



## SHEFFIELD CITY COUNCIL Committee Report

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**Report of:** Chief Licensing Officer, Head of Licensing

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**Date:** 20<sup>th</sup> February 2014

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**Subject:** Local Government (Miscellaneous Provisions Act) 1982  
Street Trading - Policy Amendments Consultation.

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**Author of Report:** Shimla Finch – 2037751

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**Summary:** To inform members of the results of a consultation process recently undertaken with mobile street trading which sits within the Street Trading Policy; and seek approval from the Licensing Committee on the amendments and update the policy to reflect these changes.

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**Recommendations:** That Members of the Licensing Committee approve the amendments to the Street Trading Policy with any further amendments they feel necessary.

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**Background Papers:** [Street Trading Policy](#)  
Attached to this report

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**Category of Report:** OPEN

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# REPORT OF THE CHIEF LICENSING OFFICER, HEAD OF LICENSING TO THE LICENSING COMMITTEE

Ref: 05/14

## LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS ACT) 1982 STREET TRADING POLICY AMENDMENTS

### 1.0 PURPOSE OF REPORT

- 1.1 To inform members of the results of a consultation process recently undertaken with mobile street trading which sits within the Street Trading Policy; and seek approval from the Licensing Committee on the amendments and update the policy to reflect these changes.
- 1.2 The current street trading policy can be viewed on the website at the following link: [www.sheffield.gov.uk/licensing](http://www.sheffield.gov.uk/licensing) under the heading street trading.

### 2.0 BACKGROUND

- 2.1 Sheffield's street trading policy referred to in paragraph 1.2 above was approved by the Licensing Committee on the 24<sup>th</sup> October 2012.
- 2.2 After the implementation of the approved Policy, the Licensing Authority has listened to concerns of local shop keepers and mobile street traders regarding the restrictions/conditions placed on existing consents, and the impact from those that trade illegally or are in breach of their conditions.
- 2.3 Meetings have taken place to try and find a fair and appropriate resolution for an effective system to work for our City and have proposed the following amendments to ensure a balance.

### 3.0 PROPOSED CHANGES TO STREET TRADING POLICY

#### 3.1 MOBILE TRADERS

- 3.1.1 For mobile traders to be split into two clear distinct categories:
  - Ice- cream
  - Fruit and Vegetables only
- 3.1.2 No further items can be sold in addition to a fruit and vegetable mobile consent. The trading of any other articles will only be permitted by applying for a static street trading consent.
- 3.1.3 To modify the trading days for mobile fruit and vegetable street traders:  
  
Currently: Monday to Friday  
Proposed: Monday to Sunday (7 days a week)

#### 3.2 ICE CREAM MOBILE CONDITIONS

- 3.2.1 Change condition 1 to increase the 15 minute restriction to 20 minutes:  
  
Currently: "Mobile consent holders are not permitted to remain static for more than 15 minutes, and cannot return to the same site within the same day (site refers to a 50 meter radius)"

Proposed: “Mobile consent holders are not permitted to remain static for more than **20** minutes, and cannot return to the same site within the same day (site refers to a 400 meter radius)”

### **3.3 MOBILE FRUIT AND VEGETABLE TRADERS CONDITIONS**

3.3.1 Change of condition 1 to increase the 15 minute restriction and reduce the 800 meter radius:

Currently: “Mobile consent holders are not permitted to remain static for more than 15 minutes, and cannot return to the same site within the week (site refers to an 800 meter radius)”

Proposed: “Mobile consent holders are not permitted to remain static for more than **20** minutes, and cannot return to the same site within the week (site refers to a **500** meter radius)”

3.3.2 Change in condition 2 to reduce the 800 meter radius around shops and other traders selling primarily the same goods:

Currently: “Mobile consent holders are not permitted to trade within an 800 metre radius of any static traders, other mobile traders, or shops, trading in similar goods / articles.”

Proposed: “Mobile consent holders are not permitted to trade within a **500** metre radius of any static traders, other mobile traders, or shops, trading in similar goods / articles.”

### **4.0 CONSULTATION**

4.1 The Licensing Authority has consulted on changes to the existing policy regarding Mobile Traders, a copy of the consultation letter is attached at Appendix ‘A’.

4.2 Interested parties were requested to make comments by 5pm on the 31<sup>st</sup> January 2014 providing just over a six week period to respond.

4.3 Appendix ‘B’ of this report summarises the response of consultees, full copies have been sent to members prior to this meeting.

### **5.0 FINANCIAL IMPLICATIONS**

5.1 There are no financial implications arising from this report as the Licensing Authority recovers its reasonable costs of administering and enforcing the street trading consent system through an approved scale of fees.

### **6.0 RECOMMENDATIONS**

6.1 That Members of the Licensing Committee approve the amendment to the Street Trading Policy with any modifications they feel necessary

### **7.0 OPTIONS OPEN TO THE COMMITTEE**

7.1 That Members of the Licensing Committee approve the amendments to the Street Trading Policy.

7.2 That Members of the Licensing Committee make further amendments before approving the amended Street Trading Policy.

7.3 That Members make no changes to the current Street Trading Policy.

Stephen Lonnia,  
Chief Licensing Officer  
Head of Licensing  
Business Strategy and Regulation  
Place Portfolio  
Block C, Staniforth Road Depot  
Sheffield  
S9 3HD.

5<sup>th</sup> February 2014

# APPENDIX 'A'

**Licensing Service**  
Sheffield City Council,  
Block C, Staniforth Road Depot  
Staniforth Road,  
Sheffield, S9 3HD.  
Tel:0114 2037752 Fax:0114 2734510  
E-mail: [general.licensing@sheffield.gov.uk](mailto:general.licensing@sheffield.gov.uk)  
Website: [www.sheffield.gov.uk](http://www.sheffield.gov.uk)  
Date: 17<sup>th</sup> December 2013



Reference: Lic/243/SF

Dear Sir/Madam

**Local Government (Miscellaneous Provisions) Act 1982  
Street Trading – Policy Changes Consultation**

I am writing to consult with you regarding proposed changes to street trading, in particular mobile street traders.

The Licensing Service has listened to the concerns of local shop keepers and mobile traders regarding the restrictions/conditions placed on existing consents, and the impact from those that trade illegally or in breach of their conditions.

Discussions have taken place to try and find a fair and appropriate resolution for an effective system to work for our City.

The Licensing Authority wish to consult on the proposals listed overleaf which will if approved alter the current street trading policy. Your views are important, and I would be grateful if you could take the time to view the proposals and put forward your comments.

The consultation process will commence on the **19<sup>th</sup> December 2013** and will continue for 6 weeks, with all comments having to be submitted before **5:00pm on Friday 31<sup>st</sup> January 2014**.

A full copy of the current street trading policy can be viewed on our website at [www.sheffield.gov.uk/licensing](http://www.sheffield.gov.uk/licensing) under the heading of street trading.

You can comment on the consultation by emailing [general.licensing@sheffield.gov.uk](mailto:general.licensing@sheffield.gov.uk) or by putting your comments in writing to 'Street Trading Consultation', Licensing Service, Block C, Staniforth Road Depot, Staniforth Road, Sheffield, S9 3HD'.

Please note, the condition regarding the requirement of a side hatch on mobile vehicles will come into force from the 1<sup>st</sup> April 2014 – please ensure your vehicle meets this criteria when applying.

If you have any queries in relation to any of the above please do not hesitate to contact my Licensing Service.

Yours faithfully

A handwritten signature in black ink that reads 'Steve Lonnia'.

Steve Lonnia  
Chief Licensing Officer (Head of Licensing)

Enquiries to: **Licensing Service on 0114 2037752**

**Local Government (Miscellaneous Provisions) Act 1982**  
**PROPOSED CHANGES TO STREET TRADING POLICY**

**MOBILE TRADERS**

1. For mobile traders to be split into two clear distinct categories:
  - **Ice- cream**
  - **Fruit and Vegetables only**

No further items can be sold in addition to a fruit and vegetables mobile consent. The trading of any other articles will only be permitted by applying for a static street trading consent.

2. To modify the trading days for mobile fruit and vegetable street traders:
  - **Currently:** Monday to Friday
  - **Proposed:** **Monday to Sunday (7 days a week)**

**ICE CREAM MOBILE CONDITIONS**

3. Change condition 1 to increase the 15 minute restriction to 20 minutes:
  - **Currently:** “Mobile consent holders are not permitted to remain static for more than 15 minutes, and cannot return to the same site within the same day (site refers to a 400 meter radius)”
  - **Proposed:** “Mobile consent holders are not permitted to remain static for more than **20** minutes, and cannot return to the same site within the same day (site refers to a 400 meter radius)”

**MOBILE FRUIT AND VEGETABLE TRADERS CONDITIONS**

4. Change of condition 1 to increase the 15 minute restriction and reduce the 800 meter radius:
  - **Currently:** “Mobile consent holders are not permitted to remain static for more than 15 minutes, and cannot return to the same site within the week (site refers to an 800 meter radius)”
  - **Proposed:** “Mobile consent holders are not permitted to remain static for more than **20** minutes, and cannot return to the same site within the week (site refers to a **500** meter radius)”
5. Change in condition 2 to reduce the 800 meter radius around shops and other traders selling primarily the same goods:
  - **Currently:** “Mobile consent holders are not permitted to trade within an 800 metre radius of any static traders, other mobile traders, or shops, trading in similar goods / articles.”
  - **Proposed:** “Mobile consent holders are not permitted to trade within a **500** metre radius of any static traders, other mobile traders, or shops, trading in similar goods / articles.”

The consultation will last for 6 weeks (**Closing Date: 5pm 31<sup>st</sup> January 2014**)

**IT IS IMPORTANT THAT WE RECEIVE YOUR VIEWS AND COMMENTS**

If you have any queries in relation to any of the above please do not hesitate to contact  
the Licensing Service on 0114 2037752

# APPENDIX 'B'



# Consultation Comments Received

No.	Name	Overview of comments	Type of comment	Have comments been included?
1	Mr John McNeil <i>Ice cream street trader</i>	No issues with the Ice Cream Mobile Conditions	General comment	N/A
2	Mr Muhammad Yasin <i>Mobile fruit &amp; Veg street trader</i>	1 Happy with the increased 7 days trading. 2 Does not accept the proposed 20 minutes static time. <i>"At the previous meeting it was put across to 30 min, an hour, and an hour and 30 min I would like you to review this again please."</i>	Policy change Policy change	1. N/a - 7 Days trading is included in the proposed changes. 2. No, 20 minutes should be sufficient time for traders to trade in a mobile environment. Should traders wish to trade for more than this time, alternative consents can be applied for e.g. static consents.
3	Mr John Worrall <i>Proper Pasty Company</i>	3 <i>"I do not accept the proposed 500 meters radius of trading of the same articles. I suggest you go back to the original 100 meters and then take it from there to decide to put it up by 50 meters which will make it to a 150 meters distance from a shop or any were near that sort of distance please do not take away our lively hoods."</i> Objects to the proposals. <i>"it is my belief that the consumer has a right and a choice to purchase their food from a venue of their choice..."</i>	Policy change Objection	3. No, this is a 300 meter reduction to the current 800 meter radius which should give a balance to shop keepers and mobile traders. Full comments sent to Members with a copy of the response from Licensing. The policy proposals do not stop businesses from trading or reduce consumer's right of choice, for

	<i>Mobile Trader</i>		<p><i>“This proposed policy seems to be very broad in its scope and fails to take these important issues into consideration”</i></p> <p><i>“...strongly oppose this broad policy which penalizes those who make the extra effort to serve and raise standards in Mobile Trading”</i></p>		traders it will mean alternative authorisations will be required, e.g. a static street trading consent instead of a mobile street trading consent.
4	Khawaya Brothers <i>Shop keeper</i>	1	Mobile traders affecting local businesses.	Comments and policy change	1. Restrictions are already in place on how far traders who trade primarily in the same goods can be.
		2	Breaching 15 minute rule and remaining static for 5-6 hours selling dairy items, fish and meat which can be a health hazard.		2. Restricting the type of mobile trading should assist in enforcing this system.
		3	No issues with ice cream vans, others should not be allowed to trade.		3. No – Proposals to restrict the type of mobile trader should be sufficient steps to ensure compliance.
5	Mr Absufian Abdulla <i>Mobile fruit &amp; Veg street trader</i>	1	Objects to all proposals – no further information provided	Objection	1. N/A