

<b>Item No.</b> 8.	<b>Classification:</b> Open	<b>Date:</b> 6 January 2011	<b>Meeting Name:</b> Licensing committee
<b>Report title:</b>		The extension of pitches and Sunday designation of North Cross Road	
<b>Ward(s) or groups affected:</b>		Dulwich Community Council Area	
<b>From:</b>		Gill Davies, Strategic Director of Environment and Housing	

## **RECOMMENDATION(S)**

1. That the Committee resolves to vary the designation of North Cross Road as a licence street to include Sunday as an additional trading day and to extend the number of pitches from twenty (20) to thirty (30), with effect from 1 March 2011.
2. That the Committee note that an application for a temporary road closure will be made through the Highways Act 1980 process for a period of eighteen(18) months from this date to allow pitches to trade each side of the road to improve safety.

## **BACKGROUND INFORMATION**

3. North Cross Road has been used for the purposes of street trading for over 60 years. It was formerly regulated under the London County Council (General Powers) Act 1947. The Metropolitan Borough of Camberwell Works Committee report of 10 December 1947, reported that at the time of the Act's introduction there were 63 pitches, of which 23 were licensed. Goods licensed at the market in 1947 included chestnuts, ice-cream, fruit, salads, shell fish and eels, roots, cat meat, wet and dry fish, poultry, rabbits, eggs, china, hardware, glass, bacon, clock spares, and second-hand clothing.
4. By the 1990s North Cross Road Market had ceased to be popular and had a low attendance rate. However over the last 10 years the market has flourished, becoming a popular site for arts and crafts, organic and home made foods and vintage goods. Fridays and Saturdays are the busiest days.
5. Due to high demand the street trading section has set up a waiting list of traders who would like to set up a stall in the market, and a constant stream of enquiries from the website.
6. It is clear that traders as well as customers find North Cross Road Market an ideal place to visit for arts and crafts and organic and home made food and cakes. This also brings an increment on the footfall for all the shops, cafes and restaurants in the area, including Lordship Lane.
7. Extending the market and introducing Sunday as an additional trading day is likely to attract new shoppers and contribute to the ongoing cultural rejuvenation of an up and coming "trendy" area.

## **KEY ISSUES FOR CONSIDERATION**

8. The London Local Authorities Act 1990 (as amended) allows councils to designate streets or part of streets for street trading and make a resolution specifying what can be sold or offered in that street. Section 24 of the Act sets out the procedure for designating a street as a licensed street.

1.	Order is made by the Licensing Committee, stating the date on which the order takes effect (to be not less than one month following the making of the order)
2.	Place a Notice of Making of the Order in the local press to run for two consecutive weeks, the first date of publication being no less than 28 days before the order comes into effect.

9. The only problematic issue to take into account is the vehicles that are normally parked along the road. There is currently a traffic management order located outside no. 61 North Cross Road, restricting parking from 7am – 4pm on Fridays and 7am – 6pm on Saturdays, this will need to be extended to cover Sunday if designations are approved.
10. The Council would also like to put in a temporary road closure order for a period of 18 months to close North Cross Road, Fridays, Saturdays and Sundays between 8am and 4pm between Archdale Road and Lacon Road. A separate consultation will be carried out on this temporary closure(See Map Appendix 1)

### **The Process**

11. The following process has been undertaken including a full consultation with the surrounding business and residents
- Consultation with licence holders trading in the street in question or a body or bodies representative of them on the proposal.
  - Publishing notice in a local newspaper, containing a draft of the resolution stating that representations may be made in writing to the council within a consultation period (of at least of 28 days following publication).
  - Notifying the highways authority and obtaining necessary consents if the road is owned or maintained by Transport for London, Network Rail or British Railways Board. In this case it is believed that the Council is the Highways Authority and Highways officers have been consulted.
  - Metropolitan Police have also been notified of proposal.
  - Consultation with main stakeholders, i.e. street cleansing and parking.

### **Benefits of the proposal**

12. The expansion of this already existing market will generate an estimated additional £20K per annum for the street trading account, whilst the only extra cost would be minimum admin costs. This extra income will help to reduce the street trading account current deficit linking with the council's corporate priority of driving down debt.
13. The creation of new street trading vacancies will contribute in achieving the objectives of Southwark's enterprise Strategy by enhancing enterprise opportunities and at the same time assisting in the establishment, sustainability, growth and retention of business.

### **Consultation**

14. A questionnaire was sent to 2000 local residents and businesses, together with an advert placed in the local press. (Appendix 2 & 3) The consultation was also put online on Survey monkey. A total of 339 questionnaires were returned with the following results:
- 78 % were in favour of extending market from 20 to 30 pitches

- 64% were in favour of adding Sunday as an additional trading day

15. The Consultation Results were reported to the Dulwich Community Council Meeting on 13<sup>th</sup> December 2010. A full results breakdown is included in this report. (Appendix 4)

### **Supplementary Advice from other Officers**

#### **Strategic Director of Communities, Law & Governance**

16. Under Section 24(2) of the London Local Authorities Act 1990 (“the 1990 Act”) streets originally designated for street trading under the London County Council (General Powers) Act 1947 became “licence streets” for the purposes of the 1990 Act. This meant that they continued to be designated as areas where street trading could take place.
17. Section 24(1) of the 1990 Act allows the Council to set out the terms on which a street is considered a “licence street”, i.e. which parts of the street can be used for street trading, what can be sold and when.
18. Section 24(1) of the 1990 Act also allows the Council to pass a resolution varying the terms on which a street is designated as a “licence street”. In order to vary a designation the Council must follow the procedure set out in Section 24, namely consulting with the Police and existing licence holders, publishing a notice of intention in a locally circulating newspaper, notifying any highways authorities and obtaining any necessary highways consents. A failure to follow the correct procedure may invalidate the resolution.
19. The Council must consider any representations it receives in response to the notice before deciding whether to make a resolution varying a designation. The resolution must state the date on which it will take effect. This implementation date must be at least one month from the date of the resolution.
20. Once the resolution has been made the Council must publish a notice in a locally circulating newspaper in two consecutive weeks, with the first notice published at least 28 days before the implementation date.

#### **Finance Director(NR/ENV/15/12/10)**

21. The two proposals will produce a net income flow for the Council, and satisfies a demand which the consultation process has indicated will be accepted by the majority of those surveyed. Costs incurred will be met from the existing ring fenced budget, whilst the income generated will also be retained in this budget. The net income produced will assist in reducing the bought forward deficit from previous years.

### **BACKGROUND DOCUMENTS**

<b>Background Papers</b>	<b>Held At</b>	<b>Contact</b>
Title of document(s)	Title of department / unit Address	Name Phone number
Minutes of Metropolitan Borough of Camberwell Works Committee, 10 December 1947	Local Studies Library.	Local Studies Library 020 7403 3507

## APPENDICES

No.	Title
Appendix A	North Cross Road Market Consultation results
Appendix B	Consultation Advert
Appendix C	Consultation Questionnaire (To be circulated at meeting)
Appendix D	Map

## AUDIT TRAIL

<b>Lead Officer</b>	Gill Davies – Strategic Director of Environment and Housing	
<b>Report Author</b>	Des Waters, Head of Public Realm	
<b>Version</b>	Final	
<b>Dated</b>	December, 2010	
<b>Key Decision?</b>	No	
<b>CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER</b>		
<b>Officer Title</b>	<b>Comments Sought</b>	<b>Comments included</b>
Strategic Director of Communities Law & Governance	Yes	Yes
Finance Director	Yes	Yes
<b>Cabinet Member</b>	Yes	No
<b>Date final report sent to Constitutional/ Team</b>	20/12/2010	