

NORRHE LAINE MARKET

5A, UPPER GARDNER STREET, BRIGHTON, EAST SUSSEX, BN1 4AN

Telephone 01273 600894

E-mail: northainemarket@gmail.com

ANTIQUES:COLLECTIBLES:BRIC A BRAC:BOOKS:PICTURES

(& All Things Bright and Beautiful!)

Open 7 days a week

Proprietors: Alan Fitchett Antiques

Councillor Ian Davey

Kings House

Grand Avenue

Hove

BN3 2LS

7 April 2012

Dear Mr Davey,

I enclose a letter received from the City Council Highway Enforcement Dept. and my reply to them both of which I believe you will find self explanatory. I feel sure that the Highways Enforcement Officer is working under instruction and would not necessarily be able to vary any decision. I appreciate that I am not technically a 'constituent' of yours as, being a Business Rates payer I have no vote which may be considered as taxation without representation (the cause of the American Revolution) but something we all accept. I do hope, however, that notwithstanding the foregoing, you might, in some way feel able to intercede on our behalf. I say 'our' as it is not simply my business which we are sure will be seriously detrimentally affected by this sudden edict but , as I say in my letter, upwards of 50 people whose livelihoods will be affected in such a way that it may indeed cause hardship of a serious nature. We are, and have always been in friendly competition with other flea markets particularly Snoopers Paradise on the main nearby Kensington Gardens thoroughfare which needs no outside indicators of their location. We often find that, even though successful in our premises, some traders feel that they would possibly be more so in the street with a much greater natural footfall. The loss of business that we believe would ensue from not being able to place 'pointers' to our whereabouts would almost certainly result in defection from the most loyal stall holders who could not be blamed for not wishing to see their livelihood diminished to an uneconomic level. If that were the case yet another closed business and premises would be added to the many that have been claimed nationwide during the current recession. I understand that many outsiders (not in business) may think that the A boards are just some cheap advertising ploy which are totally superfluous and have no effect on business. If that were the case I promise you we would not have paid to have them made and put them out in rain, shine, snow, ice, wind and any other inclement effects of the English weather for ten and a half years, 362 days each year (we close Christmas Day, Boxing Day and New Years Day) and retrieved them at the end of each day no matter how uncomfortable. We have during our time in business garnered a goodly number of regular customers locally and from elsewhere who compliment us on how wonderful it is to have a 'shop' such as ours. This is their verbiage not mine. I wish you could hear some of the many comments we receive almost daily. It has made us proud and kept us going but we could not do so were it not for the many visitors (some of whom have told us that one highlight for their return to the City is our premises) who come from outside the area and from many overseas countries who would not naturally find us. They are as

delighted to be informed of our location by our boards as we are to see them. They repeatedly say, 'thank God for your board, I wouldn't otherwise have known you were here'. As far as I am aware there has not been a single criticism in ten and a half years of our boards and certainly no danger to any member of the public caused or even threatened. It is with this in mind that I am dismayed by this sudden and very negative change of mind which can only have detrimental and no positive affects. It seems a shame that a purely bureaucratic decision could threaten the existence of a number of businesses.

Not only does our flea market add to the cosmopolitan and 'bohemian' atmosphere of the North Laine particularly by being in a 'side street' and not in the always thriving main streets, but it actually serves some green purpose in that almost everything is second hand and by nature recycled or 'upcycled' in some way or other. We also resist the temptation of having plastic bags produced and printed as advertising like some others and reuse carriers, when required, which we encourage stall holders and customers to bring to us for re-use rather than throw them into the waste.

Unfortunately we see no alternative way of informing the visitors to the town of our whereabouts being off the mainstream flow as local advertising, online map references, web sites and the like only serve those who go in search as a preparation. Many of our visitors are purely visiting the City on business, pleasure or perhaps conferences and find us, from our boards simply by walking around or making their way from or to, for example, the station.

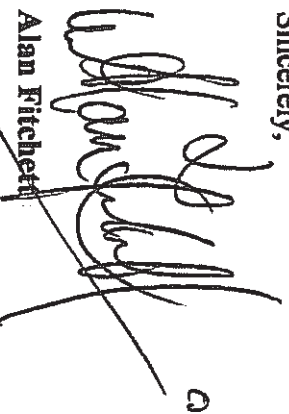
I, obviously cannot disclose the identity of the person concerned, but one of our employees discussing this matter informally with a senior member of the Council staff who seemed to appreciate the problem actually suggested 'buying some old bikes, attaching boards to them and chaining them to cycle parks' saying this could be a solution to the problem. I hope there is a better one as I really do not think that this would enhance the area, particularly if adopted by others too. I am feeling somewhat desperate, however!

I am sorry to feel the need to take up your valuable time in this regard but I cannot tell you how deeply I and others feel about this matter and how foreboding it is to imagine the result of the disappearance of the boards on our businesses. Sleepless nights are being experienced.

I thank you for your time and in anticipation of anything you may be able to do to assist.

With kind regards,

Sincerely,

A handwritten signature in black ink, appearing to read 'Alan Fitchett', written over a horizontal line. The signature is stylized and cursive.

Alan Fitchett

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COPY

Attn Keith Gloster

Highways Enforcement Officer

Highway Enforcement

Room 500

Hove Town Hall

Hove BN3 3BQ

29 March 2012

Your Ref AMF/149 warning

Dear Sir

I was surprised and very disappointed to receive your somewhat menacing and threatening letter of the 23rd March 2012 instructing us to remove the A-boards placed to allow potential customers to find our premises. This business was formed in premises in Upper Gardner Street which we had previously used as a wholesale Antiques warehouse, our customers being British and mainly overseas dealers who knew us and our whereabouts from word of mouth, their own research, professional couriers, our international trade press advertising and our location near to numerous other Antiques shops and warehouses visited by the trade for 20 years or so. The world recession in the Antiques trade in 2000 resulted in our closing this business and as an alternative to closing the premises, selling or letting them and throwing our employees out of work as happened to almost all other local Antiques businesses it was decided to try to open an Antiques and Flea Market targeted at the public both locally and those tourists visiting the town. We realised that the location was difficult as there was very little passing trade and incentive for the public, local or otherwise to walk by our premises and discover us. We felt it necessary, therefore, to find a way of attracting customers and informing them of our whereabouts. Local advertising had limited results as the many tourists visiting the town (as it was then) were not aware of it and as the Council had used the rates, some of which contributed by us without representation or choice of Councillor to fund a signposted walkway which bypassed our street entirely it was incumbent upon us to find a solution. We decided that at our own expense to provide our own 'signposting'.

A-Boards were manufactured and placed strategically with almost instantaneous results. To this day almost no day passes when one or more visitor volunteers the information that they would never have found us without the presence of the boards (we are obviously unaware of how many more do not volunteer the information even if it is the case). Many of these are and have been overseas and distant British visitors who rely on the discovery of sufficient sites of interest to make their visit enjoyable and feel that it is worthwhile repeating it and to recommending family and friends.

As a City that relies to a great extent on visitors to fund its existence and the continuance of the businesses which help to fund it we felt, and still do, that we had provided a valuable amenity and visitors seem to agree. They also seem to feel that our boards are an additional amenity in providing information otherwise not provided. A similar letter was received some ten years ago signed, on that occasion, by Mr Ian Denver and we telephoned him to express our surprise at the Council's attitude

of boards but that the Council had a need to ascertain that they were correctly positioned and would not present a hazard, It seems that the Section of the Act (149 of Highways Act 1980) referred to in the heading of your letter actually was intended to prevent dangerous hazards and obstacles on the Highways and that a magistrates order may only be by-passed in the removal of same if the danger to the public is such that the delay in obtaining such an order, which may not necessarily be granted, is such that the delay would contribute to the danger to the public. Mr Denyer stressed that this was not the case in the matter of our boards as, if it were then the location of the steel large telephone junction box and large CCTV standard adjacent in the same pedestrian area would constitute a much greater hazard and would therefore need to be removed. He visited the writer by appointment and toured the location of the boards when he agreed that provided the boards always maintained their position there would be no hazard and also agreed that they provided a helpful amenity to visitors, particularly in an area promoted by the Council as lively and 'bohemian' where colourful and varied businesses and signs were required to avoid the mundane and boringly uniform of many town centres. He asked the writer to provide a plan of the location of any boards and asked that we ensured, on a regular basis daily, that they were not moved from the agreed locations so as not to provide any hazard in any way. We carried out these requests and received his verbal confirmation that all was well. We still regularly monitor the location of the boards throughout the day so as to comply with his request. It would seem that after 10 years there has been no report of danger, injury or inconvenience caused as a result of the location of our boards and fail to see why the attitude of the Council is so aggressive to a business that provides a popular amenity to the City at no cost to the City and where, should the boards be removed, the business may well be unable to attract sufficient custom in a 'back street' location to be viable. The business opposite (Thorn's Foods) has recently closed after a very short period finding it difficult to attract sufficient custom. That resulted in the loss of several jobs and an amenity. Our Market supports or helps to support 50 or more people both in employment and stallholders as a means of carrying on their businesses, the closure of which would provide much hardship and add to the deserted and less attractive shopping experience experienced in the current economic climate in many towns and Cities. Surely any forward thinking Council should be encouraging enterprise which adds to the amenities and employment of the City at no cost to the ratepayers and indeed a contribution from the business in terms of business rates and in attracting return visitors.

I will be forwarding a copy of this letter to the North Laine Conservation Society, the local Councillor and any others I feel may support our cause including the press and our clientele (perhaps a petition) as I feel that a Judicial Review might come to a very different conclusion in interpreting the Act, bearing in mind the history (ten years without dire consequences). In any case, surely the wishes and need of the community should weigh greater than the needs of mindless bureaucracy.

I trust that common sense will prevail and invite you to reconsider the remarks in your letter after bringing the foregoing to the notice of the powers that be.

I look forward to hearing from you further.

Yours sincerely

Alan Fittbatt



**Brighton & Hove
City Council**

Highway Enforcement
Room 500
Hove Town Hall
Norton Road
Hove BN3 3BQ

The Manager/Proprietor
North Laine Antiques
5a Upper Gardner Street
Brighton
BN1 4AU

Date: 23/03/2012
Our Ref: AMF/149 warning
Phone: (01273) 292056

Re: Obstacles on the Highway

COPY

Dear Sir/Madam

NOTICE
Section 149, Highways Act 1980, Obstacles on the Highway
Gloucester Road c/o Sydney Street, Brighton

It has been noted that you are depositing an A Board on the public highway at the pedestrian area in Gloucester Road corner of Sydney Street . I can find no record of consent being granted by Brighton and Hove City Council for this object.

Under the powers conferred on the Council by Section 149 of the Highways Act 1980, you are now given notice that any such obstacles as you may have deposited on the highway must be removed and that the practice of depositing them there or any other place on the highway must cease immediately.

Please note that if any items are still found on the public highway after twenty eight days of the date of this notice without the relevant written permission, we may remove this item without further warning and will seek to reclaim our costs for removal and storage of impounded items.

Yours faithfully

Keith Gloster
Highways Enforcement Officer

