

COMMITTEE: **BRAMINGHAM AND SUNDON
PARK AREA COMMITTEE**

DATE: **9TH JANUARY 2003**

SUBJECT: **PETITION RE PURLEY MARKET**

REPORT BY: **HEAD OF ENVIRONMENTAL AND CONSUMER
SERVICES**

CONTACT OFFICER: **COLLEEN WELFARE** **01582 547101**

IMPLICATIONS:

LEGAL	<input checked="" type="checkbox"/>	COMMUNITY SAFETY	<input checked="" type="checkbox"/>
EQUALITIES	<input type="checkbox"/>	ENVIRONMENT	<input type="checkbox"/>
FINANCIAL	<input type="checkbox"/>	CONSULTATIONS	<input type="checkbox"/>
STAFFING	<input type="checkbox"/>	OTHER	<input type="checkbox"/>

WARDS AFFECTED: BRAMINGHAM AND SUNDON PARK

PURPOSE

1. To report the receipt of a petition, containing 1,250 signatures, concerned at the time that traders at the Purley market are allowed to set up their stalls. The report also advises the Committee of the background actions which lead to the petition and the subsequent actions taken to address the issue.

RECOMMENDATION(S)

2. Committee is recommended to
 - (i) Note receipt of the petition
 - (ii) Confirm support of the agreement set out in paragraph 11 to this report to address the issues.
 - (iii) Make suggestions for any further actions.

BACKGROUND

3. In accordance with policy, a copy of the petition was circulated for information to all the Ward Councillors, Area Committee Chair and the leaders of the three political groups represented on the Council.

4. The Purley Market is a Council run market and operates on two days per week, Thursdays and Saturdays, with Thursdays being the main operating day. The market is situated adjacent to the Purley Centre and Jubilee Centre and is in close proximity to residential property.
5. The petitioners state *'As customers of the Marsh Farm Market we would like to object to the stall holders being unable to access the market before 7am because we feel this will inconvenience us as we will not be able to shop early as the traders will not be ready for us. We also consider this a serious health and safety issue.'*

REPORT

6. The Council's pollution team received complaints from a resident of the Purley Centre that the noise associated with the setting up of the market in the early hours of the morning was causing a nuisance. Officers of the service visited the location and observed a few stall holders setting up very early in the morning, one as early as 4am, but the majority from about 6am. He concluded that the noise he witnessed constituted a Statutory Nuisance and as such the Council was obliged to take necessary action to abate the nuisance. The complainant indicated that he had already instructed his solicitor and was about to seek an Injunction against the Council unless steps were taken immediately to stop the noise.
7. Acting upon legal advice, the Head of Environmental and Consumer Services, who is responsible for the operation of the market, implemented an immediate ban on all traders, and the Council's own stall erectors, from setting up until 7am. This clearly presented problems for some traders who take several hours to set up their stalls, and also caused congestion, with stall holders all trying to set up at the same time. There was a further consideration that large vehicles remained on site after 8am and created a potential hazard for children, who pass through the area on their way to school. The action did however stop the early morning noise, and halted the proposed Injunction process.
8. Traders in the Market then collected signatures from their customers for the petition that is presented as part of this report.
9. Representatives of the traders met with officers of the Council and Councillor Devenish, and agreed a set of proposals that would be put to the complainant, which would allow the traders to set up from 6am, but would seek to minimise the noise and disturbance caused. The proposals were put to the complainant who was happy to agree them for a trial period of 3 months initially.
10. The agreement is:
 - (i) That trolleys used by the Council's stall erectors are replaced with ones with rubber wheels
 - (ii) That only rubber mallets are used when erecting stalls.
 - (iii) No trader or Council officer should erect a stall earlier than 6am, and in no circumstances should stalls be erected directly beneath residential property in the Purley Centre before 7am.
 - (iv) Specific guidelines will be agreed with the traders in relation to setting up their stalls prior to 7am and anyone failing to follow those guidelines will be banned from setting up prior to 7am.

- (v) All vehicles to be off the site by 8am
- (vi) The traders will become affiliated to the National Market Traders Federation and elect a trader Committee, the members of which acting as a contact for any complaint or issue, and will be responsible for resolving any conflict.
- (vii) The traders will be responsible for ensuring that large rubbish items such as cardboard boxes and plastic bags are cleared away before they leave the market.
- (viii) The traders will work closely with the Council and in particular to promote the market.
- (ix) The traders committee will seek affiliation to the NDC to promote the future of the market.

PROPOSAL/OPTIONS

- 11. Agree the arrangements currently in operation and set out in paragraph 10 above
- 12. Agree the arrangements and make suggestions for amendments or additions
- 13. Propose new arrangements

LEGAL IMPLICATIONS

- 14. There is a legal requirement not to cause a statutory nuisance and there is no immunity from this. In other words the fact that the market has been trading for a number of years in a certain way would not stop an individual from obtaining an Injunction from the Courts to force the Council to take necessary steps to abate the noise nuisance.

COMMUNITY SAFETY IMPLICATIONS

- 15. The arrangements requiring vehicles to be off site by 8am will minimise the risk of an accident occurring when children are passing on their way to school.

APPENDIX

- 16. None

LIST OF BACKGROUND PAPERS

LOCAL GOVERNMENT ACT 1972, SECTION 100D

- 17. There are no Background Papers relating to this report other than documents which disclose exempt information within the meaning of Section 100A of and Schedule 12A to the Local Government Act 1972.