


# Crawley Borough Council

	Report No: PES/047	
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## Report to the Licensing Committee

2 November 2011

### Review of Street Trading Policy

### Broad Walk and The Broadway

#### 1. Key Points

- 1.1. The purpose of this report is to seek the Licensing Committee's approval to amend the current street trading controls in regard to changing the status of Broad Walk and The Broadway from 'Prohibited Streets' for the purposes of street trading to 'Consent Streets'.
- 1.2. It is proposed to explore holding suitable markets selling collectables to generate footfall in this area and subsequent potential regeneration.
- 1.3. It is proposed to hold such markets once a fortnight for an initial six month trial period.

#### 2. Recommendations

- 2.1 **That due consideration be given to re-designate The Broadway and Broad Walk from 'Prohibited' to 'Consents Streets'.**
- 2.2 **That the Council:**
  - (i) **Give notice to the public of its intention to so re-designate the mentioned streets by advertising in the local press.**
  - (ii) **Serve notice advertising intention to re-designate the mentioned streets on the Chief Officer of Police and Highways Authority.**
  - (iii) **Permit by consent street trading within The Broadway and Broad Walk.**
- 2.3 **The Council's notice published in the local press contains draft resolution and advises that members of the public have 28 days to make representations to the Council.**

- 2.4 If any representations are received that the Committee meet to consider the representations as soon as possible after the 28 day period.**
- 2.5 If no representation is received that The Broadway and Broad Way be re-designated as 'consent' streets under the provisions of the Local Government( Miscellaneous Provisions) Act 1982.**
- 2.6 That any re-designated street will be subject to the Council's existing street trading policy, fee structure, terms and conditions.**
- 2.7 To attach specific conditions to any consents issued for the purposes of any markets to control the types of articles or goods that may be offered for sale and also ensure suitable washing facilities and sanitary accommodation are available to comply with food hygiene and health and safety requirements if applicable.**
- 2.8 Review the current street trading policies applying to the Town Centre to ensure they are fit for purpose.**

**ANGELA TANNER  
Head of Planning & Environmental Services**

**COUNCILLOR KEN TRUSSELL  
Cabinet Member for Environmental Services**

### 3. Background

- 3.2. On the 5<sup>th</sup> March 1991 the Council passed a resolution coming into force 1<sup>st</sup> June 1991 designating specified streets in Crawley as 'prohibited' or 'consent' streets under Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982 (LG(MP)A82), 'the Act' for the purposes of street trading.
- 3.3. There are a number of reasons why it is desirable to control street trading namely:
- Public safety with regard to mobile traders such as ice cream vans as a result of pedestrian and vehicle conflicts.
  - Protecting the existing traders from their business being jeopardised from street traders offering similar goods or articles.

The streets in the Borough were originally assessed as to whether or not they should be designated 'prohibited' or 'consent' streets on the basis of their proximity to sensitive locations e.g. shopping parades or schools.

- 3.4. During this process Broad Walk and The Broadway were designated as Prohibited Streets.
- 3.5. Amendments were made to the Town Centre Street Trading Policy in February 2008 (Report No: ES/197) which has resulted in a successful traditional English type market being established on Wednesdays each week and occasional visiting Continental Markets three to four times a year. These markets have been well received and appear to have added to the footfall in the Queens Square overall on the days in question.
- 3.6. The Broad Walk and The Broadway have seen many retail premises close in recent times most notably TJ Hughes who shut their doors in 2011. The area has a large retail frontage that is vacant and numerous retail units covered with decorative vinyls. The road and pavement layouts have been subject to significant change in the years post the original designation of these streets. As a consequence the previous reasons for wishing to prohibit any form of street trading activity have therefore been subject to significant change. It is considered unlikely that any current trader would be put at risk from temporary traders as regards competition due to the low occupancy rates. Furthermore the size of the pavement areas would accommodate street trading without risk to vehicles or pedestrians. It is also possible for any consents that may be granted to be conditioned and specific as regards trading times and types of articles offered for sale.
- 3.7. Whilst it is possible to amend the Policy to adjust the type of activities for which it is considered a street trading consent would be appropriate, once a street is designated as prohibited this is fully binding and only reversible through subsequent revision under the (LG(MP)A 82) Schedule IV 2 (13).
- 3.9. The Town Centre Manager reports as follows:  
A number of shop managers in the Broadway have expressed concern that they are unable to generate enough sales from customers with the current footfall along the Broadway. This is causing them difficulty in covering their operational costs in particular any demands for rent increases by property

owners and managers. The independent cycle shop (Ahead Cycles) which had been in the Broadway for over 12 years closed in September.

A number of the remaining shop managers on The Broadway and Broad Walk have asked for some support and action to help increase the footfall in this area. The proposal to review consents in the street and provide additional street based retail opportunities in this area have been welcomed. None have objected to the proposal.

The location of this area, close to a number of bus stops and its proximity to Queens Square, suggest that an attraction located in front of the empty properties could help increase footfall in this area. This would not only help to sustain the remaining businesses located there but could help stimulate interest in future regeneration plans for the area.

West Sussex County Council Highways Authority have been consulted on the use of the highway in this area for street trading and have agreed in principle to a pilot scheme.

The proposal to allow a Farmers Market twice a month into Queens Square on a Sunday (from its current monthly visit) will help to generate a more consistent and larger number of potential traders to attend Crawley on a regular basis. One trader stated 'I believe that the impact of having a good and thriving market with a variety of interesting and specialist stalls is two fold. Not only will it encourage local town's people into the town, but will eventually attract customers from further a field. So, the stall holders benefit and so will the shops in the Town Centre. This can only be a good thing for Crawley economically.'

#### **4. The Town Centre Policy - The Need for Change**

- 4.1 The Town Centre continues to face significant changes since the Policy was formulated and adopted with one major retailer referring to the Broadway as no longer, in their view, a primary retail area of the Town Centre.
- 4.2 The challenges posed by empty retail units, although necessary as future regeneration proposals are developed and finalised, can lead to declining footfalls, less visitors/ shoppers and difficulties in sustaining the excellent retail offer available in Crawley as longer term plans come to fruition. .
- 4.3 Landowners are reluctant to lower rents or allow the temporary or partial occupation of their premises. Improving the façade of empty properties helps to address the aesthetic challenges of vacant properties but do not, in themselves, extend or consolidate the Town Centre retail offer.
- 4.4 It has been identified by the Town Centre Manager that an opportunity exists for a collectibles market to be held in The Broadway/Broad Walk area of Crawley once a week . He states that whilst investigations have been made to explore developing or extending existing street trading activities into The Broadway and Broad Walk this has not proved commercially possible.
- 4.5 These amendments will not give rise to potential pedestrian and traffic conflicts as the pavement area has been surveyed. Discussions will be had with local parking providers to assist in managing the setting up and

dismantling of the markets. These amendments will not increase problems which may potentially arise from mobile sales such as hot food sales or ice cream vendors and the Council will need to remain vigilant in trying to address these. In order to increase choice for local shoppers and improve the retail offer, a diversity of products will be encouraged from markets. It is therefore suggested that any amendment restricts permission to the desired markets accordingly.

## **5. Ward Members' Views**

- 5.1. The Council has not on this occasion consulted or sought the views of Ward Members as this is a 'Town Centre' matter which has been discussed and approved in principle by the Town Centre Partnership which includes the Cabinet Member for Planning and Economic Development and the Leader of the Council as an observer. The Cabinet Member for Environmental Services has also been briefed.

## **6 Staffing, Equalities, Financial and Legal Implications/Powers**

- 6.1. Any cost incurred by way of staffing or other would be recoverable through consent fees which may be levied to accordingly.
- 6.2. The Council may charge for the issue of consents which is currently £26.40 per day and an additional daily £5 fee is attached to the licence fee charged to the market controller for every individual trader present.
- 6.3. The Council is aware of its obligations under the Human Rights Act, particularly Article 6 which gives a right to a fair decision making process and has in this instance given the applicant an opportunity to present their case before the Committee.
- 6.4. There is no statutory right of appeal to the Courts against the refusal to grant a street trading consent, although an unreasonable or unfairly made decision could be the subject of a Judicial Review.
- 6.5. The Human Rights Act 1998 requires Local Authorities to consider the rights of those who may be affected by any decision it makes.

## **7. Consultation**

- 7.1. No objection from Sussex Police to the proposal?
- 7.2. No objection from WSCC Highways to the proposal?

## 8. Other Implications

- 8.1. The development of a collectables market is in line with the Environment Group's Strategy, the Town Centre Partnership and Town Centre Forum objective to improve the offer of the Town Centre.
- 8.2 Designated sanitary accommodation for use by the market traders is a public health issue and thus should be confirmed as being satisfactorily provided with the Environmental Health Service prior to issue of any street trading consent being granted.

## 9. Links to the Community Strategy and Corporate Plan

The proposals contained in this report relate to the following key areas of the Community Strategy

Local Economy	Y	Health and Social Care	N
Affordable Housing	N	Community Safety	Y
Lifelong Learning	N	Local Environment	Y

The following key principles are applicable:-

(i) Working together	Y
(ii) Dignity, respect and opportunities for all	Y
(iii) Leaving no-one behind	Y
(iv) Making it last	Y

This report achieves the following aims as set out in the Corporate Plan

Providing high quality services	Y	Giving exemplary customer service and satisfaction	Y
Being financially efficient and well managed	Y	Developing motivated, positive and empowered staff	Y

## 10 Reasons for the Recommendation

101. To provide the town with a new retail offer.
102. To ensure Crawley is as competitive as its surrounding and peer towns
- 10.3 To allow for the issue of a street trading 'consent' for Broad Walk and The Broadway and for the current Street Trading Policy to continue to remain in place for all other activities and charitable events prior to its review after six months operation of a collectables market accordingly..

## **11. Background Papers**

- ES/160 Report to Licensing Committee: Application for the grant of a street trading consent on the High Street
- ES/197 Review of Street Trading Policy – Queens Square

Contact Officer: Tony Baldock  
Direct Line:- 01293 438220