



SHEFFIELD CITY COUNCIL Committee Report

Report of:	Chief Licensing Officer, Head of Licensing
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Date:	25 th October 2012
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Subject:	Local Government (Miscellaneous Provisions Act) 1982 Street Trading Policy Consultation
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Author of Report:	Shimla Rani - 2037752
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Summary:	To notify and consult with Members of the Licensing Committee on the draft Street Trading Policy, application forms and proposed fees.
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Recommendations:	That Members of the Licensing Committee note the contents of the report and comment on the draft Street Trading Policy, application forms and fees.
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Background Papers:	Draft Street Trading Policy, application forms and proposed fees can be found at the following link www.sheffield.gov.uk/streettradingconsult .
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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: 84/12

LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS ACT) 1982 STREET TRADING POLICY CONSULTATION

1.0 PURPOSE OF REPORT

1.1 To notify and consult with Members of the Licensing Committee on the following:

- Draft Street Trading Policy
- New draft application forms for:
 - City Centre Street Trading
 - Static Street Trading
 - Mobile Street Trading for Ice Cream
 - Mobile Street Trading for Fruit / Vegetables and other traders
 - School Street Trading
 - Football Street Trading
 - Variation applications
 - Assistant Badges
- Proposed new fees on certain applications

1.2 All documentation can be viewed at the following web link www.sheffield.gov.uk/streettradingconsult, a full copy will be available to view at the meeting.

2.0 INTRODUCTION

2.1 The Council as a Licensing Authority have power under the provision of the 1982 Act to regulate Street Trading in the City.

2.2 A Street Trading Consent is required to trade on any Street (which includes roads, footways, forecourts, or other areas to which the public have access) within the Sheffield City Boundary.

2.3 The Licensing Committee at it's meeting of 29th January 2002 passed the following resolution:

"That under the provisions of schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982:

1. That under the provisions of schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982:
 - (a) all streets (which includes roads, footways, forecourts or other areas to which the public have access) within the Sheffield City boundary, shall be designated consent streets and;
 - (b) such street trading designation shall take effect as from the 1st April 2002; and
 - (c) all previous designations in relation to street trading will be rescinded as a result of the designation set out above.

2. The effect of this resolution is that from 1st April 2002, it will be an offence to engage in street trading in any street or any other place identified in the above resolution without being authorised to do so by consent from the City Council.”

3.0 WHAT DOES THE POLICY DEAL WITH

- 3.1 The policy sets out Sheffield City Council’s framework for the management of street trading in the city. The policy also aims to prevent the obstruction of the streets by street trading activities and ensure the safety of persons using them.
- 3.2 In doing so, it recognises the importance of licensed businesses to the local economy and the character of the area whilst trying to ensure that the activities do not cause nuisance or annoyance to the people in the area.
- 3.3 The current street trading procedure has become difficult to manage and monitor as we are receiving increasing numbers of complaints regarding traders. It is difficult to know where mobile traders are, and most are trading in the same area near shops and similar outlets which has caused severe problems.
- 3.4 The new policy and application documentation will allow the Authority to regulate, monitor and enforce the street trading regime in a better way with stringent application forms, set qualitative criteria, amended and additional conditions, to scale location plans which will be placed on consents and restricted areas for mobile traders who trade in fruit / vegetables and other types of traders (excluding ice cream sellers).
- 3.5 This document will guide the Licensing Authority when it considers applications for Street Trading Consents. It will inform applicants of the parameters in which the Authority will make decisions and how their needs will be addressed. This will include disclosure of breaches, complaints received and the behaviour of applicants/consent holders.
- 3.6 The policy deals with the following Street trading activities for the grant, renewal, and variation of Street Trading Consents:
- **City Centre Street Trading (small unit/barrow/cart)**
 - Set application procedure including stringent identification documentation
 - Set fee
 - Set city centre qualitative criteria
 - Set standard conditions
 - Consultation
 - **Static Street Trading**
 - Set application procedure including stringent identification documentation
 - Scale plans required identifying local shops that may be affected
 - Set qualitative criteria which must be met
 - Set standard conditions and additional conditions relating to static traders
 - Consultation

- **Ice Cream Mobile Street Trading**
 - Set application procedure including stringent identification documentation
 - Set qualitative criteria which must be met
 - Set standard conditions and additional conditions relating to ice cream mobile traders
 - Consultation
- **Mobile Street Trading for Fruit / Vegetable and other traders**
 - Set application procedure including stringent identification documentation
 - Restricted to five (5) areas to trade in the City to enable the Authority to control and monitor all areas of Sheffield. The Licensing Committee may restrict the number of traders in an area(s)
 - Set qualitative criteria which must be met
 - Set standard conditions and additional conditions relating to fruit / vegetable and other mobile traders
 - Consultation
- **School Street Trading**
 - Set application procedure including stringent identification documentation
 - Scale plans required identifying precise location
 - Requirement of Head Teachers consent to trade outside the school
 - Set qualitative criteria which must be met
 - Set standard conditions
 - Consultation
- **Football Street Trading**
 - Set application procedure including stringent identification documentation
 - Scale plans required identifying precise location
 - Set qualitative criteria which must be met
 - Set standard conditions
 - Consultation
- **Short Term Street Trading**
 - Set application procedure including stringent identification documentation
 - Scale plans required identifying local shops that may be affected
 - Set qualitative criteria which must be met
 - Set standard conditions and additional conditions relating to static traders
 - Consultation where appropriate

3.7 The policy sets out how the Licensing Authority intends to deal with applications under the Street Trading regime and is also a guide to applicants, other authorities, interested parties and the Licensing Committee.

3.8 It will provide new small businesses and current consent holders with a reference document to assist them in understanding the Street Trading process in Sheffield.

4.0 OVERVIEW OF THE STREET TRADING POLICY

- 4.1 The draft Policy brings together each type of Street Trading Consent, procedures and guidance in one document. The below is a breakdown of the policy:

Part 1 – Introduction

This part of the policy deals with the purpose and objectives of the Policy which links into the Corporate Plan and the Council's strategic objectives. It also explains the legislation and the exemptions of holding a street trading consent.

Part 2 - Applications and Determination

Part 2 sets out the type of applications and details what is required to obtain approval for a consent. It also details what factors will be considered in determining applications.

Part 3 – Street Trading Consents

This part deals with all street trading consents in more detail, including the procedure and further requirements of the applicant.

Part 4 – Conditions and Enforcement

Part 4 deals with conditions relating to street trading consents and how the Authority intends dealing with breaches or illegal activity.

Part 5 – Other Legislation

This part of the policy refers to other legislation / requirements the applicant must consider when making an application.

Part 6 – Useful Information and Contact Details

This section of the policy helps applicants to obtain correct contact information of authorities and other useful information.

5.0 APPLICATION FORMS AND FEES

- 5.1 New application forms with guidance have been drafted and developed to ensure it ties in with the policy above. The forms details guidance of the procedure and factors that an applicant must take into account.
- 5.2 Some fees have also been changed and included as part of the changes in the street trading regime. The following lists the changes:

Type of Consent	Current Fee	Proposed Fee
Mobile	£236	Ice Cream Mobile £236 Fruit / Veg and other Mobile £315
Variation of Consent	£0	£100
Assistant Registration / Badge	£0	£15
Replacement badge	£0	£7.50

Replacement Certificate	£0	£7.50
Change of details on a consent (minor)	£0	£15

6.0 CONSULTATION

- 6.1 The Licensing Authority has commenced a consultation process to seek the views of all interested parties to make comments. The consultation process commenced on the 24th September 2012 and will last for 6 weeks, concluding at 5:00pm on the 2nd November 2012.
- 6.2 Letters and emails (where possible) regarding the consultation have been sent out. The letters and emails have included a link to our website where the draft Street Trading Policy and other documents can be viewed. Consultees have the option of contacting the Licensing Service for a hard copy of the Policy if they do not have internet access.
- 6.3 All Members of the Council have been notified of the consultation and provided with an emailed copy of the draft policy and application documents.

7.0 SO WHAT DOES THE POLICY DELIVER

- 7.1 This Policy has been adopted with a view to securing the following objectives:
- to enhance the city of Sheffield;
 - to protect public health through the control of street trading within the city of Sheffield;
 - to ensure that traders operate within the law and act fairly in their dealings with the public; and
 - to prevent nuisance, unsafe practices and anti social behaviour.
- 7.2 Whilst promoting inclusive, vibrant, safe and strong communities and supporting small business enterprise the Licensing Service will work closely with external partners to support the above objectives.
- 7.3 The production of this document and guidance issued with applications will assist us in achieving our vision of “Doing the right things and doing things right, for our customers and the City, making Sheffield a Great Place to be”.
- 7.4 The work we are doing fits with many of our Service objectives:
- Effective – delivering high levels of customer satisfaction.
 - Equitable – ensuring provision to all without disadvantaging anyone.
 - Empowering – engaging with customers and involving them in our decisions.
 - Enabling – working proactively to help make things happen.
- 7.5 It also fits in with our Service design principles:
- Collaboration – working effectively with customers, partners and other stakeholders to provide a streamlined quality service.

- Responsiveness – listening and acting in a timely fashion to complaints and queries.
- Openness – being transparent and accountable to enforcement issues and decisions made on applications.
- Flexibility – by making it easier for customers to make applications, discuss issues, hold meetings and provide information is a convenient and flexible way.
- Learning – listening / learning to customers, improving systems and the way we can do things better over time.

7.6 The overarching benefits are that the Policy will assist in achieving the Place core strategic outcome of “Making Sheffield a Great Place to Be”.

7.7 This will be by supporting the following outcomes:

- **A Strong & Competitive Economy**
 - working with businesses to set up and be a part of the growth of the local economy.
- **A Great Place to Live**
 - **good place management** by involving communities and ensuring traders fit in and contribute to the appearance and enhancing an area ensuring it is safe, attractive and clean by placing conditions and meeting a qualitative criteria.
 - **effective service delivery** by working in collaboration with other agencies, departments and the communities to ensure effective quality service.
- **Vibrant City**
 - by enhancing the **night time economy** by providing customers wants and needs for the city.
 - being **destination of choice** by having variety in the city.
- **Safe & Secure Communities**
 - by working with police, safer neighbourhood officers, etc. to improve communities and tackle problems associated with street trading
- **Successful Young People**
 - **protect and promote the welfare of children** and ensuring the suitability of all applicants.

8.0 FINANCIAL IMPLICATIONS

8.1 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.

8.2 Members should note that if any application is referred to the High Court significant legal costs are likely to be incurred. There is no hold over budget within the Licensing Service to cover such costs.

9.0 RECOMMENDATIONS

9.1 That Members of the Licensing Committee note the contents of the report.

- 9.2 That Members of the Licensing Committee comment on the draft Street Trading Policy.
- 9.3 That Members of the Licensing Committee comment on the draft application documents.
- 9.4 That Members of the Licensing Committee comment on the proposed application fees.

Stephen Lonnia,
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15th August 2012