



Report to Policy Committee

Author/Lead Officer of Report: Steve Lonnia
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Report of: Ajman Ali, Executive Director Operational Services
Report to: Waste & Street Scene Committee
Date of Decision: 15th February 2023
Subject: Proposal for a new street trading resolution

Has an Equality Impact Assessment (EIA) been undertaken?	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
If YES, what EIA reference number has it been given? 1454				
Has appropriate consultation taken place?	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
Has a Climate Impact Assessment (CIA) been undertaken?	Yes	<input checked="" type="checkbox"/>	No	<input 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:-				
<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"The (report/appendix) is not for publication because it contains exempt information under Paragraph (insert relevant paragraph number) of Schedule 12A of the Local Government Act 1972 (as amended)."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>				

Purpose of Report:

This report sets out the results of the public consultation undertaken in relation to the proposal to change the designation of streets in Sheffield City Centre from Consent Streets to Prohibited Streets under the Local Government (Miscellaneous Provision) Act 1982.

Recommendations:

The Waste and Street Scene Policy Committee is recommended to:

- consider the representations made to the public consultation;
- approve the proposals set out in this report; and
- refer the approved proposals to Full Council to pass the resolution changing designated streets in Sheffield City Centre from Consent Streets to Prohibited Streets.

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: Ed Sexton, Equalities & Involvement Officer
	Climate: Jessica Rick, Sustainability Programme Officer
	<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 & Projects
Date: 23rd January 2023	

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 expired 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 – a report and the requirement to publish the Council’s intention to pass a new resolution under the Local Government (Miscellaneous Provision) Act 1982 was agreed at the Waste & Street Scene Committee on the 23rd November 2022. This included 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 – In the report of the 21st December 2023, the Committee considered all the necessary process requirements under the Markets and Fair Clauses Act 1847. This included proposals for a new Street Food Market Licence, new Street Food Market Licence Regulation, the licence and associated conditions, and fees to start immediately. Members approved all the above and for the new initiative to commence on the 1st January 2023.
- 1.5.3 Step 3 – This report that is to be heard at the 15th February 2023 Committee meeting will consider representations to the consultation undertaken at step 1 and to determine whether to approve or reject the proposed new resolution for approval at Full Council.
- 1.5.4 Step 4 – if approved at the February 2023 the matter will be referred to Full Council to pass the new resolution in March 2023. If approved at the March 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 date published in such notice.

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 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 were noted and were dealt with and responded to as part of the informal consultation process carried out above.
- 3.4 Following agreement by Members to move the proposals forward and approve the publication of a notice stating the Council's intentions to change the street trading resolutions, a wider public consultation process commenced with all current street trading consent holders and others.

- 3.5 Consultation letters were 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 began on the Monday 30th November 2022 and formal notice was sent to the Police etc. and published in the Sheffield Star during the week commencing 30th November 2022. The closing date for comments was Friday 6th January 2023.
- 3.7 No representations were received in response to the formal consultation that was undertaken as set out in 3.6 above.

4. RISK ANALYSIS AND IMPLICATIONS OF THE DECISION

- 4.1.1 The Council has legal obligations under the Equality Act 2010 and, specially, the Public Sector Equality Duty. This places certain requirements on Public Authorities, including having due regard to the need to eliminate discrimination, advance equality of opportunity and foster good relations.
- 4.1.2 The equality impact assessment for this proposal anticipates broadly positive impacts in relation to health, race and partner organisations. It highlights that the proposal 'would be expected to contribute positively to the city's diversity profile.' It also notes that, as with any licensing arrangements, checks of traders and workers would be carried out as required.
- 4.2 Financial and Commercial Implications
- 4.2.1 There are no direct revenue implications as a result of this reports.
- 4.2.2 Full financial and commercial implications were considered in full at the meeting of 21st December 2022. When the committee considered the new fees etc.
- 4.2.3 The principal of 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 As stated in the body of the report a resolution was passed on 29 January 2002 that all streets within the Sheffield City boundary shall be designated Consent Streets. The Council must follow a statutory process to vary or rescind that resolution, which includes considering any representations relating to the proposed resolution.

4.4 Climate Implications

- 4.4.1 A full climate impact assessment is not required. However, climate implications have been undertaken and have been discussed with Jessica Rick, Sustainability Programme Officer.
- 4.4.2 There are 9 core areas to be considered as part of a climate impact assessment, and this project has considered five of those. The areas being Transport, Energy, Economy, Resource Use and Waste.
- 4.4.3 The impact of the proposals is expected to be positive in terms of emissions from vehicles and power sources. This includes our intention to gradually move away from vehicles that do not meet the criteria for the new clean air zone. Stalls / Trailers that use gas or electric and move away from diesel generators etc through installation of access to mains power.
- 4.4.4 The impact of the proposals is expected to be positive in terms of resource use and waste as a result of market trading activities. We will encourage the use of compostable materials for serving food and move away from single use plastics. All waste is to be removed and recycled where possible.
- 4.4.5 These measures will improve the ability of traders to operate more sustainably.

4.5 Implications for the Licensing and Markets Services

- 4.5.1 Although we are proposing to prohibit street trading in the city centre, this will not have a detrimental effect on the Licensing Service.
- 4.5.2 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.
- 4.5.3 The Markets Service will inherit the five existing consents, and these will be transferred on to a new market licence.
- 4.5.4 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 this and previous reports 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
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February 2023

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