

**REGULATORY AND APPEALS COMMITTEE – 8<sup>th</sup> October 2018**

<b>Title of paper:</b>	Street Trading – Designation of Streets near Schools - Formal consultation feedback	
<b>Director:</b>	Hugh White Director Sport & Culture Hugh.white@nottinghamcity.gov.uk	<b>Wards affected:</b> Sherwood, Berridge, St Ann's, Bulwell Forest, Bestwood, Basford, Arboretum, Wollaton West, Clifton South, Radford and Park, Bulwell
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<b>Relevant Council Plan Key Theme:</b>	
Strategic Regeneration and Development	<input type="checkbox"/>
Schools	x <input type="checkbox"/>
Planning and Housing	<input type="checkbox"/>
Community Services	<input type="checkbox"/>
Energy, Sustainability and Customer	<input type="checkbox"/>
Jobs, Growth and Transport	x <input type="checkbox"/>
Adults, Health and Community Sector	<input type="checkbox"/>
Children, Early Intervention and Early Years	<input type="checkbox"/>
Leisure and Culture	x <input type="checkbox"/>
Resources and Neighbourhood Regeneration	<input 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 21 May 2018 indicating the Council's intention to designate streets surrounding certain schools in Nottingham 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 , with effect from 03 December 2018, to designate the streets listed below as 'Consent Streets' for the purposes of street trading:
- Beckhampton Road from its junction with Bala Drive to its junction with Belleville Drive;
  - Bala Drive
  - Belsay Road;
  - Bar Lane;
  - Pennant Road;
  - Fernleigh Drive;
  - Padstow Road;
  - Beckhampton Road from its junction at Mountfield Drive to its junction with Hartcroft Road;
  - Mountfield Drive from its junction at Beckhampton Road to its junction with Raithby Close;
  - Eastglade Road from its junction with Stevenholme Crescent to its junction with Beckhampton Road;
  - Harrow Road from its junction at Ancaster Gardens to its junction with Middleton Boulevard;
  - Harrow Gardens;
  - Berridge Road West from its junction with Brushfield Street to its junction with Kenslow Avenue;
  - Oakland Street;
  - Bobbers Mill Road;
  - Ragdale Road;
  - Squires Avenue;
  - Citadel Street;
  - Target Street;
  - Gatling Street;
  - Winscombe Mount from its junction with Pastures Avenue to its junction with Bramber Grove;
  - Honister Close;
  - Cantrell Road from its junction with Nelson Road to its junction with St Albans Road;
  - Gordon Road from its junction with St Matthias Road to its junction with Serlby Rise;
  - St Matthias Road from its junction with Beacon Hill Rise to its junction with Woodhouse Street;
  - Berridge Road Central from its junctions with Radford Road to its junction with Noel Street;
  - Beaconsfield Street from its junction with Radford Road to its junction with Noel Street;
  - Carver Street;
  - Fisher Street;
  - Jenner Street from its junction with Hucknall Road to its junction with Wesley Street;
  - New Street;
  - Wesley Street;
  - Kersall Drive from its junction with Highbury Road to its junction with Brooklyn Road;
  - Brooklyn Road from its junctions at Kersall Drive to its junction with Piccadilly;
  - Piccadilly from its junction with Highbury Road to its junction with Brooklyn Road;
  - Kemmel Road;

	<p>Hillington Rise;  Chippenham Road from its junction with Hillington Rise to its junction with Queens Bower Road;  84.2 linear meters of Wendling Gardens in a west - north west direction from the junction with Chippenham Road.  Bracknell Crescent;  Hayling Drive;  Newport Drive;  Scotland Road;  White Road.</p>
2	<p>It is recommended that the Director of Sports and Culture be authorised to advertise the above resolution in accordance with paragraph 2 of Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982.</p>

## 1 **REASONS FOR RECOMMENDATIONS**

- 1.1 Issues of street vending outside Schools were brought to the attention of the Markets Team within the Council by councillors and local residents. An ongoing problem about nuisance and potential safety issues for pupils around some schools at peak times such as drop off and pick up was identified. Additionally, this has a negative impact on the local area, litter and the healthy schools ethos.
- 1.2 There was concern that similar activity may be taking place at other schools so a consultation letter was sent out to all schools in the City requesting feedback on their experience about this matter. A number of schools (17) have responded requesting support for streets to be designated. The schools requesting assistance are listed below:
- Southglade Primary School
  - Ellis Guilford School & Sports College
  - Henry Whipple Primary School
  - Robin Hood Primary School
  - Middleton Primary and Nursery School
  - Berridge Junior School
  - Bulwell St Mary's Primary and Nursery Academy
  - Nottingham Nursery & Training Centre
  - Highbank Primary and Nursery Academy
  - Cantrell Primary and Nursery School
  - Blue Bell Hill Primary and Nursery Academy
  - Scotholme Primary and Nursery Academy
  - Carrington Primary and Nursery School
  - Heathfield Primary and Nursery School (Kersall Drive)
  - Glade Hill Primary School
  - Whitemoor Academy (Primary and Nursery)
  - Heathfield Primary and Nursery School (Scotland Road)
- 1.3 The recommendations will enable the Council some control over the types of street trading allowed on streets or parts of streets listed in recommendation (1) above which neighbour the above schools.

## **2 BACKGROUND (INCLUDING OUTCOMES OF CONSULTATION)**

- 2.1 At the meeting on the 21<sup>st</sup> May 2018 the Regulatory and Appeals Committee indicated its intention to pass a resolution that the streets listed in recommendation (1) above be designated as consent streets for the purposes of street trading.
- 2.2 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.
- 2.3 No representations have been made in respect of the proposed designation so it is recommended that the streets listed in recommendation (1) above be designated as consent streets for the purpose of street trading with effect from 3 December 2018.
- 2.4 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.

## **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 schools. This action allows the Council Officers to control the types of street trading allowed.
- 3.2 Consideration was given to designating the named streets as prohibited but this may prevent supported activities at the schools in the future.
- 3.3 Consideration was given to designating a number of streets outside all schools in Nottingham but after consultation only the schools mentioned in the report expressed concerns. It was considered proportionate to only designate the streets outside schools that had raised concerns

## **4 FINANCE COLLEAGUE COMMENTS**

- 4.1 As a result of this decision, the expectation is that there will be minimal impact on the Medium Term Financial Plan, based on the current levels of unlicensed street vending. As a result, any costs arising from addressing unlicensed street trading can be contained from within approved budgets.

*Maria Balchin, Senior Commercial Business Partner. 13 September 2018*

## **5 LEGAL AND PROCUREMENT COLLEAGUE COMMENTS (INCLUDING RISK MANAGEMENT ISSUES, AND LEGAL, CRIME AND DISORDER ACT AND PROCUREMENT 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 procedures.
- 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.

*Tamazin Wilson, Solicitor, 6 September 2018*

**6 STRATEGIC ASSETS & PROPERTY COLLEAGUE COMMENTS**

6.1 N/A

**7 EQUALITY IMPACT ASSESSMENT**

7.1 Not required.

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

8.1 None.

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

9.1 Regulatory and Appeals Committee Report 21 May 2018