

# Agenda

## Environment and Licensing Committee

Date: **Tuesday 31 October 2023**

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Time: **4.15 pm**

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Place: **Council Chamber**

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For any further information please contact:

**Democratic Services**

[committees@gedling.gov.uk](mailto:committees@gedling.gov.uk)

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# Environment and Licensing Committee

## Membership

**Chair** Councillor Alison Hunt

**Vice-Chair** Councillor Marje Paling

Councillor Boyd Elliott  
Councillor Rachael Ellis  
Councillor Des Gibbons  
Councillor Julie Najuk  
Councillor Sue Pickering  
Councillor Alex Scroggie  
Councillor Martin Smith  
Councillor Clive Towsey-Hinton  
Councillor Paul Wilkinson

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### **Responsibility of Committee:**

- 1) All non-executive functions of the Council with regard to:
  - a) Environmental health
  - b) Health and safety at work (other than the exercise of the functions of the Council in the capacity of employer)
  - c) Food hygiene and safety
  - d) Animal health and hygiene
- 2) The determination of applications for licences, approvals, consents, permission or registration or direct regulation of any person or the enforcement of any such licence, approval, consent, permission or regulation with regard to the functions in relation to contaminated land, control of pollution, air quality and noise and statutory nuisance listed in Schedule 1 to the Local Authorities (Functions and Responsibilities) (England) Regulations 2000.

- a) All non-executive functions of the Council with regard to licensing and registration of:
  - 1) Caravan sites
  - 2) Hackney Carriages and Private Hire Vehicles, drivers and operators
  - 3) Entertainments
  - 4) Betting, gaming and lotteries
  - 5) Theatres and cinemas
  - 6) Street trading and markets
  - 7) All other licensing functions listed in Part B of Schedule 1 to the Regulations other than those relating to streets and highways.
- b) Any function relating to contaminated land
- c) The discharge of any function relating to the control of pollution or the management of air quality.
- d) The service of an abatement notice in respect of a statutory nuisance
- e) The passing of a resolution that Schedule 2 to the Noise and Statutory Nuisance Act 1993 should apply in the authority's area.
- f) The inspection of the authority's area to detect any statutory nuisance
- g) The investigation of any complaint as to the existence of a statutory nuisance.

1. Power to issue licences authorising the use of land as a caravan site.
2. Power to license the use of movable dwellings and camping sites.
3. Power to license Hackney Carriages and Private Hire Vehicles.
4. Power to license drivers of Hackney Carriages and Private Hire Vehicles.
5. Power to grant permits in respect of premises with amusement machines.
6. Power to register societies wishing to promote lotteries.
7. To consider applications for hazardous substances consent.
8. Power to grant permits in respect of premises where amusements with prizes are provided.
9. Power to consider and determine applications for public entertainment licences.
10. Power to license sex shops and sex cinemas.
11. Power to license performances of hypnotism.
12. Power to license premises for acupuncture, tattooing, ear piercing and electrolysis.
13. Power to license markets and street trading.
14. Power to license night cafes and take away food shops.
15. Power to license dealers in game and the killing and seeking of game.
16. Power to register and license premises for the preparation of food.
17. Power to license scraps yards.
18. Power to license premises for the breeding of dogs.
19. Power to license pet shops and other establishments where animals are kept or bred for the purposes of carrying on a business.
20. Power to license dangerous wild animals.
21. Power to license knackers' yards.
22. Power to license persons to collect for charitable and other causes.
23. Power to approve meat product premises and to approve premises for the production of minced meat or meat preparations.
24. Power to approve dairy establishments and egg product establishments.
25. Power to issue licences to retail butchers' shops carrying out commercial operations in relation to unwrapped raw meat and selling both raw meat and ready to eat foods.
26. To keep a register of food business premises.
27. Power to register food business premises.
28. Power to issue arena and theatre licences.
29. Power to license zoos.
30. To consider and determine applications for public entertainment licences.

31. The functions of the Council under the following legislation:

- I. House to House Collections Act 1939 as amended by the Local Government Act 1972;
- II. Betting, Gaming and Lotteries Act 1963 - 1971 as amended by the Gaming and Lotteries (Amendment) Act 1980.
- III. Gaming Act, 1968 as amended by the Lotteries and Amusement Act 1976.

32. Power to fix those fees and charges falling within the remit of the Committee.

## 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 3 October 2023.** 7 - 9
- 3 **Declaration of Interests.**
- 4 **Application for Street Trading consent at Eagle Square Arnold** 11 - 21  
Report of 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 **Application for a one year Hackney Carriage/Private Hire Drivers Licence - FM** 23 - 24  
Report of Head of Environment
- 8 **Change of Circumstance of Joint Hackney Carriage / Private Hire Drivers Licence - IK** 25 - 51  
Report of Head of Environment

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## MINUTES ENVIRONMENT AND LICENSING COMMITTEE

Tuesday 3 October 2023

Councillor Alison Hunt (Chair)

Present: Councillor Marje Paling Councillor Sue Pickering  
Councillor Rachael Ellis Councillor Alex Scroggie  
Councillor Des Gibbons Councillor Paul Wilkinson  
Councillor Julie Najuk

Absent: Councillor Boyd Elliott, Councillor Martin Smith and Councillor Clive  
Towsey-Hinton

Officers in Attendance: J Brough, L Chaplin, B Cox, B Hopewell, Hutchinson and K Nealon

### 29 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS.

Apologies for absence were received from Councillors Smith and Towsey-Hinton. Councillor Bestwick attended as substitute.

### 30 TO APPROVE, AS A CORRECT RECORD, THE MINUTES OF THE MEETING HELD ON 5 SEPTEMBER.

#### RESOLVED:

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

### 31 DECLARATION OF INTERESTS.

None.

### 32 CONSULTATION ON A BOROUGH WIDE SMOKE CONTROL AREA DECLARATION

Consideration was given to a report of the Head of Environment, which had been circulated in advance of the meeting, seeking approval to carry out a public consultation on a proposal to declare the Borough as a smoke Control Area and to publish a notice and draft order for comment.

#### RESOLVED to:

- 1) Approve a public consultation on the draft order at Appendix B for a period of 6 weeks; and
- 2) Approve the publishin of a notice and draft order in the London Gazette and a local newspaper for two consecutive weeks.

**33 ANY OTHER ITEM WHICH THE CHAIR CONSIDERS URGENT.**

None.

**34 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 report involves the likely disclosure of exempt information as defined in Paragraph 7 of Part 1 of Schedule 12A of the Local Government Act 1972.

**35 CHANGE OF CIRCUMSTANCE OF JOINT HACKNEY CARRIAGE / PRIVATE HIRE DRIVERS LICENCE IK**

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.

IK attended the meeting and addressed the committee.

IK informed Members that his solicitor was unable to attend the meeting and requested that consideration be deferred until the next available committee.

**RESOLVED:**

To defer consideration of the application to the next available Committee to give IK's solicitor the opportunity to appear before the Committee.

**36 CHANGE OF CIRCUMSTANCE OF JOINT HACKNEY CARRIAGE / PRIVATE HIRE DRIVERS LICENSE MH**

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.

MH attended the meeting and addressed the Committee.

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

**RESOLVED:**

To suspend MH's Joint Hackney Carriage/Private Hire Driver's Licence for 7 days and to issue a warning to MH that such conduct fell short of the expected standard and advised that he refresh his knowledge of the terms and conditions of his licence and ensure compliance with them.

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

The meeting finished at 5.10 pm

Signed by Chair:  
Date:

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## **Report to Environment and Licensing Committee**

**Subject:** Application for Street Trading consent at Eagle Square Arnold

**Date:** 31 October 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 2024 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 2024.**

## **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 6<sup>th</sup> 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 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 December 2023. The Council will shortly be undertaking a consultation with a view to the permanent relocation of the market to Eagle Square. This was scheduled to take place in 2022, but due to a restructure and changes in staffing this was delayed. 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 2024 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 2024 which is a departure from the Council's Street Trading Policy (Appendix 2).

**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 901 3754
Email address	<a href="mailto:arnoldmarket@gedling.gov.uk">arnoldmarket@gedling.gov.uk</a>
Description of stall and number of stalls	14 stalls used for a regular market on Tuesday, Friday and Saturday each week
Description of goods being traded	Fruit and vegetables, 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 7.00am – 4.00pm Friday 7.00am – 4.00pm Saturday 7.00am – 4.00pm  Permission is sought until end of December 2024

<p>Checklist (please tick)</p>	<p>I enclose a plan showing the location I intend the trade from <input checked="" type="checkbox"/></p> <p>I enclose the correct fee N/A</p> <p>I enclose a copy of my Public Liability Insurance <input checked="" type="checkbox"/></p> <p>I confirm that I have satisfied the requirements of Nottingham City Council's Market Charter x</p>
<p>Declaration of applicant</p> <p>Signed</p> <p>Dated</p>	<p>I have read the Council's Policy regarding Street Trading Consents</p> <p>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.</p> <p>I confirm that my Public Liability Insurance is valid and in date</p> <p>Hev Bingley, Economic Growth &amp; Regeneration Manager</p> <p>03/10/2023</p>

### 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 a further additional 12 months. Changes in structure and staffing in the past 6 months mean that the planned formal consultation exercise for a permanent move has not yet been fully completed; this extension will allow the completion of the exercise and to ensure the correct planning and other permissions to be in place for a permanent move. The extension will give continuity and certainty 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

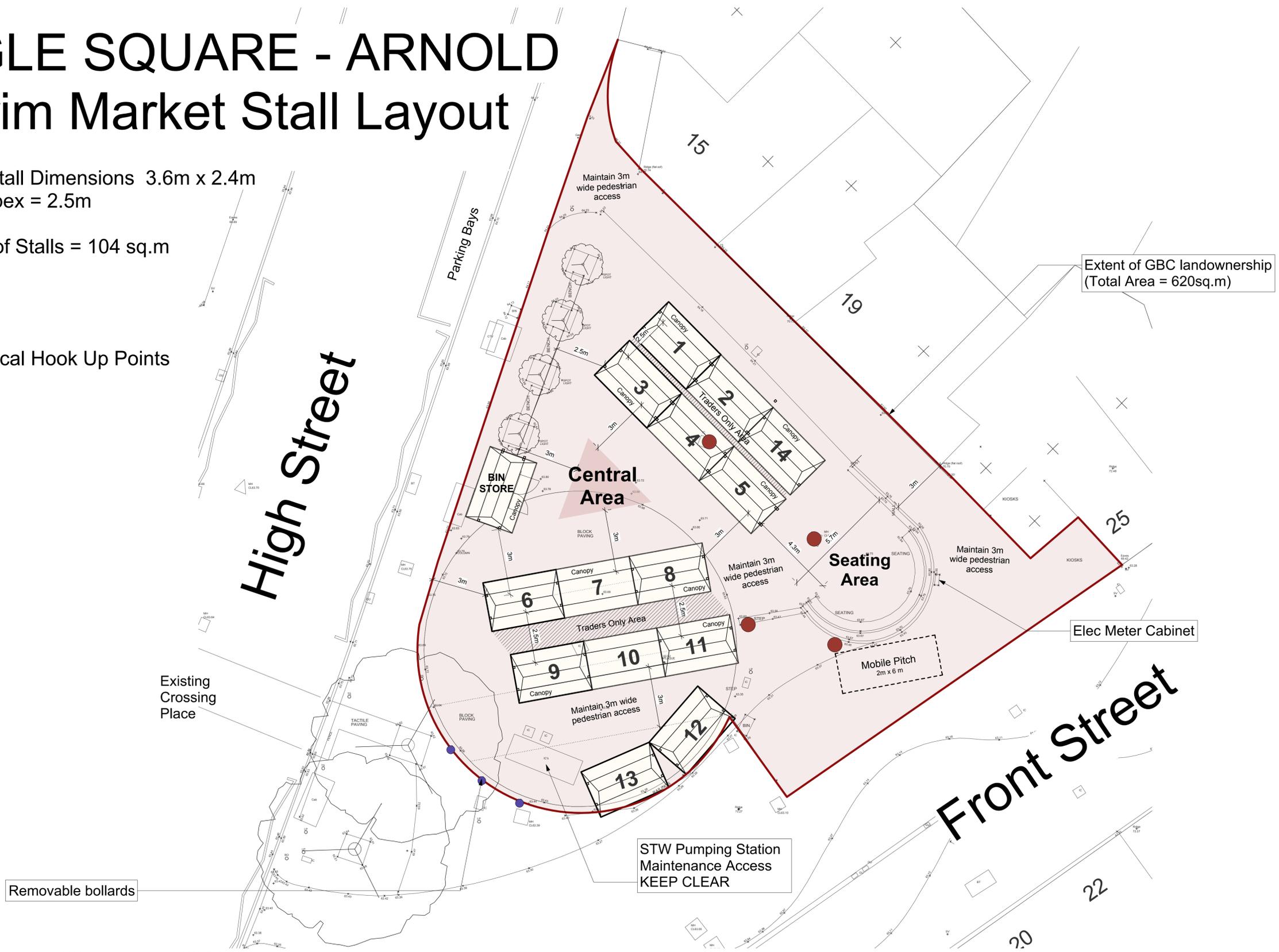


Individual Stall Dimensions 3.6m x 2.4m  
Height to apex = 2.5m

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**

TITLE **ARNOLD MARKET PLACE**  
**Interim Market Proposals**  
Eagle Square Stall Layout

PROJECT **ARNOLD TOWN CENTRE**

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 6<sup>th</sup> 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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