



Agenda Item No:4

Bristol City Council
Minutes of the Public Safety and Protection Committee
(Full)

Brunel House, St George's Road, BS1 5UY
Tuesday 10th February 2015 at 10.00am

Members Present:-

Councillor Tincknell (Chair), Councillor Hance, Councillor Lovell, Councillor Pearce, Councillor Morris

Officers in Attendance:-

Kate Burnham-Davies, Patricia Jones, Abigail Holman, Emma Lake.

85. Apologies for Absence

Apologies for absence were received from Councillor Leaman

86. Declarations of Interest

None.

87. Public Forum

None.

88. Minutes

Resolved – that the Minutes of the PSP Full Committee 1st July 2014 be confirmed as a correct record and signed by the Chair.

89. Review of Street Trading Designations

Officers introduced the report and summarised the proposed changes to the authority's Street Trading rules as set out in detail in the report.

It was noted that the variation would change the trading status of certain streets that are currently designated as prohibited streets to enable trading to take place at the Council's discretion by way of a Street trading consent. Officers also sought approval for publication of the necessary press notices and other procedures to be able the changes to be made in accordance with the statutory regime. The Committee was invited to vary the existing resolution governing street trading in the City and Publish a Notice of intention to pass the draft street trading resolution set out below with effect from 1st June 2015.

Members heard that the authority's current street trading rules prohibited street trading from taking place in a number of streets across the city, mainly in the central area. It was reported that there were opportunities for the public to benefit from controlled street trading in some of streets under the consent regime and therefore the current prohibited street status was no longer appropriate. This proposal sought to change the designation of the majority of prohibited streets to promote opportunities for street trading in Bristol.

It was noted that initial discussion had already taken place with Neighbourhood Delivery Teams and Destination Bristol. Officers emphasised the time constraints relating to the consultation and publication of the resolution prior to implementation.

The existing retail offer in Broadmead would be protected and there would be no impact on St Nicholas Market.

Attention was drawn to the current list of prohibited streets and those streets which were proposed to remain as prohibited attached at Appendices Band C to the report.

Whilst there was general support for pop-up vans, Members expressed concern in relation to the potential for inappropriate trading, for example burger vans.

Detailed discussion followed in relation to the statutory consultation process – what was specifically required and what constituted lawful consultation. The Legal Advisor referred the committee to the advice set out in detail in the report. Attention was drawn to the requirement to place a notice in a local newspaper and the case law at page 19 of the report which provided guidance on what constituted a lawful consultation process. It was noted that representations relating to the draft

resolution needed to be made in writing to the Council within a period of 31 days beginning the day after publication of the Notice.

The committee expressed reservations regarding the extent and degree of consultation proposed. Members stated that there was an element of haste to the consultation process and felt there was merit in capturing the views of additional consultees - directly affected Neighbourhood Partnerships, Neighbourhoods Scrutiny Commission, Consultation Finder and targeting public buildings. The committee agreed that the mailing/circulation lists of the relevant Neighbourhood Partnerships would be a useful way of reaching people.

The Legal Advisor pointed out that the statutory consultation process did not require this and that it was therefore her advice that the committee should not go above and beyond this – efforts to reach more people may inadvertently cause difficulty by missing someone in the affected area.

The Legal Advisor withdrew from the room to consult with a colleague. The committee was subsequently advised that it was not within the committee's remit to refer the matter to Scrutiny. She reiterated her point about statutory consultation – it had to be lawful and proper and a wider process would impact on officer time and resources. Compliance with the requisite statutory consultation would ensure the authority did not breach its duties.

Notwithstanding any lack of officer capacity, the committee was in general agreement that this issue represented a significant shift in policy and it was therefore within the bounds of reasonableness to depart from the statutory minimum consultation and to raise awareness insofar as possible amongst the traders and residents that would be affected. Members noted the reasons as to why the authority should not deviate from its minimum legal obligations but felt the wider issue of the authority's reputation of the authority should be their primary concern.

In conclusion, the committee:-

Resolved:-

- 1. That determination of the report be deferred to enable officers to consider the committee's concerns regarding the statutory consultation, and to make proposals regarding further steps for consultation which would bring it to the attention of those likely to be affected.**
- 2. That an additional meeting of the full PSP committee be arranged.**

CHAIR

(the meeting ended at 11.00am)