

# Licensing Panel (Non Licensing Act 2003 Functions)

Date: **22 January 2026**

Time: **1.00pm**

Venue **Room 181, Hove Town Hall**

Members: **Councillors: McGregor, Parrott and Pickett**

Contact: **Francis Mitchell**  
Democratic Services Officer  
01273 294183  
Francis.Mitchell@brighton-hove.gov.uk

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# AGENDA

## PART ONE

Page

### 1 TO APPOINT A CHAIR FOR THE MEETING

### 2 PROCEDURAL BUSINESS

(a) **Declaration of Substitutes:** Where Councillors are unable to attend a meeting, a substitute Member from the Licensing Committee may attend, speak and vote in their place for that meeting.

(b) **Declarations of Interest:**

- (a) Disclosable pecuniary interests;
- (b) Any other interests required to be registered under the local code;
- (c) Any other general interest as a result of which a decision on the matter might reasonably be regarded as affecting you or a partner more than a majority of other people or businesses in the ward/s affected by the decision.

In each case, you need to declare

- (i) the item on the agenda the interest relates to;
- (ii) the nature of the interest; and
- (iii) whether it is a disclosable pecuniary interest or some other interest.

If unsure, Members should seek advice from the committee lawyer or administrator preferably before the meeting.

(c) **Exclusion of Press and Public:** To consider whether, in view of the nature of the business to be transacted, or the nature of the proceedings, the press and public should be excluded from the meeting when any of the following items are under consideration.

**NOTE:** Any item appearing in Part Two of the Agenda states in its heading the category under which the information disclosed in the report is exempt from disclosure and therefore not available to the public.

A list and description of the exempt categories is available for public inspection at Brighton and Hove Town Halls.

### 3 ZONE A STREET TRADING LICENSING PANEL (NON LICENSING ACT 2003 FUNCTIONS)

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Contact Officer: Charles Boufrahi  
Ward Affected: Regency

### 4 ZONE A STREET TRADING (NON LICENSING ACT 2003 FUNCTIONS) (EXEMPT CATEGORY 1)

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The closing date for receipt of public questions and deputations for the next meeting is 12 noon on the fourth working day before the meeting.

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### **FURTHER INFORMATION**

For further details and general enquiries about this meeting contact Francis Mitchell, (01273 294183, email [Francis.Mitchell@brighton-hove.gov.uk](mailto:Francis.Mitchell@brighton-hove.gov.uk)) or email [democratic.services@brighton-hove.gov.uk](mailto:democratic.services@brighton-hove.gov.uk)

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Please inform staff on Reception of this affects you so that you can be directed to the Council Chamber where you can watch the meeting or if you need to take part in the proceedings e.g. because you have submitted a public question.

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- Do not stop to collect personal belongings;
- Once you are outside, please do not wait immediately next to the building, but move some distance away and await further instructions; and
- Do not re-enter the building until told that it is safe to do so.





**LICENSING PANEL**

(Non Licensing Act 2003 Functions)

**Agenda Item**

Brighton &amp; Hove City Council

<b>Subject:</b>	<b>Application for a Street Trading Consent under the Local Government (Miscellaneous Provisions) Act 1982</b>
<b>Area:</b>	<b>Zone A Clarence Square</b>
<b>Applicant:</b>	<b>Ragan Newton</b>
<b>Date of Meeting:</b>	<b>22 January 2026</b>
<b>Report of:</b>	<b>Corporate Director for City Operations</b>
<b>Contact Officer: Name:</b>	<b>Corinne Hardcastle</b>
<b>Email:</b>	<b><a href="mailto:corinne.hardcastle@brighton-hove.uk">corinne.hardcastle@brighton-hove.uk</a></b>
<b>Ward(s) affected:</b>	<b>Regency</b>

**1. PURPOSE OF REPORT AND POLICY CONTEXT**

- 1.1 To ask members to hear an application to grant a street trading consent in a "Consent Street" under the Local Government (Miscellaneous Provisions) Act 1982 to Ragan Newton.
- 1.2 To inform members of the law and policy governing street trading and of the particulars of this case.

**2. RECOMMENDATIONS:**

- 2.1 That the Panel determine this application

**3. CONTEXT/ BACKGROUND INFORMATION & CONSULTATION**

- 3.1 Under the Local Government (Miscellaneous Provisions) Act 1982 the Council has designated consent streets and prohibited streets for the purpose of selling, offering or exposing for sale any article in the streets. Street trading consents are granted for a period of 12 months from 1<sup>st</sup> April each year but may be revoked at any time. It is an offence for a person to engage in street trading as defined in the 1982 Act without a valid consent. Street Trading Policy – Appendix A.
- 3.2 Brighton & Hove City Council introduced a street trading policy on 2 April 1998 which was an amalgamation of policies from Brighton Borough Council and Hove Borough Council adopted under the provisions of the Local Government (Miscellaneous Provisions) Act 1982.

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.

Officers in Regulatory Services issue permits for street trading. Any appeals against officers decisions are heard by the Licensing Committee (Non-Licensing Act 2003).

Since its introduction in 1998 the Council's Street Trading Policy there have been a number of policy reviews including:

2009	Extensive consultation to provide clarity around consent and prohibitive roads and types of trading activities
2013	Request to include Memorial Way (not granted)
2016	Consideration of policy regarding trading near schools (not adopted)
2017	Conditions prohibiting trading on yellow lines and traffic regulation orders

For members assistance:

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.

- 3.3 There is no duty to grant a street trading consent or specify grounds for refusal. There is no limitation on a council's power to revoke or refuse to renew a street trading consent. There is no requirement to give notice of such decisions.
- 3.4 The Council's 'Constitution and delegation of functions for Licensing Panel' gives applicants the opportunity to be heard by the Panel where there are no other avenues of appeal (Licensing Panel Paragraph 4 determination of appeals). This is to satisfy Human Rights requirements.
- 3.5 The Corporate Director of City Operations, Head of Regulatory Services and Licensing Officers have delegated authority to determine new, renewal and variation applications for street trading consents and to revoke consents. Given the exceptional circumstances of this case officers consider it is appropriate for this application to be determined by a panel.

#### **4. History and Circumstances of this case.**

4.1 Mr and Mrs McCue operated the burger van at Clarence Square/Churchill Square since the 1980s under a Zone A static pitch street trading consent.

4.2 Following the death of Mr McCue his daughters initially asked for the consent to be transferred into the name of one of his daughters Ragan Newton. However, the street trading policy does not allow for street trading consents to be transferred so Ragan Newton was advised to apply for a new consent which would be determined by a panel. In the meantime, pending determination of the application, the current management have been permitted to continue to trade under the terms and conditions of the previous consent, and without prejudice to the determination of this application.

4.3 The consent is one of the 5 Zone A static pitches and is located on Clarence Square in Churchill Square and is the only pitch where cooking or heating is permitted.

4.4 Due to its suitability for cooking or heating there is currently a waiting list for this specific pitch and the remaining 4 Zone A static pitches remain empty.

4.5 In March 2025, all those who were on the waiting list for a static pitch in Zone A were contacted to confirm by a certain date whether they still wanted to remain on the list and if so, which pitch they were interested in.

4.6 Following that exercise 6 individuals confirmed they wished to remain on the waiting list and all of the 6 individuals are only interested in the Clarence Square Zone A pitch as it is the only pitch where cooking or heating is permitted.

## 5. CONSULTATION

5.1 Brighton & Hove City Council introduced a street trading policy on 2 April 1998 which was an amalgamation of policies from Brighton Borough Council and Hove Borough Council adopted under the provisions of the Local Government (Miscellaneous Provisions) Act 1982.

5.2 The following extracts from Local Government (Miscellaneous Provisions) Act 1982, are considered relevant to this application and numbered as they appear in the policy:

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.

### **Street Trading Consents**

Sch.4.7

- (4) When granting or renewing a street trading consent the council may attach conditions to it as they consider reasonably necessary.
- (5) Without prejudice to the generality of sub-paragraph (4) above, the conditions that may be attached to a street trading consent by virtue of that sub-paragraph include conditions to prevent:
  - (a) obstruction of the street or danger to persons using it; or

- (b) nuisance or annoyance (whether to persons using the street or otherwise).

## **6. FINANCIAL & OTHER IMPLICATIONS:**

### Financial Implications:

6.1 The licensing Act 2003 provides for fees to be payable to the licensing authority in respect of the discharge of their functions. The fee levels are set centrally at a level to allow licensing authorities to fully recover the costs of administration, inspection and enforcement of the regime.

*Finance Officer Consulted David Wilder*

*Date: 14/01/2026*

### Legal Implications:

6.2 Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982 governs the street trading regime. The panel must determine this application having regard to material considerations and in line with public law principles.

*Lawyer Consulted: Rebecca Sidell*

*Date: 13 /01/2026*

## **SUPPORTING DOCUMENTATION**

### **Appendices:**

1. Appendix A – Street Trading Policy and Conditions for Street Trading
2. Appendix B – Original Application and Consent Form
3. Appendix C – Map of the Area

## Appendix A

### 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
- Traders will wear identity badges issued by the Council or have a paper copy of the badge at all times of trading.
- Traders will take reasonable fire safety measures.
- Consent will only be issued following receipt of appropriate fee. Fees shall be payable annually or quarterly.
- If the site is temporarily unavailable, it will be relocated to a nearby site or suspended and a proportion of the fee refunded.
- Council's Parks and Gardens are not designated areas for street trading purposes and it is not permitted to trade or utilise these areas as part of your trading set-up, without the expressed written consent of the Council/City Parks.
- Traders must ensure the vehicle is parked in accordance to the local traffic regulation orders or you may be issued with a Penalty Charge Notice.

**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 where traders can extend to an adjacent marked trading area when it is unoccupied.
- E. The Trader shall always 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
- 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.



## Appendix B

Application for consent to selling, offering or exposing for sale any article in streets etc.

**PLEASE READ CAREFULLY THE NOTES FOR GUIDANCE AND COMPLETE ALL PARTS OF THIS FORM**

I hereby apply for the consent of the Brighton and Hove City Council under Section 3 and Schedule 4 to the Local Government (Miscellaneous Provisions) Act 1982, to sell, offer or expose for sale the articles stated below in accordance with the following particulars:-

PLEASE PRINT YOUR ANSWERS

Full Name of Applicant:	RAGAN NEWTON		
Date of Birth:	[REDACTED]	Place of Birth:	[REDACTED]
Phone:	[REDACTED]		
Email:	[REDACTED]		
Applicant's home address and post code:	[REDACTED]		
Address for correspondence: (if different from above)	AS ABOVE		
Trading Name:	RAGAN NEWTON		
Full details of articles proposed to be sold:	HOT DOGS, BURGERS, DRINKS.		
Will sales of the above goods be your principal source of income?	YES		
Provisions for litter disposal (if applicable):	ALREADY HAVE CONTRACT WITH COUNCIL		
Provisions for hand washing (if applicable):	2 HANDWASHING SINKS		
How items will be sold: (Please give details including size of any receptacles or vehicle to be used i.e. hand barrow, basket, kiosk, stall, mobile stall, van)	MOBILE STALL CATERING UNIT 3M x 2M.		
Registration No. of trading vehicle (if applicable):			
Fuel type: (LPG storage and use – if applicable, please give details including quantities and description of LPG bottle housing on vehicle)	RUN OFF MAINS + GRIDDLE USES 13Kg GAS BOTTLED HOUSED IN PURPOSE BUILT CUPBOARD 3M x 2M		

Address where vehicle will be kept overnight (if applicable):	
Zone/Location* where it is desired to trade:	ZONE A CLARENCE SQUARE
Proposed times of trading: (i.e times of day, days per week, months of the year)	7 DAYS A WEEK

**\*Location**

If you are applying for consent to trade anywhere other than the approved sites in Zone "A" listed in the notes for guidance, please give below any special grounds which you feel justify a departure from the Licensing Committee/Licensing Panel as stated in that paragraph:  
(Please note that the Police and the Highway Authority may object to your application on grounds of road safety and obstruction to the vehicular and pedestrian highway (including the obstruction of sight-lines at junctions). Any site that is approved will be offered to persons on the waiting list first.)

**Checklist:**

Please tick to indicate agreement

- I understand that my Permit will not be issued until payment has been made
- I have enclosed current insurance documents
- I have enclosed a photo
- I have completed the Disclosure of Convictions and Declaration
- I confirm that I have read and will comply with the standard conditions (ref. A-N) of the attached Street Trading Policy (or you can read this Policy on our website: [Street trading - guidance and policy \(brighton-hove.gov.uk\)](http://www.brighton-hove.gov.uk/street-trading-guidance-and-policy))
- I understand that if I do not comply with the above requirements my application will be rejected and, if a permit is granted, enforcement action may be taken if I do not comply with the standard conditions (ref. A-N) of the street trading policy.

<b>Declaration</b>	
The information contained in this form is correct to the best of my knowledge and belief.	
I understand that if I knowingly or recklessly make any false statement in connection with this application, my application could be refused and/or my permit revoked.	
SIGNATURE	DATE 2/4/25

### Disclosure of Convictions and Declaration

Before completing this form please read the guidelines at the end of the form. If you are completing this form by hand please write legibly in block capitals. Use additional sheets if necessary.

Have you been convicted of any offence or foreign offence?  Yes  No

If you have been convicted of any offences you must provide details for each conviction the date of conviction, the name and location of the convicting court, offence of which you were convicted and the sentence imposed:

If you have been convicted of any foreign offences you must provide details for each conviction the date of conviction, the name and location of the convicting court, offence of which you were convicted and the sentence imposed:

#### Declaration

The information contained in this form is correct to the best of my knowledge and belief.

I understand that if I knowingly or recklessly make any false statement in connection with this application, my application could be refused and/or my permit revoked.

SIGNATURE

[REDACTED]

DATE

2/4/25

PLEASE SUBMIT THIS COMPLETED FORM TO:

[ehl.licensing@brighton-hove.gov.uk](mailto:ehl.licensing@brighton-hove.gov.uk)

or

Licensing  
Brighton and Hove City Council  
Bartholomew House  
Bartholomew Square  
Brighton BN1 1JP



# Appendix C





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