

Item No. 7.	Classification: Open	Date: 13 December 2011	Meeting Name: Licensing Committee
Report title:		The Review of the Extension of Pitches Designation of North Cross Road	
Ward(s) or groups affected:		Dulwich Community Council Area	
From:		Strategic Director of Environment and Leisure	

RECOMMENDATIONS

1. That the committee notes the details of the review of the extension of pitches designation and experimental road closure.
2. That the committee notes that no further variation of the designation is required following the review.
3. That the committee supports the extension of the Saturday experimental road closure at the junction with Lordship Lane for a further period of 12 months, and then permanently if no further objections.
4. That the committee notes an application to extend parking restrictions on Saturdays to ensure no parking on pitches during market hours.

BACKGROUND INFORMATION

5. At the licencing committee meeting on 15 March 2011 the licencing committee resolved to vary the "licence street" designation of North Cross Road so as to:
 - Extend the number of pitches from 20 to 30 with effect from 1 May 2011.
 - Limit the number of pitches Monday to Thursday to ten.
 - Trading is not to commence before 9.00am on Saturday.
 - Support an application for an experimental road closure at the junction with Lordship Lane for a period of eighteen months from 1 May 2011 to allow pitches to trade each side of the road between Lordship Lane and Nuffield Road and to improve safety.
 - To review the arrangements after six months of operation.

KEY ISSUES FOR CONSIDERATION

6. The revised Saturday market has been in operation since the beginning of May 2011 and has been viewed as a success by traders, shoppers and the local community. There has been an average attendance of 25 stallholders over this period, with some Saturdays having a completely full market.

7. The variance of goods has ensured a good shopping experience, and there has been better management through an increased officer presence from 8.30am in the morning and again at closing down in the afternoon.
8. The experimental road closure order has proved a success and has assisted traders and shoppers in improving their enjoyment of the market. North Cross Road is closed Saturdays between 9.00am and 4.00pm at the junction of Lordship Lane to Nutfield Road. It can continue in place for a further period of 12 months, before a decision has to be made to remove or make closure permanent.
9. There has only been one recorded complainant from a business at the top end of Northcross Road, who has stated that the experimental road closure has affected his business. The complainant has been written to explaining the position of the road closure and the review taking place at this committee.
10. There has been no noticeable change in traffic flows on Nutfield Road since the road closure has been in place. A survey was undertaken to gauge traffic flow before and after the closure that shows that traffic flows remained more or less the same, with a small increase in car traffic post closure.
11. Report raised at Dulwich Community Council on 7 November, where recommendations were discussed and noted.

Resource implications

12. As stated in previous March report, the expansion of this existing market will generate an estimated additional £10,000 per annum for the street trading account. This extra income will help to reduce the street trading account current deficit.
13. It should be noted that the street trading account, which is a ring fenced account, has a cumulative deficit brought forward from previous years of £820,000 and is expected to decrease by around 25% by end of this financial year 2011/12. This is as a result of implementing a number of measures initiated by the business unit to put the trading account in a better financial footing.
14. By being ring fenced, the deficit has no immediate implications for the general fund. The council however, has an obligation to recover the deficit to ensure that there is no special burden on the general fund over time.

Benefits of the proposal

15. The creation of new street trading vacancies has contributed 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.
16. It has also improved the shopping offer to local shoppers, whilst encouraging local enterprise.

SUPPLEMENTARY ADVICE FROM OTHER OFFICERS

Strategic Director of Communities, Law & Governance

17. 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.
18. 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.
19. 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”.
20. Whilst there is no statutory requirement to review “licence street” designations, the council does have a power to vary or rescind such designations if it considers it appropriate
21. In order to vary or rescind 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.
22. 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.
23. 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/F&R/3/11/11)

24. This report recommends that the licensing committee notes:
 - The details of the review of the extension of pitches designation and the experimental road closure.
 - That there are no further variations of the designation required following the review.
 - An application to extend parking restrictions Fridays and Saturdays to ensure no parking on pitches during market hours
25. The report further recommends that the committee supports the extension of the Saturday experimental road closure at the junction with Lordship Lane for a further period of 12 months and then permanently if no further objections.
26. The finance director notes these changes will yield an estimated additional £10,000 per annum for the street trading account, which will help to reduce the

ring fenced street trading account current deficit per paragraph 11. Officer time to effect the recommendations will be contained within existing budgeted revenue resources.

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	160 Tooley Street, London SE1 2QH	Beverley Olamijulo 020 7525 7234
Map of Pitch extension locations	160 Tooley Street, London SE1 2QH	Sharon Coleman

AUDIT TRAIL

Lead Officer	Gill Davies, Strategic Director of Environment and Leisure	
Report Author	Des Waters, Head of Public Realm	
Version	Final	
Dated	2 December 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	2 December 2011	