

LICENSING COMMITTEE (NON LICENSING ACT 2003 FUNCTIONS)

Agenda Item 10

Brighton & Hove City Council

Subject:	Amendment of Street Trading Policy		
Date of Meeting:	27 June 2013		
Report of:	Head of Planning and Public Protection		
Contact Officer:	Name:	Jean Cranford	Tel: 29-2550
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Ward(s) affected:	Queens Park, Regency and central Hove		

FOR GENERAL RELEASE

1. SUMMARY AND POLICY CONTEXT:

- 1.1 Brighton & Hove City Council street trading policy was introduced on 2 April 1998 and on 26 November 2009, a revised street trading policy was adopted.
- 1.2 At licensing committee on 23 June 2011 that policy was confirmed by committee as being current with addition of guidelines for relevant convictions and further issue zone B trading consents.
- 1.3 Officers have received a request for a farmers market in central Brighton which will require a change to the current policy.

2. RECOMMENDATIONS:

- 2.1 That, subject to designation as a Consent Street, the committee agrees that street trading in Memorial Way will be restricted for use as a farmers market..
- 2.2 That members confirm that consent fees will be payable for this farmers market, subject to designation.
- 2.3 That committee endorses the minor amendment to the policy which has arisen since June 2011, that is the granting of consents for street artists in George Street Hove.

3. RELEVANT BACKGROUND INFORMATION/CHRONOLOGY OF KEY EVENTS:

- 3.1 Street trading policy will need to be amended to restrict consents to a farmers' market in Memorial Way (currently farmers markets are permitted in George Street Hove, Bartholomew Square, Black Lion Street, New Road and Jubilee Street).
- 3.2 Outstanding street trading licensing issues since June 2011 include whether street artists can be permitted in George Street.

- 3.3 Licensing Committee reviews and sets fees annually. Street trading consent fees were set on 22 November 2012 by Licensing Committee in accordance with corporate fee setting policy. Fees are regulated by the Provision of Services Regulations 2009, and set at a level reasonably expected to cover administration costs. Trading accounts are reported to Licensing Committee to justify fees. The organisers of this market have asked that fees be waived for this particular market. If no fee were charged for this market, other street traders may justifiably have reasonable expectation that other fees may be waived. Fee income is considered within the Council's budget setting process and trading accounts show street trading consent income generates over £70k per annum. The alternative is for the general fund to cover costs.
- 3.4 Costs would normally be considered part of the street trading "trading account" with income from consent holder fees (ref: Provision of services regulations 2009) offsetting administration costs. A schedule of fees is appended.

4. COMMUNITY ENGAGEMENT AND CONSULTATION

- 4.1 Finance and legal services. Designation of a street requires engagement with Sussex Police and officers acting as highway authority.

5. FINANCIAL & OTHER IMPLICATIONS:

Financial Implications:

- 5.1 Fees charged will be in accordance with the existing schedule of street trading charges. These are set locally under the Local Government (Miscellaneous Provisions) Act 1982. They must be set at a level which is reasonably expected to cover costs.

Finance Officer Consulted: Jeff Coates

Date: 07/05/13

Legal Implications:

- 5.2 Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982 governs the Street Trading regime. Paragraphs 7,8,and 9 deal with Trading Consents and include the power to attach conditions and to charge a fee.

Lawyer Consulted: Rebecca Sidell

Date: 15/05/13

Equalities Implications:

- 5.3 Farmers markets may encourage availability of nutritious food economically.

Sustainability Implications:

- 5.4 Farmers markets promote locally sourced sustainable food produce reducing 'food miles' (distance food transported from production point).

Crime & Disorder Implications:

- 5.5 There are no direct crime and disorder implications.

Risk and Opportunity Management Implications:

- 5.6 The farmers market is expected to run on the third Saturday of the month alongside the war memorial.

Public Health Implications:

- 5.7 The Council's healthy weight programme board seeks ways to transform the environment to promote healthy eating. Farmers markets are a recognised way to increase availability of fresh, quality food.

Corporate / Citywide Implications:

- 5.8 Food enthusiasts across Sussex may have another major farmers market to buy from. A market of locally accessible food may assist reinvigoration of the high street experience.

6. EVALUATION OF ANY ALTERNATIVE OPTION(S):

- 6.1 No other sites have been identified as suitable for this market.

7. REASONS FOR REPORT RECOMMENDATIONS

- 7.1 The council has worked with partners to launch a new market.

SUPPORTING DOCUMENTATION

Appendices:

1. Appendix A – Existing street trading policy

Documents in Members' Rooms

1. None.

Background Documents

1. None.

