

REGULATORY AND APPEALS COMMITTEE - 7 April 2014

Title of paper:	Street Trading – Designation of Streets near Schools	
Director(s)/ Corporate Director(s):	Hugh White Director of Sports, Culture and Parks	Hugh White Director of Sports, Culture and Parks
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Relevant Council Plan Strategic Priority: (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	

Summary of issues (including benefits to citizens/service users):

The purpose of the report is to enable the Committee to consider representations made following the advertisement of this Committee's resolution of 13 January 2014 indicating the Council's intention to designate streets surrounding the Ellis Guilford School, Bulwell Academy and The Trinity School in Nottingham for the purposes of street trading.

Recommendation(s):

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| 1 | It is recommended that, pursuant to paragraph 2 of schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982 that 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. |
| 2 | 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. |
| 3 | All previous resolutions of the City Council relating to the designation of 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Kingsbury Drive, Glencairn Drive, Harvey Road, Bar Lane, Fearnleigh Drive, Broadhurst Avenue and Pennant Road be rescinded with effect from 02 June 2014.

1. BACKGROUND (INCLUDING OUTCOMES OF CONSULTATION)

- 1.1 Councillors may recall that at its meeting on 13 January 2014 the Regulatory and Appeals Committee indicated its intention to pass a resolution that 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.
- 1.2 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 proposed designations so it is recommended that 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 with effect from 02 June 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 There have been reported issues of street vending taking place outside Ellis Guilford School causing 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.
- 2.2 The Trinity School and the Bulwell Academy have both expressed support for streets to be designated around their schools to prevent similar issues developing around their sites.
- 2.3 The recommendation will enable the council some control of the types of street trading allowed on streets neighbouring these schools using the Local Government (Miscellaneous Provisions) Act 1982.

3. OTHER OPTIONS CONSIDERED IN MAKING RECOMMENDATIONS

- 3.1 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 the 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. Should the streets be 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 or vehicle used, and to prevent nuisance and obstruction.

6. EQUALITY IMPACT ASSESSMENT

Has the equality impact been assessed?

Not needed (report does not contain proposals or financial decisions)

No

Yes – Equality Impact Assessment attached

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

01/11/2013 - Email from Trinity School

04/11/2013 - Letter from Ellis Guilford School & Sports College

06/11/2013 - Letter from Bulwell Academy

8. PUBLISHED DOCUMENTS REFERRED TO IN COMPILING THIS REPORT

None.