

LICENSING COMMITTEE (NON LICENSING ACT 2003 FUNCTIONS) ADDENDUM

4.00PM, THURSDAY, 12 MARCH 2020

COUNCIL CHAMBER, HOVE TOWN HALL

Agendas and minutes are published on the council's website www.brighton-hove.gov.uk. Agendas are available to view five working days prior to the meeting date.

Electronic agendas can also be accessed through our meetings app available through [ModernGov: iOS/Windows/Android](#)

This agenda and all accompanying reports are printed on recycled paper

ADDENDUM

ITEM	Page
22c – Deputation(s)	

DEPUTATIONS FROM MEMBERS OF THE PUBLIC

A period of not more than fifteen minutes shall be allowed at each ordinary meeting of the Council for the hearing of deputations from members of the public. Each deputation may be heard for a maximum of five minutes.

1. Upper Gardner Street Trading Policy Review

'I am here today speaking on behalf of the Traders, customers and visitors to Brighton's Upper Gardner Street Market. Thank you for the opportunity to share with you the essence of what has been said by the many respondents to the written and on-line petitions that you are probably aware of by now. In numerous messages on line to the Licensing office I have shared and drawn your attention to this petition and comments made .

This talk is named, as is the Petition **'Leave the rules for this historic market unchanged'**

You are probably aware that this Market has been functioning for 100 years since it was initiated by Harry Cowley in 1920. This Market is part of Brighton's history. A fact repeated by numerous signatories to the on-line petition, which I hope you will have looked at in preparation for this important meeting. If not then I have brought copies for viewing and can remind you later of where to view these on-line. We need to have an understanding of our history to plan for our future.

The point that I am making is this;

For reasons that have not been clearly explained or justified the Licensing Team want to change the long-standing Trading Regulations specific to Upper Gardner Street Market. Regulations that state that different rules apply for Traders in this, a Street Market ,(the clue is in the name,) than those for Sole Traders in the city. Recent communication to Licence Holders is that; '*The Council's Licensing Team are consulting or reviewing the Council's Street Trading Policy in particular the 'Exception' wording applying to Upper Gardner Street'*

This 'Exception' relates to the ruling that traders in other parts of the city should not spread beyond marked or agreed boundaries. These might be fruit and veg sellers or those with fancy goods who tend to trade where cul-de sacs front onto the pavement adjoining Western Road. Traders in this, Brighton's only regular Street Market, have been entitled by the written agreement that we enter into, to spread our wares sideways, beyond marked pitch boundaries and onto unoccupied pitches should they be available.*Not forwards into the road, which must be left clear for emergency vehicles or backwards, onto the pavement, other than to stand or sit behind a stall.*

This filling of the otherwise empty spaces keeps the market looking '*lively and vibrant*' as stated by one of the many signatories of the petitions. I earnestly hope that you have had the opportunity and taken the time to examine these and the many other

supportive comments when gathering evidence and before coming together today to make any decisions about future rulings for this Market.

How this began and developed.

Some months ago, two newly appointed 'Inspectors' having a couple of weeks previously, been introduced to the Market by their 'supervisors' or perhaps 'mentors' then made their first 'independent' visit to Upper Gardner Street Market. They started to try to apply and enforce rules that were designed for the fixed trading pitches across the city. Those that I have already mentioned. These rules can be found in the 'Local Government (miscellaneous provisions) act 1982 Standard Conditions for Street Trading. See **note D** with which I am sure you are all familiar.

'The Trader shall not place, store or sell, expose or offer for sale any article outside the trading area marked out at the specific site. (With the exception of Upper Gardner Street).

When the new 'Inspectors' first came independently to this market they began asking Traders for their pitch numbers.

Then, if Traders were extended beyond the marked pitches that coincided with their licensed pitch numbers, these new and inexperienced Council employees told traders that rules were being broken. **At that time they were not.**

When these new staff approached me with the same mistaken view I drew their attention to this **Note D**, on the sheet of rules which as it is effectively my license to trade, I keep with me.

I read and showed it to them. They were clearly unfamiliar with it so they went away. A week, or two, later we traders all had a letter suggesting that these long standing and perfectly logical and functioning rules would be changed. *To bring Upper Gardner Street in line with the rest of the street trading policy* so 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, those that have not been let or that are unattended on the day.

Another quote of many from the petition responses' *If traders cannot spread, this will leave the Market looking deserted, particularly in the winter months, more than half empty and completely uninviting!* This market is and always has been, a number of stalls set up in rows and stretching along both sides of the street. Quoting again. '*To attempt to enforce needless restrictions such as are suggested will be to destroy the ambience and character of the market. If traders are constrained without any flexibility then the market will lose the appeal that it has functioned on for longer than we have been alive.'*

This Market has been **Recycling,Repairing and Reusing** since long before people here today were born. We invented 'Green' policies .

The Council have stated that the aim of this change is and I quote; **To make their policy more transparent, enforceable and consistent.**

This current suggestion is not transparent, a meaningless word in this context, It will not be enforceable unless 'Inspectors are placed permanently in the market. With what will it be consistent? This is the only permanent Street market in this city. Quoting again '*Part of our heritage*'. The Council Officers, it has been stated , can see no rationale for making an exception for Upper Gardner Street.

My purpose in coming here today has been to offer just that rationale that you are looking for.

I beg to suggest that the regulations for Traders spreading onto empty stalls in Upper Gardner Street Saturday Market should be left as they are.

Should there be any clarification needed, it is my intention to make myself available either now or once this meeting been concluded.

Thank you, on behalf of the Traders, Customers and Brighton Residents and Visitors, for your attention.

Spokesperson: Steve Swain

Members of the Deputation

Gillian Hall:

Barbara Wilson

Richard Rigg

Nigel Gosden

Keith Willcocks

Chris Clarke

Robert Beresford

Keith Leggatt

