

NOTTINGHAM CITY COUNCIL

REGULATORY AND APPEALS COMMITTEE

MINUTES of the meeting held at LB 31 - Loxley House, Station Street, Nottingham, NG2 3NG on 21 May 2018 from 10.30 am - 11.07 am

Membership

Present

Councillor Brian Grocock (Chair)
Councillor Cheryl Barnard (Item 5 Onward)
Councillor Mohammed Ibrahim
Councillor Gul Nawaz Khan
Councillor Nick Raine
Councillor Mohammed Saghir
Councillor Adele Williams
Councillor Jim Armstrong

Absent

Councillor David Smith
Councillor Corall Jenkins
Councillor Dave Liversidge
Councillor Carole McCulloch
Councillor Toby Neal
Councillor Linda Woodings

Colleagues, partners and others in attendance:

Susan Elwood - Indoor Market Manager
Shaun Miles - Head of Markets and Fairs
Kate Morris - Governance Officer
Tamazin Wilson - Solicitor

1 APPOINTMENT OF VICE-CHAIR

RESOLVED that the appointment at Annual Council of Councillor David Smith as Vice-Chair for the municipal year 2018-19 was noted.

2 APOLOGIES FOR ABSENCE

Councillor McCulloch – other Council business
Councillor Liversidge – other Council business
Councillor Woodings – personal
Councillor Neal – other Council business
Councillor Jenkins – no reason specified

3 DECLARATIONS OF INTEREST

None.

4 MINUTES

The minutes of the meeting held on 16 March 2018 were confirmed as a correct record and were signed by the Chair.

5 DESIGNATING STREETS AROUND SCHOOLS AS 'CONSENT STREETS'

Shaun Miles, Head of Markets and Fairs, presented the report, which detailed a proposal to designate streets surrounding some schools within the city as 'Consent Streets' for the purposes of street trading, under the Local Government (Miscellaneous Provisions) Act 1982, so that the Council will have some control over

the types of street trading allowed on the streets neighbouring the schools detailed in the appendix to the report.

During discussion and questions from the committee the following points were made:

- (a) Letters were sent to all schools within Nottingham City in an initial phase of consultation. The response from schools over a month from the original letter was less than anticipated so this initial phase was followed up with emails directly to schools which elicited a better response. All schools had 2 months in which to reply to the initial consultation phase;
- (b) Copies of these letters were also sent to all elected members of Nottingham City Council for comment and feedback;
- (c) Officers have been working with traffic colleagues, road safety colleagues and schools colleagues to visit sites, consult with residents, parents and teachers to gain a full picture of the issues;
- (d) If the recommendation is approved formal consultation will take place and a further report will come to this committee in October 2018 to feedback on the consultation process, and to determine whether the resolutions should be passed;
- (e) If additional schools subsequently indicate that they would like the Council to consider designating streets surrounding their schools as Consent Streets this will need to be undertaken as a separate piece of work due to legally required consultation phases;
- (f) This programme cannot be extended to prohibit other types of parking or other types of problem behaviour. It deals solely with designating certain streets as "consent streets" meaning that if so delegated street traders will need consent from Nottingham City Council in order to trade there;
- (g) In an amendment to the original recommendation the following additional roads were added to the programme:
 - Bala Drive;
 - 84.2 linear meters of Wendling Gardens in a west - north west direction from the junction with Chippenham Road.

RESOLVED that the Committee

- (1) authorise the Director of Sports and Culture to serve all appropriate notices and advertise the Council's intention to pass the resolution below in accordance with paragraph 2 of Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982, subject to consideration of any representations received in writing within the relevant period;**
- (2) being satisfied that it is necessary, with effect from 03 December 2018, to designate the streets listed below as 'Consent Streets' for the purposes of street trading:**

- **Beckhampton Road from its junction with Bala Drive to its junction with Belleville Drive;**
- **Bala Drive;**
- **Belsay Road;**
- **Bar Lane;**
- **Pennant Road;**
- **Fernleigh Drive;**
- **Padstow Road;**
- **Beckhampton Road from its junction at Mountfield Drive to its junction with Hartcroft Road;**
- **Mountfield Drive from its junction at Beckhampton Road to its junction with Raithby Close;**
- **Eastglade Road from its junction with Stevenholme Crescent to its junction with Beckhampton Road;**
- **Harrow Road from its junction at Ancaster Gardens to its junction with Middleton Boulevard;**
- **Harrow Gardens;**
- **Berridge Road West from its junction with Brushfield Street to its junction with Kenslow Avenue;**
- **Oakland Street;**
- **Bobbers Mill Road;**
- **Ragdale Road;**
- **Squires Avenue;**
- **Citadel Street;**
- **Target Street;**
- **Gatling Street;**
- **Winscombe Mount from its junction with Pastures Avenue to its junction with Bramber Grove;**
- **Honister Close;**
- **Cantrell Road from its junction with Nelson Road to its junction with St Albans Road;**
- **Gordon Road from its junction with St Matthias Road to its junction with Serlby Rise;**
- **St Matthias Road from its junction with Beacon Hill Rise to its junction with Woodhouse Street;**
- **Berridge Road Central from its junctions with Radford Road to its junction with Noel Street;**
- **Beaconsfield Street from its junction with Radford Road to its junction with Noel Street;**
- **Carver Street;**
- **Fisher Street;**
- **Jenner Street from its junction with Hucknall Road to its junction with Wesley Street;**

- **New Street;**
- **Wesley Street;**
- **Kersall Drive from its junction with Highbury Road to its junction with Brooklyn Road;**
- **Brooklyn Road from its junctions at Kersall Drive to its junction with Piccadilly;**
- **Piccadilly from its junction with Highbury Road to its junction with Brooklyn Road;**
- **Kemmel Road;**
- **Hillington Rise;**
- **Chippenham Road from its junction with Hillington Rise to its junction with Queens Bower Road;**
- **84.2 linear meters of Wendling Gardens in a west - north west direction from the junction with Chippenham Road.**
- **Bracknell Crescent;**
- **Hayling Drive;**
- **Newport Drive;**
- **Scotland Road;**
- **White Road.**

6 NOTTINGHAM CITY ACT 2013 - CONTROL OF STREET TRADING

Shaun Miles, Head of Markets and Fairs, presented the report. He stated that the 'Nottingham City Council Act 2013' received Royal Assent on 28 February 2013 and contained powers to allow the Council to better regulate street trading, although the powers conferred do not fully come into effect until certain actions are taken. He further stated that this report seeks authority to take actions to implement aspects of the Act to bring it fully into force so that illegal street trading can be managed better providing an improved city centre environment for citizens and visitors alike by preventing obstruction of the highway and addressing road safety issues.

Following discussion and questions by the committee the following points were made:

- (a) This does not address beggars and street artists, it solely applies to illegal street traders such as those operating outside of their pedlars certificate;
- (b) In a change to the recommendations in the published report authorisation to publish the level of fixed penalty notices has been changed from the Head of Markets and Fairs to the Director of Sports and Culture;

RESOLVED

- (1) **that being satisfied that it is necessary to ensure road safety or prevent obstruction of the highway, the Director of Sports and Culture is authorised to serve all appropriate notices and advertise the Council's intention to pass the resolution below in accordance with paragraph 2 of Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982**

as amended by section 5 of the 2013 Act, subject to consideration of any representations received in writing within the relevant period:

‘with effect from 03 December 2018 to designate for the purposes of section 5(1) of the 2013 Act the area outlined with a bold red line on the plan attached, namely the area bounded by, and including, the following:

from a point at the junction of South Sherwood Street, the designated area runs east and is bounded by the back of the footway on the north side of Shakespeare Street, south along the back of the footway on the east side of Milton Street, then east and then south along the back of the footway on the north, east and south sides of Lower Parliament Street to the junction of Canal Street and London Road. It then runs south, then west, then north around the traffic roundabout on London Road (at its junction with Canal Street and Parliament Street), then west along the back of the footway on the south side of Canal Street, north along the back of the footway on the west side of Castle Road (including the whole of Lenton Road to the junction of the Nottingham Park Estate) then runs north west along the back of the footway on the north side of Friar Lane. It then runs north west and is bounded by the back of the footway on the west side of Main Marian Way, continuing over Wollaton Street to Talbot Street, east along the back of the footway on the north side of Talbot Street, north along the back of the footway on the west side of South Sherwood Street to the point at the junction of South Sherwood Street, such designation to have effect at all times. (‘the Designated Area’);

- (2) to set the level of fixed penalty notice payable under section 8 of the 2013 Act at £150 for all relevant offences as defined in section 2 of the 2013 Act;**
- (3) to authorise the Director of Sports and Culture to, in accordance with section 8 of the 2013 Act, publish in the local press, and, in accordance with section 9 of the 2013 Act, notify the Secretary of State of the level of fixed penalty set;**
- (4) to approve the Enforcement Policy at appendix 2, such Enforcement Policy to come into force with immediate effect (other than the parts relating to the fixed penalty notice, which will come into force when the level of the fixed penalty comes into force in accordance with section 9 of the 2013 Act);**
- (5) to authorise the following:**
 - (a) the Head of Markets and Fairs to publish on the Nottingham City Council website any relevant information in accordance with section 12 of the 2013 Act;**
 - (b) the Head of City Centre Management and Regulation to comply with the duties in section 10 of the 2013 Act relating to Financial provisions.**

7 DATES OF FUTURE MEETINGS

Members noted that this Committee meets as required, other than the following confirmed meetings:

1.30pm on Tuesday 10 July 2018 (to consider the Notts County Football Club Annual Safety Certificate);

10.30am on Monday 08 October 2018 (to consider the outcomes of consultation on the reports detailed in minutes 31 and 32 above).