

Title of paper:	Proposed Designation/Re–designation of Specified Streets for Street Trading purposes in Nottingham City Centre	
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Other colleagues who have provided input:		
Date of consultation with Portfolio Holder(s) (if relevant)		
Does this report contain any information that is exempt from publication? No		
Relevant Council Plan Outcome:		
Green, Clean and Connected Communities	<input type="checkbox"/>	
Keeping Nottingham Working	<input checked="" type="checkbox"/>	
Carbon Neutral by 2028	<input type="checkbox"/>	
Safer Nottingham	<input type="checkbox"/>	
Child-Friendly Nottingham	<input type="checkbox"/>	
Living Well in our Communities	<input type="checkbox"/>	
Keeping Nottingham Moving	<input type="checkbox"/>	
Improve the City Centre	<input checked="" type="checkbox"/>	
Better Housing	<input type="checkbox"/>	
Serving People Well	<input checked="" type="checkbox"/>	
Summary of issues (including benefits to citizens/service users): The purpose of the report is to enable the Committee to consider any representations made following the advertisement of this Committee's resolution on 9 th June 2023, before deciding whether to re-designate the streets listed in recommendation 1 below which are currently designated as prohibited streets to consent streets and to designate the street listed in recommendation 2 below which is not currently subject to a designation as a consent street for the purpose of street trading.		
Recommendation(s):		
1	It is recommended that pursuant to paragraph 2 of schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982 and being satisfied that it is necessary that, with effect from 11 th December 2023, the streets in the city of Nottingham listed at (a) – (f) below shall be re-designated as "consent" streets for the purposes of street trading: (a) Collin Street (b) Sussex Street (c) Trent Street (d) Carrington Street from its junction with Collin Street to its junction with Station Street	

	(e) Albion Street (f) Stanford Street
2	It is recommended that pursuant to paragraph 2 of schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982 and being satisfied that it is necessary that, with effect from 11 th December 2023, part of Station Street in the city of Nottingham from its junction with Carrington Street to its junction with Trent Street in the said city is designated as a “consent” street for the purposes of street trading.
3	All previous resolutions of the Council relating to the designation of the streets listed in recommendation 1 above be rescinded with effect from 11 th December 2023.
4	It is recommended that the Director of Communities be authorised to advertise the resolutions outlined in 1, 2 and 3 above in accordance with paragraph 2 of Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982.

1. Reasons for recommendations

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

1.2 “*Consent Street*” means a location in which street trading is prohibited without the consent of the council.

1.3 “*Licence street*” means a street in which street trading is prohibited without a licence granted by the council.

1.4 “*Prohibited Street*” means a location in which trading is prohibited.

1.5 ‘Undesignated’ streets are neither consent nor prohibited; vendors can set up and sell goods in such a location in an uncontrolled manner.

1.6 At present, the streets referred to in this report are either designated as Prohibited Streets or are undesignated. The current designations are as follows:

- Collin Street: Prohibited
- Sussex Street Prohibited
- Trent Street: Prohibited
- Station Street: Undesignated
- Carrington Street: Prohibited
- Albion Street: Prohibited
- Stanford Street: Prohibited

1.7 The Council has, over time, designated most streets within Nottingham City Centre as either “Consent Streets” or “Prohibited Streets”. However, as part of the ongoing regeneration of the Broadmarsh area of the City Centre there have been some significant changes to the surrounding streets and, in the light of changes to the use of the city centre it is suggested that a complete ban of street trading in the streets listed at paragraph 1.6 above are no longer necessary. Collin Street, for example, is currently designated as a Prohibited Street and until recently has been a very busy road with a relatively narrow footway on either side which made

it unsafe for street trading. However, more recently restrictions on access for vehicular traffic on Collin Street have been introduced which have resulted in change to the way that Collin Street and the surrounding streets could be used combined with general changes to the way that the city centre has been used over time and the decline of the traditional high street since the last review of street trading took place.

1.8 The recommendations will enable the Council to retain control over the types of street trading taking place and the parameters under which it can operate where a complete ban is no longer considered necessary. It is important for the Council to retain control over the activity of street trading on the city's streets in order to:

- prevent over saturation of types of trade activity in specific locations
- be able to balance the city's offer between indoor and outdoor activity and prevent conflict between current traders and new traders
- ensure that there is no conflict between pedestrians and traders
- ensure the streets are inclusive to all users inc. pushchairs, wheelchairs
- have knowledge of the city's current offer to ensure a quality of offer appropriate for the space including the focus on local business, what will benefit and enhance the local area
- safeguard and control the implementation of regulations and safety requirements
- safeguard and control the implementation of sustainability credentials including the appropriate utility and power generation methods
- ensure the city streets aesthetics and sightlines are maintained.

1.9 Previously it had been deemed appropriate to designate some city streets as prohibited streets where there had historically been a lack of control over street trading and where it was felt that street trading may detract from other forms of established retail already present in the city. However, this predates the recent decline of the traditional retail based high-street and we now have an opportunity to revisit the street designations with the aim of providing a new offer in the city centre where appropriate.

1.10 As part of the review of designations it has been identified that the street listed in recommendation 2 above [Station Street] is currently an Undesignated street. If the re-designations of the streets listed in recommendation 1 above are approved, this may result in more street trading taking place on these streets. To enable the Council to establish control of the types of street trading allowed on Station Street it is therefore also the intention to designate Station Street as a Consent street.

1.11 Station Street has undergone extensive pedestrianisation and redevelopment and is a key gateway into the city centre. By designating the street as Consent this will enable the Council to control the street trading activity taking place as the regeneration of the wider locality continues.

1.12 References to streets include the whole length and width of that street or road between the boundaries described and include any verges and pavements.

1.13 See Regulatory and Appeals Committee Report 9th June 2023 and attached appendices for an illustration of the streets with the proposed consent streets indicated approximately with blue highlighting for a graphical guide and information only at Appendix 1.

2. Other options considered in making recommendations

2.1 Designation of streets as Licence Streets: The use of Licence streets in this locality would be inconsistent with the wider regime across the city of Consent/Prohibited designations.

2.2 All streets [as identified in recommendation] be designated 'Un-designated' streets: It is vital that the Council is able to control the Street Trading activity across the city for the reasons described in this report and by allowing the streets to become Undesignated all control and benefits would be lost.

2.3 Do Nothing - Remain as current designations: This option would not allow the opportunities for a new city centre street-based offer to activate the Broad Marsh locality, which will support the wider regeneration the city centre.

3. Consideration of Risk

3.1 Risk:

Redesignation: By re-designating the streets as consent streets this will allow the Council to manage and control the types of street trader allowed to operate from these areas while being able to continue to regenerate the Broad Marsh area through activation of the streets for trading activity. However, this could have an impact on disabled people or carers as this may well create obstructions where there were none previously. However, the control measures that consent designation gives the council will ensure that any new any issues with traders blocking pavements, access points and traffic junctions can be prevented.

3.2 Mitigation:

- The expertise of the markets and fairs team to enforce conditions of consent approvals
- Consultation will be carried out once specific locations of street trading pitches are applied for as a result of this decision if approved. This will include with the identified groups and ensure that throughfares and access is not restricted
- Market officers to carry out weekly patrols of the City to review street trading. These are then fed back in at the office and the relevant enforcement procedures are followed.

4. Background (including outcomes of consultation)

4.1 See previous Regulatory and Appeals Committee Report 9th June 2023 for background details of the proposal.

Results of consultation

4.2 At the meeting on the 9th June 2023 the Regulatory and Appeals Committee indicated its intention to pass a resolution that the streets listed in recommendation (1) above be designated and (2) above be re-designated as consent streets for the purposes of street trading.

4.3 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.

4.4 It should be noted that while a public notice in accordance with the above legislation was published in the Metro on 3rd July 2023 date, it was noted that this had a heading which related to another matter, and therefore, a further notice was published in the Metro on 29th August 2023 date giving a further period of 28 days for any representations to be received in writing, expiring on 27th September 2023 date.

4.5 No representations have been received in respect of the proposed designation to date (28 September 2023) and the consultation period has now expired. It is recommended that the streets listed in recommendation 1 and 2 above be designated as consent streets for the purpose of street trading with effect from 11th December 2023.

4.6 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.

5. Finance colleague comments (including implications and value for money)

5.1 The recommendations in this report do not raise any material financial implications. The re-designation of the streets listed, allows the Council to have control over the types of street trading to take place.

Maria Balchin, Senior Commercial Business Partner on 14 September 2023

6. Legal colleague comments

6.1 The procedure for designating streets under the street trading regime is prescribed by law and the recommendations are to follow the required procedure.

6.2 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 the streets be designated/re-designated as consent streets then conditions can be added to any consent granted to control the location of the trading, the dimensions of any stall, and to prevent nuisance and obstruction.

Tamazin Wilson, Senior Solicitor, advice provided on 28 September 2023

7. Other relevant comments

8. Crime and Disorder Implications (If Applicable)

8.1 This process concerns the designation status of the streets outlined in recommendations 1 and 2 above however if those proposed re-designations and designation are brought into effect, before the location of any street trading pitches in those areas can be finalised further consultation with Police and City licensing will be required and carried out with to assess the impact and suitability of those proposed pitches.

9. Social value considerations (If Applicable)

9.1 This proposal will enable street trading to operate from streets that have undergone significant change due to the ongoing Broad Marsh Regeneration and will see a new retail and leisure offer being made possible for the people of Nottingham.

10. Regard to the NHS Constitution (If Applicable)

10.1 N/A

11. Equality Impact Assessment (EIA)

11.1 Has the equality impact of the proposals in this report been assessed?

Yes

An EIA has been completed and was attached to the previous Regulatory and Appeals Committee Report 9th June 2023. Due regard will be given to any implications identified in it.

12. Data Protection Impact Assessment (DPIA)

12.1 Has the data protection impact of the proposals in this report been assessed?

No

A DPIA is not required because there are no data protection implications for this proposal.

13. Carbon Impact Assessment (CIA)

13.1 Has the carbon impact of the proposals in this report been assessed?

No

A CIA is not required as there is no carbon impact associated with this proposal.

14. List of background papers relied upon in writing this report (not including published documents or confidential or exempt information)

14.1 N/A

15. Published documents referred to in this report

15.1 Regulatory and Appeals Committee Report 9th June 2023