



SHEFFIELD CITY COUNCIL Committee Report

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Report of: Chief Licensing Officer, Head of Licensing

Date: 19th June, 2012

Subject: Street Trading
City Centre Small Trading Stalls

Author of Report: Kathy Stockdale – 203 7752

Summary: To consider and allocate applications for street trading consents to trade in specific city centre locations

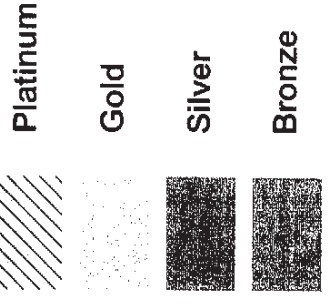
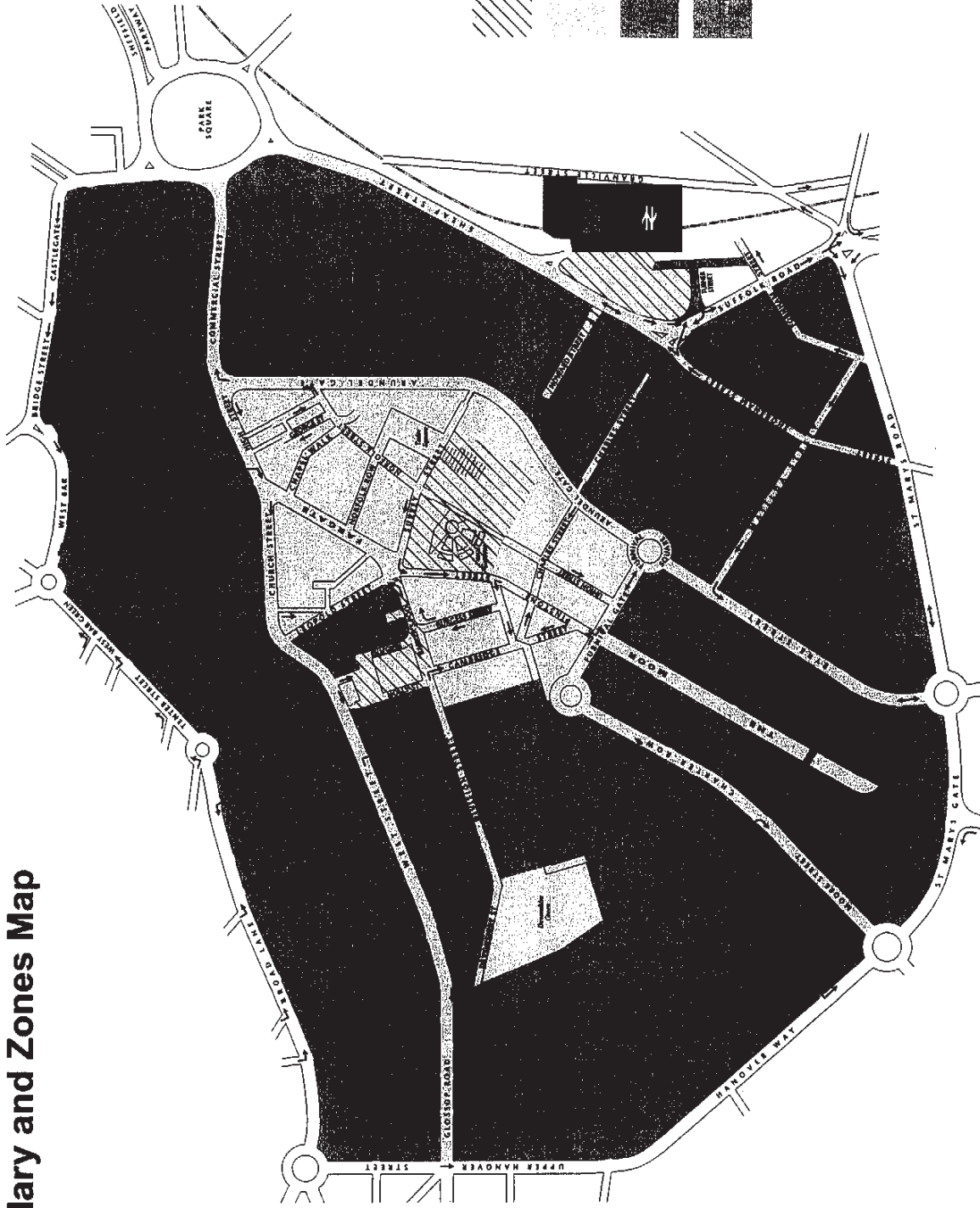
Recommendations: That Members consider the applications submitted alongside the Council's "City Centre Street Trading - Small Trading Stalls" qualitative criteria and comments submitted by Development Services and the City Centre Manager.

That Members consider all the information provided by the applicants both in their written application and in person at the Hearing.

Background Papers: Attached documents

Category of Report: OPEN

City Centre Management Team Boundary and Zones Map



DP106/11

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

Ref: 45/12

LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982

Street Trading – City Centre Small Trading Stalls

1.0 PURPOSE OF REPORT

1.1 To consider two applications for street trading consents to trade in specific city centre locations.

2.0 INTRODUCTION

2.1 The Council 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 its meeting of 29th January 2002 passed the following resolution:

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.

2.4 A Local Authority may attach conditions to a Street Trading Consent. The conditions may include conditions to prevent obstruction of the street and danger to persons using the street or nuisance or annoyance.

2.5 A Street Trading Consent may only be granted for a maximum period of twelve months.

2.6 There is no appeal procedure against the refusal or revocation of a consent. An applicant may, however apply for judicial review of the Council's decision.

3.0 BACKGROUND

- 3.1 Working in partnership with the City Centre Management Team and Planning, Licensing presented a report to Committee in August 2011 to encourage more local businesses to trade in the city centre whilst also controlling the type and thereby controlling the quality that is on offer.
- 3.2 A City Centre Qualitative Criteria for Small Trading Stalls was approved (attached at Appendix 'A') and applications were invited from current traders and interested parties.
- 3.3 The fee for each consent has been set at £486 per quarter (£1,994 per annum) to trade seven days a week between 7am and 7pm.

4.0 THE APPLICATIONS

- 4.1 The applications have been submitted in response to a letter from the Licensing Service requesting applications for small scale city centre street trading units. This is to encourage more local businesses to trade in the city centre and to offer a more continental style of trading in certain areas of the city centre.
- 4.2 There is no constraint on the type of goods that can be sold. However, we would like to encourage more traditional goods that would give a more continental style to the City Centre.
- 4.3 A number of pitches have been allocated at a previous meeting, therefore, the location of the remaining pitches are:
- Sheaf Street;
 - Fargate (bottom);
 - Howard Street (bottom);
 - Tudor Square;
 - Devonshire Green
- 4.4 A copy of each application will be forwarded with this report to each Member of the Licensing Committee.
- 4.5 A colour plan depicting all proposed locations (although not the exact sites) will be available on the day of the hearing.
- 4.6 Members are to note that the specific location at the site will be agreed in conjunction with the City Centre Management Team and Planning Department.

5.0 REASONS FOR REFERRAL

- 5.1 Applications have been referred to the Licensing Committee for their consideration.
- 5.2 A table referencing each application can be found on the sheet at Appendix 'B'.
- 5.3 Applications have been copied to Lucy Bond, City Centre & East Team Manager, Development Services and Richard Eyre, City Centre Manager for their comments. A copy of their comments are attached to the applications which have been circulated to each Member of the Licensing Committee.

- 5.4 The applicants have been invited to attend the Licensing Committee hearing. Copies of the invites are attached at Appendix 'C'.
- 5.5 A copy of the hearing procedure is attached at Appendix 'D'.

6.0 FINANCIAL IMPLICATIONS

- 6.1 There are no financial implications arising from this report as the Licensing Authority will recover its reasonable costs of administering and enforcing the street trading consent system through consent fees.
- 6.2 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 Licensing to cover such costs.

7.0 RECOMMENDATIONS

- 7.1 That Members consider the applications submitted alongside the Council's "City Centre Street Trading - Small Trading Stalls" qualitative criteria and comments submitted by Development Services and the City Centre Manager.
- 7.2 That Members consider all the information provided by the applicants both in their written application and in person at the hearing.

8.0 OPTIONS OPEN TO THE COMMITTEE

- 8.1 To allocate one or both applicants a specific site consent.
- 8.2 To defer the matter for further consideration.
- 8.3 To refuse one or both of the street trading applications.

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

1st June, 2012

APPENDIX 'A'

Sheffield City Council

CITY CENTRE STREET TRADING - Small Trading Stalls

BACKGROUND

Street activities are an essential ingredient of a vibrant and lively city, and in Sheffield there is a strong demand for legitimate small scale trading pitches. They also offer an opportunity for small businesses to get started with relatively modest outlay.

The widening of footways offers the opportunity to designate more pitches in locations that will add to the attractiveness of the City Centre. In Orchard Square and Meadowhall 'Barrow' style stalls are used extensively, enhancing the colour and vitality of those places.

This scheme is part of the City Council's campaign to make Sheffield City Centre a more attractive and vibrant place. Set out below is the qualitative criteria which forms the basis on which to test applications for the grant of designated small trading stall Street Trading Consent sites within the City Centre.

QUALITATIVE CRITERIA – SMALL TRADING STALLS

GENERAL DESIGN

- There will be no motorised vehicles or stalls etc. permitted as part of this scheme.
- All barrows/handcarts must be capable of being moved on and off site by hand and any vehicles used to bring the barrows/handcarts to the site must be parked, loaded and unloaded off site.
- Good display is an important part of the selling process and top quality presentation encourages purchase and benefits the retailer reputation.
- It is in the best interest of traders to produce a high quality design in their barrows/handcarts. The function of the stall is to identify the trader and add vitality and colour to the immediate area, and reflect the quality, cleanliness and order in their operation. The barrow/stall contributes to the appearance of the street for good or bad, so design matters to everyone who uses the street, as well as the operator.
- Sign writing and scrollwork must be finished to a standard acceptable to the City Council.
- The unit must be visually acceptable to the City Council (this will include the Head of Licensing, City Centre Manager and Planning) and be in keeping with the street/area that it is to be located.
- Advertisements on stalls will not be permitted except by permission of the Council in writing and subject to further conditions. The Council shall be the sole judge of what is an acceptable advertisement.
- The Council will reserve the right to not renew any consent where it considers the product(s) offered by the operator are not in keeping with the requirements of the site and the promotion of the City Centre.

- Non functional elements attached to barrows / handcarts, are not acceptable.
- The general design of the barrow/handcart must meet the requirements of the Council for that location.
- Flame retardant 'skirts' are to be used if necessary, so as to obscure the frame, gas bottle etc. They should be designed to 'unify' the barrow/handcart.
- All equipment, tools, gas bottles etc. must be self contained within the stall/handcart etc.
- Bright colours and a sense of fun are encouraged.
- Finished in flame retardant paint.
- A colour photograph or scale illustration of the proposed handcart must be submitted to the Licensing Service as part of the application process.
- No barrow/handcart should have a frontage greater than 3.0 metres or a width greater than 2.0metre.
- Roofs should be no more than 2.5m above ground level.
- Pitched and curved roofs are encouraged.
- Canopies should be high quality with a feeling of 'permanence'. These could be manufactured from either stretched canvas, or woven material, opaque or light metal materials. Clear plastic awning and extensions to the canopy will not be acceptable.
- Canopies must be maintained and cleaned to a high standard.
- Food traders must ensure that any stall design satisfies the requirement of food safely legislation. Staff must be adequately trained in good hygiene (Basic Food Hygiene Certificate and regular on going training) and records of training must be made available on request.
- Best practise of food hygiene must be adopted by the operator. This covers:
 - Personal hygiene
 - Hand washing
 - Ill health
 - Prevention of contamination
 - Temperature control
 - Temperature monitoring
 - Cleaning
 - Storage and stock rotation
 - Procedures in the event of freezer breakdown
 - Site cleanliness
 - Waste disposal
 - Pest control
 - Quality control
 - First aid facilities

APPENDIX 'B'

STREET TRADING APPLICATIONS – CITY CENTRE

Hearing Time	Application reference	Applicant	Trading in:	Days	Times
10.00	1	Zocalo	Authentic Mexican Food	7 days	
10.20	2	Motore Cafe	High quality coffee and pastries	Mon-Sat	8am-4.30pm

Please Note:

Each applicant has been allocated 15 minutes each to present their case to Members and an additional 5 minutes to allow Members to ask questions.

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APPENDIX 'C'

SHEFFIELD CITY COUNCIL

LOCAL GOVERNMENT MISCELLANEOUS PROVISIONS ACT 1982 Street Trading – Available sites in the city centre

IMPORTANT: NOTIFICATION OF A COMMITTEE HEARING

To: Mr N Midgley
[Redacted]
Sheffield
[Redacted]

LEGISLATION: Local Government (Miscellaneous Provisions) Act 1982

LICENCE TYPE: Street Trading Consent

I refer to the above and your application for the grant of a city centre street trading consent.

This matter has been referred to the Licensing Committee of Sheffield City Council for determination; the reasons for the referral are set out in the attached report to the Committee. The Licensing Committee has the authority to decide what action to take in relation to each application.

The committee has indicated that it expects applicants to attend the meeting.

The meeting will take place on **Tuesday, 19th June, 2012** in a Committee Room of the Town Hall, Sheffield (Pinstone Street entrance) and you are invited to attend at **10:20am**.

PLEASE NOTE:

1. Each applicant has been allocated 15 minutes each to present their case to Members and an additional 5 minutes to allow Members to ask questions. However, please be aware that the timescales may over run to allow for each application to be fully considered.
2. I would be grateful if you could confirm that you will be attending the meeting by telephoning the Licensing Office on 0114 2037752.



Date: **24th May, 2012**

.....
Steve Lonnia
Chief Licensing Officer
Head of Licensing

IMPORTANT: A DECISION IS LIKELY TO BE MADE ON THIS ISSUE WHETHER YOU MAKE REPRESENTATION OR NOT.

Licensing Service, Block C, Staniforth Road Depot, Staniforth Road, Sheffield, S9 3HD
Telephone 0114 2037752

The Licensing Service is open from 9.00am to 5.00pm, Monday to Friday

SHEFFIELD CITY COUNCIL

LOCAL GOVERNMENT MISCELLANEOUS PROVISIONS ACT 1982 Street Trading – Available sites in the city centre

IMPORTANT: NOTIFICATION OF A COMMITTEE HEARING

To: **Mr Murillo-Cosio**
[Redacted]
Sheffield
[Redacted]

LEGISLATION: Local Government (Miscellaneous Provisions) Act 1982

LICENCE TYPE: Street Trading Consent

I refer to the above and your application for the grant of a city centre street trading consent.

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APPENDIX 'D'

STREET TRADING CONSENT APPLICATION

SUB-COMMITTEE HEARING PROCEDURE

This procedure has been drawn up to assist those parties attending Street Trading Consent Committee hearings.

1. The Chair of the Licensing Committee will introduce the Committee and ask officers to introduce themselves.
2. The Chair will ask the applicants and interested parties to formally introduce themselves.
3. The Solicitor to the Committee will outline the procedure to be followed at the hearing.
4. Hearing Procedure:-
 - (a) The Licensing Officer will introduce the report.
 - (b) Questions concerning the report can be asked both by Members and the applicant.
 - (c) The applicant/consent holder (or his/her nominated representative) will then be asked to:-
 - (i) detail the application;
 - (ii) provide clarification on the application and respond to the representations made.
 - (d) The Chair of the Licensing Committee will invite Members of the Sub-Committee and all other parties present to put any relevant questions to the applicant and/or his/her representative.
 - (e) Consultees / interested parties will be invited to present their representations or elect a spokesperson (which may be a Councillor) to speak on their behalf. New representations must not be raised.
 - (f) The Chair of the Licensing Committee will invite Members of the Sub-Committee and all other parties present to put any relevant questions to the consultees / interested parties.
 - (g) The consultees / interested parties will be invited to sum up. A maximum of 5 minutes will be allowed.
 - (h) The applicant will be invited to sum up. A maximum of 5 minutes will be allowed.
 - (i) The Licensing Officer will then detail the options.
 - (j) There will then be a private session for Members to take legal advice and consider the application.
 - (k) Once a decision has been reached, all parties will be invited to return. The Sub-Committee's decision and reasons will be announced by the Chair.
 - (l) The Sub-Committee's decision will be confirmed in writing to the applicant and those parties who made representations.

- NB:
- 1) At any time in the Licensing Process Members of the Committee may request legal advice from the Solicitor to the Committee. This advice may be given in open session or in private.
 - 2) The Committee Hearing will be held in public unless and in accordance with the Regulations the Committee determine that the public should be excluded.

There is no right of appeal against the Council's decision to refuse to grant or revoke a Street Trading Consent.

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