

## **NOTTINGHAM CITY COUNCIL**

### **REGULATORY AND APPEALS COMMITTEE**

#### **MINUTES**

of meeting held on **15 SEPTEMBER 2008** at the  
Council House from 10.03 am to 12.05 pm

Councillor Cresswell (Chair)  
Councillor Grocock (Vice Chair)  
Councillor Davie  
Councillor Foster  
Councillor Ibrahim  
Councillor James  
Councillor A Khan  
Councillor Liversidge  
Councillor Munir  
Councillor Packer  
Councillor Smith  
Councillor Spencer  
Councillor Wildgust

Indicates present at meeting

#### **Officers in attendance**

Mr N Ehrhart	-	Markets and Fairs	)	Community and Culture
Ms T Bestwick	-	Legal Services	)	Resources
Ms P Rohrbach	-	Committee Administration	)	

#### **31 APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors Ibrahim (other City Council business), Foster (attendance at conference), and Wildgust (on leave).

#### **32 DECLARATIONS OF INTERESTS**

Councillor Liversidge declared a personal interest as a City Council appointed representative on the Nottinghamshire Pensions Investment Sub-Committee and Nottinghamshire Pensions Administration Sub-Committee, which did not preclude him from speaking or voting on that item.

#### **33 MINUTES**

**RESOLVED** that the minutes of the last meeting held on 21 July 2008, copies of which had been circulated, be confirmed and signed by the Chair.

### **34 STREET TRADING – BRIDLESMITH GATE**

Consideration was given to a report of the Corporate Director of Community and Culture, copies of which had been circulated, detailing background to an appeal against the termination of a street trading consent for pitch 3 on Bridlesmith Gate following receipt of a number of complaints. Consideration was also given to additional documentation produced by the appellants, Mr Stephen Fisher and Mr Simon Fisher in support of their appeal, copies of which had been circulated, together with a petition in support of the appeal.

The Markets and Fairs Manager and the appellants presented their case to the Committee.

Members listened to all of the evidence put before the Committee and all representations and submissions made for and against the appeal. In particular members noted that:

- (i) a number of complaints had been received after the appellants started trading regarding the location suitability of the appellant's fruit and vegetable juice business on Bridlesmith Gate, the noise from the generator, and alleged detrimental impact on the area;
- (ii) Bridlesmith Gate was a high profile shopping street in Nottingham;
- (iii) the complaints regarding noise from the generator would be addressed when mains electricity supply was connected to the pitch;
- (iv) the appellants had not breached any of their consent conditions;
- (v) street trading pitch 3 on Bridlesmith Gate was a well established existing pitch;
- (vi) pitch 3 had not been used for catering before, but there was no pitch designation to prevent that use.

The Markets and Fairs Manager and Messrs Fisher, having made their submissions, withdrew from the meeting during the Committee's deliberations.

### **RESOLVED**

- (1) that the appeal against the termination of the street trading consent for pitch 3 on Bridlesmith Gate be allowed;**
- (2) that the Corporate Director of Community and Culture be requested to remind the appellants that a street trading consent may be revoked at any time by the City Council, subject to the non statutory review procedure and that the consent would be kept under review.**