

Item No. 9.	Classification: Open	Date: 15 March 2011	Meeting Name: Licensing Committee
Report title:		The extension of pitches: Designation of Northcross Road	
Ward(s) or groups affected:		Dulwich Community Council Area	
From:		Strategic Director of Environment and Housing	

RECOMMENDATIONS

1. That the Committee resolves to vary the designation of North Cross Road as a licence street to extend the number of pitches from twenty (20) to thirty (30), with effect from 1 May 2011.
2. That the Committee limits the number of pitches Monday to Thursday to ten (10)
3. That following the marking up and allocation of pitches, trading commences by 9am on Saturdays.
4. That the Committee notes that an application for a road closure will be made for an experimental road closure at the junction with Lordship Lane for a period of eighteen (18) months from 1 May 2011 to allow pitches to trade each side of the road between Lordship Lane and Nutfield Road to improve safety on Saturdays only. (Map as Appendix 1)
5. That the Committee agrees to a further review of these arrangements after 6 months of operation.

BACKGROUND INFORMATION

6. 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.
7. 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.
8. 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.
9. 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.

10. The report considered by the licensing committee proposed 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. However having considered the report, the licensing committee agreed that officers should consult with the Dulwich Community Council and report back to the committee.
11. On 6 January 2011 the Licensing Committee resolved:
 - a) to vary the designation of North Cross Road as a licence street to increase the number of pitches from twenty to thirty and include Sunday as a trading day (but the hours to be agreed subject to resolution 2 below)
 - b) that the council officer attends the next available Dulwich Community Council meeting to discuss the following with ward councillors and local residents:
 - consult on the Saturday trading hours with traders and local residents
 - consult on the number of traders allowed on Monday to Thursday with a proposed maximum of 5
 - consult on the market location being shifted towards the Lordship Lane end of Northcross Road
 - consult on the road closures proposed
 - explore the possibility of using some of the street trading revenue to install traffic calming measures on Northcross Road
 - reviewing the market after 6 months.
 - c) That Dulwich Community Council is requested to make recommendations on the above and these recommendations will be presented at the next licensing committee on 15 March 2011.

KEY ISSUES FOR CONSIDERATION

12. 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.
13. The council would like to put in place an experimental road closure order for a period of 18 months to close North Cross Road Saturdays between 9am and 4pm at the junction of Lordship Lane.

The process

14. 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.
- Questionnaire to the local community.
- Dulwich Community Council 9 February 2011.

Consultation

15. A questionnaire was circulated in November 2010 to 2000 local residents and businesses, together with an advert placed in the local press. The consultation was also put online on Survey monkey. A total of 339 questionnaires were returned with 78% in favour of extending market from 20 to 30 pitches
16. Officers presented to Dulwich Community Council on 9 February 2011 on the recommendations of the Licensing Committee on 6 January 2011 inviting the Dulwich Community Council to make recommendations.
17. There were 2 deputations including representatives of local residents of Northcross Road, Nutfield Road, Archdale Road, Lacon Road, Felbrigg Road, Crystal Palace Road and local shopkeepers, and a current trader in the market.
18. The main concern raised was the operation of a Sunday market, with local residents expressing concern regarding noise and general disturbance. They expressed a view that trading opportunities on other days should be the focus for expansion of the market and to that end it was felt that up to ten traders could be accommodated on Monday to Thursday.
19. With regard to trading hours, concern was raised regarding the current requirement for traders to be in place by 8.00 a.m. in order to secure their preferred pitch. Both residents and traders agreed that this could give rise to unnecessarily early disruption and that a requirement to commence trading by 9.00 a.m. would be appropriate.
20. On the matter of the location of the new pitches and possible road closure there was a general view that some more detailed consultation with the immediate residents was required.
21. Accordingly the Dulwich Community Council resolved:
 - (1) That there be no market trading on Sundays
 - (2) That the number of traders allowed during Monday to Thursday should be proposed maximum of 10 and that a 9.00am start is applicable to Saturday trading only.

- (3) That further recommendations and options be drawn up by officers to review the current operation of the market.
 - (4) That consideration should be given on the closure of roads on a Saturday and retain the south side where the electric sockets are located and increase the number of stalls along Lordship Lane. Also look for an experimental road closure at Lordship Lane for a fixed period of 18 months, with a review after 6 months in operation.
 - (5) Members requested that detailed proposals of the market should be referred back to the community council for consideration and that the presentation with regard to this be given in visual form which should include the marked out pitches.
 - (6) That the above recommendations be referred to the Licensing Committee. In addition that the immediate residents be consulted.
22. With regard to Sunday trading, notwithstanding the decision of the Licensing Committee of the 6 January 2011 to designate the area for Sunday trading it is not proposed to implement this option at present.
23. A consultation meeting on an experimental road closure has been arranged for Wednesday 9 March 2011. The outcome of that consultation will be tabled at the Licensing Committee on 16 March 2011.

Benefits of the proposal

24. The expansion of this already existing market will generate an estimated additional £10,000 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.
25. 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.

SUPPLEMENTARY ADVICE FROM OTHER OFFICERS

Strategic Director of Communities, Law & Governance

26. 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.
27. 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.
28. 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.

29. 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.
30. 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)

31. 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

Background Papers	Held At	Contact
Minutes of Metropolitan Borough of Camberwell Works Committee, 10 December 1947	Local Studies Library	Local Studies Library 020 7403 3507
Minutes of Dulwich Community Council 9 February 2011		Beverley Olamijulo 020 7525 7234

APPENDICES

No.	Title
Appendix 1	Map of Pitch extension locations

AUDIT TRAIL

Lead Officer	Gill Davies, Strategic Director of Environment and Housing		
Report Author	Des Waters, Head of Public Realm		
Version	Final		
Dated	4 March 2011		
Key Decision?	No		
CONSULTATION WITH OTHER OFFICERS/DIRECTORATES/CABINET MEMBER			
Officer Title		Comments Sought	Comments included
Strategic Director of Communities, Law & Governance		Yes	Yes
Finance Director		Yes	Yes
Cabinet Member		Yes	No
Date final report sent to Constitutional/ Team			4 March 2011