

# Licensing Committee (Non Licensing Act 2003 Functions)

**Agenda Item 7**  
Brighton & Hove City Council

<b>Subject:</b>	<b>Report On The Extended Trading Hours For Upper Gardner Street Market</b>		
<b>Date of Meeting:</b>	<b>19 June 2008</b>		
<b>Report of:</b>	<b>Assistant Director, Public Safety</b>		
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<b>Wards Affected:</b>	<b>St. Peter's &amp; North Laine</b>		

## FOR GENERAL RELEASE

### 1. SUMMARY AND POLICY CONTEXT:

- 1.1 To consider this report which was requested by licensing committee of 4 October 2007

### 2. RECOMMENDATIONS:

- 2.1 That street trading consent for Upper Gardner Street with conditions limiting trading periods for trading on Saturdays between 0700 and 1700 hours be continued.
- 2.2 Further monitoring and enforcement visits are arranged by officers and that additional reports are not required unless there is a change in circumstances, e.g. if highlighted by the planned review of the council's street trading policy

### 3. RELEVANT BACKGROUND INFORMATION/CHRONOLOGY OF KEY EVENTS:

- 3.1 On the 4 October 2007 the Licensing committee were asked to consider a request from the stall holders at Upper Gardner St Market that the trading hours of the market be changed. This followed a decision made at this committee's meeting of 8 February 2007. At that meeting on 4 October it was resolved :-
- i) That the street trading consent for Upper Gardner Street with conditions limiting trading periods for trading on Saturdays between 0700 and 1700 hours be continued and reviewed in six months.
  - ii) That the consent fee is set at a level that officers reasonably believe cover costs of the service and may rise incrementally each year to cover inflation

but in this case as it also covers refuse collection, as stall holders are not required to store and remove waste, it is subject to any changes in Council refuse collection charges.

- iii) That the market remain as at present being managed by the UGS market traders' association with the Council's function as regulatory authority, issuing street trading consents and enforcing conditions and provisions.
- iv) That the current informal parking arrangement continues and the Council continues to monitor the situation.

3.2 A complaint received regarding the market and the parking arrangements has now proceeded to the local Government ombudsman. The complaint has been answered and the local Government ombudsman decision has found no maladministration. The ombudsman's decision letter is appended to this report for information.

#### **4. CONSULTATION**

4.1 Ward councillors and parking enforcement have been consulted on this report. The ward councillors commented as follows: - our position remains the same as in Cllr West's letter to the environment committee on 24th January. We are concerned that the market is in decline and that it needs formal support from the council to ensure its survival. We would like to see a working group set up consisting of council officers, ward councillors, residents and the market traders to work together to ensure the future vibrancy of this valuable local asset.

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

##### **5.1 Financial Implications:**

Capital - There are no Capital Implications.

Revenue - The Recommendation will have no financial impact on BHCC. The current rate of £511 for street trading in Upper Gardner Street Market is sufficient to cover the costs of the service provided.

##### **5.2 Legal Implications:**

None

##### **5.3 Equalities Implications:**

None

#### **5.4 Sustainability Implications**

There are no additional environmental and sustainability implications relating to these proposals.

#### **5.5 Crime & Disorder Implications:**

None

#### **5.6 Risk and Opportunity Management Implications:**

No additional risks or opportunity management issues identified.

#### **5.7 Corporate / Citywide Implications:**

### **SUPPORTING DOCUMENTATION**

#### **Appendices:**

1. Ombudsman's decision letter

