



Walsall Council

REPORT OF THE INTERIM REGULATORY MANAGER

LICENSING AND SAFETY COMMITTEE

20 JULY 2011

HIGHWAYS ACT 1980 SECTION 115 (E)

PROMOTIONAL SITE EVENT

1.0 Summary of report

- 1.1 To advise members of a request made by Ms. Nikki Sinclair MEP (West Midlands region) for the use of a promotional site in order to carry out a mobile advice surgery.

2.0 Recommendations

- 2.1 That members consider the report and recommend to Council whether permission be given or refused for the use of a promotional site for this particular type of activity under section 115(E) of the Highways Act 1980.

3.0 Background information

- 3.1 On the 27 June 2011 Mr. Paul Sheehan, Chief Executive of Walsall MBC received a letter from Ms. Nikki Sinclair M.E.P which is self explanatory. This is given as **Appendix 1**.
- 3.2 On the 30 June 2011 a letter was sent in response to the issues raised by Mr. Sheehan. This is given as **Appendix 2**.
- 3.3 The Licensing Unit deals with the administration of promotional sites which fall under the scope of the Highways Act 1980. This in effect permits the Council to authorise both commercial and non commercial activities to lawfully exhibit on the public highway/footway.
- 3.4 The current sites available for this type of event are located in Park Street, St. Pauls Square and Gallery Square. All of these are situated within Walsall town centre.

- 3.5 On the 2 July 2001 the Highways and Transportation Committee who were initially responsible for such sites, resolved to adopt regulations for their control. This is given as **Appendix 3**
- 3.6 The surgery proposed by Ms.Sinclair would fall under the criteria of an exhibition or display (S.1(ii)), and would allow the display of information, provide a public service or seek to engage the interest of the public.
- 3.7 However, S.2(i) states that without the specific approval of the Council, exhibitions and displays will only be permitted on the highway in the Borough where the organisation requesting the display is a charity, a local community group based in Walsall or a public service organisation, and the display is intended to provide information or a service to the public.
- 3.8 M.Ps, Ward Councillors have to date not requested to hold such surgeries at these locations. Surgeries are generally held at public community premises or party headquarters.

4.0 Resource considerations

- 4.1 **Financial:** None, no charge is applicable for a non commercial promotional event. A fee is chargeable for commercial activities.
- 4.2 **Legal:** There is no right of appeal against the refusal to authorise such a promotional event under the Highways Act.
- 4.3 **Staffing:** Nothing arising from this report

5.0 Citizen impact

- 5.1 Residents of the Borough would be able to ask questions of their M.E.P and also request any further advice/guidance.

6.0 Community safety

- 6.1 Nothing arising from this report.

7.0 Environmental impact

- 7.1 Nothing arising from this report

8.0 Performance and risk management issues

- 8.1 Nothing arising from this report

9.0 Equality implications

- 9.1 None arising from this report.

10.0 Consultation

10.1 None arising from this report.

11.0 Contact Officer:

11.1 Steve Knapper, Principal Licensing Officer. 01922 652221

The office of Nikki Sinclair MEP

Member of the European Parliament representing the West Midlands
nikkimep@googlemail.com www.yourmep.org

1st Floor, 123 New John Street, Birmingham B6 4LD Tel: 0121 359 5933

Rec'd 27 JUN 2011

REFER TO *EWJR*

Dear Paul Sheehan,

As an elected representative of the people of the West Midlands, I have a duty to be able to meet the people of Walsall and to be able to engage with them about issues.

In bringing my mobile surgery to Walsall, I am delivering a public service as it is for the benefit of the people of Walsall. I have been voted into her position by the people of the West Midlands and therefore it is my duty to represent them and to meet them where possible.

In your letter you clearly state, "Exhibitions and displays will only be permitted on the highway in the Borough where the organisation requesting the display is a charity, a local community group based in Walsall or a public service organisation".

Therefore, it is difficult to understand why the request to bring the Mobile Surgery to Walsall has been declined. This mobile surgery is offering a public service to the people of Walsall, and by denying me the opportunity to go; you are preventing me from meeting my constituents. The fact that I cover the whole of the West Midlands negates the reason of needing to be based in Walsall – my base covers the whole span of the West Midlands!

What is even more confusing is the email that Mr Neill Watts received from Hazel Powell. In this email, she states, "Unfortunately political parties are not permitted to use the designated sites therefore we are unable to meet your request. As an alternative you may wish to consider contacting one of the town centre shopping centres or other local businesses to see if they could accommodate you on their land or premises".

This appears to contradict the information which you sent in your own letter. Which information is applicable in this situation?

Could I possibly arrange a meeting with you to discuss this matter? I would like to talk about this further, as well as offering my services to Walsall council on matters where the EU affects how the council is run.

Yours Faithfully,



Nikki Sinclair MEP

Paul Sheehan
Chief Executive

Our Ref: PS/JR/CW/ML
Date: 29 June 2011
Direct Line: 01922 652089/652046
Please ask for: Christine Williams/
Julie Roberts

Ms Nikki Sinclair MEP
1st Floor
123 New John Street
Birmingham
B6 4LD

Dear Ms Sinclair

I refer to your further letter received on 27 June 2011 and our subsequent telephone conversation earlier this week, when we discussed your request to hold a Mobile Advice Surgery in Walsall town centre.

I can now advise you that I have asked for your request to be presented to the Council's Licensing and Safety Committee on Wednesday 20 July 2011. This Committee approves the Regulations for the Control of temporary exhibitions, displays, street entertainment, charitable and commercial activities that Council Officers have to abide by when they receive requests such as yours to hold activities on the Public Highway. As I have explained to you, it is my officers opinion that the Council's Regulations prohibit your Mobile Advice Surgery being located on the Public Highway but Members of the Committee will be asked to review your request and I will advise you of their decision accordingly.

I note that you have also written to me regarding the publication of the Draft Planning Policy Statement for Gypsies and Travellers by the Department for Communities and Local Government. I would like to thank you for your observations and I can assure you that I have passed a copy of your letter onto Mr Tim Johnson, Executive Director for Regeneration for his attention.

Yours sincerely

Paul Sheehan
Chief Executive

WALSALL METROPOLITAN BOROUGH COUNCIL

REGULATIONS FOR THE CONTROL OF TEMPORARY EXHIBITIONS, DISPLAYS, STREET ENTERTAINMENT, CHARITABLE AND COMMERCIAL ACTIVITIES ON THE HIGHWAY

1. Definition

For the purpose of these regulations

- (i) The decision to approve any activity on the Public Highway is at the sole discretion of The General Manager of The Department of Engineering and Transportation Services under the powers of Delegated Authority. This decision will be final and not negotiable.
- (ii) An exhibition or display is defined as any table, vehicle, trailer or similar physical object used to display information, provide a public service or seek to engage the interest of the public.
- (iii) Street Entertainment is defined as any music, street theatre, juggling, mime, fairground rides or similar activities used to seek to engage the interest of and entertain the public, whether for profit or otherwise.
- (vi) Commercial Activity is defined as any Exhibition or Display which is a promotion, advertisement or information of goods or services offered for the purposes of, or resulting in remuneration or financial gain, not being a charity based or public service organisation.

These regulations do not control the use of any highways in the Borough for any other legitimate purpose.

2. Exhibitions and Displays

Except with the specific approval of the Council :

- (i) Exhibitions and displays will only be permitted on the highway in the Borough where the organisation requesting the display is a charity, a local community group based in Walsall or a public service organisation, and the display is intended to provide information or a service to the public.
- (ii) No organisation may stage more than one exhibition or display in any six month period.
- (iii) No exhibition will last for longer than 3 days.
- (iv) No exhibition or display, charitable or otherwise, will be permitted to offer articles for sale, unless in connection with a lottery for which permission has been granted for a street collection.
- (v) With exception of guide dogs for the blind, no exhibition or display will be permitted to include live animals.
- (vi) Any exhibition or display involving a trailer must be accompanied by a towing unit capable of removing the trailer in case of emergency.

3. Street Entertainment

Except with the specific approval of the council :

- (i) No commercial organisation will be permitted to stage street entertainment on the highway.
- (ii) No street entertainment, charitable or otherwise, will be permitted to offer articles for sale, unless in connection with a lottery for which permission has been granted for a street collection.