



Lewes District Council

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Licensing Committee

Minutes of a meeting of the **Licensing Committee** held in the **Warren Room, Lewes House, 32 High Street, Lewes** on **Wednesday, 10 August 2011** at 10.00am

Present:

Councillor A X Smith (Chair)

Councillors G R Amy, P Gander, C R O’Keeffe, J Stockdale (Minutes 3 – 4), C Sugarman, B M Warren.

Officers Present:

Ms Z Downton, Committee Officer

Ms J Fletcher, Trainee Solicitor

Mr R Harris, Senior Legal Assistant

Mr E Hele, Principal Environmental Health Officer

	Minutes	Action
1	Minutes The Minutes of the meeting held on 20 December 2010 were approved as a correct record and signed by the Chair.	
2	Apologies for Absence/Declaration of Substitute Members An apology for absence had been received from Councillor R Robertson.	
3	Street Trading near Amex Stadium Falmer The Committee considered Report No 127/11, the purpose of which was to seek the Committee’s views on the need to regulate street trading in the vicinity of the new Amex Community Stadium in Falmer, East Sussex and to ask the Committee to decide on the most appropriate option for regulating street trading if that was the Committee’s will.	

The Principal Environmental Health Officer took councillors through the Report which set out the background information that planning permission had been granted by Brighton and Hove City Council, following involvement by the Secretary of State, for the construction of the football stadium which lay completely within the boundary of Brighton and Hove City Council. To the north-east of the stadium was a car park which straddled the boundary with Lewes District.

He explained that when the stadium opened it was likely that street traders would want to operate in the vicinity of the stadium and Falmer village and that could have an adverse impact on the residents and businesses of Falmer village. Street trading may comprise the provision of food/drinks, the selling of football club memorabilia and other associated trading.

A map of the location of the stadium which highlighted the area that required regulation in relation to street trading was attached to the Report at Appendix A.

The Council currently had a Byelaw in place (Byelaw 13 of the Byelaws for Good Rule and Government of Lewes District Council) that prevented street traders from causing annoyance or obstruction whilst touting or importuning which could be enforced by the Environmental Health Department, the Council's Clean and Green Team or the Police and carried a maximum fine of £500.

Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982 permitted the Council to designate streets within its area as consent streets, where street trading would be prohibited without consent from the District Council, or prohibited streets, where street trading would not be permitted in its entirety. The procedures necessary for the Council to designate streets as consent or prohibited streets were outlined in paragraph 4 of the Report.

The Report noted that Brighton and Hove City Council had already designated all their streets within one mile from the new Falmer Community Stadium as prohibited streets.

Brighton and Hove Football Club had advised the Principal Environmental Health Officer that it was committed to minimising any negative impact upon local communities and believed that uncontrolled sales of food and merchandise outside the stadium on neighbouring streets carried a risk of litter and nuisance to the neighbourhood. Correspondence which had been received from Richard Hebbard, Head of Operations at the stadium was set out at Appendix B of the Report. The Lewes District Ward Councillor for Kingston, which included the village of Falmer, had also expressed her concern about street trading and its potential negative impact upon village life.

Paragraph 6 of the Report outlined three options for regulating street trading in the vicinity of the new stadium, namely "Option 1 – Maintain Status Quo with Byelaw 13", "Option 2 – Designate Consent Streets" and "Option 3 –

Designate Prohibited Streets”.

The Principal Environmental Health Officer tabled photographs of the surrounding roads near to the stadium where he had identified there would be the potential for street traders to operate, a copies of which are contained in the Minute Book.

In response to a councillor’s question relating to the initial outlay costs for setting up the prohibition system to designate prohibited streets, as set out in paragraph 6 of the Report, the Senior Legal Assistant advised that a public notice in the Sussex Express newspaper would typically cost up to £1,000, depending on size and also confirmed that a total of three public notices would be advertised by the Council in accordance with the procedure to set up a prohibition system.

The Committee considered the options outlined in the Report and concluded that, despite the initial outlay costs, the option to prohibit street trading would be the most practical route to take in light of the views expressed, Brighton and Hove City Council’s decision to enforce prohibited streets in their area and in the interests of Falmer village residents and businesses.

The Committee discussed whether the designated area for enforcement should, for clarity purposes, be similar to that identified by Brighton and Hove City Council i.e within a one mile radius of the new stadium. The Senior Legal Assistant advised that that would be possible and agreed to devise an appropriate from of wording for the resolution if the Committee so wished.

The Committee suggested that a press release should go out in conjunction with the first public notice to increase public awareness of the Committee’s statement of intent and the ensuing consultation exercise.

Head of
Comms

Resolved:

- 3.1 That the options for regulating street trading, as set out in paragraph 6 of Report No 127/11, be noted;
- 3.2 That the Licensing Committee’s preliminary decision to intend to designate prohibited streets in relation to street trading in the vicinity of the Amex Community Stadium, Falmer be as follows:

“That, as from a date to be determined (being a date in October or November 2011), all streets within the area of Lewes District Council that fall within a mile radius of the American Express Community Stadium in Falmer, East Sussex and which are ‘streets’ as defined by the Act shall be designated as prohibited streets”;
- 3.3 That the officers be authorised to advertise/publicise the Committee’s preliminary decision, as set out in Resolution 3.2 above, in accordance with the provisions set out in Schedule 4 of

Senior
Legal
Assistant/

	the Local Government (Miscellaneous Provisions) Act 1982; and	PEHO
3.4	That the Licensing Committee be requested to reconvene once the 28 day period has elapsed following publication of the Committee's statement of intention in order to consider the representations (if any) that are received and to pass a final resolution.	All to note
4	Date of Next Meeting	
	<u>Resolved:</u>	
4.1	That it be noted that the next meeting of the Committee will be called as soon after the 28 day consultation period has elapsed.	DPES/Cttee Officer (to note)

The meeting ended at 10.30am.

A X Smith
Chair