

REGULATORY AND APPEALS COMMITTEE – 24th MARCH 2010

Title of paper:	Review of Street Trading	
Director(s)/ Corporate Director(s):	Director for Economic Innovation and Employment	Wards affected: Arboretum, Bridge, Radford and Park and St Ann's
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Relevant Council Plan Strategic Priority:		
World Class Nottingham		✓
Work in Nottingham		✓
Safer Nottingham		
Neighbourhood Nottingham		✓
Family Nottingham		
Healthy Nottingham		✓
Serving Nottingham Better		
Summary of issues (including benefits to customers/service users):		
The purpose of this report is to consider changing the designation of some "consent" streets within the City Centre area for the purpose of Street Trading under the Local Government (Miscellaneous Provisions) Act 1982. This is in accordance with a review of street trading undertaken by the City Centre Area Committee.		
Recommendation(s):		
1	It is recommended that pursuant to paragraph 2 of Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982, the Director for Economic Innovation and Employment be authorised to serve all appropriate notices and advertise the Council's intention to pass resolutions as outlined in 2 and 3 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	With effect from 1 st August 2010 the following streets be re-designated as prohibited streets for the purposes of street trading Albert Street Angel Row Bridlesmith Gate Fletcher Gate Hounds Gate King Street	

	Long Row Maid Marian Way Melville Street Mount Street Park Row Smithy Row Weekday Cross, and Wollaton Street
3	All previous resolutions of the City Council relating to the designation of the streets listed in recommendation 2 above be rescinded with effect from 1 st August 2010

1 BACKGROUND

1.1 The City Council has adopted Section 3, and Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982 for the purposes of street trading. Under the Act streets may be designated as “consent streets”, “licence streets” or “prohibited streets” as follows:-

- “Consent Street” means a street in which street trading is prohibited without the consent of the council
- “Licence Street” means a street in which street trading is prohibited without a licence granted by the council
- “Prohibited street” means a street in which trading is prohibited

All of the streets within the City Centre are designated either as consent or prohibited streets, as are some streets in the districts.

2 REASONS FOR RECOMMENDATIONS (INCLUDING OUTCOMES OF CONSULTATION)

2.1 Street trading and Market trading can provide diversity and consumer choice and enhance the character and ambience of the environment. However, the aesthetic of the stalls and the range of goods sold need to be controlled to ensure that the offer meets the demands of a modern vibrant City Centre.

2.2 Under the recommendations the Council will designate the majority of streets in the City Centre as prohibited streets for the purposes of street trading with the exceptions being Exchange Walk, High Street, Lister Gate, St Peters Square and Wheeler Gate. To replace the remainder of the street trading offer a market will be established in the Clinton Street, Thurland Street and Lincoln Street areas of the City Centre. Since January 2010 pavement enhancements works have been taking place on Clinton Street East and Clinton Street West to improve the public realm, which will make the venue more attractive.

2.3 The Annual City Centre Events programme features a range of Themed and Seasonal Markets events with associated markets and stalls. Whilst a number of these Markets are held within the confines of the Old Market Square, owing to the demand on the Square for larger events and also the nature of some of the events, stalls are regularly located on Smithy Row/Long Row and during the Christmas period, King Street is also utilised. These streets are currently used for:-

- German Christmas Market
- Christmas and Summer Craft Markets
- Markets stall associated with events e.g.
 - St Patrick’s Day
 - Mela
- Monthly Fine Food markets displaced by major events in the Old Market Square

It is anticipated that most of these events could be accommodated under an exemption in the street trading legislation for ‘anything done in a market or fair the right to which was acquired by virtue of a grant (including a presumed grant) or acquired or established by virtue of an enactment or order’. To qualify for the exemption the event market would need to consist of a minimum of four sellers and be licensed under the

Council's Market Charter. Similar restrictions will apply on other events that include retail sales organised on any other designated streets in the City Centre.

- 2.4 Of the five Street Entertainers Pitches in the City Centre, four are currently located on consent streets. Licensed street entertainers are able to apply for a Day Street Trading Consent to enable them to sell merchandise such as CDs, tapes, etc. Under the recommendations four of the pitches will be located on prohibited streets meaning that Licensed Street Entertainers will only be able to sell merchandise on Lister Gate.
- 2.5 All existing street trading consents will lapse on 31st March 2010 and those pitches that will be affected by the recommendations shall either be allowed to lapse or only renewed until 31st July 2010 when the new street designations may come in to effect. An exempt report is presented later in the meeting which includes an analysis of how nine of the existing street trading pitches will be affected by the recommendations.
- 2.6 There are two aspects to be considered with respect to the quality of the street trading offer; the design and appearance of the stalls; and the range and quality of goods sold.
- 2.7 The appearance and the design of stalls, vehicles and trailers needs to compliment the high standard expected in such a prestigious location as the City Centre. The identity of the trading units should present a recognisable 'brand' to inspire confidence in the public. To achieve this, a standard design will be agreed with traders that will reflect the differing demands of the various trade types, provided they can conform to the following criteria.
- 2.8 The design of stalls shall be a stall type design consisting of a frame dressed with close fitting awnings, skirts and trims in fabric. Any side sheets must be transparent.
- 2.9 Some products are well catered for in the City Centre and will not be considered on the Exchange Walk, High Street, Lister Gate, St Peters Square and Wheeler Gate street trading pitches. Such products include:
 - ordinary hot or prepared food,
 - fashion and clothing, and
 - household goods.

However, these products will be acceptable in the Clinton Street Market area.

- 2.10 Other goods such as
 - unprepared fruit and vegetables,
 - plants and flowers,
 - ice cream,
 - baked jacket potatoes, and
 - Christmas wrap and decorations in the six weeks prior to Christmas; such goods to constitute no more than 25% of the total goods by volume,

are considered to be more appropriate for sale from street trading pitches. The above lists are not exhaustive and are subject to review by the City Council at any time at its own discretion.

- 2.11 At its meeting on 25 January 2010 City Centre Area Committee considered a report on a review of Street Trading in the City Centre including the matters listed above. The general principle of the review was to de-clutter streets and ensure that the street

trading offer in the City Centre provided diversity and consumer choice whilst enhancing the character and ambience of the environment.

- 2.12 As a result of the review Officers and City Centre Area Committee propose that street trading will be concentrated on Exchange Walk, High Street, Lister Gate, St Peters Square and Wheeler Gate with a market offer in the Clinton Street, Thurland Street and Lincoln Street areas of the City Centre.
- 2.13 To achieve this City Centre Area Committee resolved to recommend to Regulatory and Appeals Committee that other streets in the City Centre be re-designated as “prohibited” for the purposes of street trading. The recommendations take into account that street trading attracts huge public support, as demonstrated by the public petition, and that to retain some street trading on High Street is a compromise situation that acknowledges that support. The design of stalls will be the subject of consultation with the street traders and Council Officers. However, the principle of using vans or trailers is to be permitted, provided they comply with the final design guide.
- 2.14 If this Committee agrees the recommendations, an advertisement will be placed in the local press stating that representations relating to the resolution may be made in writing within 28 days of the notice. The Police and the Highways Authority will also be notified. Any representations will be made available to the next Regulatory Committee before a final resolution is made.

3 OTHER OPTIONS CONSIDERED IN MAKING RECOMMENDATIONS

- 3.1 Since the meeting on 25 January 2010 the evening street trader on Melville Street, selling hot dogs and hamburgers has made representations to keep the street as a consent street. He cites that the street is on the periphery of the City Centre and that Melville Street will eventually be subsumed in to the redevelopment of the Broadmarsh Shopping Centre. To comply with the new street trading policy he has been given permission to change his line of goods from hot dogs and hamburgers to hot jacket potatoes.
- 3.2 Members may wish to consider withdrawing Melville Street from the consultation process at this stage or consider the street trader’s representations in the context of other representations made during the consultation period.

4 FINANCIAL IMPLICATIONS (INCLUDING VALUE FOR MONEY)

- 4.1 The review of street trading was considered as part of the development of the Medium Term Financial Plan 2009/10 to 2011/12. The MTFP included the following budgets for street trading income:-

	2008/09 £m	2009/10 £m	2010/11 £m	2011/12 £m
Income	(0.130)	(0.098)	(0.059)	(0.059)

- 4.2 However, the above budget assumed the deletion of more pitches than is now being recommended. The projected outturn for 2009/10 shows income of £129,789. The financial affect of the Street Trading Review would mean a loss in income in 2010/11 amounting to £15k (five pitches terminated - £22k in a full year).

5 RISK MANAGEMENT ISSUES (INCLUDING LEGAL IMPLICATIONS, CRIME AND DISORDER ACT IMPLICATIONS AND EQUALITY AND DIVERSITY IMPLICATIONS)

- 5.1 The procedure for designating streets under the street trading regime is prescribed by law and the recommendations are to follow the required procedure.
- 5.2 Redesignation will obviously have a financial effect on the individual consent holders concerned however no right of appeal exists for those whose consents are not renewed and the Committee has a wide level of discretion when considering such matters.

6 LIST OF BACKGROUND PAPERS OTHER THAN PUBLISHED WORKS OR THOSE DISCLOSING CONFIDENTIAL OR EXEMPT INFORMATION

- 6.1 Letter from Philip Justice dated 03/03/2010
- 6.2 Letter from the National Markets Traders Federation dated 03/03/2010

7 PUBLISHED DOCUMENTS REFERRED TO IN COMPILING THIS REPORT

- 7.1 Review of Street Trading reports to City Centre Area Committee dated 25 January 2010
- 7.2 City Centre Area Committee minutes dated 25 January 2010