

Agenda

Environment and Licensing Committee

Date: **Tuesday 10 January 2023**

Time: **4.15 pm**

Place: **Council Chamber**

For any further information please contact:

Democratic Services

committees@gedling.gov.uk

0115 901 3844

Environment and Licensing Committee

Membership

Chair Councillor Marje Paling

Vice-Chair Councillor Nicki Brooks

Councillor Pat Bosworth
Councillor Rachael Ellis
Councillor Des Gibbons
Councillor Julie Najuk
Councillor Alex Scroggie
Councillor Martin Smith
Councillor Sam Smith
Councillor Clive Towsey-Hinton
Councillor Paul Wilkinson

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AGENDA

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- 1 **Apologies for Absence and Substitutions.**
- 2 **To approve, as a correct record, the minutes of the meeting held on 29 November 2022.** 5 - 6
- 3 **Declaration of Interests.**
- 4 **Application for Street Trading consent at Eagle Square Arnold** 7 - 17
Report of the Head of Environment
- 5 **Any other item which the Chair considers urgent.**
- 6 **Exclusion of the Press and Public.**
To move that under Section 100(A)(4) of the Local Government Act 1972 the public and press be excluded from the meeting during consideration of the ensuing reports on the grounds that the reports involve the likely disclosure of exempt information as defined in Paragraph 7 of Part 1 of Schedule 12A of the Local Government Act 1972.
- 7 **Change of circumstances for Hackney Carriage/Private Hire Licence AA** 19 - 20
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Report of Head of Environment

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MINUTES ENVIRONMENT AND LICENSING COMMITTEE

Tuesday 29 November 2022

Councillor Marje Paling (Chair)

Present: Councillor Nicki Brooks Councillor Martin Smith
Councillor Rachael Ellis Councillor Sam Smith
Councillor Des Gibbons Councillor Clive Towsey-Hinton
Councillor Julie Najuk Councillor Paul Wilkinson
Councillor Alex Scroggie

Absent: Councillor Pat Bosworth

Officers in Attendance: C Allcock, J Brough, B Hopewell and R Pentlow

22 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS.

Apologies for Absence were received from Councillor Bosworth.

23 TO APPROVE, AS A CORRECT RECORD, THE MINUTES OF THE MEETING HELD ON 1 NOVEMBER 2022.

RESOLVED:

That the minutes of the above meeting, having been circulated, be approved as a correct record.

24 DECLARATION OF INTERESTS.

None.

25 ANY OTHER ITEM WHICH THE CHAIR CONSIDERS URGENT.

None.

26 EXCLUSION OF THE PRESS AND PUBLIC.

RESOLVED:

That, the Members being satisfied that the public interest in maintaining the exemption outweighs the public interest in disclosing the information that under Section 100(A)(4) of the Local Government Act 1972, the public and press be excluded from the meeting during the consideration of the ensuing reports on the grounds that the reports involve the likely disclosure of exempt information as defined in Paragraph 7 of Part 1 of Schedule 12A of the Local Government Act 1972.

27 APPLICATION FOR A ONE YEAR HACKNEY CARRIAGE/PRIVATE HIRE DRIVERS LICENCE, WA

Consideration was given to a report of the Head of Environment, which had been circulated in advance of the meeting, regarding an application for a one year joint Hackney Carriage/Private Hire Driver's Licence for WA.

WA attended the meeting and addressed the Committee.

In making the decision the Committee applied the Council's approved Policy and Guidelines.

RESOLVED to:

Approve WA's application for a one year Joint Hackney Carriage/Private Hire Driver's Licence.

**28 CHANGE OF CIRCUMSTANCES OF HACKNEY
CARRIAGE/PRIVATE HIRE DRIVERS LICENCE - EA**

Consideration was given to a report of the Head of Environment, which had been circulated in advance of the meeting, regarding a change of circumstances following information received about the holder of a Joint Hackney Carriage/ Private Hire Driver's Licence.

EA attended the meeting and addressed the Committee.

In making the decision the Committee applied the Council's approved Policy and Guidelines.

RESOLVED:

- 1) To suspend EA licence for three months; and
- 2) Issue a warning to EA that such conduct fell short of the expected standard for Hackney Carriage Drivers and that further such incidents would result in another appearance before the Committee.

EA was given 21 days to surrender his licence and was advised of his right to appeal against the decision of the Committee.

29 ITEM FOR INFORMATION - APPEAL OUTCOME FOR MJA

Consideration was given to a report which gave information about a recently decided appeal against the revocation of a license.

RESOLVED:

To note the information.

The meeting finished at 6.35 pm

Signed by Chair:
Date:



Report to Environment and Licensing Committee

Subject: Application for Street Trading consent at Eagle Square Arnold

Date: 10 January 2023

Author: Head of Environment

Purpose

To consider an application made by Gedling Borough Council for a Street Trading Consent for the Arnold Market to trade in a consent street in Arnold (Appendix 1).

To seek approval for the consent to be for a period until the end of December 2023 which is a departure from the Council's Street Trading Policy (Appendix 2).

Recommendation(s)

That Members:

- 1. Approve the application made by Gedling Borough Council for a Street Trading Consent for the Arnold Market to trade in a consent street in Arnold as shown attached to the report.**
- 2. Approve a departure from the Council's Street Trading Policy and that the consent be until the end of December 2023.**

1 Background

1.1 Schedule 4 of The Local Government Miscellaneous Provisions Act (1982) gives District Councils the power to designate any street as either

- 'a prohibited street' (all street trading is prohibited);
- 'a licence street' (street trading is prohibited without a licence from the council); or

- 'a consent street' (street trading is prohibited without the consent of the council).

This designation then gives the council the power to control street trading on that street. The Council adopted Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982 on 6th June 1983.

- 1.2 In 2012 the Environment and Licensing Committee approved that the Front Street area of Arnold and portions of the streets that branch off it, be re-designated from a 'prohibited street' to a 'consent street'. This was due to the activities in town centres changing allowing for more markets, fairs and other events to take place whilst balancing the control of such events by the Council by way of a policy to monitor the type of trading and events that take place.

This has allowed for the Arnold town centre to have craft fairs and a Christmas market over the last few years whilst protecting the interests of the Arnold Market traders.

- 1.3 As Members will be aware there has been a complete restructuring of the Arnold Market area with the construction of the AMP. During the construction of the AMP the Arnold Market traders were relocated to the Eagle Square area which has been operating under an existing Street Trading Consent granted by this Committee which expires at the end of January 2023. The Council are currently undertaking a consultation with a view to the permanent relocation of the market to Eagle Square. While this consultation is being undertaken, and for any additional permissions to be sought, the Council have submitted a further application and supporting documents for a new Street Trading Consent which are attached at Appendix 1.

- 1.4 The Council street trading policy is attached at Appendix 2. In Section 4.0 (5) the policy states

'The council will not grant permission for any trader to operate for any more than 16 days within a calendar year'.

The application submitted is for consent until the end of December 2023 which contravenes this section of the policy. However, Eagle Square, which is in the 'consent street' area, has proven to be the only viable option for the market to continue to operate while the consultation for permanent relocation is undertaken and any additional permissions are sought.

2 Proposal

- 2.1 To consider an application made by Gedling Borough Council for a Street Trading consent for the Arnold Market to trade in a consent street in Arnold (Appendix 1).

To seek approval for the consent to be until the end of December 2023 which is a departure from the Council's Street Trading Policy.

3 Alternative Options

3.1	To not allow the application which would result in the Arnold market being unable to trade in Arnold whilst the consultation for permanent relocation is undertaken and any additional permissions are sought.
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4 Financial Implications

4.1 None

5 Legal Implications

5.1 None

6 Equalities Implications

6.1 None

7 Carbon Reduction/Environmental Sustainability Implications

7.1 None

8 Appendices

8.1 Appendix 1 – Application made by Gedling Borough Council for Street Trading consent

Appendix 2 – General Street Trading Policy

9 Background Papers

9.1 None

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Application for a Street Trading Consent

Local Government (Miscellaneous Provisions) Act 1982

Full name	Mr/Mrs/Miss/Ms Gedling Borough Council
Full address	Civic Centre, Arnot Hill Park Arnold Nottinghamshire Post code: NG5 6LU
Telephone number	0115 9013891
Email address	arnoldmarket@gedling.gov.uk
Description of stall and number of stalls	14 stalls used for a regular market Tuesdays, Fridays and Saturdays
Description of goods being traded	Fruit and veg, ladies fashion, watch repairs, plants, confectionary Butchery products, DVD/Books, occasional casual trader
Have you ever had a Street Trading Licence or Consent revoked before – please give details	No
Please detail the dates and times you would like to trade under a Consent	Tuesday 7-4 Friday 7-4 Saturday 7-4 Permission is sought until end of December 2023

Checklist (please tick)	I enclose a plan showing the location I intend the trade from x <input type="checkbox"/> I enclose the correct fee <input type="checkbox"/> I enclose a copy of my Public Liability Insurance x <input type="checkbox"/> I confirm that I have satisfied the requirements of Nottingham City Council's Market Charter <input type="checkbox"/>
Declaration of applicant Signed Dated	I have read the Council's Policy regarding Street Trading Consents I declare that the information in this application is true to the best of my knowledge and belief and I understand that any information given which is subsequently found to be incorrect may result in the revocation or refusal of any Consent. I confirm that my Public Liability Insurance is valid and in date Vaughen Crompton 30/11/2022

Supporting Statement

This supporting statement has been prepared on behalf of Gedling Borough Council to support the extension of the change of use of Eagle Square for a temporary market for an additional 12 months. This is to allow the completion of formal consultation for a permanent move. This proposal will provide continuity to the traders and allow for the continued positive impact of the market economically and socially on the Primary Shopping Area and on the town itself.

EAGLE SQUARE - ARNOLD

Interim Market Stall Layout

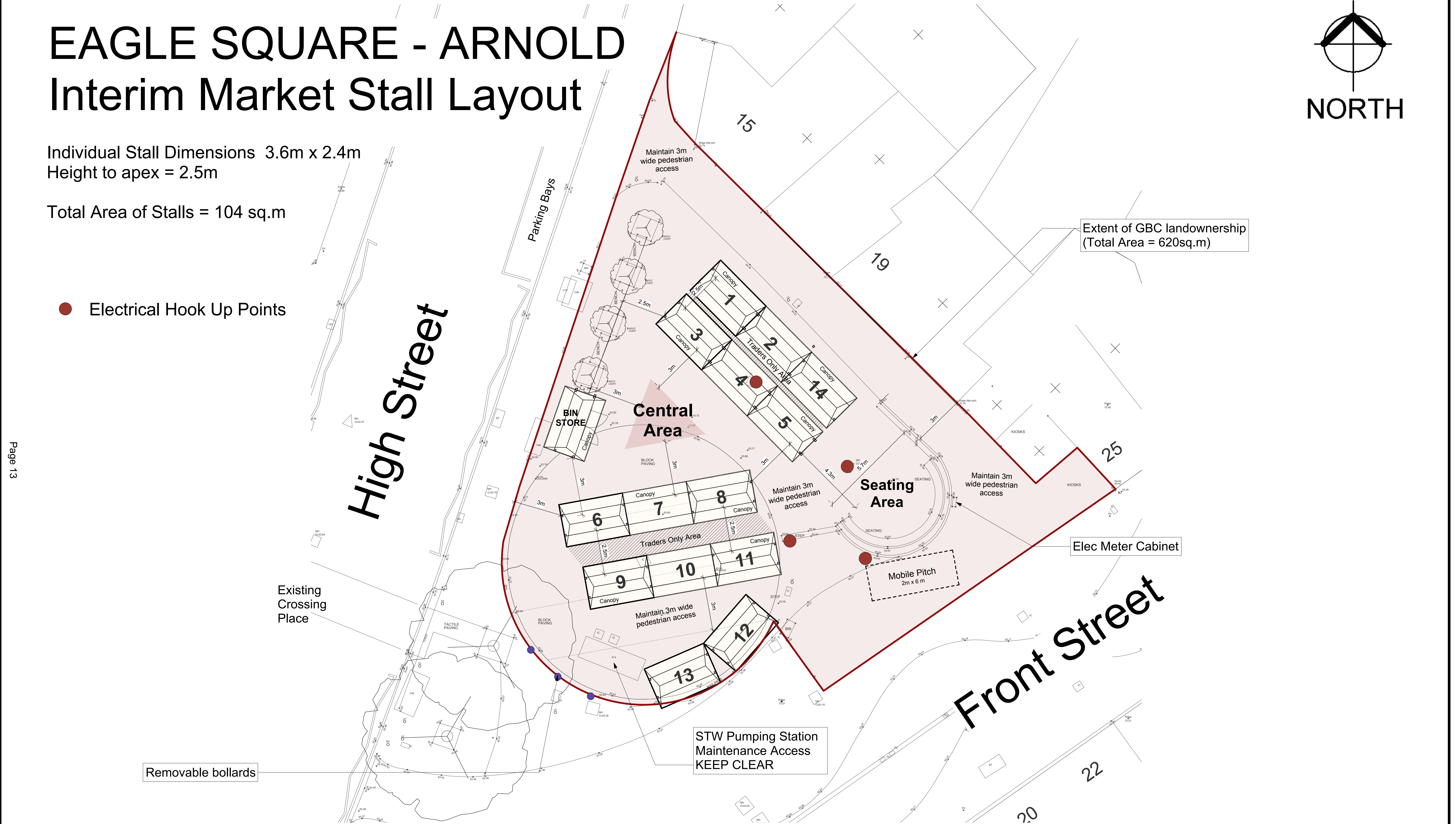
Individual Stall Dimensions 3.6m x 2.4m
Height to apex = 2.5m

Total Area of Stalls = 104 sq.m

● Electrical Hook Up Points



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REV	DETAILS OF AMENDMENT	DATE	NAME	CHECKED



GEDLING BOROUGH COUNCIL
CIVIC CENTRE · ARNOT HILL PARK · ARNOLD · NOTTINGHAM · NG5 6LU
ECONOMIC GROWTH & REGENERATION

PROJECT
ARNOLD TOWN CENTRE

TITLE
ARNOLD MARKET PLACE
Interim Market Proposals
Eagle Square Stall Layout

CODE No.	TBC	DRAWING No.	GBC/EG+R/AMP_004	REVISION	H
DATE	12.10.20	SCALE	1:100@A1		
DRAWN	LS	CHECKED	LS / JD	APPROVED	KW

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General Policy on Street Trading in Arnold

1.0 Purpose of the Policy Statement

This statement sets out the Council's policy framework for the management of street trading in Arnold Town Centre. The purpose of the Policy is to ensure a high quality street trading provision in the Centres, allowing for markets and fairs to contribute to a thriving shopping environment.

2.0 Background/Definition of Street Trading

The Council adopted Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982 on 6th June 1983. This entitles the Council to manage street trading in its area by designating streets as 'consent streets', 'license streets' or 'prohibited streets'.

'Street Trading' is defined in the Schedule as 'the selling or exposing or offering for sale any article (including a living thing) in a street'. A 'street' includes any road, footway or other area to which the public have access without payment.

A list of the streets covered by this policy is attached as Appendix A and maps showing the streets is attached as Appendix B.

3.0 Application Procedure

Applications must be received by the Council's Licensing Section no less than fourteen days prior to the proposed date of the consent coming into effect. The application must be accompanied by the appropriate fee and a plan showing the exact location at which the applicant wishes to trade. All plans should be 1:1250 scale and should show all residential and commercial premises within a 100m radius of the proposed site.

Upon receipt of an application, the Council will consider each application on its merits taking account of the General Policy provisions and objectives.

4.0 General Policy on Street Trading

In order to fit within the council's aims around the promotion of vibrant town centres, this policy is defined by a clear set of principles:

1. The Council will not grant consent to trade from a stationary van, cart, barrow or other vehicle.

In addition, consent will not be given to the following trades:

- a) Obscene or undesirable publications or articles
- b) Goods or articles manufactured on the stall (except for small scale arts and crafts)
- c) Any goods with alcoholic content
- d) Goods or articles deemed not to comply with appropriate Environmental Health or Trading Standards legislation
- e) Any live animals
- f) Any trade which is likely to cause a nuisance to residents or to give rise to, or encourage, public disorder

However, this list is not exhaustive

2. The Council will only grant consent for street trading that supports events to boost trade in the town/district centres.
3. The Council does not have any fixed street trading locations or specific number limitations within those areas designated as consent streets. However, applications will only be granted where it is considered that the trader will add to existing amenities and be of benefit to the residents of and visitors to Gedling borough. It is unlikely that applications for locations close to existing street traders or where they could obstruct busy pedestrian routes or access to or from nearby premises will be granted. Also, where there are waiting and loading restrictions in place, appropriate waivers or consents to use that location must be obtained where necessary.
4. All applications must meet all the following objectives:
 - a) To support the local economy, businesses and retailers by increasing footfall within the centres.
 - b) To attract new visitors, residents and shoppers to the centres.
 - c) To create a welcoming atmosphere for visitors, residents and shoppers.
 - d) To provide an opportunity to trade for local businesses.
 - e) To complement existing retailers and businesses within the centres.
 - f) To provide a diverse and alternative offer of products to residents, visitors and shoppers.
 - g) To build a programme of successful town centre events to support local traders.
5. The council will not grant permission for any trader to operate for any more than 16 days within a calendar year.

5.0 Standard Conditions

The following conditions will be attached to all consents issued by Gedling Borough Council:

- The consent holder shall be in possession of current public liability insurance with a minimum level of £5 million pounds.
- The consent holder shall only trade from the stall at the location approved in writing by the Council. The stall shall not be altered, adapted or replaced without the prior written consent of the Council.
- It is the responsibility of the consent holder to satisfy all fees and requirements to do with Nottingham City Council's Market Charter rules and must be able to produce evidence on request. For more information on whether your event would be subject to any fees, please visit the Nottingham City Council website - <http://www.nottinghamcity.gov.uk/index.aspx?articleid=15134>
- The consent holder shall maintain the stall in a clean state and in good repair and condition.
- The consent holder shall only trade from the authorised stall and shall not

place any additional stalls, free standing signs or storage boxes upon the public highway.

- No waste material shall be discharged onto the highway or any other property, and must be taken away and disposed of in the proper manner.
- The consent holder shall conduct his business in such a manner as to ensure that he/she does not:-
 - cause a nuisance or danger to users of the street;
 - cause an obstruction to other vehicles or pedestrians or users of the street; or
 - prohibit access for loading or unloading.
- The consent holder shall take adequate precautions to prevent the risk of an outbreak of fire at his/her stall. Where a power source or heating appliance is present, e.g. a generator or bottled gas container, a suitable fire extinguisher must be provided.
- The consent holder shall display the street trading consent permit issued by the Council at all times whilst trading.
- When requested to do so by an authorised officer of the Council or Police officer, the consent holder shall produce the consent for inspection.
- The consent is not transferable and is personal to the consent holder.
- The street trading consent does not imply or give any other permission, consent or authorisation to trade in any other products other than those previously granted on application or renewal.
- The consent holder shall immediately notify the Council of any change to his/her name or address.
- The consent holder should not fail, without reasonable cause, to trade at the location for which consent has been given at all times authorised by the consent.
- The stall holder will remove the stall without undue delay upon the request of a Police Officer or Council Officer.

Failure to comply with any of these conditions may result in the revocation of the consent to trade.

6.0 Fees and Charges

No fee

7.0 Enforcement and Monitoring

Stalls may be inspected by authorised officers of the Council and officers from Nottinghamshire Police during hours of operation. Any non-compliance with statutory requirements or conditions of consent will be investigated with a view to taking appropriate remedial action and will also be taken into account upon receipt of an application to renew or modify consent to trade.

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