

Agenda Item No: 7

Report No: 36/17

Report Title: Street Trading in Lewes District

Report to: Licensing Committee Date: 9 February 2017

Lead Councillor: Councillor Franklin

Ward(s) Affected: All

Report By: Ian Fitzpatrick, Director Service Delivery

**Contact Officer(s): Ed Hele – Environmental Health Service Manager
Ed.hele@lewes.gov.uk – 01273 661104**

Purpose of Report:

1. To report the findings of the consultation on the Committee's preliminary decision to un-designate streets within the District of Lewes as Consent Streets with the exception of the following streets:-

Lewes Town:- Cliffe Bridge, Lewes Pedestrian Precinct, High Street, Cliffe High Street, School Hill, Lansdown Place, Eastgate Street, Friars Walk

Newhaven Town: - Newhaven Pedestrian Precinct in Newhaven Town

Seaford Town:- Station Approach, Clinton Place, Sutton Road, Broad Street, Church Street, Church Lane, High Street, Place Lane, South Street, Saxon Lane, Marine Parade, The Esplanade, and all streets 50 metres inland from Marine parade and the Esplanade.

Officers' Recommendations:

1. That the Committee notes the responses to the 28 day consultation period.
2. That the Committee considers the consultation responses to retain the A26, A27 in Lewes District and in Falmer; Park Street, Park Street North, South Street, East Street, Middle Street and Mill Street as consent streets.
3. That the Committee decides whether or not to include the A26 and A27 within Lewes District and the named streets in Falmer as shown in at 2.3 and shown in the maps at appendix 1.
4. That the Committee confirms its preliminary decision to un-designate streets within the District of Lewes as Consent Streets with the exception of the following streets:-

Lewes Town:- Cliffe Bridge, Lewes Pedestrian Precinct, High Street, Cliffe High Street, School Hill, Lansdown Place, Eastgate Street, Friars Walk

Newhaven Town: - Newhaven Pedestrian Precinct in Newhaven Town

Seaford Town:- Station Approach, Clinton Place, Sutton Road, Broad Street, Church Street, Church Lane, High Street, Place Lane, South Street, Saxon Lane, Marine

Parade, The Esplanade, and all streets 50 metres inland from Marine Parade and the Esplanade.

Optional: - The A26 & A27 in Lewes District and in Falmer; Park Street, Park Street North, South Street, East Street, Middle Street and Mill Street.

5. That the Committee recommend that Full Council ratify that the designation shall come into force on 1st April 2017.
6. That the Committee authorises the Service Manager (Environmental Health) to undertake the necessary steps to designate those street identified above in accordance with Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982.

1. Information

- 1.1 On 8 December 2016 the Committee considered Report No 166/16, which sought the Committee's approval to regulate street trading in the Lewes District.
- 1.2 The Committee resolved that officers be authorised to publicise the Committee's preliminary decision, to un-designate consent streets, in accordance with the provisions set out in Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982. It was also resolved 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.

2 Summary of comments received

- 2.1 An advertisement was placed in a local newspaper on 15th December 2016 and the 28 day period ended on 15th January 2017. The consultation was sent to Town and Parish Councils, existing traders and stakeholders. During the consultation period comments were received from Falmer Parish Council and Highways England. Seaford Town Council has supported the proposal. No other comments were received regarding the Committee's resolution.
- 2.2 In addition both Sussex Police and the Highways Authority at East Sussex County Council have been notified and no comments have been received from them at the time of writing this report.
- 2.3 Falmer Parish Council has requested to keep the current controls in Falmer Village as it protects the village on match days at the Amex Stadium. This would include the following Streets in Falmer; Park Street, Park Street North, South Street, East Street, Middle Street and Mill Street.
- 2.4 Highways England has advised that whilst they do not object to any proposals they respectfully request that the A26 and A27 in Lewes District remain consent streets. They raise concern that if undesignated there would be no immediate control over trading and it would impact the safe and efficient operation of the strategic road network.

3 Legal Implications

- 3.1 Schedule 4 of the Act enables the Council to designate streets within its area as Consent Streets where Street Trading is prohibited without the Consent of the District Council. The Council may charge a reasonable fee to recover its administration costs when granting such Consent. The Consent may specify the size and type of stall, its designated location and any other conditions the Council thinks necessary.
- 3.2 Street Trading is defined as: “the selling or exposing or offering for sale of any article in a street.” Street means any road or footway, beach or other area to which the public have access, with or without payment.

4 Risk Management Implications

- 4.1 I have completed a risk assessment and the reference is LDC64680. The following risks will arise if the recommendations are not implemented, and I propose to manage these risks in the following ways:
- 4.2 Financial Risk: - Street trading consent fees should not exceed the costs of the procedures and formalities involved in administering applications. If reducing the extent of street trading is agreed, there will be no significant impact on this Council’s budget.
- 4.3 Reputational Risk: - It is important that the Council is seen to operate fairly and proportionately. The Council has a duty to promote the economic wellbeing of existing businesses in Lewes District.

5 Equality Screening

- 5.1 All due regard has been given to equalities issues. This report is not found to have a negative impact upon equalities and there are no significant implications.

6 Background Papers

Licensing Committee Report No 166/16 and subsequent minutes.

7 Appendices

Appendix 1 - Maps of Proposed Consent Streets

Appendix 1

Lewes



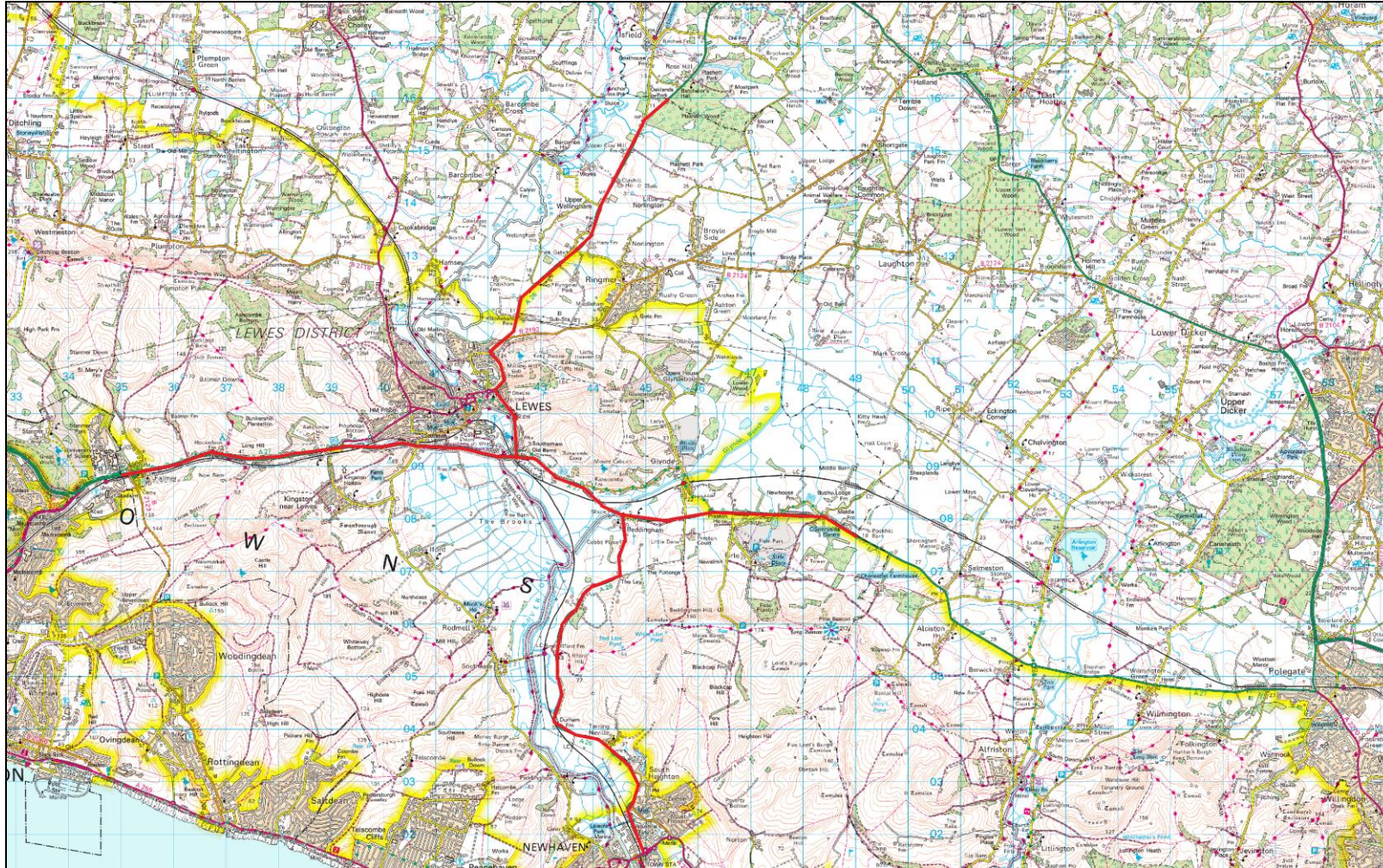
Newhaven



Seaford



A26 & A27



Falmer

