

Good Evening

This is the fourth time I have come to speak to you concerning my stall in the Guildhall Market.

I should like to thank Councillor Crossley for taking the time to meet with me and officers following my last statement here. I welcome the commitment he has made to the **setting up of a a proper and effective agreement between the two departments concerning the future management of the market**

However, this doesn't help to resolve my case. Despite Councillor Crossley's intervention, I have still had no communication from officers of either department.

Officers from the two departments have alleged, continuously over the last four years, that I have committed an offence under the Planning (Listed Buildings and Conservation Areas) Act 1990. My stall does not alter or extend the building, neither does it affect its special architectural or historical character., both conditions that have to be met for listed building consent to be required.

Officers have had ample opportunity to prepare and bring either an enforcement action or a criminal prosecution against me. The fact they they have done neither is clear evidence that they know that any such action would fail. It would fail on the technical aspects of the law, and it would fail on the principles.

My stall is attractively built, and an asset to the market. If you compare its design to photographs and drawings of the Guildhall Market in the first few years after it was opened in 1863, you will see that it is clearly in sympathy with the original historic and architectural character.

Officers claim that there is now some special element of the historic and architectural character that is adversely affected by my stall, and my stall alone. **They have failed to bring any rational evidence to support their case, and they have refused to consider independent evidence, even refusing to allow such evidence to be entered on the recent listed building application file.**

What I should like to ask is that, by the end of this month, officers are instructed either to bring formal action against me, providing the evidence for their allegations, and in compliance with Council policy and central government guidance, or that they formally withdraw the allegations, and admit they do not, and never have had, any case against me.

In our meeting, Councillor Crossley, officers seemed to think that they had no duty to ensure fair and equal treatment. Fairness is a fundamental principle of English Law, laid down in the Magna Carta, but more recently in the Council's own Code of Conduct, its Local Enforcement Plan and in the Human Rights Act. Any action taken against me must also be taken in similar fashion against all those in similar circumstances, or good evidence provided as to why the cases are different..

Here again, officers will have a problem, as they have already ruled that other stalls similar to mine "cause no harm" and that enforcement action is neither expedient nor in the public interest. They can't have it both ways.

In conclusion then, I say to the Council and its officers it's time to put up or shut up. Either take action to prove that you are right or admit that you are wrong.

Thank you.