

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 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 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