader's views to outweigh our views again.) Of the original 26 resident's homes, 18 have moved and have been replaced which means that a total of about 80% have not yet had their say on the future of their street.

The Council's ambiguous letter to us includes the information,

*"The aim of these 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**"*

But they only write about clearing up rubbish and trading within the trading space and nothing about the main problems of Intimidation of residents, parking and trading on double yellow lines and the pavement, and trading and parking in our residents parking bay, as set out in their own standard conditions, **L** and **M**, act 1982' which they haven't abided by for many many years.

Please confirm to me that these nightmare "market" conditions will end at last. I insist that the Council stick to their own "standard conditions for street trading" in the future, remove the red street trading pitch road signs, by double yellow lines and parking bay, replace the non legal parking and market signs (which street traders have used to intimidate residents) with standard 9-6pm resident parking signs and inform the residents of our street and Y zone of their legal rights.

From:

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Sent: 24 November 2019 14:18

To: EHL Safety <EHL.Safety@brighton-hove.gov.uk>

Subject: JW/UGS/STP2019 resident representation

Dear Jim

I am writing in regards to the letter received regarding Upper Gardner Street Market.

My main bugbear is in relation to Street Trading policy D. The trader shall not place, store or sell....

We have had problems with the man in his 40s outside on plot XX/XX (directly outside the front of our house) who sells books/vinyl discs. We have weekly trouble getting out of the front door/moving through his market stall. On two occasions my quite frail father has come to go out the front door and the trader has placed one of his boxes blocking the entrance to our house. My father politely told him to move it and that this is not acceptable - we need to be able to get out of the door without injuring ourselves and it still happened again a few weeks later. His items are strewn all over the show with total disrespect and inconsideration for us. He regularly props his items such as his chair and boxes against our front wall sometimes not so gently, which causes unnecessary wear and tear on our recently decorated property. Within less than a year the fresh paint has coffee spills and all sorts of random stains on which I am convinced is the marketeers doing.

One time we had the front of our house re-rendered and my father again caught Mr XXXXX leaning against our less than 24 hour applied cement. Just inconsideration at its finest. He went out to speak to him about it, again very politely to please get off it as it is drying and later on I overheard a conversation through my single glazed front window moaning about us and laughing that they were going to come back and cause criminal damage to our house during the night as revenge for my father politely telling him off. Said in jest or not, I take it seriously as we do not know the traders well.

XXXX another long term marketeer at a plot further up XX/XX? used to hang coats from our decorative porch which was very inconsiderate.

The lack of gap between pitches is the main problem. I have regularly had to climb over and/or step on books! depending on my mood! in order to escape my house on a Saturday. Trying to get through with a suitcase to go on holiday is near on impossible. They have to move their junk out of the way for me or I just roll the suitcase over it if they are not obliging.

A lot of the traders speak very loudly from 7am to each other and I rarely enjoy a lie in on a Saturday apart from when it is raining.

That is about it with my gripes on the market. Since xxx and his wife left the market a few years back - (they used to unofficially oversee it) it has gone from bad to worse. It is sad that it has got to the stage where we rejoice every time it is raining on a Saturday morning and the traders have been rained off, because we get to enjoy the simple pleasure of getting out the front door with ease.

For the examples I have cited and also the fear of and actual potential threat already made to damage our property I would like to remain anonymous if this is to be posted anywhere public as the traders in general hold the residents with very little respect and act as if they own the place.

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From:

Sent: 04 November 2019 13:40

To: EHL Safety <EHL.Safety@brighton-hove.gov.uk>

Subject: Upper Gardner Street Market

Att. Jim Whitelegg

Dear Sir

I am a resident of Upper Gardner Street and welcome your recent letter about the Saturday market.

I know that some residents have had problems with their cars and parking with the market traders.

I do not have a car myself but I know how difficult it is for anyone visiting our street on a Saturday with a car or making a delivery.

Personally I find the traders can be very intrusive. Every Saturday I have to tolerate them standing right outside my window from morning till night.

When they load and unload they park on the pavement causing obstruction and blocking our light. They also set up their stalls so that very often there is no

space left to get in and out of our own houses. A number of them put up gazebos which also obstruct and block light.

Finally there is the litter problem. Every week I have to pick up empty take away coffee cups and strewn paper.

Hopefully now this has all been brought to light something will be done about it and the residents of Upper Gardner Street can have a few rights.