

# STREET LEGAL ?

*A Practical Guide to Street Activity  
in Nottingham.*



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**118 WORKSHOP**



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Nottingham Activism + @

Anna

## **INTRODUCTION**

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This booklet is a guide to the can's and can'ts of various kinds of activities and situations which voluntary and campaign groups should be aware of when taking to the streets of Nottingham. This is not a legal, technical, or highly detailed handbook but it does give a general idea of what is street-legal and where problems are likely to arise, from procedures for getting permission to situations in which you could be arrested. For the most part, the regulations and codes covering street activity are the same across the country, but there are some provisions, which are specific to Nottingham and these are included as well.

The guide is in alphabetical order from 'Artists' to 'Street Trading', and there is a list of further useful information at the back.

This booklet has been researched and assembled by Jane Keegan, a student, from the Department of Social Administration and Social Work, University of Nottingham, on placement at 118 Workshop, a Research and Resources Centre for Trade Unions and Community Groups in Nottingham.

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## **ARTISTS**

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There is nothing (in theory) to stop an artist from leaving his studio for the street although you run the risk of causing an obstruction and being moved on by the police. You may not be causing the obstruction but if a crowd gathers to watch, the law says that it is your fault. Because you are not taking finished goods to sell you are not, therefore, breaking street trading regulations. Artists, like everybody else, need a licence to sell their work in the street (see section on street trading).



## MURALS.

Permission from the owner to paint on his wall is needed before you start your mural project. Planning permission is not normally required, but it is a good idea to inform the Planning Department (in The Guildhall) of your intentions. If the building is labelled historic or is in a conservation area you will need to get permission from the Planning Department, as well as the owner.

## **BUSKING**

Once again there is nothing to stop you playing your instruments or singing in the street. But if you attract a crowd, they might cause an obstruction and this is your fault, so you are likely to be moved on.

## **FUNDRAISING**

### STREET COLLECTIONS.

You may take a collection in the street only with a "Street Collections Permit" obtained from Mrs. Swain, The Licensing and Invoicing Officer, City Secretary's Department, Guildhall (Tel. 48571, Ext. 73).

Applications are considered once a year at the December meeting of the Environmental Health Committee. Your request usually has to be in by the previous October.

If the collection is to be made outside the City Centre then applications are considered as they arise - although they must be submitted at least one month in advance. In the case of Broxtowe the address to write to is Director of Administration and Legal Services, Town Hall, Beeston, Nottingham, NG9 1AB.

If a permit is obtained the following conditions are imposed on the actual collection and collectors:

- collectors shouldn't be under 16;
- must remain in one place, at least 25 metres apart;
- must carry an authorization, which must be shown to a policeman on demand;
- no tables may be used which are larger than 30 inches by 20;
- collectors must not be accompanied by animals;
- tins must be labelled; and
- accounts must be submitted within a month - with the name and address of a Qualified Accountant.

You may take a collection at an open-air meeting without a permit, provided that you operate within a reasonable distance of the meeting. If the meeting is being held in a park or similar space it is best to check with the particular place in case there are byelaws prohibiting collections.

### HOUSE TO HOUSE COLLECTIONS.

It is illegal to make house collections without a licence, even if the collector gives something in return for what he gets.

Collectors must not be under 16, must carry a collection tin or receipt book, wear a badge and not receive payment for what they are doing.

You apply for a licence to the Local Police Divisional Headquarters. If the collection is confined to only one locality and is not likely to continue for long, you can sometimes get a certificate of exemption by a much simpler procedure, but it is left to the discretion of the police as to whether or not to grant one.

If a charitable collection is made without a licence, both the organizer and collector may be prosecuted and fined.

### VICTORIA AND BROADMARSH CENTRES.

Applications for taking collections in the two shopping centres are considered by the General Managers of each centre.



## **MARCHING**

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There is no right to demonstrate, but walking the streets is not illegal. However, once you stop in the road or walk together with a group of people you may be causing an obstruction.

The police have a right to regulate the route and redirect the traffic and pedestrians where this is necessary.

If you pass through any street or at any other time than that agreed with the police, then any person on or organising the procession shall be guilty of an offence and liable on summary conviction to a fine not exceeding £200.

When you contact the police they will want to know the route, date, time, probable numbers and a contact name, address and phone numbers, the organising committee should be enough, although they may not accept this.

When you tell them of the intended route they can react in one of three ways:

- agree that it's O.K.;
- ask you to re-route the march; or
- ban the march.

In very special circumstances the Chief Officer can apply to the Local Authority for a temporary ban on processions if he can satisfy them that he does not have sufficient power to prevent a "serious public disorder". The ban will last for up to three months and may also impose conditions on behaviour (e.g. no banners to be carried).

The police can't restrict anything written on banners unless it is "threatening, abusive or insulting", and likely to provoke a breach of the peace, or if it supports the I.R.A.

Likely reasons for arrest:

- Obstruction - of highway,
  - of policeman;
- Behaviour - threatening or abusive in words or writing,
  - threatening or abusive where racial hatred is likely to be stirred up,
  - public nuisance;
- Wearing political uniforms or any part of one.

If you want to hold a march then it is best to put your request in writing and send it to the Local Police Divisional Headquarters of the area in which you wish to start the march, no less than 72 hours before the procession is to start.

## **PHOTOGRAPHY**

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Theoretically, anybody can take pictures of anybody or anything on the streets.

However, a number of points should be borne in mind.

-If the police decide they don't want you to take photographs and ask you to move on, and you don't you could be arrested.

-On some occasions, (e.g. when Thatcher came to the Conference of Tory Trade Unionist at the Sherwood Rooms) there may be designated areas for photographers. Access to these areas is usually by having a Press Card which are only available to N.U.J. members. If you don't have one, you may well be prevented from taking photographs.

-Probably most importantly, it's worth being sensitive about those whom you intend to photograph, (both groups and individuals). We all get suspicious when we are photographed - is it the Special Branch? So, if possible, ask the organisers of the event or whoever, whether it's O.K. to take photographs and perhaps what you are going to use them for. This, of course, may not always be possible, e.g. photographing fascists, so be prepared to be challenged, accosted or even worse.



## PRIVATE PREMISE PICKETING

The 1980 Employment Act has meant that if union members do any of the following they lay themselves open to legal action:

- give support to fellow trade union members by visiting a picket line;
- picket the head office of their employer, unless they actually work in that office;
- picket another workplace belonging to their employer in order to persuade workers to support any industrial action;
- picket premises involved in supplying goods to, or distributing goods from, their workplace; or
- picket another workplace to which their work has been transferred.

"The number of pickets at an entrance to a workplace should be limited to what is reasonably needed to permit the peaceful persuasion of those entering and leaving the premises who are prepared to listen. As a general rule, it will be rare for such a number to exceed six, and frequently a smaller number will be sufficient. While the law does not impose a specific limit on the number who may picket in workplace, it does give the police considerable discretionary powers to limit the number of pickets in any one where they have reasonable cause to fear disorder. It is for the police to decide, taking into account all the circumstances, whether the number of pickets in the particular case is likely to lead to a breach of the peace." Para. 30, Section E of the draft codes of practice on picketing.

## PROPAGANDA

### COLLECTING SIGNATURES IN THE STREET.

There are no laws or regulations which forbid you to collect signatures in any street or public place, although you may be accused of causing an obstruction.

### FLYPOSTING.

(i.e. sticking up posters in public places.) Flyposting is illegal, it applies to any words, letters, signs, placards, notices or anything which may be considered as an advertisement, announcement or direction.

There is a byelaw about "posting placards without permission", so if you do fix a placard in any street or public place without the permission of the owner or occupier you are liable to be fined £50. The City Council are now clamping down on flyposting, so watch out!

However, those posters for non-commercial events can be displayed without the consent of the planning authority, providing the following conditions are noted:

- you have consent of the site-owner;
- the poster doesn't block or obscure the view of the road;
- the poster is no bigger than six feet square (except for election posters);
- election posters are taken down by 14 days after the poll; and
- you comply with any other minor conditions.

### PARADES.

The police have no special power to censor the wording on posters, but they have been known to interfere for two reasons:

- that they are likely to cause a breach of the peace; and
- that the wording is threatening, abusive or insulting.



If the police put a ban on processions, poster parades are usually allowed as long as the participants walk in a single file in the gutter and are widely spaced out.

### SELLING AND DISTRIBUTING OF LITERATURE IN THE STREET.

The name and address of the printer must be shown on any printed paper or book intended for publication. If this is not done both the printer and distributor can be prosecuted. Publication and distribution of written material is also controlled by the libel laws. It's unlawful to distribute leaflets on which the wording is "threatening, abusive or insulting" with the intention of causing a breach of the peace. The main difficulty is that you may be accused of causing an obstruction. Usually if you move about, though, you won't be bothered.

## **PUBLIC MEETINGS**

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It is not necessary to notify the police if you are organising a small street meeting where you merely intend to hand out leaflets, speak through a loud-speaker and perhaps collect signatures for a petition. If you are accused of causing an obstruction, then it is best to move to a place viewed as more convenient by the police.

If you intend holding a meeting in a public place you should first check if there are any byelaws covering the place and whether there is a particular place to apply to. For example, to use Old Market Square or Goose Fair you need to apply in writing to The City Secretary's Department (who pass it on to the Policy and Finance Committee), for permission.

Meeting in public places may give rise to various offences: obstruction of the highway; conduct likely to cause a breach of the peace; threatening, abusive or insulting words or behaviour; or obstructing a police officer in his duty.

There are also byelaws which may prevent or control the holding of meetings in certain places: playing music in any street or public place within 100 yards of houses, churches, in assembly, or hospitals, after being requested to stop; playing gramophones or using a loud-speaker which is loud and continuous, if they are likely to be a nuisance to those in the neighbourhood. Loud-speakers are forbidden everywhere, between the hours of 9p.m. and 8a.m.. 48 hours notice must usually be given to the Local Police Divisional Headquarters. Bands are usually allowed, provided they are not too loud or continuous, nor used at unreasonable times so as to be a public nuisance, again you must ask permission at the Local Police Divisional Headquarters. It is an offence to try and break up a lawful public meeting by acting in a "disorderly manner" or inciting others to do so.

Generally, if the meeting is going to be large or held in a park or similar place it is best to write directly to the involved place, or the police in the case of street meetings, stating proposed date, time, numbers, and giving the organising committee's name, address and phone number.

## **STREET FAIRS**

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If you want to hold any street celebrations you need to ask permission from the police and the Department of Planning and Transportation of the County Council. Applications in respect to road closures should be sent to the Director of the department - V.S. Payne at County Hall, West Bridgeford, Nottingham NG2 6BJ, (at least two weeks in advance), stating the precise times during which it is required to close the road and if possible a basic sketch illustrating the exact length involved.

There are several conditions to note from the Highways Act 1980 - Temporary Closure of Roads:

-Consent is given subject to the police's approval,



- Frontagers of properties involved by the closure must have no objections,
- Proper signing of the closure and any diversions should be carried out by the organisers,
- Where any bus services are involved consent is given subject to the bus company agreeing to re-routing,
- There must be access for emergency vehicles,
- If it is not possible for temporary closures to be removed before dark then signs, etc. should be illuminated,
- Organisers should indemnify the County Council by means of insurance against any liability that may arise from the closure.

## **STREETTRADING**

You need a licence before you can sell anything (other than newspapers) on the streets.

In Nottingham those requiring a "Street Trading Licence" should make an application to the City Secretary's department-Mrs Swain, stating:

- full name and address;
- nature of articles intending to be sold;
- the street(s) in which and day(s) and time(s) on and at or during which you intend to sell such articles;
- the nature of the receptacle from which you wish to sell such articles; and
- any other information as the City Council may reasonably require.

If the licence is not granted (or renewed), you may appeal to the Magistrates' Court.

### **SALE OF COMMODITIES ON VICTORIA EMBANKMENT.**

Here you need to be in pursuance of an Agreement with the City Council before you are authorised to sell commodities on the Embankment.

## **FOOD.**

There is a byelaw relating to the handling, wrapping and delivery of food. Basically every person, container, piece of equipment, vehicle, etc. used should be clean and cleaned at regular intervals; rubbish should be deposited regularly and a good distance from where the food is; and the trader should have his or her name and address legibly and conspicuously displayed on the stall or container. The penalty for breaking a byelaw is £50.

## **USEFUL INFORMATION**

### **BOOKS.**

National Council of Civil Liberties' Guide to your Rights-CIVIL LIBERTIES.  
Release-TROUBLE WITH THE LAW.

### **LEGISLATION.**

Nottingham City Council Byelaws.  
Nottingham City Council Act 1976-Part 2,  
(Both available from the City Secretary's Department,  
South Sherwood Street, The Guildhall. Hours of  
opening-9.30-5.00.)  
1980 Employment Act  
1980 Highways Act-Temporary Closure of Roads.

### **COLLECTING TINS.**

We believe collecting tins are available for borrowing from the Salvation Army, R.S.P.C.A., and the British Legion.

Further details, about where tins are and how to get them, can be obtained from: Arnold Silverwood,  
110 Mansfield Rd.,  
Nottingham.  
Tel: 53681.



MEGAPHONES.

A system is owned by: Fred Croome,  
51 Elmswood Gardens,  
Sherwood,  
Nottingham.  
Tel.602815.

We believe he can make it available. Other possibilities are :

The Co-op,  
19 Heathcote St.,  
Nottingham.  
Tel.46094.

and, The General and Municipal Workers  
Union,

542 Woodborough Road,  
Nottingham.  
Tel.607171.

Also 118 Workshop has a loudhailer which is available for use.

OTHER USEFUL ADDRESSES.

N.C.C.L.-186 Kings Cross Road, London, WC1 9DE. Tel.  
01-278 4575.

Release-1 Elgin Avenue, London, W9 3PR. Tel: 01-289 1123.

City Secretary's Department, South Sherwood St., The  
Guildhall, Nottingham, NG1 4BT. Tel: 48571ext.257.

Hyson Green Legal and Welfare Rights Project, The  
Probation Office, Hyson Green, Nottingham. (Will  
be moving shortly.)

Central Police Headquarters, Shakespeare St., Nottingham  
118 Workshop, 118 Mansfield Rd., Nottingham. Tel: 582369.