

REGULATORY AND APPEALS COMMITTEE - 13 January 2014

Title of paper:	Street Trading – Designation of Streets near Schools	
Director(s)/ Corporate Director(s):	Hugh White Director of Sports, Culture and Parks	Wards affected: Bulwell Forest, Bulwell, Basford wards
Report author(s) and contact details:	Neil Ehrhart Markets and Events Service Manager Telephone number: 0115 9156970 Email address: neil.ehrhart@nottinghamcity.gov.uk	
Other colleagues who have provided input:	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	
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 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.		
Recommendation(s):		
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