

# **Licensing Sub-Committee**

**Tuesday 16 July 2013 at 10.00 am**

**To be held at the Town Hall, Pinstone Street, Sheffield, S1 2HH**

**The Press and Public are Welcome to Attend**

## **Membership**

**Councillors John Robson (Chair), George Lindars-Hammond and Clive Skelton  
David Barker (Reserve)**

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## **PUBLIC ACCESS TO THE MEETING**

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The Licensing Committee carries out a statutory licensing role, including licensing for taxis and public entertainment.

As a lot of the work of this Committee deals with individual cases, some meetings may not be open to members of the public.

A copy of the agenda and reports is available on the Council's website at [www.sheffield.gov.uk](http://www.sheffield.gov.uk). You can also see the reports to be discussed at the meeting if you call at the First Point Reception, Town Hall, Pinstone Street entrance. The Reception is open between 9.00 am and 5.00 pm, Monday to Thursday and between 9.00 am and 4.45 pm. on Friday, or you can ring on telephone no. 2734552.

You may not be allowed to see some reports because they contain confidential information. These items are usually marked \* on the agenda.

If you require any further information please contact Harry Clarke on 0114 273 6183 or email [harry.clarke@sheffield.gov.uk](mailto:harry.clarke@sheffield.gov.uk).

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## **FACILITIES**

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There are public toilets available, with wheelchair access, on the ground floor of the Town Hall. Induction loop facilities are available in meeting rooms.

Access for people with mobility difficulties can be obtained through the ramp on the side to the main Town Hall entrance.

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**LICENSING SUB-COMMITTEE AGENDA  
16 JULY 2013**

**Order of Business**

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- 1. Welcome and Housekeeping Arrangements**
- 2. Apologies for Absence**
- 3. Exclusion of Public and Press**  
To identify items where resolutions may be moved to exclude the press and public
- 4. Declarations of Interest**  
Members to declare any interests they have in the business to be considered at the meeting
- 5. Local Government (Miscellaneous Provisions) Act 1982 - Street Trading - Schools (Ice Cream) Street Trading Consent - Tinsley Nursery and Infant School**  
Report of the Chief Licensing Officer

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## ADVICE TO MEMBERS ON DECLARING INTERESTS AT MEETINGS

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New standards arrangements were introduced by the Localism Act 2011. The new regime made changes to the way that members' interests are registered and declared.

If you are present at a meeting of the Council, of its executive or any committee of the executive, or of any committee, sub-committee, joint committee, or joint sub-committee of the authority, and you have a **Disclosable Pecuniary Interest** (DPI) relating to any business that will be considered at the meeting, you must not:

- participate in any discussion of the business at the meeting, or if you become aware of your Disclosable Pecuniary Interest during the meeting, participate further in any discussion of the business, or
- participate in any vote or further vote taken on the matter at the meeting.

These prohibitions apply to any form of participation, including speaking as a member of the public.

You **must**:

- leave the room (in accordance with the Members' Code of Conduct)
- make a verbal declaration of the existence and nature of any DPI at any meeting at which you are present at which an item of business which affects or relates to the subject matter of that interest is under consideration, at or before the consideration of the item of business or as soon as the interest becomes apparent.
- declare it to the meeting and notify the Council's Monitoring Officer within 28 days, if the DPI is not already registered.

If you have any of the following pecuniary interests, they are your **disclosable pecuniary interests** under the new national rules. You have a pecuniary interest if you, or your spouse or civil partner, have a pecuniary interest.

- Any employment, office, trade, profession or vocation carried on for profit or gain, which you, or your spouse or civil partner, undertakes.
- Any payment or provision of any other financial benefit (other than from your council or authority) made or provided within the relevant period\* in respect of any expenses incurred by you in carrying out duties as a member, or towards your election expenses. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.

\*The relevant period is the 12 months ending on the day when you tell the Monitoring Officer about your disclosable pecuniary interests.

- Any contract which is made between you, or your spouse or your civil partner (or a body in which you, or your spouse or your civil partner, has a beneficial interest) and your council or authority -
  - under which goods or services are to be provided or works are to be executed; and
  - which has not been fully discharged.
- Any beneficial interest in land which you, or your spouse or your civil partner, have and which is within the area of your council or authority.
- Any licence (alone or jointly with others) which you, or your spouse or your civil partner, holds to occupy land in the area of your council or authority for a month or longer.
- Any tenancy where (to your knowledge) -
  - the landlord is your council or authority; and
  - the tenant is a body in which you, or your spouse or your civil partner, has a beneficial interest.
- Any beneficial interest which you, or your spouse or your civil partner has in securities of a body where -
  - (a) that body (to your knowledge) has a place of business or land in the area of your council or authority; and
  - (b) either
    - the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or
    - if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which you, or your spouse or your civil partner, has a beneficial interest exceeds one hundredth of the total issued share capital of that class.

Under the Council's Code of Conduct, members must act in accordance with the Seven Principles of Public Life (selflessness; integrity; objectivity; accountability; openness; honesty; and leadership), including the principle of honesty, which says that 'holders of public office have a duty to declare any private interests relating to their public duties and to take steps to resolve any conflicts arising in a way that protects the public interest'.

If you attend a meeting at which any item of business is to be considered and you are aware that you have a **personal interest** in the matter which does not amount to a DPI, you must make verbal declaration of the existence and nature of that interest at or before the consideration of the item of business or as soon as the interest becomes apparent. You should leave the room if your continued presence is incompatible with the 7 Principles of Public Life.

You have a personal interest where –

- a decision in relation to that business might reasonably be regarded as affecting the well-being or financial standing (including interests in land and easements over land) of you or a member of your family or a person or an organisation with whom you have a close association to a greater extent than it would affect the majority of the Council Tax payers, ratepayers or inhabitants of the ward or electoral area for which you have been elected or otherwise of the Authority's administrative area, or
- it relates to or is likely to affect any of the interests that are defined as DPs but are in respect of a member of your family (other than a partner) or a person with whom you have a close association.

Guidance on declarations of interest, incorporating regulations published by the Government in relation to Disclosable Pecuniary Interests, has been circulated to you previously, and has been published on the Council's website as a downloadable document at [-http://councillors.sheffield.gov.uk/councillors/register-of-councillors-interests](http://councillors.sheffield.gov.uk/councillors/register-of-councillors-interests)

You should identify any potential interest you may have relating to business to be considered at the meeting. This will help you and anyone that you ask for advice to fully consider all the circumstances before deciding what action you should take.

In certain circumstances the Council may grant a **dispensation** to permit a Member to take part in the business of the Authority even if the member has a Disclosable Pecuniary Interest relating to that business.

To obtain a dispensation, you must write to the Monitoring Officer at least 48 hours before the meeting in question, explaining why a dispensation is sought and desirable, and specifying the period of time for which it is sought. The Monitoring Officer may consult with the Independent Person or the Council's Standards Committee in relation to a request for dispensation.

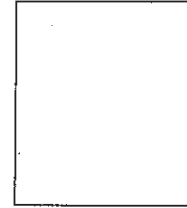
Further advice can be obtained from Lynne Bird, Director of Legal Services on 0114 2734018 or email [lynne.bird@sheffield.gov.uk](mailto:lynne.bird@sheffield.gov.uk)

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## SHEFFIELD CITY COUNCIL Committee Report



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**Report of:** Chief Licensing Officer, Head of Licensing

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**Date:** 16th July 2013

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**Subject:** Local Government (Miscellaneous Provisions) Act 1982

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**Author of Report:** Andy Ruston - 2037752

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**Summary:** To consider an application for the grant of a school street trading consent.

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**Recommendations:** See attached report.

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**Background Papers:**

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**Category of Report:** Open

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

**REF No: 43/13**

**LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982**

**STREET TRADING – SCHOOLS (ICE CREAM) STREET TRADING  
CONSENT – TINSLEY NURSERY AND INFANT SCHOOL.**

**1.0 PURPOSE OF REPORT**

- 1.1 To consider an application for the grant of a Schools (ice cream) Street Trading consent.

**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 29<sup>th</sup> 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 1<sup>st</sup> 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 1<sup>st</sup> 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 THE APPLICATION**

3.1 The applicants are Peter Devoti and Zoe Devoti and a copy of the application is attached at Appendix 'A'.

3.2 The application was submitted on 17<sup>th</sup> April 2013.

3.3 The application is to sell ice cream, soft drinks, lollies, water and confectionary.

### **4.0 REASONS FOR REFERRAL**

4.1 Objection to the application has been received from South Yorkshire Police and Tinsley Nursery and Infant School.

### **5.0 BACKGROUND**

5.1 Peter Devoti and Zoe Devoti submitted an application for a School (ice cream) Street Trading consent on 17<sup>th</sup> April 2013. Peter Devoti currently holds a City Wide Mobile Consent, which expires on 31<sup>st</sup> March 2014.

5.2 The application was circulated, in the usual manner, to South Yorkshire Police, South Yorkshire Fire and Rescue, Highways and Planning on 19<sup>th</sup> April 2013.

5.3 Objections have been received from South Yorkshire Police and Tinsley Nursery and Infant School and are attached to the report at Appendix 'B'.

5.4 Members should note that the Council Street Trading Policy states at page 21, paragraph 3.5.3, that "Applicants are required to obtain written confirmation from the head teacher of the school they wish to trade outside from. This written confirmation must be on school headed paper and will not be accepted in any other form". The applicants have contacted Tinsley Nursery and Infant School with regards to obtaining written confirmation to which Tinsley Nursery and Infant School has responded with the above referred to objection. A copy of the Council's Street Trading Policy is available via the following link; <https://www.sheffield.gov.uk/business-economy/licensing/general-licensing/retail/street-trading.html>. Members should note that the age restriction of 5 years for motorised vehicles is under review and is not presently being enforced.

5.5 Members should also note that the Licensing Service wrote to Mr Devoti on 20<sup>th</sup> March 2013, following receipt of a complaint with regards to the location of the ice cream vehicle belonging to Peter Devoti, whilst trading at Tinsley Nursery and Infant School. A copy of the aforementioned letter is attached at Appendix 'C'.

5.6 The applicant and objectors have been invited to attend the Licensing Committee hearing. Copies of the invites are attached at Appendix 'D'.

5.7 A copy of the hearing procedure is attached at Appendix 'E'.

## **6.0 FINANCIAL IMPLICATIONS**

6.1 There are no financial implications for the Council arising from this report.

## **7.0 RECOMMENDATIONS**

7.1 That Members consider all the relevant information available and any representations that may be made.

## **8.0 OPTIONS OPEN TO THE COMMITTEE**

8.1 To grant the Street Trading Consent.

8.2 To defer the matter for further consideration.

8.3 To refuse the grant of the Street Trading Consent.

Steve Lonnia  
Head of Licensing  
Block C Staniforth Road  
Staniforth Road  
Sheffield  
S9 3HD

8th July 2013

# APPENDIX A

# Local Government (Miscellaneous Provisions) Act 1982




## Application for a School Street Trading Consent

### Notes to Applicant

All questions must be answered unless otherwise stated.  
If relevant questions are not answered, the application will be deemed incomplete and returned to the Applicant.

\*I / \*WE HEREBY APPLY to the Sheffield City Council for the grant of a (school) street trading consent to sell ice cream (\*delete as appropriate).

### A. THE APPLICANT(S)

		1 <sup>st</sup> Applicant (Mr/Mrs/Miss/other)	2 <sup>nd</sup> Applicant (Mr/Mrs/Miss/other)
Q1	Full name(s) of the applicant	PETER DEVOTI	ZOE DEVOTI
Q2	Applicant(s) permanent private address	72 NORTON PARK ROAD SHEFFIELD S8 8GR	72 NORTON PARK ROAD SHEFFIELD S8 8GR
Q3	Date of birth	07.07.1960 .	21.11.1967
Q4	Nationality and place of birth	BRITISH SHEFFIELD .	BRITISH SHEFFIELD
Q5	National Insurance No.		
Q6	Do you have the legal right to work and live in the UK?	YES / <del>NO</del> Details:	YES / <del>NO</del> Details:
Q7	Have you ever been refused a street trading consent in this or any other area?	<del>YES</del> / NO Details:	<del>YES</del> / NO Details:
Q8	Telephone No		
Q9	Email address		
Q10	Current ice cream mobile consent number		

## B. COMPANY DETAILS (if applying as a Corporate body)

Q11	Name	
Q12	Registered address	
Q13	Registered number	
Q14	Telephone number	
Q15	Email address	
Q16	Please provide details of all Directors (names, addresses, dates of birth and details of any convictions). A separate sheet may be used.	

## C. THE VEHICLE

Q17	Description of vehicle to be used	MERCEDES SPRINTER 209D.
Q18	Registration number	DK08 YFN
Q19	Date of first registration	04. march 2008.
Q20	Last MOT and service	17. April 2012.
Q21	Size of vehicle	Height: 8ft. Width: 6ft. Length: 18ft.
Q22	Items to be sold	ICE CREAM - soft drinks Lollies - water - confectionery.
Q23	Does the vehicle meet the quality criteria? Your vehicle will be inspected prior to granting a consent.	Yes.

## D. THE SCHOOL

Q24	Name and address of school where you wish to trade:	Tinsley Nursery + Infant School Siemens Close. Tinsley.
Q25	Location of pitch: (include site plan)	

## E. CONVICTIONS / CAUTIONS

Q26	Have any of the applicants ever been convicted of a criminal offence, whether in the United Kingdom or elsewhere?	<b>Applicant 1</b> Yes [ ] No [ <input checked="" type="checkbox"/> ]	
	If the answer is Yes please give full details below:	<b>Applicant 2</b> Yes [ ] No [ ]	
<b>Details of previous convictions and/or cautions</b>			
	<b>Date of Conviction</b>	<b>Court of Conviction</b>	<b>Nature of Offence</b>
	<b>Sentence</b>		
	<b>Applicant 1</b>		
	<b>Applicant 2</b>		

## F. CHECK LIST

The following documents must be attached with this application:

(tick)

	The appropriate fee	<input checked="" type="checkbox"/>
	Your current passport	<input checked="" type="checkbox"/>
	Your current drivers licence	<input checked="" type="checkbox"/>
*	One other proof of identity, showing your name and current address (recent utility bill, bank statement etc)	<input checked="" type="checkbox"/>
	Right to work documentation (if applicable)	N/A.
	Two colour (recent and identical) passport size photographs signed and dated on the reverse as a true likeness.	<input checked="" type="checkbox"/>
*	Head Teachers written consent <i>objected - 17/6/13.</i>	<input checked="" type="checkbox"/>
	If trading from private land, written confirmation from the landowner	N/A.
	Ordnance survey map of at least 1:1250 scale clearly identify the proposed trading position	<input checked="" type="checkbox"/>
	Photographs of the vehicle / unit showing front, side and rear.	<input checked="" type="checkbox"/>
	Details of any food hygiene qualifications	<input checked="" type="checkbox"/>
*	Confirmation that the business has a food hygiene score rating of 3 or more.	<input checked="" type="checkbox"/>
	Ensure your vehicle meets the qualitative criteria	<input checked="" type="checkbox"/>
	Any further information you may wish to submit in support of your application	



The following documents must be forwarded to us before the grant of your consent:

(tick if enclosed with this application)

* Certificate of insurance in respect of the vehicle / unit	
* Appropriate vehicle test	
* Public liability insurance (minimum of £2,000,000)	
* Written confirmation that the vehicle meets the Council's food safety standards	
* Waste management contract	
* Declare that you have registered as a food business	

## G. DECLARATION

### WARNING

Paragraph 10(3) of Schedule 4 to the Local Government (Miscellaneous Provisions) Act 1982 gives the following warning:-

"Any person who, in connection with an application ....for a street trading consent, makes a false statement which he knows to be false, in any material respect, or which he does not believe to be true, shall be guilty of an offence."

I / We,

- declare that all the information I have given in this application is complete and correct;
- declare that I am over 17 years of age (in cases of individual applicants)
- declare I understand and will comply with the Sheffield City Council Street Trading Consent Conditions;
- undertake to pay Sheffield City Council the relevant consent fee in advance whether demanded or not;
- understand that consents are not transferable;
- understand that the Local Authority reserve the right to make further enquiries with South Yorkshire Police as a result of this application as they may consider desirable; and
- understand that giving false information is an offence and may result in prosecution and / or a street trading consent being refused or revoked:

<p>Applicant 1</p> <p>Signature: <u>P. Dewti</u></p> <p>Print name: <u>PETER DEWTI</u></p> <p>Date: <u>16. April 2013</u></p> <p>Capacity: <u>CEO</u></p>
<p>Applicant 2</p> <p>Signature: <u>Z. Dewti</u></p> <p>Print name: <u>Zoe Dewti</u></p> <p>Date: <u>16. April 2013</u></p> <p>Capacity: <u>Assistant</u></p>

Please read these notes before completing the application form.

- (a) If there is insufficient room on this form to fully answer the questions; or if you wish to make any further statement in support of your application, please do so on a separate sheet of paper attached to this form.
- (b) None of the information which you supply on (or with) this form will be treated as confidential except where it relates to convictions.
- (c) The Council is under no obligation whatsoever to grant a consent to any person; you will be notified of the result of this application, as soon as possible.
- (d) Any consent granted permits the consent holder to trade at the designated pitch:

Monday to Friday, 12 noon – 2:00pm and 3:00pm – 4.30 pm (term times only)

Please return the fully completed form and all attachments to:

**Licensing Service,  
Block C, Staniforth Road Depot  
Staniforth Road  
Sheffield  
S9 3HD**

The Service is open from 9am to 5pm, Monday to Friday. Telephone (0114) 203 7752.

Google

Address **Siemens Close**  
**Sheffield, South Yorkshire S9, UK**



**From:** [REDACTED]  
**To:** enquiries@tinsley-inf.sheffield.sch.uk  
**Subject:** F.A.O Mrs Wilson - Devoti ice cream  
**Date:** Tue, 21 May 2013 18:28

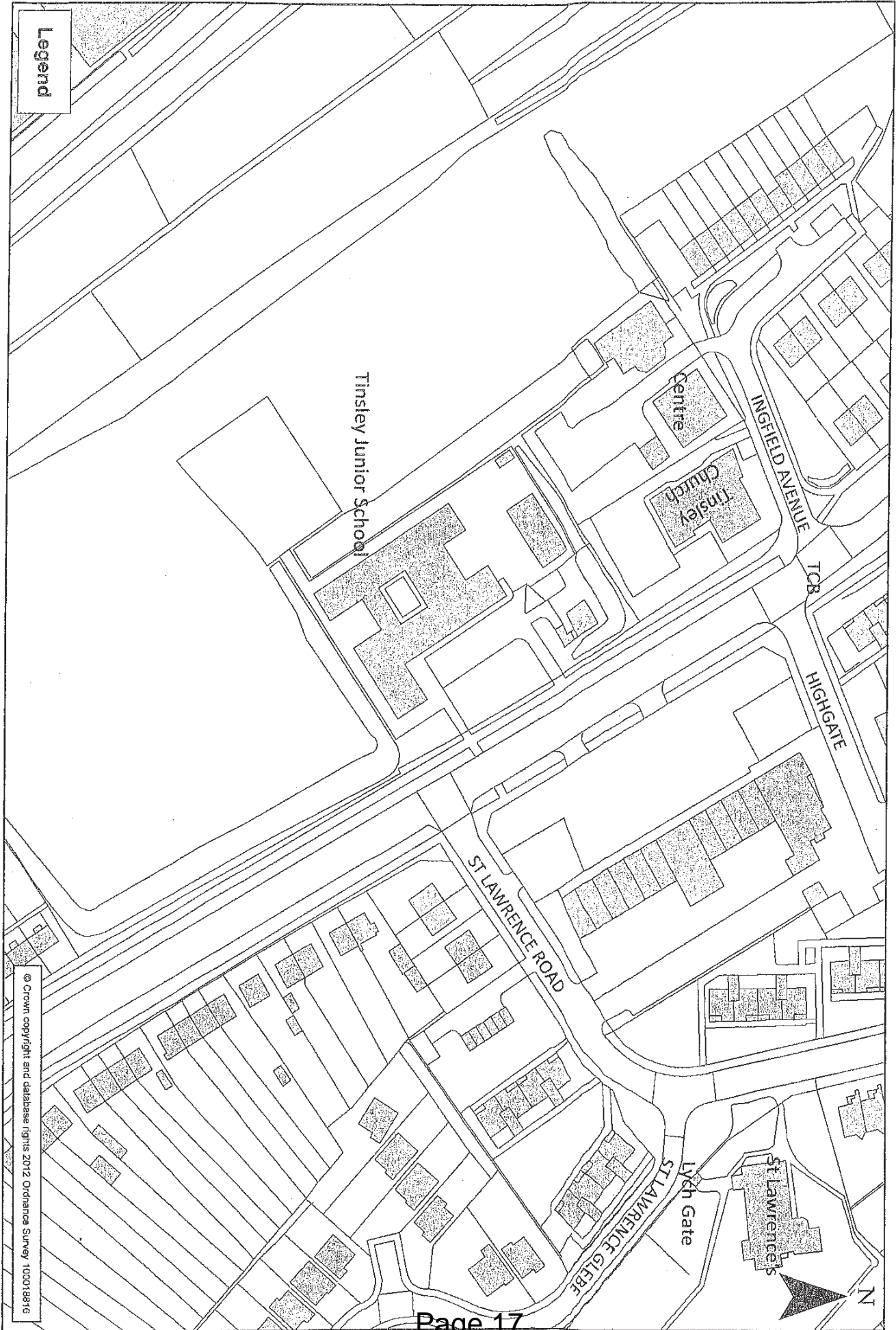
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Dear Mrs Wilson

With regard to the Ice Cream vehicle at Tinsley Infant school I would like to inform you that we are renewing our licence .

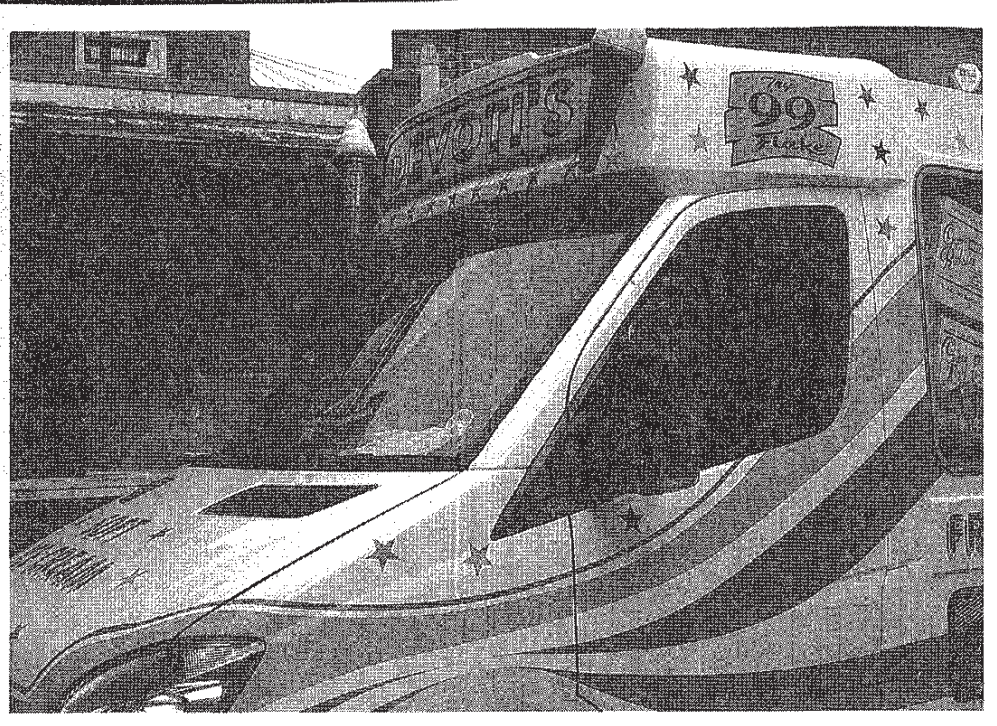
Kind Regards  
Peter Devoti (Devoti's Ice Cream)

Legend



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# APPENDIX B

## Ruston Andy (CEX)

**From:** Tinsley Nursery Infant School <enquiries@tinsley-inf.sheffield.sch.uk>  
**Sent:** 17 June 2013 09:37  
**To:** Ruston Andy (CEX); gillianparker@southyorks.pnn.police.uk  
**Subject:** Ice Cream Van  
**Attachments:** Letter to licensing Ice Cream Van.doc; DSC06566.JPG; DSC06567.JPG; DSC06568.JPG; DSC06569.JPG; DSC06570.JPG

Andy/Gillian

Please find attached:

- Letter of objection to renewal of licence.
- Photographs
- Previous emails between school and licencing

Regards

Dear [REDACTED]

Following on from my email below, apologies I did not realise that it was half term last week. I am on annual leave from today until Monday 10.6.13 and would be grateful if you could provide comment as per the below for 10.6.13.

Regards

Andy Ruston

Senior Licensing Officer

Business Strategy and Regulation

Place Portfolio

Block C, Staniforth Road Depot, Staniforth Road, Sheffield, S9.

Telephone: 0114 2037752 Fax: 0114 20 37750

Email: [Andy.Ruston@sheffield.gov.uk](mailto:Andy.Ruston@sheffield.gov.uk)

[www.sheffield.gov.uk](http://www.sheffield.gov.uk)

**From:** Ruston Andy (CEX)

**Sent:** 22 May 2013 12:00

**To:** 'Tinsley Nursery Infant School'

**Subject:** RE: F.A.O Mrs Wilson - Devoti ice cream

Dear [REDACTED]

As discussed earlier. As part of the application process, Mr Devoti will require the Head Teachers written consent to trade from the site. I would be grateful if you could consider as to whether you wish to object to the application made by Mr Devoti and provide comment to Mr Devoti and myself as soon as possible and by no later than 3.6.13.



TINSLEY NURSERY INFANT SCHOOL  
Siemens Close  
Tinsley  
Sheffield  
S9 1UN

Tel: 0114 2441842  
e-mail: [headteacher@tinsley-inf.sheffield.sch.uk](mailto:headteacher@tinsley-inf.sheffield.sch.uk)

17 June 2013

Mr A Rushton  
Town Hall  
SHEFFIELD  
S1 2HH

Dear Mrs Turley,

In response to your enquiry regarding the school's view on an application you have received from Mr Devoti for Street Trading Consent outside Tinsley Nursery Infant School, the school's view has not changed since August 2008 when you refused a previous application. The safety and well being of our children are our main concerns. We object most strongly to consent being granted for street trading in the vicinity of the school.

The ice cream van creates a dangerous obstruction to pedestrians and other road users when parked on Siemens Close and on Bawtry Road close to the pelican crossing that our children and parents use. Tinsley NI is situated on Siemens Close, a dead end street. Traffic at the beginning and end of the school day is very busy with parents dropping off and collecting children. As there is nowhere to turn round, cars have to reverse the length of the street back on to Bawtry Road. This is dangerous for our pedestrians as cars also park on the corners and on Bawtry Road. The ice cream van blocks the view of drivers and of pedestrians trying to cross. We have enlisted the support of our Police Community Support Officers on numerous occasions to move the van on and deal with other inconsiderate drivers because of the danger to our children and their parents.

We hope you will take our concerns into account when considering the application.

Yours sincerely,

Mrs Karen Wilson  
Head Teacher

## Ruston Andy (CEX)

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**From:** Gillian.Parker@southyorks.pnn.police.uk  
**Sent:** 19 June 2013 14:52  
**To:** Ruston Andy (CEX)  
**Cc:** Sheffield.Liquor-Licensing@southyorks.pnn.police.uk;  
Paul.Ferguson@southyorks.pnn.police.uk; Paul.Thorpe@southyorks.pnn.police.uk  
**Subject:** Representation to renewal of School Street Trading Consent  
**Attachments:** SATMFD03M13061913420.pdf

Hi Andy

Please find scanned below copies of two statements, from both myself and PCSO Thorpe regarding the issues surround the parking of an icecream van on Siemens Close, Tinsley, Sheffield. I have retained the originals in my tray until I can drop them round to your office.

You will see that I have spoken to Mr Devoti regarding him operating without a current licence and he moved on request and did not return the next day. I am hopeful he will continue to take this view until such time as a renewal is determined.

It is the police opinion that wherever such a vehicle was parked on Siemens Close then this would not be supported by the school or police and would put the safety of the children at risk. Perhaps an alternative siting could be on Newburn Drive which is the next road along from the school. In essence it appears to be a wider and longer road, less constricted with vehicles and has another entrance to the school playground. This is only a suggestion and is in no way to be interpreted as an unchallenged alternative as clearly assessment will need to be made.

I look forward to hearing from you with details of the proposed licensing board hearing. Can you please acknowledge receipt.

Kind regards  
Gill

PC 683 Gillian Parker  
East Safer Neighbourhood Team  
Sheffield District - East Sector  
Attercliffe Police Station  
60 Attercliffe Common  
Sheffield  
S9 2AD

Direct Line: 0114 2963099, 2964438, 2964439  
Internal: 714438  
Blackberry 07920533212

Airwave 0683

[gillian.parker@southyorks.pnn.police.uk](mailto:gillian.parker@southyorks.pnn.police.uk)

To find out who your local Safer Neighbourhood Team officer is, how to contact them, and to find out what's happening in your area enter your postcode at [www.southyorks.police.uk](http://www.southyorks.police.uk)

----- Forwarded by Gillian Parker/SHEFFIELD/SYP on 19/06/2013 14:43 -----

[Gillian.Parker@southyorks.pnn.police.uk](mailto:Gillian.Parker@southyorks.pnn.police.uk)

To [Gillian.Parker@southyorks.pnn.police.uk](mailto:Gillian.Parker@southyorks.pnn.police.uk)

cc

19/06/2013 14:42

Subject Message from ATMFD03M

Please respond to  
[Gillian.Parker@southyorks.pnn.police.uk](mailto:Gillian.Parker@southyorks.pnn.police.uk)

Could you or someone you know make a difference as a Special Constable in South Yorkshire Police? If so call 0114 2197000 or visit [www.southyorks.police.uk](http://www.southyorks.police.uk) to find out more

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Internet communications are not secure and therefore South Yorkshire Police cannot accept responsibility for any changes made to this message after it was sent. This e-mail and any attachments may be confidential. They may contain privileged information and are intended for the intended recipient, if you are not the intended recipient please notify us immediately and delete the message and any attachments from your computer. Do not disclose, distribute, or retain this e-mail or any part of it. In the case of a privately generated e-mail, the opinion expressed may not be the opinion of the South Yorkshire Police We believe but do not warrant that this e-mail and any attachments are virus free. You must therefore take full responsibility for virus checking. South Yorkshire Police reserves the right to monitor all e-mail communications through their networks

**WITNESS STATEMENT**

**Criminal Procedure Rules, r 27.2; Criminal Justice Act 1967, s. 9; Magistrates' Courts Act 1980, s.5B**

URN 

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Statement of Gillian Parker.....

Age if under 18 Over 18.... (If over 18 insert "over 18") Occupation: Police Constable 683.....

This statement (consisting of 2 page(s) each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it, anything which I know to be false, or do not believe to be true.

Signature ..... *C. 1683* ..... (witness) Date: *19th June 2013*.....

Tick if witness evidence is visually recorded  (supply witness details on rear)

I am a Police Constable with the South Yorkshire Police currently posted to Attercliffe Police Station, attached to the East Safer Neighbourhood Team, Sheffield.

I have been employed in this role for around three and a half years and Tinsley is an area which is within the area I patrol. Over this time I have attended on Siemens Close, Tinsley, Sheffield to deal with issues arising out of vehicles parking inconsiderately and illegally along this road which is a small cul-de-sac which provides one of the entrances to Tinsley Junior and Infants School. I have previously offered advice and requests to move to motorists parked illegally on this road. I have also issued fixed penalty notices to vehicles who were unattended and I was unable to locate their drivers to request their removal.

On Monday 17 June 2013 I was on duty in full police uniform, when, as a result of information received, I attended at Siemens Close, Tinsley, Sheffield. At this location I could see that an ice cream van, registered number DK08YFN was parked on Siemens Close. It was parked nearside to kerb, facing Bawtry Road, approximately 20 metres from the junction. The vehicle was running and a male whom I now know to be Peter DEVOTI 07.07.1960 was serving ice cream to the public.

After introductions I requested to see the trading consent issued to Mr Devoti. He indicated to a laminated notice that was affixed in the rear of his vehicle that showed an expiry date of 31 March 2013. I pointed this out to Mr DEVOTI who stated he had made a new application, paid the fee and the renewal had simply not been received. I informed Mr DEVOTI that I had spoken with the Sheffield City Council Licensing Department who had confirmed that Mr DEVOTI was not currently operating within a Trading Consent as

Signature: ..... *C. 1683* ..... Signature Witnessed by: .....

Continuation of Statement of: Gillian Parker .....

Page 2

he had not submitted a renewal application in good time, but also that he had not complied with the direction to make a new application, as had all applicants for Street Trading Consents as there had been a change in the terms of these consents. I encouraged Mr DEVOTI to familiarise himself with the requirements. Following a further brief discussion, Mr DEVOTI then moved on my request.

On Tuesday 18 June 2013 I was on duty in full police uniform when I re-visited Siemens Close, Tinsley, Sheffield at approximately 1455 hours. At this time there was no ice cream van present.

Signature: ..... *Gillian Parker* ..... Signature Witnessed by: .....

### WITNESS STATEMENT

Criminal Procedure Rules, r 27.2; Criminal Justice Act 1967, s. 9; Magistrates' Courts Act 1980, s.5B


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Statement of Paul THORPE .....

Age if under 18 Over 18.... (If over 18 insert "over 18") Occupation: PCSO 8177 .....

This statement (consisting of 2 page(s) each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it, anything which I know to be false, or do not believe to be true.

Signature  (witness) Date: 19th June 2013

Tick if witness evidence is visually recorded  (supply witness details on rear)

I am a Police Community Support Officer currently posted to Attercliffe Police Station attached to the East Safer Neighbourhood Team.

I have worked in this role for approximately 4 years and throughout I have had responsibility for policing in the Tinsley area of Sheffield. My role includes regular visits to the local schools and high visibility patrols of the Tinsley area. I have regular contact with both the Junior School and Nursery and Infant School at Tinsley.

Tinsley Infants School, which is accessed by entrances from Siemens Close and Newburn Drive, Tinsley, Sheffield is identified as a high risk to children's safety and as a result Sheffield City Council regularly work with the school to educate the children and raise awareness.

As a result of information passed to me and direct observations I have conducted a number of operations to address concerns regarding speeding vehicles and parking issues around the school, which are specifically around the start and end of the school day.

Historically the parking around the school has been an issue; however, I can say that over the last couple of years there seems to have been an increase in the number of parents wishing to take their children to school in vehicles. This in turn causes congestion around the area and Siemens Close is particularly difficult. It is a small cul de sac and there are school yellow painted zig-zag lines directly painted onto the road surface outside the school. Across the road from the school are residential properties and many of these households regularly park their personal vehicles at this location. When school is about to finish for

Signature:  Signature Witnessed by: 



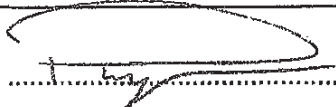
Continuation of Statement of: Paul THORPE.....

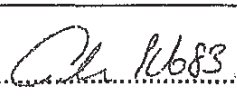
the day the road experiences an influx of vehicles wanting to park up nearby to allow children to be collected. Over the last couple of years I have been aware of an ice cream van parking up on Siemens Close, in various locations along this road. The specific issues of this vehicle being parked at the end of the road, facing away from Bawtry Road alongside the railings has resulted in other vehicles entering Siemens Close with their view obstructed by the van. As a result I requested the driver of the van, a male I now know to be Mr Peter Devoti was spoken to myself and moved on as requested. On the occasions I have asked Mr Devoti to move which is around 2-3 times he was parked right on the junction, in a dangerous position. I made the decision not to issue a fixed penalty ticket for being parked in a dangerous position as I was more concerned with ensuring he moved the vehicle.

I have spoken to Mr Devoti on a few occasions regarding the parking issues at the finish of the school day. Despite frequent requests by staff and myself for the children to remain aware and check before crossing the road, the children are excited and eager to get to the ice cream van when they come out of school and often run straight into the road. To my knowledge there have been no collisions, but in my opinion it is only a matter of time before this occurs.

From discussions with staff at the school I am aware that they have also spoken to Mr Devoti and requested him to move for safety reasons. From my speaking to Mr Devoti he was abrupt and clearly not happy to be redirected. Mr Devoti accused me of being racist, although this clearly was not the case.

I would describe Mr Devoti as male, white, around his mid forties, medium build, with cropped dark coloured hair. He operates from an ice cream van with 'Mr Whippy' advertised.

Signature: 

Signature Witnessed by: 

# APPENDIX C



Licensing Service  
Sheffield City Council  
Block C Staniforth Road Depot  
Staniforth Road  
SHEFFIELD  
S9 3HD.

Sheffield  
City Council



Tel: 0114 2037752 Fax: 01142 735410  
Email: andy.ruston@sheffield.gov.uk

Date: 20th March 2013

Peter Devoti  
72 Norton Park Road  
Sheffield  
S8 8GR.

Dear Sir,

**Local Government (Miscellaneous Provisions) Act 1982**  
**Street Trading Consent – Tinsley Infant School.**

I refer to the above and your Street Trading consent.

My colleague and I visited the above site at 3pm on 19<sup>th</sup> March 2013 following receipt of a complaint with regards to the location of an ice cream vehicle that parks outside the above school to sell ice cream. On arrival at the above site my colleague and I observed an ice cream vehicle parked in a dangerous position on the corner of Siemens Close and Bawtry Road. My colleague and I spoke to the occupants of the vehicle who confirmed that they were trading on your behalf as you were on holiday and that your vehicle is always parked in that position due to the congestion on Siemens Close. I must bring to your attention the following standard conditions;

1. The consent holder shall not obstruct the highway / footpath in which the site is situated or cause danger to persons using the highway / footpath.
2. The consent holder shall not cause nuisance or annoyance whether to persons using the street or otherwise.
3. The consent holder shall at all times obey all road traffic regulations in force in the consent area.

I would be grateful if you could consider the above and find a more suitable and safer location on Siemens Close to park your vehicle whilst trading to ensure that the location of your vehicle is not a cause of danger to members of the public and fellow road users.

I must inform you that officers from the Licensing Service will carry out future enforcement exercises during which they will observe your vehicle to ensure that you are trading in line with the Street Trading Consent Conditions and failure to comply with the conditions, will lead to the appropriate action being taken against you.

If you require any further assistance regarding this matter, please do not hesitate to contact me either via email or on the telephone number shown above.

# APPENDIX D

43/13



**SHEFFIELD CITY COUNCIL**

**LOCAL GOVERNMENT MISCELLANEOUS PROVISIONS ACT 1982  
Street Trading – Peter Devoti – School (Ice Cream) Street Trading Consent  
IMPORTANT: NOTIFICATION OF A COMMITTEE HEARING**

To: Peter Devoti and Zoe Devoti  
72 Norton Park Road  
Sheffield  
S8 8GR.

**LEGISLATION:** Local Government (Miscellaneous Provisions) Act 1982

**LICENCE TYPE:** Street Trading Consent – Tinsley Nursey and Infant School.

I refer to the above and an application for the grant of a School (Ice cream) Street Trading consent.

This matter has been referred to the Licensing Committee of Sheffield City Council for determination. Full details will be provided in the report to the Committee which will be sent to you in due course. 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 and objectors to attend the meeting.

The hearing in respect of the application will take place on 16<sup>th</sup> July 2013 in a Committee Room of the Town Hall, Sheffield (Pinstone Street entrance) and you are invited to attend at 10:00 am.

**PLEASE NOTE:**

I would be grateful if you could confirm that you will be attending the meeting by telephoning the Licensing Office on 0114 2037752.

Date: 2<sup>nd</sup> July 2013

.....  
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, Business Strategy and Regulation, 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 – Peter Devoti – School (Ice Cream) Street Trading Consent**  
**IMPORTANT: NOTIFICATION OF A COMMITTEE HEARING**

To: Gillian Parker  
East Safer Neighbourhood Team  
Sheffield District- East Sector  
Attercliffe Police Station  
60 Attercliffe Common  
Sheffield  
S9 2AD.

**LEGISLATION:** Local Government (Miscellaneous Provisions) Act 1982

**LICENCE TYPE:** Street Trading Consent – Tinsley Nursery and Infant School.

I refer to the above and an application for the grant of a School (Ice cream) Street Trading consent.

This matter has been referred to the Licensing Committee of Sheffield City Council for determination. Full details will be provided in the report to the Committee which will be sent to you in due course. 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 and objectors to attend the meeting.

The hearing in respect of the application will take place on 16<sup>th</sup> July 2013 in a Committee Room of the Town Hall, Sheffield (Pinstone Street entrance) and you are invited to attend at 10:00 am.

**PLEASE NOTE:**

I would be grateful if you could confirm that you will be attending the meeting by telephoning the Licensing Office on 0114 2037752.



Steve Lonnia  
Chief Licensing Officer  
Head of Licensing

Date: 2<sup>nd</sup> July 2013

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

Licensing Service, Business Strategy and Regulation, 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 – Peter Devoti – School (Ice Cream) Street Trading Consent IMPORTANT: NOTIFICATION OF A COMMITTEE HEARING

To:

[REDACTED]  
Tinsley Nursery Infant School  
Siemens Close  
Sheffield  
S9 1UN.

**LEGISLATION:** Local Government (Miscellaneous Provisions) Act 1982

**LICENCE TYPE:** Street Trading Consent – Tinsley Nursey and Infant School.

I refer to the above and an application for the grant of a School (Ice cream) Street Trading consent.

This matter has been referred to the Licensing Committee of Sheffield City Council for determination. Full details will be provided in the report to the Committee which will be sent to you in due course. 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 and objectors to attend the meeting.

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I would be grateful if you could confirm that you will be attending the meeting by telephoning the Licensing Office on 0114 2037752.



Date: 2<sup>nd</sup> July 2013

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, Business Strategy and Regulation, 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

# APPENDIX E

# 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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