

ROTHERHAM BOROUGH COUNCIL – REPORT TO MEMBERS

1.	Meeting:	Cabinet Member For Town Centres
2.	Date:	24th January 2011
3.	Title:	Town Centre Pitches - Market Square
4.	Directorate:	Environment & Development Services

5. Summary

Rotherham Metropolitan Borough Council exercises its powers under part VIIA of the Highways Act 1980 by granting licenses to commercial and not for profit organisations to use designated pitches within the town centre for the purposes of street trading, promotional activities, events & charitable collections.

This report sets out the recommended temporary revisions to the current policy relating to pitches located at Market Square and Effingham Square in light of the proposed physical improvements.

6. Recommendations

It is recommended that:

- **Notwithstanding any objections, food use is temporarily permitted at Pitch 5 for a period of 12 weeks to accommodate the relocation of the existing mobile catering vehicle.**
 - **A review of the permanent provision of town centre pitches for sale of food is undertaken and associated report brought to Cabinet Member in due course.**
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7. Proposals and Details

Rotherham Metropolitan Borough Council currently grants licences for activities on designated 'pitches' located around the town centre. Appendix 1 identifies the location of these pitches. Improvements to the market square and Boots fountain are planned adjacent to Pitches 1-3. Due to the nature of the works it is proposed that Pitches 1-3 are made unavailable for the duration (estimated 6th Feb- end April).

Pitch 1 is currently occupied by a mobile food trader who has been operating in the town centre for a period of more than 10 years. As such an alternative pitch on which the mobile catering vehicle could be temporarily relocated has been identified (Pitch 5).

Permissions for food trading have been restricted wherever possible in recent years in light of the aim to protect the vitality and viability of the town centre; furthermore Pitch 5 is seen as the only suitable location for a mobile catering unit to be sited based on:

- The space that is required on the Highway for manoeuvring the vehicle into position and subsequent access for pedestrians and vehicles.
- The adequate proximity of the pitch to adjacent shop entrances (which is imperative considering smell/ noise/ use of a generator/ storage of associated food items and the use of a rear access door to the vehicle)
- The desire to keep prominent pitches clear for the use for events and promotions which generate town centre footfall
- The aim to enhance the vitality and viability of primary shopping streets and attract new end users to vacant units
- The proximity to a large proportion of the current customer base located at RCAT

The permanent use of pitch 5 for food trading would be subject to 28 days consultation with surrounding businesses that have an interest. The suggested approach to temporarily permitting the siting of a mobile food trailer in this location is to ensure businesses in the vicinity are given a minimum of 7 days notice along with the opportunity to raise any specific concerns regarding impact on their potential business. Where any objections are submitted and cannot be resolved, these will be presented to Cabinet Member for consideration prior to any permission to trade at Pitch 5 being granted.

In addition it is proposed that the suitability of the use of this pitch will be monitored in terms of impact on surrounding businesses, impact on the physical environment, compliance by the licensee of any licence conditions and impact on the safe use of the pedestrian zone by visitors to the town centre.

The Public Realm Strategy identifies the market square (which encompasses the fountain and market entrance) as a potential 'high quality' area which should form part of a network of high profile public spaces. In March 2008 it was agreed through the Cabinet Member that should any future plans for this area not support the location of mobile catering units on the current designated pitches, the provision of pitches for mobile catering units could effectively be removed (unless other suitable locations could be identified). As such it is recommended that a more detailed report

pertaining to the future provision of permanent food pitches be brought to Cabinet Member for consideration in the near future.

8. Finance

The relocation of the existing mobile catering unit to Pitch 5 would not impact upon the current budgets. The estimated annual income generation from the licensing of a single pitch for a mobile catering unit is estimated at £7,800.

9. Risks and Uncertainties

There is a risk that there will be objections raised linked to an expectation to trade and/ or human rights. However, the current licence can be withdrawn if ‘the Council considers that withdrawal of the license is necessary for the exercise of its functions as the Local Highway Authority or otherwise.’ As such the Council is entitled to exercise these rights for either the purpose of allowing the physical redevelopment works to take place or to support the implementation of the Public Realm Strategy. Any claims from existing traders that they have a legitimate expectation to trade or objections linked to human rights arguments would be countered in terms of provision within the licence for its termination which the traders have full knowledge of at the time they enter into it. The Council is not precluded from changing its policy to reflect changed circumstances.

In addition there is a risk that businesses in the vicinity to pitch 5 will be opposed to the proposed temporary relocation. The risk of any negative impact on any business in this area will be minimised through the close monitoring and review of the arrangements, to which they will be invited to contribute.

10. Policy and Performance Agenda Implications

The management of Town Centre Spaces forms part of the overall function of Rotherham Investment & Development Office. The original aim of the Town Centre Spaces Policy supports the 5 Regeneration priorities to and specifically to:

- Achieve Rotherham Town Renaissance by enhancing the role and function of the Town Centre and ensuring that it acts as a hub for social, economic and cultural activity for the wider area.

11. Background Papers and Consultation

Cabinet Member Report- March 2008 (Town Centre Spaces Policy Review- Mobile Catering Units).

Consultation has been undertaken with RMBC Legal Team, Highways & Transportation Teams, Director of Planning & Regeneration.

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