

LICENSING PANEL

(Non Licensing Act 2003 Functions)

Agenda Item

Brighton & Hove City Council

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

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 1st 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