



Report to Policy Committee

Author/Lead Officer of Report: Steve Lonnia
Lead Officer for the Night-Time Economy, Counter
Terrorism, Sports Grounds and Projects

Tel: 0114 2734264

Report of: Ajman Ali, Executive Director Operational Services
Report to: Waste & Street Scene Committee
Date of Decision: 23rd November 2022
Subject: Proposal for a new street trading resolution

Has an Equality Impact Assessment (EIA) been undertaken?	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>
If YES, what EIA reference number has it been given?				
Has appropriate consultation taken place?	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
Has a Climate Impact Assessment (CIA) been undertaken?	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>
Does the report contain confidential or exempt information?	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>
If YES, give details as to whether the exemption applies to the full report / part of the report and/or appendices and complete below:-				
<p><i>“The (report/appendix) is not for publication because it contains exempt information under Paragraph (insert relevant paragraph number) of Schedule 12A of the Local Government Act 1972 (as amended).”</i></p>				

Purpose of Report:

This report sets out a proposal to change the designation of streets in Sheffield City Centre from Consent Streets to Prohibited Streets and requests permission to commence the process to make that change starting with the publication of the Council’s intention to pass a new resolution under the Local Government (Miscellaneous Provision) Act 1982.

Recommendations:

The Waste and Streetscene Policy Committee is recommended to:

- consider and agree to move forward the proposal to change the designation of streets in Sheffield City Centre from Consent Streets to Prohibited Streets;
- approve the commencement of the process to make that change including the publication of a notice of the Council's intention to pass a new resolution under the Local Government (Miscellaneous Provisions) Act 1982, Schedule 4 to designate all streets within the City Centre (Inner Ring Road) as Prohibited Streets for the purpose of street trading.

Background Papers:

None

Lead Officer to complete:-	
1	I have consulted the relevant departments in respect of any relevant implications indicated on the Statutory and Council Policy Checklist, and comments have been incorporated / additional forms completed / EIA completed, where required.
	Finance: James Lyon, Finance Business Partner
	Legal: Nadine Wynter, Service Manager, Legal Services
	Equalities & Consultation: None at this stage, will begin if agreed to publish notice of Council's intention.
	Climate: None at this stage, will begin if agreed to publish notice of Council's intention.
<i>Legal, financial/commercial and equalities implications must be included within the report and the name of the officer consulted must be included above.</i>	
2	SLB member who approved submission: Ajman Ali, Executive Director Operational Services
3	Committee Chair consulted: Cllr Joe Otten, Cllr Mike Chaplin and Cllr Alexi Dimond
4	I confirm that all necessary approval has been obtained in respect of the implications indicated on the Statutory and Council Policy Checklist and that the report has been approved for submission to the Committee by the SLB member indicated at 2. In addition, any additional forms have been completed and signed off as required at 1.
	Lead Officer Name: Steve Lonnia
	Job Title: Lead Officer for the Night-Time Economy, Counter Terrorism, Sports Grounds and Projects
Date: 5th November 2022	

1. PROPOSAL

1.1 BACKGROUND

- 1.1.1 The purpose of this project is to improve the on-street food trading offer across the city centre, providing more opportunities for local street food businesses (especially start-ups) and the creation of mini street food markets. We aim to work in partnership with existing businesses such as the Peddler Market (Warehouse), Kommune and Steelyard (Container Outlet) who have all shown that by bringing together the top brands from around the UK nationally and regionally is a recipe for success and an on-street offer that there is a huge hunger for.
- 1.1.2 Currently the Council uses two pieces of legislation to administer and control street traders and/or markets within the city centre, the Local Government (Miscellaneous Provisions) Act 1982 regulating street trading and the Markets and Fair Clauses Act 1847 to regulate Markets.
- 1.1.3 Members will be aware that the city centre is already a designated market area and we host many market events, on the Moor there is regular market presence and on Fargate, it is used more for occasional markets. This process is administered and enforced by the Council's Markets Service.
- 1.1.4 In relation to street trading the whole of the city is designated as consent streets and the Licensing Service currently issue around 50/60 consents on an annual basis. There are currently 5 consents in the city centre, and these are administered and enforced by the Licensing Service.
- 1.1.5 The **Street Food Movement** over recent years has become a well-established global phenomenon and in the UK is an exciting development in the culinary offer of towns and cities, with gifted food entrepreneurs choosing to bring their menus to the streets rather than through the more traditional route of a restaurant kitchen. Many cities including Leeds, York, Manchester and Birmingham have bought into the ethos of quality street food, and this is one of our aspirations to ensure Sheffield remains as one of the UK's foremost cities.
- 1.1.6 The current street trading system is outdated; it does not reflect the new vibrant street food scene and the street trading legislation restricts the Council's options to move forward.
- 1.1.7 The challenge for us, therefore, is to find a way to sustainably operate a high-quality street food regime in the central retail core, which can add to the vitality and viability of the street scene, draw visitors between the sites and crucially, increase their dwell time and spend time in the city.
- 1.1.8 Such an offer will also play a vital role in closing the gap between the daytime and night-time economies, offering those who work in the city centre an attractive culinary offer and attracting families into the city for the early evening. We can mix this with other on-street activities such as Theatre, Music, and other cultural activities.

1.2 CURRENT SITUATION

- 1.2.1 The current situation is that all streets (which includes roads, footways, forecourts, or other areas to which public have access) within the Sheffield City boundary are designated as consent streets.
- 1.2.2 The last designation took effect as from 1st April 2002 and was approved by members of the Licensing Board at its meeting on the 29th January 2002.

1.3 THE PROPOSAL

- 1.3.1 It is proposed that the Council should re-designate the whole of the City Centre (everything within the inner ring road) as “Prohibited Streets” under the Local Government (Miscellaneous Provisions) Act 1982, Schedule 4 Street Trading. The rest of the city would remain as consent street as they are currently designated.
- 1.3.2 Under the existing Markets designation within the City Centre we would then provide the ability for applications for both individual and multiple trader market licences under the Markets and Fair Clauses Act 1847.
- 1.3.3 The existing street trading consent holders, whose consent expires on the 30th November 2022 would be given an option to apply for a short term consent under the existing street trading scheme until 31st March 2023 (4 months) after which street trading would cease under the proposed new resolution or they will be able to voluntarily move across the new street food initiative under Markets.
- 1.3.4 Officers would draft, and present to Committee the specific street food market licence documents such as a policy, regulations, qualitative criteria, table of fees, sites/locations, the licence and conditions for traders to comply with if they are to obtain a Market Licence and to reflect the Council’s aspirations more accurately for the City Centre.

1.4 THE LEGISLATION

- 1.4.1 Part III, of the Local Government (Miscellaneous Provisions) Act 1982, as adopted by the Council, gives the Local Authority power to administer and enforce the said provisions of Schedule 4 of the 1982 Act in relation to Street Trading.

- 1.4.2 Section 2 of Part III, Schedule 4 of the Act states:

- 2(1) A district council may by resolution designate any street in their district as –
 - (a) a prohibited street;
 - (b) a licence street; or
 - (c) a consent street

- 2(2) If a district council pass such a resolution as is mentioned in sub paragraph (1) above, the designation of the street shall take effect on the day specified in that behalf in the resolution (which must not be before the expiration of the period of one month beginning with the day on which the resolution is passed).
- 2(3) A council shall not pass a resolution unless –
- (a) they have published a notice of their intentions to pass such a resolution in a newspaper circulating in the area;
 - (b) they have served a copy of the notice –
 - (i) on the chief officer of police for the area in which the street to be designated by the resolution is situated; and
 - (ii) on any highway authority responsible for that street
- 2(9) The council shall publish notice that they have passed such a resolution in two consecutive weeks in a local newspaper circulating in that area

1.5 THE FORMAL PROCESS

- 1.5.1 Step 1 – this report and the requirement to publish the Council’s intention to pass a new resolution under the Local Government (Miscellaneous Provision) Act 1982. This will include notifying in writing the Chief Constable, South Yorkshire Police and the Highways Authority, and a public notice published in the local press giving 28 days for any comments to be made.
- 1.5.2 Step 2 – report to the 21st December 2023 Committee meeting to consider all the necessary process requirements under the Markets and Fair Clauses Act 1847. This will include proposals for a new Street Food Market Licence, new Street Food Market Licence Regulation, the licence and associated conditions, and fees to start immediately. The new initiative would commence on the 1st January 2023.
- 1.5.3 Step 3 – final report to the 15th February 2023 Committee meeting to consider responses to the consultation undertaken at step 1 and to determine whether to approve or reject the proposed new resolution.
- 1.5.4 Step 4 – if approved at the February 2023 meeting a notice must be published local press stating that we have passed a new resolution. This must be published for two consecutive weeks, and the new resolution will come into force on the 1st April 2023.

2. HOW DOES THIS DECISION CONTRIBUTE ?

- 2.1 The proposal has the potential to bring a whole new experience to the streets of Sheffield City Centre, and an opportunity to work collaboratively with new and existing street food providers. Potentially

provide new job / business opportunities and to help businesses take the first step on the ladder towards setting up in and opening a new premises within the city.

- 2.2 The proposal will help support the City Centre Vision by providing opportunities for small and/or new business start-ups to provide a new place to eat, drink, socialise, explore, and relax whilst enjoying the great outdoors and a new culinary experience.
- 2.3 The vision is to create an offer of a new street food initiative that will provide something for everyone, and throughout the daytime, early evening and late-night economies. A diverse offer of food tastes that will match up with the diverse population of the city.
- 2.4 We will help provide a street food experience that is clean, green, safe and vibrant for those that live, work, learn in or visit our great city.
- 2.5 The proposal is a small part of a wider project to create a night-time economy that is safe, vibrant, welcoming and that works for and welcomes everyone. To enable us to celebrate what we currently have, but to also ensure that we keep looking forward, improving and aiming to be the best.

3. HAS THERE BEEN ANY CONSULTATION?

- 3.1 A letter was sent to the five existing city centre consent holders on the 23rd August 2022, to enter in to an early dialogue with those most affected by the proposals. Consent holders were given until the 7th October 2022 to respond in writing.
- 3.2 The five consent holders were also offered the opportunity for a face-to-face meeting to discuss the proposal(s), The holders of three consents took up this offer and discussions have taken place.
- 3.3 The initial concerns of these traders were around any potential increase in fees, particularly during the current financial climate, and the safety / security of their businesses and livelihoods. Their concerns have been noted and will be dealt with and responded to as part of the formal consultation and in the December report to approve fees, regulations, and processes etc.
- 3.4 If members agree to move the proposals forward and approve the publication of a notice stating our intentions to change the street trading resolutions the we will commence a wider consultation process with all current street trading consent holders and others.
- 3.5 Consultation letters will also be sent to the Chief Constable, Chief Fire Officer, Head of Transport and Highways, Head of Planning, Head of Markets and City Centre Management and any other relevant bodies/individuals.

3.6 The consultation period with current consent holders will begin on the Monday 30th November 2022 and formal notice being sent to the Police etc. and published in the Sheffield Star during the week commencing 30th November 2022. The closing date for comments will be Friday 6th January 2023.

4. RISK ANALYSIS AND IMPLICATIONS OF THE DECISION

4.1 Equality Implications

4.1.1 An equality impact assessment will be undertaken if members agree to move the proposals forward and approve the publication of the Council's intention to pass a new resolution under the Local Government (Miscellaneous Provision) Act 1982.

4.2 Financial and Commercial Implications

4.2.1 There are no direct revenue implications as a result of this proposal. If the proposal moves to the next stage, then a further analysis of revenue implications will be conducted in preparation for step 2 of the process stated at paragraph 1.5.2 of this report.

4.2.2 The principal of exploring this proposal and the income generation were also agreed by Co-operative Executive last year as part of the budget considerations.

4.3 Legal Implications

4.3.1 If the Committee were minded to change the street resolution, it would be necessary to follow the statutory public notice procedure set out in the Local Government (Miscellaneous Provisions) Act 1982.

4.3.2 That procedure requires the Committee to give notice of its intention to designate the streets and invite objections. Any objections received in response would have to be considered by the Committee before proceeding any further.

4.4 Climate Implications

4.4.1 A climate impact assessment will be undertaken if members agree to move the proposals forward and approve the publication of the Council's intention to pass a new resolution under the Local Government (Miscellaneous Provision) Act 1982.

4.4 Implications for the Licensing and Markets Services

4.4.1 Although we are proposing to prohibit street trading in the city centre, this will not have a detrimental effect on the Licensing Service.

4.4.2 The service will lose income from the five existing city centre consents (approximately £16K) however, the cost of administration / enforcement work will also be reduced by the same amount. As you will be aware

Licensing can only recover its reasonable costs so this will balance itself out.

4.4.3 The Markets Service will inherit the five existing consents, and these will be transferred on to a new market licence.

4.4.4 That this proposal will assist the Markets Service to meet their financial targets for 22/23.

5. ALTERNATIVE OPTIONS CONSIDERED

5.1 The Council could maintain the status quo. However, in order to secure the benefits outlined in the Report this option is not recommended.

6. REASONS FOR RECOMMENDATIONS

6.1 Moving forward with the proposals outlined in this Report will improve the on-street food trading offer across the city centre, providing more opportunities for local street food businesses (especially start-ups) and the creation of mini street food markets.

Richard Eyre
Director of Street Scene & Regulation
Sheffield City Council
Town Hall
Sheffield, S1 2HH

November 2022