

## GENERAL PURPOSES AND LICENSING COMMITTEE – 15 JUNE 2007

### STREET TRADING – WEDNESDAY MARKET IN STATION ROAD, NEW MILTON

#### 1. PURPOSE OF REPORT

- 1.1 This report asks the Committee to make a recommendation to Council on whether the northern part of Station Road, New Milton should be designated a “consent street” for the purposes of street trading, to allow the current weekly market to be relocated there while maintenance work is carried out in the southern part of Station Road.

#### 2. BACKGROUND

- 2.1 In April 2004 the District and Town Councils entered into a formal agreement enabling lawful trading to take place in the southern part of Station Road, New Milton. On 21 April 2004 the first ‘New Milton Wednesday market’ took place and weekly markets have continued ever since.
- 2.2 On the 16 March 2007 the Committee was asked to consider advertising notice of intention to designate the northern part of Station Road, between the junctions with Ashley Road and Osborne Road, as a consent street for street trading purposes, for the reason stated in paragraph 1.1.
- 2.3 On the 16 March 2007 the Committee resolved that notice be published in a local newspaper of its intention to designate the northern part of Station Road as a consent street.
- 2.4 Notice was accordingly published in the local press on 31 March 2007, a copy is attached as Appendix 1. Public representations were invited by 8 May 2007, as required by law.

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#### 3. RESPONSE TO PUBLICATION OF NOTICE OF INTENTION

- 3.1 This part of the report gives details of the public representation received.
- 3.2 The Police, the County Council and Town Council are statutory consultees for the purpose of proposals to designate a consent street. There have been no objections from these statutory consultees.
- 3.3 The County Council’s Principal Engineer is actively promoting the re-paving scheme and feels that provided the market is properly signed posted and the stalls are kept clear of the running carriageway there should be no safety implications regarding holding the market in a different section of Station Road. The County Council’s Principal Engineer has stated that the relocation will make a strong contribution to ensuring that the successful contractor for the works [to the southern part of Station Road] is able to carry out the works with the minimum disruption for pedestrians, local businesses and other retail outlets in the shortest possible time.
- 3.4 New Milton Town Council have requested that, owing to the success of the street market, that it be allowed to continue in its temporary location. The Manager of the

market has indicated that the following provisions will be put into effect to ensure that there are no health and safety issues: -

- The stalls will be located to take account of street furniture, trees, bicycle racks/flower beds and other so as to limit the impact on local businesses;
- The stalls will be located in positions avoiding encroachment on private land;
- Stalls will be located so as to allow vehicles to manoeuvre into private accesses and maintaining visibility from such accesses;
- Market vehicles will only load and unload from the carriageway when the market is being set up and removed;
- The location of Market traders parking will be considered;
- On site discussions will be arranged to discuss issues such as the space available for market stalls; and
- Reasonable access will be allowed (not the same as unloading immediately outside the premises) for deliveries in between stalls etc. accepting that some private shop traders have less choice in the matter of when and where deliveries are made during the day.

# 3.5 Two representations were received in response to the notice of intention. These are attached at Appendix 2A & 2B to the report. Both objections have been submitted from local traders, who raise some concerns regarding the impact the relocation would have on normal trading for local businesses, in particular possible disruptions to traffic and loss of trade. The Committee has a statutory duty to consider all representations before reaching a final decision.

### # 3.6 Summary of representations

# Members are encouraged to carefully read the representations received at Appendix 2A & 2B. However, it appears that in summary the objections cover the following general points:

1. Limited space on Station Road might cause market to encroach on the highway;
2. Removal of the on-street parking might create traffic problems;
3. Potential loss of business;
4. Existing, rate-paying, businesses still not happy with the existence of the market; and
5. Why alternative locations for the Market such as the Recreation Ground have not been considered.

3.7 In considering the representations received the Principal Engineer at Hampshire County Council has agreed with the Town Clerk that it will be necessary to keep the market stalls away from the junction of Station Road and Osborne Road. It was felt

that in order to mitigate road safety concerns, the current proposal would need to be amended to ensure that all market stalls be kept back from the *centre line* of Osborne Road.

Hampshire County Council have also indicated that consideration was given to alternative temporary locations for the market but has advised that those that were investigated did not provide enough space or were considered unsuitable on safety or, from the markets perspective, commercial grounds.

The Principal Engineer at Hampshire County Council has said that the County Council has worked very closely with the New Milton Town Partnership (who have been liaising with the shop traders) and Southern Market Traders to ensure that the short term arrangement is as painless as possible for all parties involved.

#### **4. DELEGATION OF DISTRICT COUNCIL FUNCTIONS TO THE TOWN COUNCIL.**

- 4.1 All this Council's functions under street trading legislation relating to the current weekly market in Station Road South are already delegated to New Milton Town Council (apart from responsibilities for food and health and safety enforcement which cannot be delegated). The current delegation includes power to issue consents to trade to traders, requirements to monitor compliance, and to ensure signs and barriers are in place to the satisfaction of the highway authority. Should this Council designate Station Road North as a consent street, there is no reason why the terms of the current delegation could not continue in respect of the relocated market, subject to any minor amendments that might be required to take account of the new venue.

#### **5. TRAFFIC REGULATION ORDER**

- 5.1 A temporary Traffic Regulation Order may be required to facilitate traffic movement while the relocated market is being set up, in place, and/or being taken away, to prevent the likelihood of danger to the public. This would be progressed by the Transportation Group in conjunction with the highway authority and interested parties.

#### **6. FINANCIAL IMPLICATIONS**

- 6.1 None arising directly from this report. New Milton Town Council will be asked to reimburse this Council's costs in placing public notices, and for officer time.

#### **7. ENVIRONMENTAL AND CRIME AND DISORDER IMPLICATIONS**

- 7.1 None arising directly from this report. No complaints have been received that the current market has had an adverse effect on the environment or community safety.

#### **8. EQUALITY AND DIVERSITY IMPLICATIONS**

- 8.1 None arising directly from this report.

## **9. RECOMMENDATIONS**

- 9.1 That, subject to the making of a temporary Traffic Regulation Order, if appropriate, by the Transportation Group, a recommendation be made to Council on whether the area of Station Road, New Milton north of the junction with Ashley Road and south of the junction with Osborne Road/Whitefield Road be designated a consent street within the meaning of Schedule 4 to the Local Government (Miscellaneous Provisions) Act 1982, with effect from 25 July 2007;
- 9.2 That, if the above designation is approved:
- (i) it be recommended to Council that the current legal agreement between this Council and New Milton Town Council continue to apply in the event that the market is temporarily relocated, and that the Head of Legal and Democratic Services be authorised to agree with the Town Council any amendments to the wording of the agreement that she considers are required as a result of the relocation; and
  - (ii) following completion of the works to Station Road South, a further report be brought to the Committee as to whether the designation of Station Road North should continue or be revoked.

### **Further information**

Grainne O'Rourke  
Head of Legal and Democratic  
Services

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### **Background papers**

Published material  
Responses from consultees to  
public notice

**NEW FOREST DISTRICT COUNCIL**

**STREET TRADING**

**NOTICE OF INTENTION TO DESIGNATE NORTHERN PART OF STATION ROAD, NEW MILTON AS A "CONSENT STREET"**

This notice is given under Schedule 4 to the Local Government (Miscellaneous Provisions) Act 1982.

New Milton Town Council wishes temporarily to relocate its weekly Wednesday market (currently taking place in the southern part of Station Road, New Milton) to the northern part of Station Road while works to carry out re-paving in Station Road South take place in the second half of 2007. To enable this, New Forest District Council must give notice of its intention to apply street trading provisions contained in the Local Government (Miscellaneous Provisions) Act 1982 to the northern part of Station Road. Members of the public have the right to make representations on the proposal before a final decision is taken.

A draft of the decision New Forest District Council proposes to take on 25 June 2007 is as follows:-

"That the area of Station Road, New Milton, north of the junction with Ashley Road and south of the junction with Osborne Road/Whitefield Road, be designated a consent street within the meaning of Schedule 4 to the Local Government (Miscellaneous Provisions) Act 1982, and that this designation come into force on 25 July 2007."

If passed, the resolution will enable street trading to take place in that part of Station Road from 25 July 2007.

**Representations about the draft resolution set out above may be made in writing to the Council, at the address shown below. Representations must be received no later than 8 May 2007.**

Grainne O'Rourke  
Head of Legal and Democratic Services  
New Forest District Council  
Appletree Court  
LYNDHURST  
Hampshire SO43 7PA

## APPENDIX 2A

### Copy of Email

Dear Sir

I have been given your e-mail address by Liz at Corbins the Florist, I am the proprietor of C and J Top Fruits the Greengrocer at 48 station Road. I would like to add my comments to the debate re the market, I realise that you personally are not involved but I would be grateful if you could pass on my comments to the appropriate council members.

Looking at the proposed layout for the market I cannot believe that this has been thought through. There is very limited space on the co-op side of Station Road because of the new street furniture, trees and ornamental poles. The market is bound to encroach on to the highway as it does at present, with traffic chaos the inevitable result.

On my side of Station Road of course most of the shops also own up to 2 metres of pavement so there will be no room there.

I still have very painful memories of the pavement works for the north end of Station Road 2 years ago, 8 months of hell that was programmed for 3 and a £50,000 loss of turnover, which I can corroborate. This loss of business was felt by all the traders and resulted in a token rate rebate from NFDC. Now you are about to do it again.

New Milton as a desirable shopping destination leaves a lot to be desired and all the traders, if asked, will report a significant downturn in business over the last two to three years. I am aware that this is not entirely the councils fault the Government can take most of the blame, the point I am making is that no help is provided from the council to encourage new business, or improve footfall through the town.

Look at the mix of shops and you can see the gradual decline, coupled with fewer shoppers. We get nothing for our monthly rate contribution as traders and I know 99% of New Milton businesses do not want the market and never have. The council does not want to hear this of course, so ignores it. I can hear the council members saying, "we have the market to bring people into the town ". This depends on the quality of the Market and lets be fair, its the same old traders all year, any increase in shoppers has long since diminished. They pay no rates, just a daily fee and consequently undercut all the high street shops. I've no objection to competition but lets keep a level playing field.

One thing New Milton does have that helps, is on street Parking, major Civil works remove this feature with consequent loss of business and traffic chaos, which just drives shoppers to Tesco's, Christchurch and Lymington.

Surely the sensible solution, if you must continue with market whilst these works are completed, is to site it on the Recreation ground, this is little used during the day and would solve all the problems. I suspect there will be some bylaw that prevents this but someone has be pro-active here if we to keep New Milton alive as a going concern

Regards  
Chris Chambers

## APPENDIX 2B

## Copy of Email

Dear Graham,

these are the details of the concerns of the local traders in the North end of Station Road. Please could you bring them to the attention of all concerned. Many thanks. Liz Wyatt.  
Corbins Florist

### Relocation of New Milton Market - Points of Concern

1. Plan indicates Market stall as ribbon on edge of pavement from Ashley Road to Osborne Road. Totally ignores Street furniture, trees, bicycle racks/flower beds and other impediments - such as the large pillar and shop street displays at front of Pet Shop in Homemill House, and the pavement displays outside the disabled mobility shop and the Pampurred Pets Shop.
2. From 'Inspiration' to the 'Co-op' inclusive - approximately 7 ft, depth of pavement in front of shops is 'Private Land' and should not be encroached upon.
3. Parkview Road - opposite Co-op - Lorries require full width of road to reverse into for deliveries and refuse collection. This includes independent skip companies as well as NDFC collections.
4. Pedestrian accident 'waiting to happen' with distraction and reduced vision caused by stalls, disabled parkers, and the two way traffic. The traffic already exceeds the speed limit racing to and from the traffic lights at the Junction by Natwest Bank.
5. Businesses rely on roadside parking for custom - banning parking will have an adverse affect on 'permanent' businesses.
6. As observed - existing Market location relies on roadside parking for vans for storing merchandise etc. This parking would not be available due to 2 way traffic.
7. Where (be specific) will Market traders park their vehicles? - N.B. Co-op/Mallard Buildings car park is 'Private' with 2 hr shopping limit and cannot be used for market vehicles.
8. On site discussions between retailers and the Council should be a priority - please arrange this.
9. The space available for Market stalls would appear to be limited - resulting in a very 'small market' with much less crowd appeal compared with present location. Presumably also at the present rent - this will probably be uneconomic for Market traders.
10. Deliveries - the bulk of deliveries in Station Road are made to the front of the premises - access required throughout day, also road parking for carriers. Private shop traders do not have much choice in the matter of when and where deliveries are made during the day unlike multiple stores.