

**21 July 2015**

**Planning and Licensing Committee**

**Markets, Including Specialist and Christmas Markets**

**Report of:** Ashley Culverwell – Head of Borough Health Safety and Localism

**Wards Affected:** All

**This report is:** Public

**1. Executive Summary**

- 1.1 This report is to update Members, following their resolution of 13 January 2015 to write to all Parish Councils, with a view to gauging interest in operating a Market in their respective parish areas.

**2. Recommendation(s)**

- 2.1 That the establishment of any new Markets or 'licence' or 'consent' streets in the Borough at this time be not further proceeded with.**

**3. Introduction and Background**

- 3.1 Street trading (including markets and market stalls) is governed under provision of the Local Government (Miscellaneous Provisions) Act 1982 (the Act).
- 3.2 Section 2 (1) of the Act provides that a district council may by resolution designate any street in their district as either a prohibited street, a consent street or a licence street. Designation as either a licence or a consent street would be necessary in order to undertake any licensing of stalls or markets.
- 3.3 Where any street is owned by a relevant corporation and/or is maintained by the highways authority, their consent will be required prior to the passing of any resolution. It is also necessary prior to the passing of any resolution to notify the Chief Officer of Police and to advertise the intention in a local newspaper.

- 3.4 The high street in Brentwood was designated as a licence street in August 2011. Since that time it has operated a successful weekly market, which recently expanded from Saturday only trading to both Friday and Saturday.
- 3.5 The report to Licensing Committee of 13 January 2015 recognised that there are a number of parishes in outlying Towns and Villages within the borough, which following the success of the Brentwood High Street market and given the individual character of these areas, may wish to hold a regular or a series of 'one off' specialist markets.
- 3.6 Permission was sought from Licensing Committee on 13 January 2015 to write to all Parish Councils and Ward Councillors in order to gauge interest in pursuing the idea further with a view to undertaking a detailed exercise should there be any will in any parish to hold a market.
- 3.7 The idea was proposed at the parish council meeting held on 19 January 2015, with the letter being circulated on 10 February 2015. A deadline of 31 March was provided for receipt of initial expressions of interest.
- 3.8 No expressions of interest were received.

#### **4. Issue, Options and Analysis of Options**

- 4.1 There is a set legal process laid down in statute as highlighted in paragraphs 3.2 and 3.3 (above); however, the approach to parish councils as outlined in paragraph 3 was intended as a first step in gauging interest and in the event of any expressions of interest being lodged, to identify specific ideas for a market(s) as well as any areas that could potentially be affected.
- 4.2 It was clearly explained that any market that might eventually arise from the process would be totally under the ownership and/or control of the individual parish, the organisation for which, would remain their responsibility.
- 4.3 Notwithstanding the above, licensing processes would be undertaken by the licensing authority in the same manner as is currently conducted in respect of the Brentwood High street market.
- 4.4 The current street trading and market policy would be updated to include any additional areas or information as relevant having assessed any responses received relating to this proposal.

## **5. Reasons for Recommendation**

- 5.1 The process for adopting additional licence or consent streets is a relatively lengthy process and as such it is only recommended should there be an operational requirement to establish such additional areas.
- 5.2 As no expressions of interest were received there is no recommendation to undergo a process of adopting any further areas for the purpose of street trading or to pursue the idea of additional markets any further at this time. However, the option for any parish council or ward councillor to approach the licensing team with a preliminary enquiry will remain open and any such approach may be reported back to licensing committee at that time.

## **6. Consultation**

- 6.1 Full consultation would have taken place were expressions of interest received in relation to the designation of additional licence or consent streets as laid down in legislation.
- 6.2 With regard to the seeking of expressions of interest at this early stage, the consultation was by way of letter to the parish councils and ward councillors and by word of mouth at the parish council meeting held on 19 January 2015.

## **7. References to Corporate Plan**

- 7.1 The proposals contained within this report link directly to the following priorities of the corporate plan:

***A prosperous Borough*** – “Safeguarding public safety through a risk based regulation and licensing service.”

***Street Scene and Environment*** – “Develop effective partnership arrangements so all issues affecting neighbourhoods are delivered in a timely and efficient way”

***Localism*** – Encourage local businesses to invest directly in Brentwood’s communities”

## 8. Implications

### Financial Implications

**Name & Title:** Christopher Leslie, Finance Director

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8.1 None directly arising from this report.

### Legal Implications

**Name & Title:** Christopher Potter, Monitoring Officer and Head of Support Services

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8.2 There are no legal implications directly arising from this report.

**Other Implications** (where significant) – i.e. Health and Safety, Asset Management, Equality and Diversity, Risk Management, Section 17 – Crime & Disorder, Sustainability, ICT.

8.3 There are no significant implications arising from agreement to the recommendations of this report.

9. **Background Papers** (include their location and identify whether any are exempt or protected by copyright)

9.1 None

## 10. Appendices to this report

None

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