

URGENCY ITEMS - MINUTE OF DECISION

Delegation arrangements for dealing with matters of urgency

Paragraph 7.2.1 of the Council's Constitution provides that Chief Officers may take urgent decisions if they are of the opinion that circumstances exist which make it necessary for action to be taken by the Council prior to the time when such action could be approved through normal Council Procedures. They shall, where practicable, first consult with the Leader and Chairman (or in their absence the Vice-Chairman) and the Opposition Spokesperson of the appropriate committee.

Subject: Food And Beverage Concessions: Amendment To Prohibited Street Designation At The Wharf Consultation Responses

The General Purposes Committee on 5 September 2019 passed a resolution to begin the formal process to amend the prohibited street designation of The Wharf Car Park. This would exclude the Wharf car park as a prohibited street and enable the Council to licence food and beverage providers to operate for a financial return to the Council in line with the Council's commercial ambitions.

The Wharf is currently designated as a prohibited street for the purposes of street trading and the parameter of the Town Wharf car park. Street Trading is defined as the selling or exposing or offering for sale of any article (including a living thing) in any street under schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982.

The formal process for amending a street designation requires the Council to undertake a 28 day public consultation (including mandatory consultation with the Police and local Highways and a public notice in the newspaper).

Public consultation was open for comments from 12 September to 10 October 2019 with a public notice in the Newark Advertiser and notification issued to Nottinghamshire Police, Via East Midlands (Highways) and Newark Town Council.

Newark Town Council responded to the consultation with No Objections to the proposals. No other representations or comments have been received on the proposal.

This proposal is to only exclude the Wharf Car Park from the prohibited street designation at The Wharf. The remainder of the Wharf would remain within the existing prohibited street designation. This would seek to maintain a form of regulation from unauthorised traders.

This proposal supports the Council objective 'Generate more income, improve value for money and increase residents' satisfaction with the Council'. This proposal will also provide a new source of income for the Council will contribute to funding the Council's aspirations as detailed within the Community Plan 2019-2023.

In order to meet the project timescales and have concessions operating from April 2020, the proposed timetable is below.

Activity	Timescales
Feedback on comments and responses on the Consultation to the General Purposes Committee with a recommendation to pass the resolution to exclude the Town Wharf Car Park from the prohibited street designation at The Wharf.	14 Nov 2019 (GP Committee cancelled due to flooding)
A Public Notice stating the resolution has been passed and that the Town Wharf Car Park has been excluded from the prohibited designation (advertised to be placed across two consecutive weeks)	Week 1: 5 Dec 2019 Week 2: 12 Dec 2019
The Town Wharf Car Park is now excluded from the prohibited street designation (28 days after the final public notice has been placed)	9 Jan 2020
Advertise the concession opportunity including press release, application form to be uploaded to Council Website	9 Jan 2020 – Feb 2020
Concession to start on site	Apr 2020

The reason for the urgency is that two public notices are required across two consecutive weeks and the street designation takes effect 28 days after the last public notice has been placed as described in the table above.

Budgetary Implications (Finance Officer's Comments) - FIN19-20/6300

There is a one off cost associated with placing a public notice in the newspaper at approximately £215 for two public notices.

The costs for the public notices will be funded from the Commercialisation and Major Projects Team, and will be refunded from the concession income. Utilising the knowledge and experience from phase 1, it is expected the income generation from the Wharf Car Park to be approx. £4k-£6k per annum.

Appropriate Committee:

General Purposes Committee

Details of Decision Taken:

Agreed:

- a) To pass a resolution to amend the prohibited street designation of The Wharf to exclude The Wharf Car Park and to agree the approach and timeline for operating a food and beverage concession on the Wharf Car Park.

- b) That the Town Wharf Car Park will be excluded from the prohibited street designation on 9 January 2020.
- c) that we will advertise in January for available concession sites to ensure that concessions are on site for April 2020.

Members Consulted:

Cllr Rita Crowe (Chairman of General Purposes Committee) - consulted on 26.11.19

Cllr David Lloyd (Leader of the Council) - consulted on 27.11.19

Cllr Paul Peacock (Opposition Leader of the Council) – consulted on 26.11.19

Signed:



Sanjiv Kohli
Deputy Chief Executive/Director - Resources & S151 Officer

Date: 27/11/19.

