



**NOTTINGHAM CITY COUNCIL**  
**REGULATORY AND APPEALS COMMITTEE**

**Date:** Monday, 13 January 2014

**Time:** 10.30 am

**Place:** LB31-32 - Loxley House, Station Street, Nottingham, NG2 3NG

**Councillors are requested to attend the above meeting to transact the following business**

**Deputy Chief Executive/Corporate Director for Resources**

**Constitutional Services Officer: Mark Leavesley Direct Dial: 0115 876 4302**

**AGENDA**

**Pages**

<b>1</b>	<b>APOLOGIES FOR ABSENCE</b>	
<b>2</b>	<b>DECLARATIONS OF INTERESTS</b>	
<b>3</b>	<b>MINUTES</b> Last meeting held on 18 November 2013 (for confirmation)	3 - 4
<b>4</b>	<b>STREET TRADING: RE-DESIGNATION OF GOLDSMITH STREET</b> Report of Director of Sports, Culture and Parks	5 - 8
<b>5</b>	<b>STREET TRADING: DESIGNATION OF STREETS NEAR SCHOOLS</b> Report of Director of Sports, Culture and Parks	9 - 12
<b>a</b>	<b>Appendix A (Bulwell Academy)</b>	13 - 14
<b>b</b>	<b>Appendix B (Ellis Guilford)</b>	15 - 16
<b>c</b>	<b>Appendix C (Trinity School)</b>	17 - 18

IF YOU NEED ANY ADVICE ON DECLARING AN INTEREST IN ANY ITEM ON THE AGENDA, PLEASE CONTACT THE CONSTITUTIONAL SERVICES OFFICER SHOWN ABOVE, IF POSSIBLE BEFORE THE DAY OF THE MEETING

CITIZENS ATTENDING MEETINGS ARE ASKED TO ARRIVE AT LEAST 15 MINUTES BEFORE THE START OF THE MEETING TO BE ISSUED WITH VISITOR BADGES

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**NOTTINGHAM CITY COUNCIL**

**REGULATORY AND APPEALS COMMITTEE**

**MINUTES of meeting held on 18 November 2013 at Loxley House from 10.30am to 11.10am**

- ✓ Councillor Brian Grocock (Chair)
- ✓ Councillor Dave Smith (Vice-Chair)
- ✓ Councillor Liaqat Ali
- Councillor Azad Choudhry
- ✓ Councillor Mohammed Ibrahim
- ✓ Councillor Glyn Jenkins
- ✓ Councillor Gul Khan
- Councillor Carole McCulloch
- Councillor Jackie Morris
- Councillor Mohammed Saghir
- Councillor Timothy Spencer
- Councillor Roger Steel
- ✓ Councillor Mick Wildgust
  
- ✓ Indicates present at meeting

**Present for the Flirtz application (minute 16)**

Philip Thompson	- Director/Designated Premises Supervisor	) Alljay Leisure Limited
Amanda Town	- Director	)
David Lucas	- Solicitor for the Applicant	- Fraser Brown Solicitors

**Colleagues/others in attendance**

Neil Ehrhart	- Service Manager, Markets and Fairs	)	
Melanie Bird	- Senior Licensing Officer	)	Communities
Zoey Mayes	- Licensing Officer	)	
Ann Barrett	- Solicitor to the Committee	)	Resources
Mark Leavesley	- Constitutional Services Officer	)	

**13 APOLOGIES FOR ABSENCE**

Councillor Mohammed Saghir – personal;  
Councillor Roger Steel – other City Council business.

**14 DECLARATIONS OF INTERESTS**

None.

**15 MINUTES**

The Committee confirmed the minutes of the meetings held on 11 and 22 July 2013 as a correct record and they were signed by the Chair.

**16 APPLICATION FOR RENEWAL OF A SEXUAL ENTERTAINMENT VENUE - FLIRTZ, 26A FRIARY CHAMBERS, FRIAR LANE**

The Committee considered a report of the Director of Community Protection regarding an application for the renewal of a Sex Establishment Venue Licence for the premises known as Flirtz.

Philip Thompson and Amanda Town, Alljay Leisure Limited, attended the meeting. They were represented by David Lucas, Fraser Browne Solicitors, who presented the application and summarised the professional expertise of the applicant company and its officers, and stated that they had been involved with these premises since December 2006. They all then answered questions from the Committee and made their final submissions, following which the Committee considered its decision.

**RESOLVED to renew the Sex Establishment Licence for the premises known as Flirtz, located at 26a Friary Chambers, Friar Lane, Nottingham, NG1 6DQ, subject to the existing standard and special conditions on the current licence, a copy of which was included in the report.**

**17 GOLDSMITH STREET: RE-DESIGNATION – STREET TRADING**

The Committee considered a report of the Director of Sport, Culture and Parks regarding a proposal to change the designation of Goldsmith Street from a ‘prohibited street’ (no trading allowed) to a ‘consent street’, which allows for Council-consented street trading.

Neil Ehrhart, Markets and Fairs Service Manager, presented the report.

**RESOLVED**

- (1) to authorise the Director of Sport, Culture and Parks to serve all appropriate notices and advertise the Council’s intention to pass the resolution in (2) below in accordance with Paragraph 2 of Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982;**
- (2) subject to consideration of**
  - (i) any representations received within the appropriate timescale in response to (1) above, and**
  - (ii) a further report at a meeting to be held on 13 January 2014,**

**to re-designate Goldsmith Street as a ‘consent street’ for the purpose of street trading, and rescind all previous Council designations in relation to Goldsmith Street, with effect from 17 February 2014.**

**REGULATORY AND APPEALS COMMITTEE - 13 January 2014**

<b>Title of paper:</b>	Street Trading – Re-Designation of Goldsmith Street	
<b>Director(s)/ Corporate Director(s):</b>	Hugh White Director of Sports, Culture and Parks	<b>Wards affected:</b> Arboretum
<b>Report author(s) and contact details:</b>	Neil Ehrhart Markets and Events Service Manager Tele: 0115 9156970 Email: neil.ehrhart@nottinghamcity.gov.uk	
<b>Other colleagues who have provided input:</b>	Ann Barrett, Senior Solicitor Tel:01115 8764411 Email: ann.barrett@nottinghamcity.gov.uk  Steve Ross Finance Analyst Telephone number: 0115 8763738 Email address: steve.ross@nottinghamcity.gov.uk	
<b>Relevant Council Plan Strategic Priority:</b> (you must mark X in the relevant boxes below)		
World Class Nottingham		
Work in Nottingham		X
Safer Nottingham		
Neighbourhood Nottingham		
Family Nottingham		
Healthy Nottingham		X
Leading Nottingham		
<b>Summary of issues (including benefits to citizens/service users):</b>		
The purpose of the report is to enable the Committee to consider representations made following the advertisement of this Committee’s resolution of 18 November 2013 indicating the Council’s intention to pass a resolution to re-designate Goldsmith Street as a consent street for the purposes 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 that with effect from 17 February 2014 Goldsmith Street be re-designated as a consent street for the purposes of street trading.	
<b>2</b>	The Director for Sports, Culture and Parks be authorised to advertise the above resolution 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 Goldsmith Street be rescinded with effect from 17 February 2014.	

## **1. BACKGROUND (INCLUDING OUTCOMES OF CONSULTATION)**

- 1.1 Councillors may recall that at its meeting on 18 November 2013 the Regulatory and Appeals Committee indicated its intention to pass a resolution that Goldsmith Street be re-designated as a consent street for the purposes of street trading.
- 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 No representations have been made in respect of the designation so it is recommended that Goldsmith Street be re-designated as a consent street with effect from 17 February 2014.
- 1.4 To comply with the legislation the designation shall take effect not less than one month after the resolution has been passed and the resolution must be advertised in a local newspaper for two consecutive weeks; the first publication shall not be less than 28 days before the date specified in the resolution.

## **2. REASONS FOR RECOMMENDATIONS**

- 2.1 If the resolution is passed Officers can give consideration to creating a street trading pitch selling fresh fruit and vegetables outside the Maudsley Building on Goldsmith Street as part of an initiative by Nottingham Trent University to promote healthy living with their students.
- 2.2 The designation of streets for the purpose of street trading is a matter within the Committee's remit. Goldsmith Street is felt to be of a suitable size and dimension to accommodate trading. Officers require authority to advertise the Council's intention to pass a resolution to re-designate a street for street trading purposes.

## **3. OTHER OPTIONS CONSIDERED IN MAKING RECOMMENDATIONS**

- 3.1 The application for a street trading pitch would normally have been refused as Goldsmith Street is a prohibited Street; which would affect the viability of Nottingham Trent University's initiative to promote healthy living to students.

## **4. FINANCIAL IMPLICATIONS (INCLUDING VALUE FOR MONEY/VAT)**

- 4.1 An additional street trading pitch on Goldsmith Street would generate a consent fee but this is set at a level to recover the costs of the street trading regime rather than generate additional income.

## **5. RISK MANAGEMENT ISSUES (INCLUDING LEGAL IMPLICATIONS AND CRIME AND DISORDER ACT 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 The Committee has a wide discretion as to whether streets should be designated for the purposes of street trading and if so as to the category of that designation. Should Goldsmith Street be re-designated as a consent street then conditions can be added

to any consent granted to control the location of the trading, the dimensions of any stall or vehicle used, and to prevent nuisance and obstruction.

**6. EQUALITY IMPACT ASSESSMENT**

6.1 An EIA is not needed (report does not contain proposals or financial decisions)

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

7.1 11/03/2013 Letter from Nottingham Trent University.

7.2 29/03/2013 Email from applicant; Dean Kerry.

**8. PUBLISHED DOCUMENTS REFERRED TO IN COMPILING THIS REPORT**

8.1 None.

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**REGULATORY AND APPEALS COMMITTEE - 13 January 2014**

<b>Title of paper:</b>	Street Trading – Designation of Streets near Schools	
<b>Director(s)/ Corporate Director(s):</b>	Hugh White Director of Sports, Culture and Parks	<b>Wards affected:</b> Bulwell Forest, Bulwell, Basford wards
<b>Report author(s) and contact details:</b>	Neil Ehrhart Markets and Events Service Manager Telephone number: 0115 9156970 Email address: neil.ehrhart@nottinghamcity.gov.uk	
<b>Other colleagues who have provided input:</b>	Ann Barrett Senior Solicitor Telephone number: 0115 8764411 Email address: ann.barrett@nottinghamcity.gov.uk  Steve Ross Finance Analyst Telephone number: 0115 8763738 Email address: steve.ross@nottinghamcity.gov.uk  Susan Thorpe Senior Officer, Traffic Management Telephone number: 0115 8765269 Email address: susan.thorpe@nottinghamcity.gov.uk	
<b>Relevant Council Plan Strategic Priority:</b> (you must mark X in the relevant boxes below)		
World Class Nottingham		
Work in Nottingham	X	
Safer Nottingham		
Neighbourhood Nottingham		
Family Nottingham		
Healthy Nottingham	X	
Leading Nottingham		
<b>Summary of issues (including benefits to citizens/service users):</b>		
The purpose of the report is to consider designating streets surrounding the Ellis Guilford School, Bulwell Academy and The Trinity School in Nottingham for the purposes of street trading under the Local Government (Miscellaneous Provisions) Act 1982 so that, if approved, the Council will have some control of the types of street trading allowed on streets neighbouring the schools.		
<b>Recommendation(s):</b>		
1	It is recommended that the Director of Sports, Culture and Parks be authorised to serve all appropriate notices and advertise the Council’s intention to pass the resolutions listed 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, namely that	
(i)	With effect from 02 June 2014 Hucknall Lane (from Carey Road to Sandhurst Road), Ludford Road, Squires Avenue, Beechdale Road (from Creamery Close to Highwood Avenue), Kingsbury Drive, Glencairn Drive, Harvey Road, Bar Lane, Fearnleigh Drive, Broadhurst Avenue and Pennant Road be designated as consent streets for the purposes of street trading.	

## **1. BACKGROUND (INCLUDING OUTCOMES OF CONSULTATION)**

- 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
- 1.2 At present, the streets associated with Schools named within this report are neither consented nor prohibited; vendors can set up and sell goods in an uncontrolled manner.
- 1.3 Issues of street vending outside Schools were brought to the attention of the Traffic and Safety section within the Council by the Ellis Guilford School. There is an ongoing problem that has been raised; this concerns nuisance and potential safety issues for pupils around the school. Vendors appear at the start and end of the school day selling unhealthy food products and high energy drinks from vehicles on the highway to pupils. Additionally, this has a negative impact on the local area, litter and the healthy schools ethos.
- 1.4 There was concern that similar activity may be taking place at other schools so a consultation letter was sent out to all senior schools in the City explaining the issues regarding street trading outside the Ellis Guilford School. The Trinity School and the Bulwell Academy both expressed support for streets to be designated around their schools.
- 1.5 To enable the council some control of the types of street trading allowed on streets neighbouring these schools it is the intention to designate streets adjoining the schools as consent streets.
- 1.6 If Committee agree the recommendations, an advertisement will be placed in the local press stating that representations relating to the proposed resolutions may be made in writing within 28 days of the notice. The Police and the Highways Authority will also be notified. The matter will be reported back to this Committee to consider any representations that are received and to determine whether the resolutions should be passed; such Committee will need to be convened by week commencing 31 March 2014 to achieve the advertised effective date.

## **2. REASONS FOR RECOMMENDATIONS**

- 2.1 Officers require authority to advertise the Council’s intention to pass a resolution to designate streets for street trading purposes. The recommendations will enable the advertisement to go ahead.

## **3. OTHER OPTIONS CONSIDERED IN MAKING RECOMMENDATIONS**

- 3.1 At the present time there is no control over the types of street trading allowed around the three schools; designating the streets around the schools allows the Council Officers to control the types of street trading allowed. Consideration was given to

designating the named streets as prohibited but this may prevent supported activities at the schools in the future.

- 3.2 There is concern that if these streets in the report are designated as consent streets the sale of unhealthy food products and high energy drinks from vehicles on the highway may transfer to other schools. Consideration was given to designating a number of streets outside all fourteen senior schools in Nottingham but after consultation only the three schools mentioned in the report expressed concerns. It was considered proportionate to only designate the streets outside these three schools.

#### **4. FINANCIAL IMPLICATIONS (INCLUDING VALUE FOR MONEY/VAT)**

- 4.1 There are no financial implications relating to this report. A further report would be needed if any additional costs are identified at a later stage.

#### **5. RISK MANAGEMENT ISSUES (INCLUDING LEGAL IMPLICATIONS AND CRIME AND DISORDER ACT 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 The Committee has a wide discretion as to whether streets should be designated for the purposes of street trading and if so as to the category of that designation.

#### **6. EQUALITY IMPACT ASSESSMENT**

- 6.1 An EIA is not needed (report does not contain proposals or financial decisions)

#### **7. LIST OF BACKGROUND PAPERS OTHER THAN PUBLISHED WORKS OR THOSE DISCLOSING CONFIDENTIAL OR EXEMPT INFORMATION**

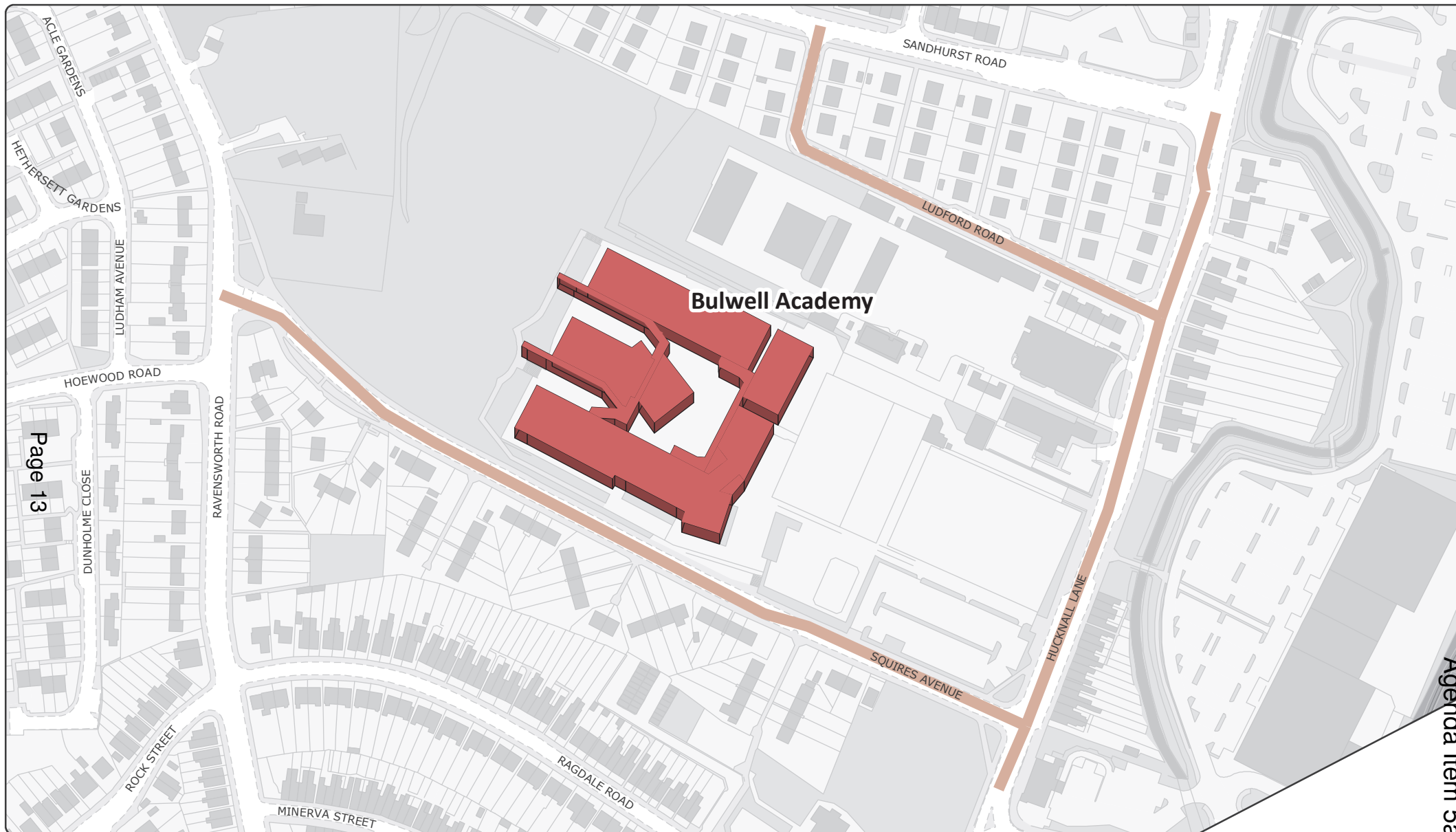
- 7.1 01/11/2013 - Email from Trinity School
- 7.2 04/11/2013 - Letter from Ellis Guilford School & Sports College
- 7.3 06/11/2013 - Letter from Bulwell Academy

#### **8. PUBLISHED DOCUMENTS REFERRED TO IN COMPILING THIS REPORT**

- 8.1 None

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# Bulwell Academy - Markets and Fairs Map



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Agenda Item 5a

## Key

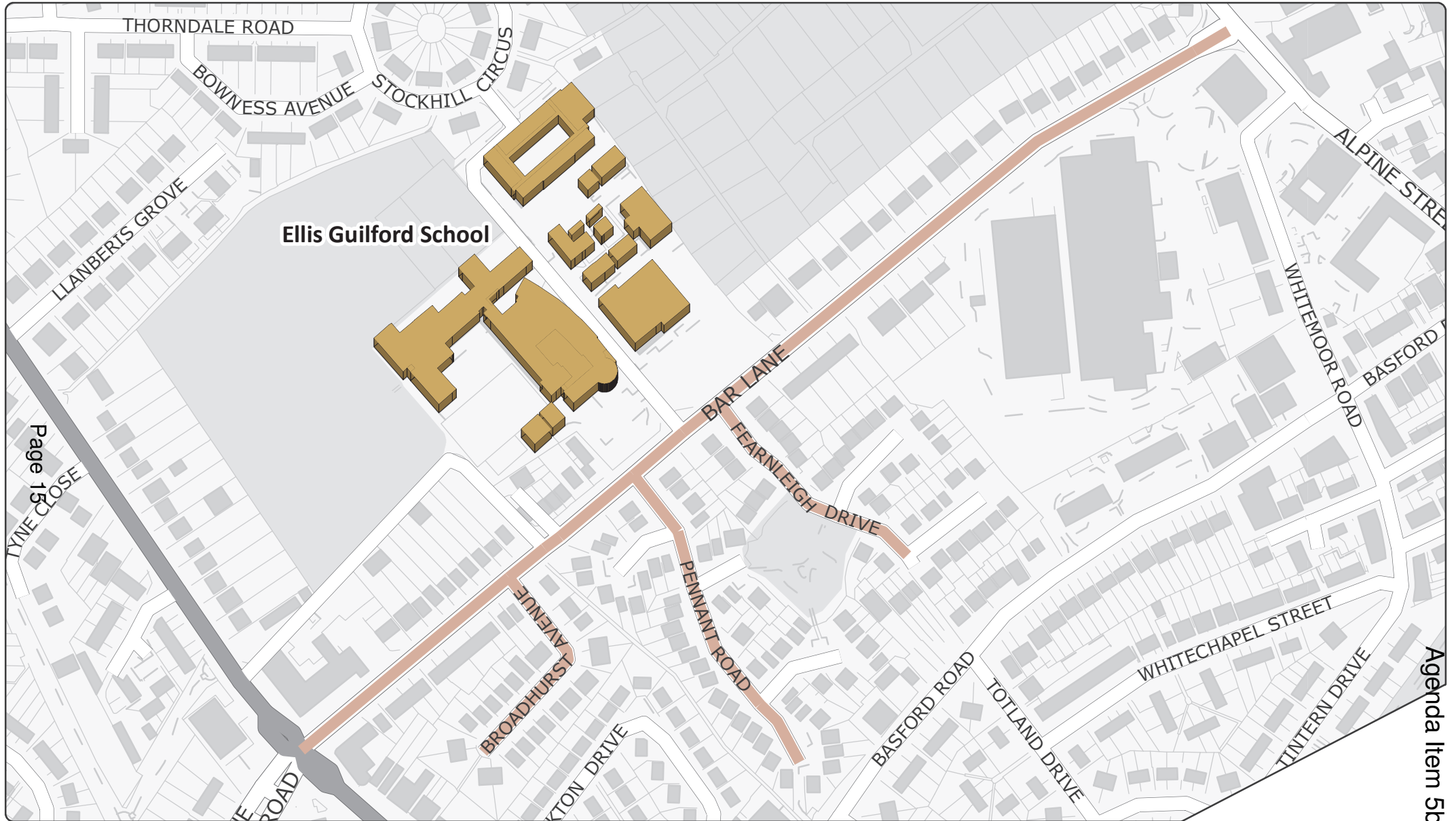
-  Proposed consent street designation
-  Bulwell Academy

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# Ellis Guilford School & Sports College - Markets and Fairs Map



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Agenda Item 5b

**Key**

- Proposed consent street designation
- Ellis Guilford School

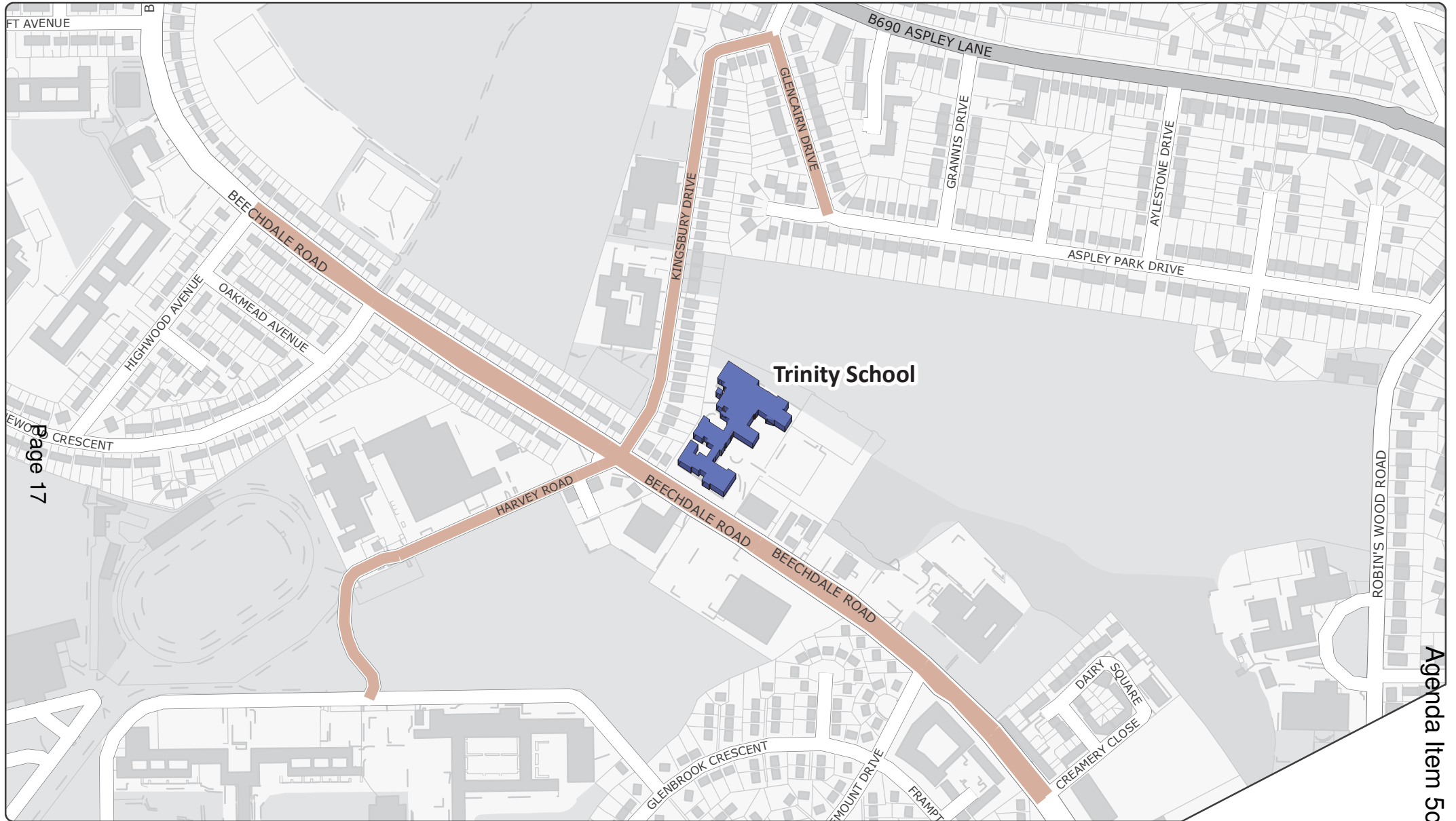
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# Trinity School - Markets and Fairs Map



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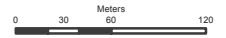
Agenda Item 5c

## Key

Proposed consent street designation

Trinity School

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