

Crawley Borough Council

Report to the Licensing Committee 12 January 2016

Re-Designation of Haslett Avenue West

Report of the Head of *Economic & Environmental Services* (**PES/196**)

1. Purpose

- 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 Haslett Avenue West (between the junctions of The Broadway and The Martlets) from a 'Prohibited Street' for the purposes of street trading to a 'Consent Street'.

2. Recommendations

- 2.1 That the Committee adopts the following resolution.
- 2.2 That with effect from the 19th February 2016 and for the purpose of making further provision for controlling street trading within the Borough of Crawley, the area known as Haslett Avenue West (between the junctions with The Broadway and The Martlets) currently designated as a 'Prohibited Street' be designated as a "Consent Street" for the purposes of street trading under the provisions Paragraph 2 of Schedule 4 to the Local Government (Miscellaneous Provisions) Act 1982", and be subject to the Council's existing street trading policy, fee structure, terms and conditions.
- 2.3 That publication of the above resolution to designate Haslett Avenue West (as stated) as a 'consent street' be approved, and that a 'public notice' of the resolution outlining the designation be advertised for two consecutive weeks in the local press (as detailed in **Appendix A** to this report).

3. Reasons for the Recommendations

- 3.1 To enable the Market to operate in Haslett Avenue West as well as the Broadway (already a consented street), following planning approval.
- 3.2 On the 23rd November 2015, a report sought permission under Urgent Action as defined by the Council's Constitution from the Chief Executive in consultation with the Chair of the Licensing Committee to advertise for changing the proposed designation of a prohibited street to a consent street. 'Urgent Action' was sought to enable officers to expedite the required process as soon as possible so that Haslett Avenue West (as defined) be able to accommodate the market.

- 3.3 To collate and give due consideration to any objections received as relevant representations regarding the proposal.

4 Background

- 4.1 On the 5th March 1991 the Council passed a resolution coming into force 1st 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.
- 4.2 There are a number of reasons why it is desirable to control street trading namely:
- Public safety – schools etc.
 - Security – sensitive areas,
 - Obstruction of the highways – main routes etc.
- 4.3 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.
- 4.4 During this process both The Broadway and Haslett Avenue West were designated as 'prohibited streets'.
- 4.5 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.
- 4.6 In 2012, The Broadway and Broad Walk were re-designated from 'prohibited streets' to 'consent streets' to allow these areas to be used for street trading purposes in accordance with the Council's Street Trading Policy.
- 4.7 Subsequent developments have resulted in the market foot print being granted planning permission in November 2015 to allow the market to operate in the Broadway and also on Haslett Avenue West. Haslett Avenue West will therefore now also need to be deemed a consent street to enable street trading in this location.

5. Description of Issue to be resolved

- 5.1 The newly granted planning permission provides the market with an opportunity to operate in both the Broadway and Haslett Avenue West, once the proposed consent street status has been determined. A commencement date may be approximately 5-6 weeks after the Committee decision.
- 5.2 The Act requires public consultation on the draft resolution for a period of 28 consecutive days, approval for which was granted through the Urgent Action process.
- 5.3 A 'public notice' which included the proposed resolution was circulated for consultation and advertised as follows:-
- Local press - 25th November 2015,
 - Town Hall public notice board,
 - Council website
 - Chief officer of police
 - WSCC Highways

- Planning - indicated 'no comment'.
- Ward Members - Northgate
- Ward Members – West Green

5.4 No representations relating to the draft resolution were received by the Council within the consultation period.

6. Information & Analysis Supporting Recommendation

6.1 Local traders are supportive of making use of Haslett Avenue West

6.2 Queens Square was used in the interim over Christmas 2015 but not in the long term due to the proposed redevelopments and it can also only be used for 14 market days maximum as a permitted development.

6.3 Ward Members - Copies of the 'public notice' circulated for consultation.

7. Implications

7.1 Trading can take place in the Broadway but not in Haslett Avenue West if the prohibited street status is not changed.

7.2 Any cost incurred by way of staffing or other will be recoverable through consent fees which may be levied accordingly.

7.3 Additional/sustained income from street trading consents

7.4 Continuity of market operation ensured with additional benefits to the traders of operating in Queens Square on a temporary basis over the Christmas period. (Temporary markets in Queens Square in the run up to Christmas have occurred a number of times in previous years).

8. Background Papers

- <http://www.legislation.gov.uk/ukpga/1982/30/schedule/4>
- http://www.crawley.gov.uk/pw/Planning_and_Development/Planning_Permission_Applications/Planning_Applications_Search/index.htm?accept=Search&pRecordID=39413&pApplicationNo=&pAD=yes&pAppNo=CR/2015/0645/FUL

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CRAWLEY BOROUGH COUNCIL
PUBLIC NOTICE

LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982

STREET TRADING – DESIGNATION OF STREETS

NOTICE IS HERBY GIVEN that pursuant to:-

Schedule 4 of the Local Government (Miscellaneous Provisions Act) 1982 Crawley Borough Council passed the following resolution at a meeting of its Licensing Committee on 12 January 2016:

“That with effect from the 19th February 2016 and for the purpose of making further provision for controlling street trading within the Borough of Crawley, the area known as Haslett Avenue West (between the junctions with The Broadway and The Martlets) currently designated as a ‘Prohibited Street’ be designated as a “Consent Street” for the purposes of street trading under the provisions Paragraph 2 of Schedule 4 to the Local Government (Miscellaneous Provisions) Act 1982 and be subject to the Council’s existing street trading policy, fee structure, terms and conditions

The effect of this resolution is that from 19 February 2016 street trading will be permitted on Haslett Avenue West (as stated), Crawley, subject to a person first obtaining the prior written consent from Crawley Borough Council.

For further information (including information about application forms and fees for consent applications) or for a copy of Crawley Borough Council’s street trading policy, please contact the Council by email on licensing@crawley.gov.uk, or by telephone on 01293 438 289.

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