

**REGULATORY AND APPEALS COMMITTEE – 18 JUNE 2010**

<b>Title of paper:</b>	Review of Street Trading	
<b>Director(s)/ Corporate Director(s):</b>	Director for Sports, Culture and Parks	<b>Wards affected:</b> Arboretum, Bridge, Radford and Park and St Ann's
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<b>Relevant Council Plan Strategic Priority:</b>		
World Class Nottingham		✓
Work in Nottingham		✓
Safer Nottingham		
Neighbourhood Nottingham		✓
Family Nottingham		
Healthy Nottingham		✓
Serving Nottingham Better		
<b>Summary of issues (including benefits to customers/service users):</b>		
The purpose of this report is to enable the Committee to consider representations made following the advertisement this Committees resolution of 24 March 2010 indicating the Council's intention to pass a resolution changing the status of certain streets designated for the purpose of Street Trading.		
<b>Recommendation(s):</b>		
<b>1</b>	It is recommended that, pursuant to paragraph 2 of schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982 the following streets be re-designated as prohibited streets for the purposes of street trading with effect from 1 <sup>st</sup> August 2010 :-  Albert Street Angel Row Bridlesmith Gate Fletcher Gate Hounds Gate King Street Maid Marian Way Mount Street Park Row Smithy Row Weekday Cross, and Wollaton Street	

<b>2</b>	The Director for Sports, Culture and Parks be authorised to advertise the above resolutions in accordance with paragraph 2 of schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982.
<b>3</b>	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previous resolutions of the City Council relating to the designation of the streets listed in recommendation 2 above be rescinded with effect from 1 <sup>st</sup> August 2010
<b>4</b>	The Committee consider the representations received in relation to Long Row and Melville Street but it is now recommended that those streets remain as Consent Streets rather than be the subject of re-designation.

## **1 BACKGROUND**

- 1.1 Councillors may recall that at its meeting of 24 March 2010 the Regulatory and Appeals Committee indicated its intention to pass a resolution that the following streets be re-designated as prohibited streets for the purpose 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.

- 1.2 In accordance with paragraph 2 of Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982 all appropriate notices were served and the Council's intention to pass the resolution subject to consideration of any representations received in writing within the relevant period was advertised.
- 1.3 A number of representations have been made in relation to Long Row and Melville Street, but nothing has been received regarding the remaining streets. It is recommended that those streets that have not attracted any representations be designated as prohibited streets with effect from 1<sup>st</sup> August 2010.
- 1.4 The Committee is asked to consider the representations in relation to Long Row and Melville Street. Copies of the representations are attached as appendices and are addressed in section 2 below.

## **2 REASONS FOR RECOMMENDATIONS (INCLUDING OUTCOMES OF CONSULTATION)**

### **2.1 Long Row**

- 2.2 Representation has been received from Fraser Brown Solicitors on behalf of their clients; RAL Ice Cream Catering Ltd., who hold a street trading consent for a pitch on Long Row. If Long Row is designated as a prohibited street the pitch will effectively be deleted. Despite ice cream being on the Council's approved goods list for street trading the Council are unable to accommodate RAL on an alternative street trading pitch as there are already ice cream traders operating from other consent streets.
- 2.3 Representations have also been received from Shaun Hartley who previously held a street trading consent for the sale of hats, scarves and gloves, etc. on Long Row. His consent was not renewed after 31 March 2010 because the goods he sells do not comply with the Council's approved goods for street trading. He states that he would like to vote against the proposal as it goes against all that the people of Nottingham would like to see. The people of Nottingham back his campaign to keep the streets the way they are; all the shops are backing this as well; it will be bad for the City to take away the character from the streets; he is looking for the EU to back his campaign; he is asking the Government to back him as he has the support of all candidates for MPs in the area; and he will be asking the people of Nottingham to support him when it comes to the local elections.
- 2.4 Mr. Hartley's consent was not renewed as the goods he sells do not comply with the Council's list of approved goods for street trading.
- 2.5 The main aims of the street trading review as outlined in the Report to this Committee of 24 March 2010 were to de-clutter the City Centre 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. Having reconsidered the matter in the light of the objections it is now recommended that Long Row remain as a consent street. It will still be possible to control the goods sold from Long Row and the number and quality of stalls authorised to trade from it to ensure that the street retain an appropriate ambience and pedestrian environment through the terms of any street trading consents which may be granted.

## 2.6 Melville Street

2.7 Two representations have been received from Philip Justice who holds a street trading consent to trade from Melville Street in the evenings. Mr. Justice previously sold hot dogs and hamburgers but with effect from 01 April 2010 he changed his goods to jacket potatoes to comply with the Council's approved goods for street trading. His first representation, dated 28 February 2010, but received on 06 May 2010 mainly refers to his good character as a street trader over the last 24 years on Melville Street. In his representation dated 06 May 2010 he states that Melville Street is ideal for street trading as there are no residential dwellings in the immediate vicinity and that the street is very quiet from traffic. He states that Melville Street will cease to exist due to the extension of the Broadmarsh Centre and that he is aware that his pitch will be deleted at that time.

2.8 Melville Street is located to the south of the Broadmarsh Centre and the street trading pitch mainly caters for clientele from the Ocean nightclub. Given that the purpose of the street trading review was to address the City Centre it is felt in retrospect that this street is sufficiently remote to have little impact on the appearance and perception of the City Centre. The recommendation therefore is that this street can be retained as a consent street.

## 3 OTHER OPTIONS CONSIDERED IN MAKING RECOMMENDATIONS

3.1 The original intention was to designate Long Row and Melville Street as prohibited streets and this is still an option. However, this would effectively delete two street trading pitches as outlined in section 2 and there would be no alternative pitches available for these traders.

## 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)	(0.113)	(0.059)	(0.059)

4.2 However, the above budget assumed the deletion of more pitches than is now being recommended. The outturn for 2009/10 shows income of £129,800. The financial affect of the Street Trading Review (if Long Row & Melville Street not be re-designated as prohibited streets) would mean a loss in income in 2010/11 amounting to £10k (three pitches terminated with effect from March 2010 due to goods on sale being unacceptable).

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

- 5.1 The purpose of this report is to consider representations as to the designation of certain streets within the City as opposed to any individual application or representation regarding a particular street trading consent. The Markets and Fairs Service Manager has the delegated power to deal with the latter matters.
- 5.2 The Council's discretion with regard to the designation of streets is wide and, subject to certain requirements for advertising and consideration of representations a Council may vary or rescind any previous resolutions relating to the designation of a street.
- 5.3 Whilst certain of the representations refer to case law and the Human Rights Act it is felt that those cases can be distinguished and further advice will be available on this issue at the meeting.

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

- 6.1 None

**7 PUBLISHED DOCUMENTS REFERRED TO IN COMPILING THIS REPORT**

- 7.1 None