

# **Licensing Sub-Committee**

**Thursday 27 April 2017 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 David Barker (Chair), Andy Bainbridge and Anne Murphy**

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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.

Recording is allowed at Licensing Committee meetings under the direction of the Chair of the meeting. Please see the website or contact Democratic Services for details of the Council's protocol on audio/visual recording and photography at council meetings.

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.

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  
27 APRIL 2017**

**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 - Hot Food and Drink - Livesey Street**  
Report of the Chief Licensing Officer
- 6. Local Government (Miscellaneous Provisions) Act 1982 - Street Trading - Ice Cream Products - Peace Gardens**  
Report of the Chief Licensing Officer

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## ADVICE TO MEMBERS ON DECLARING INTERESTS AT MEETINGS

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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.

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 (selflessness; integrity; objectivity; accountability; openness; honesty; and leadership).

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 DPIs 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.

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 Audit and Standards Committee in relation to a request for dispensation.

Further advice can be obtained from Gillian Duckworth, Director of Legal and Governance on 0114 2734018 or email [gillian.duckworth@sheffield.gov.uk](mailto:gillian.duckworth@sheffield.gov.uk).

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## SHEFFIELD CITY COUNCIL Committee Report

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<b>Report of:</b>	Chief Licensing Officer, Head of Licensing
<b>Date:</b>	27 <sup>th</sup> April 2017
<b>Subject:</b>	Street Trading Application for a Static Street Trading Consent
<b>Author of Report:</b>	Clive Stephenson
<b>Summary:</b>	To consider an application for a street trading consent Livesey Street Sheffield.
<b>Background Papers:</b>	As attached <u>Street Trading Policy</u>

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<b>Category of Report:</b>	OPEN
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**REPORT OF THE CHIEF LICENSING OFFICER,  
HEAD OF LICENSING TO THE LICENSING SUB COMMITTEE**

**REF No: 52/17**

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

**STREET TRADING – Hot food & Drink - Livesey Street**

**1.0 PURPOSE OF REPORT**

1.1 To consider an application for the grant of a Static Street Trading consent to trade at Livesey Street Sheffield. (Owlerton Stadium)

**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 any consent. An applicant may, however apply for judicial review of the Council's decision.

### **3.0 THE APPLICATION**

- 3.1 The applicant is Ms Katie Birks copy of the application is attached at Appendix 'A'.
- 3.2 The application was submitted on 3<sup>rd</sup> March 2017.
- 3.3 The application is to serve Food, hot & cold, Monday to Sunday between 07.00 and 14.30.
- 3.4 The application was circulated, in the usual manner, to South Yorkshire Police, South Yorkshire Fire and Rescue, Highways and Planning, and City Centre Management. Notices were erected by Licensing Officers at the site advertising the application and notice was also given to shops and anyone that might be affected by the applications within the immediate vicinity.
- 3.5 Objections have been received by an interested party, a business nearby.
- 3.6 There has been a previous trader on this site for some years.

### **4.0 REASONS FOR REFERRAL**

- 4.1 The application has been referred to the Sub-Licensing Committee for their consideration as the Licensing Authority has received objections to the application from the following parties:-

- The Administrator Estates & Services Sheffield College

Copies of the representations are attached at Appendix 'B'

- 4.2 The objections refer to issues contained in section 2.8 of our street trading policy when determining the application, and Members are referred to in particular section 2.8.2:

- Avoidance of Public Nuisance. Section (b)

- 4.3 Members should consider all the information provided by the applicant both in their written application and in person at the hearing.
- 4.4 The applicant and objectors have been invited to attend the Licensing Committee hearing. Copies of the invites are attached at Appendix 'C'.
- 4.5 A copy of the hearing procedure is attached at Appendix 'D'.

### **5.0 FINANCIAL IMPLICATIONS**

- 5.1 The Street Trading Policy states that fees will be set and reviewed annually on a full cost recovery basis. The level of fee takes into account the location, duration of consent, the trading hours and articles to be sold as well as the enforcement of terms and conditions.
- 5.2 Fees for static consents are determined at the grant of the application therefore there are no financial implications arising from this report.

## **6.0 RECOMMENDATIONS**

6.1 That Members consider all the relevant information available, any representations that may be made and our policy.

## **7.0 OPTIONS OPEN TO THE COMMITTEE**

7.1 To grant the application for a Static Street Trading Consent at location applied for.

7.2 To grant the application with amendments.

7.3 To defer the matter for further consideration.

7.4 To refuse the grant of the Static Street Trading Consent .

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

27<sup>th</sup> April 2017.

# Appendix A

Application

£100 cash paid  
Rec 68209

Application for a  
STATIC 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 static street trading consent (\*delete as appropriate).

03 MAR 2017  
14:45

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	Katie Lian binks	
Q2	Applicant(s) permanent private address	[REDACTED] SHEFFIELD [REDACTED]	
Q3	Date of birth	14-8-1986	
Q4	Nationality and place of birth	ENGLISH SHEFFIELD	
Q5	National Insurance No.	[REDACTED]	
Q6	Do you have the legal right to work and live in the UK?	<input checked="" type="radio"/> YES / NO Details:	YES / NO Details:
Q7	Have you ever been refused a street trading consent in this or any other area?	YES / <input checked="" type="radio"/> NO Details:	YES / NO Details:
Q8	Telephone No	[REDACTED]	
Q9	Email address	[REDACTED]	

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

A2

Q10	Name	
Q11	Registered address	
Q12	Registered number	
Q13	Telephone number	
Q14	Email address	
Q15	Please provide details of all Directors (names, addresses, dates of birth and details of any convictions). A separate sheet may be used.	

**C. THE UNIT / VEHICLE**

Q16	Description of unit / vehicle to be used	CATERING Trailer
Q17	Registration number (if applicable)	PJ62 ZGV
Q18	Date of first registration (if applicable)	2012
Q19	Last MOT and service (if applicable)	5/7/2016
Q20	Size of vehicle	Height: Width: 6.5 feet Length: 10 feet
Q21	Does the vehicle meet the qualitative criteria? Your vehicle will be inspected prior to granting a consent.	yes

**D. TRADING DETAILS**

Q22	Details of site to be occupied	livesey street
Q23	Location of pitch: (include site plan to scale)	layby
Q24	Is this private land?	NO

A3

Q25	If private, who owns the land and have you obtained consent from them to use the land to trade?	
Q26	Items to be sold	Hot / Cold Sandwich Hot Drinks Snacks.
Q27	Specify days of trade	7 days
Q28	Specify times of trade (use 24 hours clock e.g. 10:00 to 16:00 hours)	7-00 AM till 14:30 PM
Q29	Highways comments attached?	To FORWARD
Q30	Planning comments attached?	To FORWARD

**E. CONVICTIONS / CAUTIONS**

Q31	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 [✓]	
	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>		



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

A4

(tick if enclosed with this application)

The remaining quarterly fee or full annual fee.	
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:-

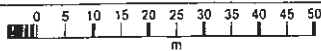
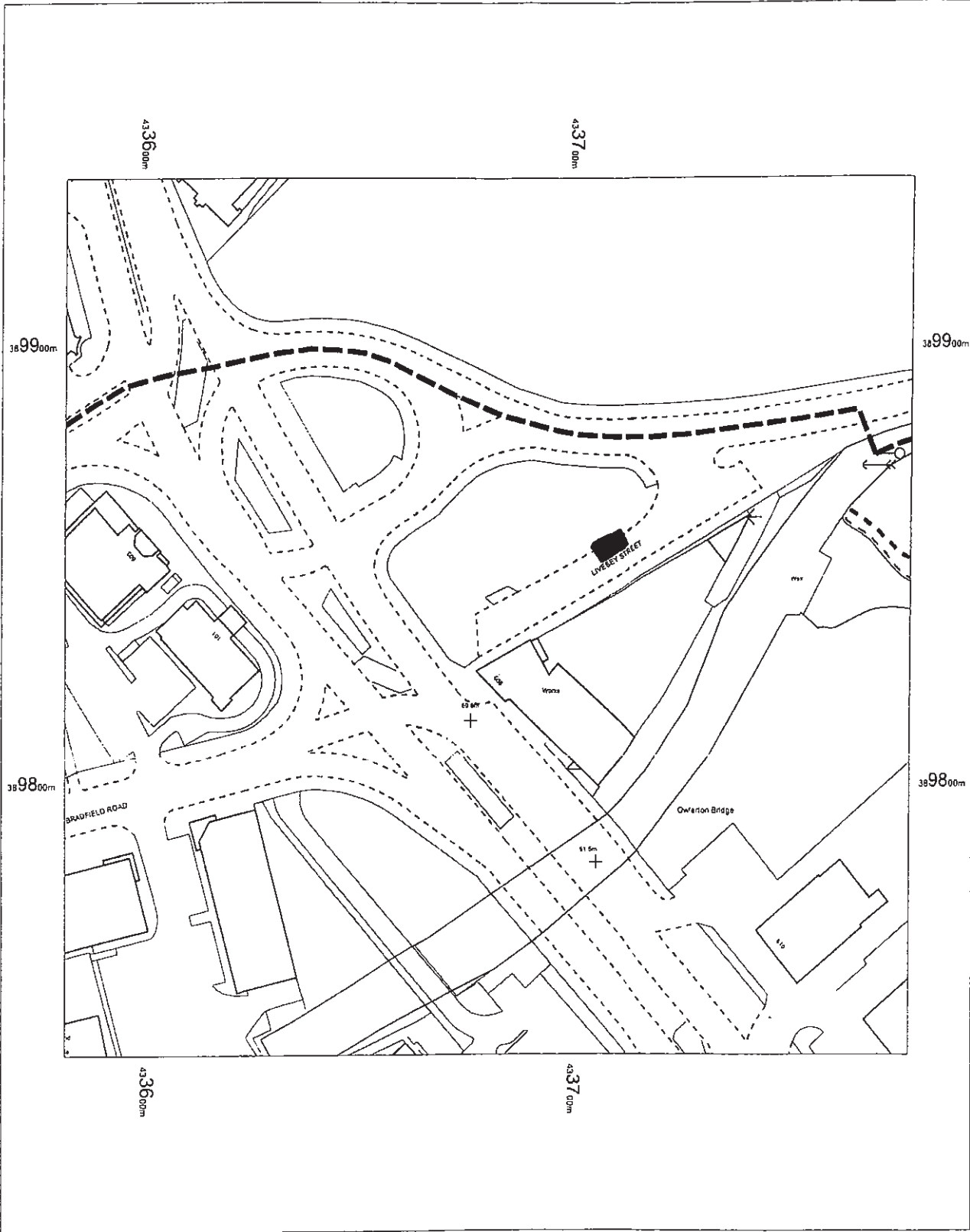
"Any person who, in connection with an application ... for a street trading consent, makes a false statement which he knows to be false, in any material respect, or which he does not believe to be true, shall be guilty of an offence."

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:

<b>Applicant 1</b> Signature: <i>Katie Lian Birks</i> Print name: <i>Katie Lian Birks</i> Date: <i>31.3.17</i> Capacity: .....	
<b>Applicant 2</b> Signature: ..... Print name: ..... Date: ..... Capacity: .....	

AS



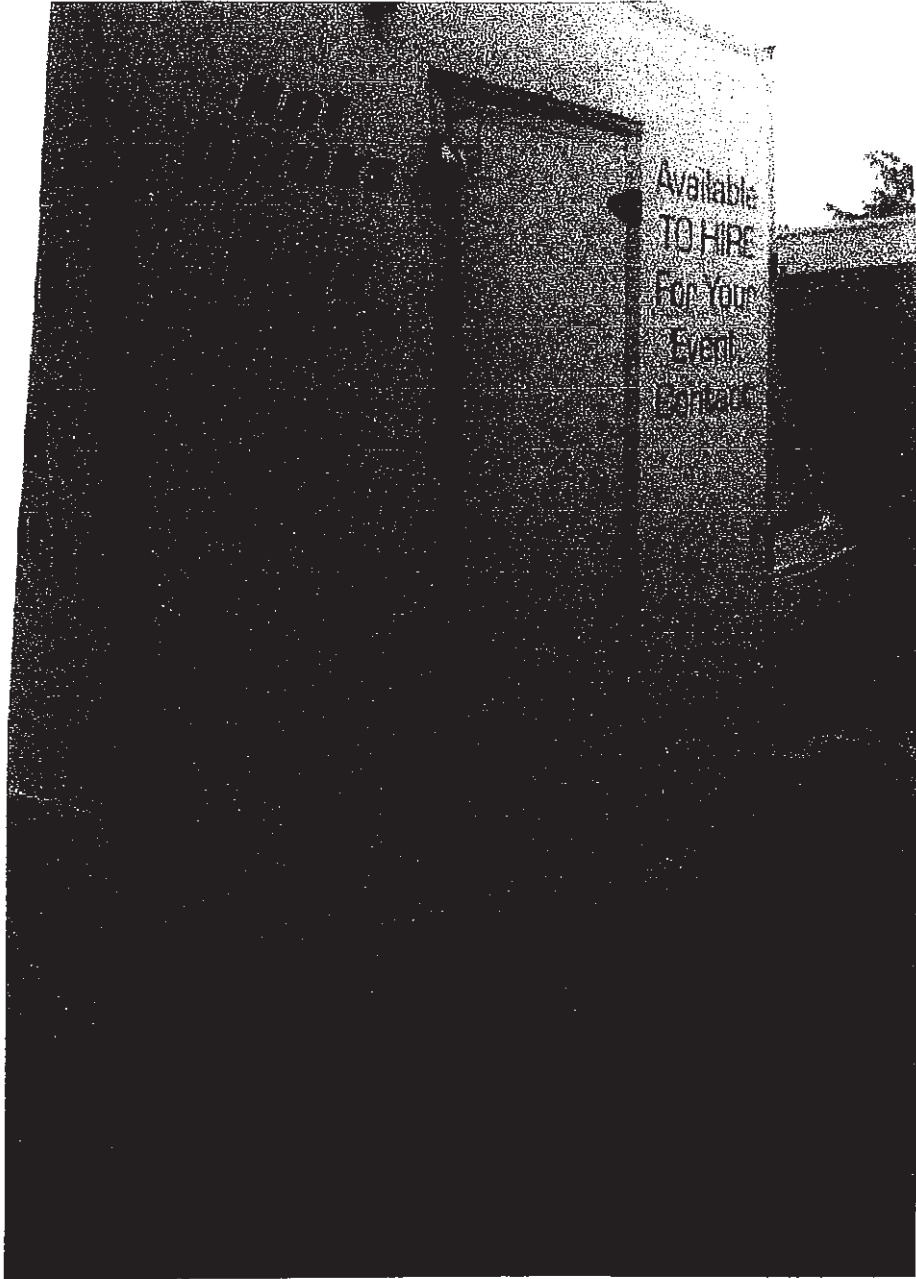
Livesey Street Layby  
Sheffield S6

OS MasterMap 1250/2500/10000 scale  
13 June 2014, ID: BW1-00334206  
maps.blackwell.co.uk  
1:1250 scale print at A4, Centre: 433682 E, 389839 N  
©Crown Copyright Ordnance Survey. Licence no. 100041040

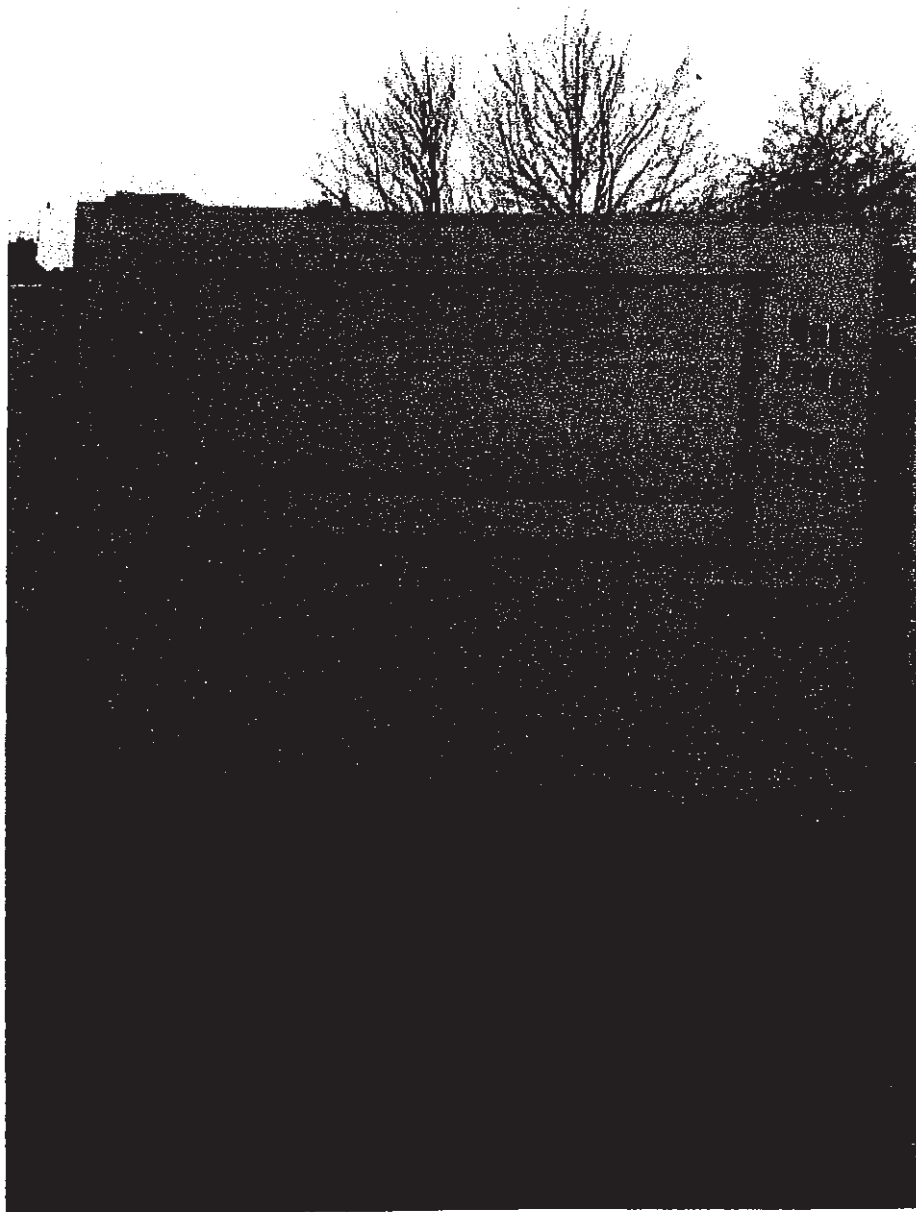


Sheffield  
City Council

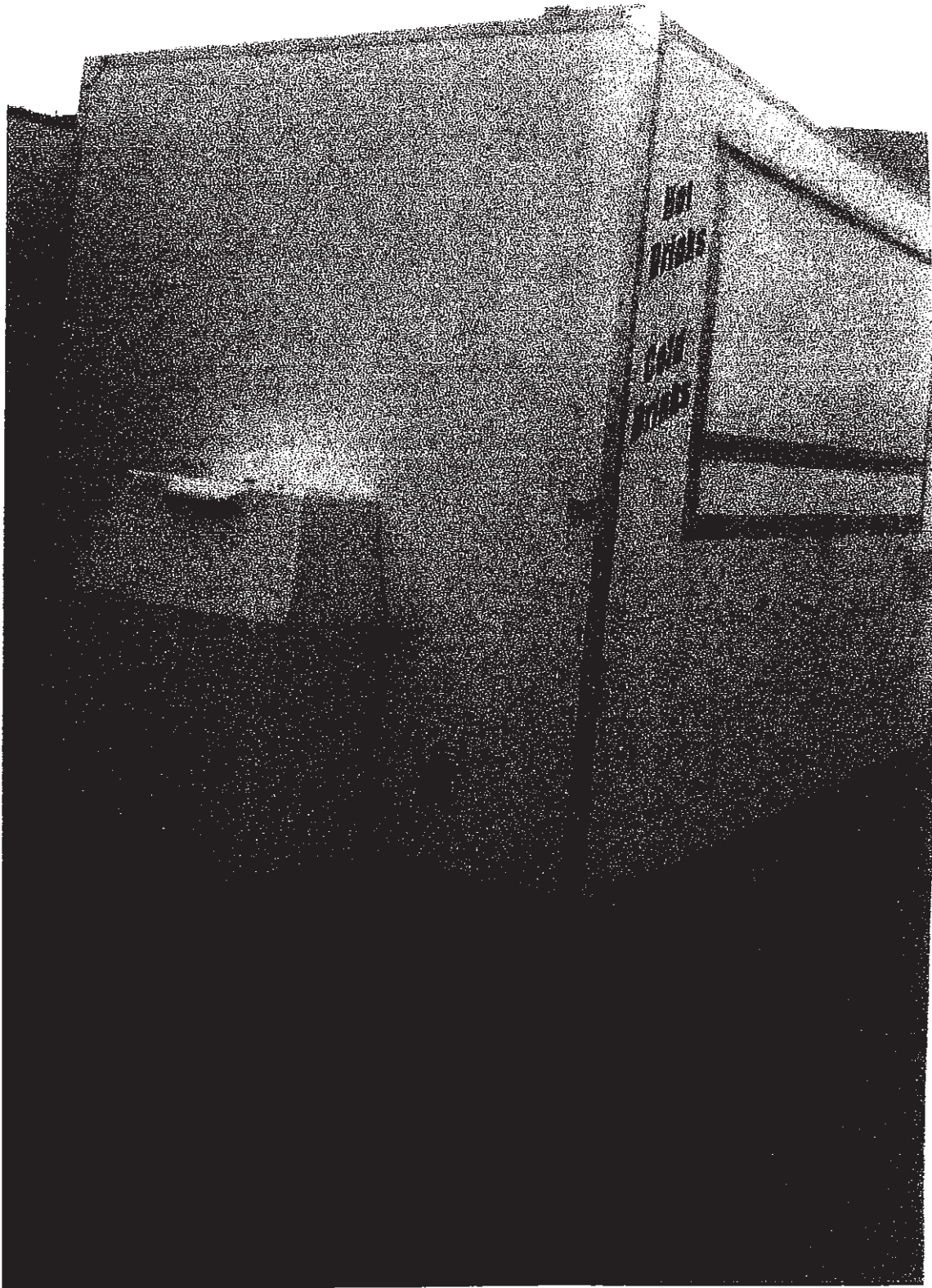




A7



A8





Place  
Business Strategy and Regulation

Director of Business Strategy & Regulation: Mick Crofts  
Food Safety  
5<sup>th</sup> Floor (North), Howden House, 1 Union Street, Sheffield S1 2SH  
Fax No. (0114) 273 6464

Tel: 0114 273 5774 (ask for the 'duty officer')  
Ref: AAL/Registration Receipt/sah/TheSarnieBox Date: 31<sup>st</sup> March 2017

Ms Katie Lian Birks  
[Redacted]  
Sheffield  
[Redacted]

Dear Ms Birks,

~~Regulation (EC) 852/2004 Article 6(2)~~  
The Sarnie Box, Livesey Street, Sheffield S6

I am writing to acknowledge receipt of your registration form for the above premises received on 14<sup>th</sup> March 2017, the details of which have been entered on the register. I take this opportunity to remind you that you must notify this Department of any subsequent changes to the business or if you cease trading.

High risk food businesses (such as caterers, cafes, restaurants, takeaways etc.) will be inspected on a regular basis. Low risk businesses (such as corner shops) may be visited less frequently or be required to complete a self-assessment form instead of being visited. Inspections are normally carried out on a 'spot check' basis.

You will need to make sure the business complies with the food hygiene Regulations. These include the requirement to keep the premises clean, maintain them in good repair, provide adequate facilities, make sure staff are adequately instructed or trained in food hygiene matters and produce a written food safety management system. One example is 'Safer Food Better Business' and a copy can be downloaded from the food standards agency website <http://www.food.gov.uk/business-industry/caterers/sfbb/>

If you require any further information then please visit the Environmental Health section of our website at [www.sheffield.gov.uk](http://www.sheffield.gov.uk). Information is also available on the Food Standards Agency website at [www.food.gov.uk](http://www.food.gov.uk).

Alternatively, do not hesitate to contact my department on the number shown.

Yours sincerely

J Marshall  
Acting Principal Officer

Large print versions of this letter are available by  
telephoning (0114) 273 4415/273 5774

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Business Waste Ltd.  
customers@businesswaste.co.uk  
Phone: 01904 207 120  
www.businesswaste.co.uk



### Waste Agreement

This is a legal document you are obliged to keep a copy of this document for at least three years from the Commencement Date. Business Waste Ltd. shall:

Make arrangements to site at the Customer's premises the Equipment detailed below for the collection and removal of waste and to continue to service that Equipment during the term of the agreement.

Agreement Commencement Date: 03/04/2017

### Customer Details

### Registered Company / Home Address

Company Name The Samie Box

Trading As The Samie Box

Director Name Katie Birks

Legal Entry Sole Trader

Co Reg No

Address Line 1 30 Dickinson Road

Address Line 2

Town/City Sheffield

Postcode S5 0HB

### Service Address

### Billing Address

Site Name The Samie Box

Address Line 1

Address Line 2

Town/City Sheffield

Postcode

Tel

Site Contact Katie Birks

Site Email

Address Line 1

Address Line 2

Town/City Sheffield

Postcode

Billing Contact

Billing Email

### The Customer Shall:

- Other than as set out in condition 3.2 pay Business Waste in accordance with the charges as set out below within 30 days or 14 days if direct debit of the date of the Invoice. Delays in payment may result in interest being charged on a daily basis.
- Ensure that the equipment supplied by Business Waste and its contractors sited on the customer's premises is not improperly used, overloaded, overfilled or damaged and under no circumstances should it be sited on a public highway and at all times remains the property of Business Waste and/or its contractors.
- Ensure that waste supplied to Business Waste is in accordance with the description given.

### Service Summary

	Container Size	Waste Type	Frequency	Qty	Unit Price (ex VAT)	Invoice Frequency
Service 1	240 Litre	General Waste	Fortnightly	1	12.00	Monthly in Advance
Service 2						
Service 3						

<http://salesteam.businesswaste.co.uk/bw/BOLeadItemView.php?aW50TGvhZEIPEtXNTkyNTEzMCZpbmRTdWJMZWFKSUQ9InN0GldHVyYbVST00vYm8..> 1/2

13733 Birks

All

### MOT Test Certificate

<b>MOT Test Number</b> 658805868633	<b>Vehicle Registration Mark</b> PJ62ZGV	<b>Vehicle Identification Number</b> W0LPE6EN1DG054099
<b>Make</b> VAUXHALL ASTRA ELITE CDTI S/S	<b>Model</b>	<b>Colour</b> Blue
<b>Issuer's Name</b> J. J. ELLIS	<b>Test Class</b> 4	<b>Country of Registration</b> Great Britain
<b>Expiry Date</b> 4 July 2017 (SEVENTEEN)	<b>Issued</b> 5 Jul 2016	<b>Test Station</b> 1ALR53

**Odometer Reading and History**

5 7 2016: 15112 mi
14 12 2015: 13892 mi

**Inspection Authority**

EVANS HALSHAW WHEATLEY HALL ROAD DONCASTER DN2 4LT
01302303700

**Additional Information**

To preserve the anniversary of the expiry date, the earliest you can present your vehicle for test is 5 June 2017.

**Signature of Issuer**

J. Ellis

**Advisory Information**

**About this document**

- This document is a receipt style certificate telling you that an MOT Test pass result has been recorded in the Driver & Vehicle Standards Agency's (DVSA's) database of MOT Test results; this can be verified at [www.gov.uk/check-mot-status](http://www.gov.uk/check-mot-status).
- A test certificate relates only to the condition of the components examined at the time of test. It does not confirm the vehicle will remain roadworthy throughout the validity period of the certificate.
- Check carefully that the details are correct.
- Whilst advisory items listed above do not constitute MOT failure items, they are drawn to your attention for advice.
- For further information about this document, please visit [www.gov.uk/getting-an-mot](http://www.gov.uk/getting-an-mot) or contact DVSA on 0300 123 9000\*.

\*Your call may be monitored or recorded for lawful purposes.



# Appendix B

Objections. No.1

## Hollis Georgina (CEX)

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**From:** Susan Mchale [REDACTED]  
**Sent:** 13 March 2017 14:45  
**To:** Hollis Georgina (CEX); licensingservice  
**Cc:** David Battell; Heather Smith  
**Subject:** Re: Application for Street Trading Consent - Livesey Street Layby

O  
B1

Dear Georgina,

Thank you for asking for our view on this, unfortunately we were not consulted for the previous and current vendors using this area and we would have objected, and still do, to any such activity during college hours.

We have concerns regarding activities which encourage students to congregate unsupervised and outside college, for all sorts of safety and safeguarding reasons. The litter generated becomes a problem which we get left with, nor do we wish to encourage the bringing of take away food into the college.

Regards

**Sue McHale**

**Senior Administrator, Estates & Services**

**The Sheffield College** | [www.sheffcol.ac.uk](http://www.sheffcol.ac.uk)

T: [REDACTED] | L: City Campus – B01

**The  
Sheffield  
College**



/thesheffieldcollege



/sheffcol

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**From:** Susan Mchale  
**Sent:** 13 March 2017 13:43  
**To:** David Battell  
**Subject:** Fw: Application for Street Trading Consent - Livesey Street Layby

Does this ring any bells.

**Sue McHale**

**Senior Administrator, Estates & Services**

**The Sheffield College** | [www.sheffcol.ac.uk](http://www.sheffcol.ac.uk)

T: [REDACTED] | L: City Campus – B01

**From:** Hollis Georgina (CEX)  
**Sent:** 13 March 2017 15:51  
**To:** 'Susan Mchale'; licensingservice  
**Cc:** David Battell; Heather Smith  
**Subject:** RE: Application for Street Trading Consent - Livesey Street Layby

Dear Sue,

Thank you for your email.

You have addressed the point that you are aware that there has been a previous vendor operating from this site in the past, as this is the case, please can you expand on your representation and give any evidence to support your comments in writing?

Kind Regards  
Georgina

**NEW**  
**Pre-Application Advice & Consultancy Service**  
**Do you need help with your application or just want it checking?**  
**Then give us a call on 0114 273 4264**  
**This new service starts on Monday 6<sup>th</sup> February 2017**

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**Georgina Hollis**  
Licensing Enforcement & Technical Officer  
Licensing Service  
Business Strategy & Regulation  
Block C, Staniforth Road Depot  
Staniforth Road, Sheffield, S9 3HD.

Telephone: 0114 2734264  
Fax: 0114 2734073  
Email: [licensing@sheffield.gov.uk](mailto:licensing@sheffield.gov.uk)      [www.sheffield.gov.uk](http://www.sheffield.gov.uk)

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 **Please don't print this e-mail unless you really need to**

**From:** Susan Mchale [mailto:Sue.Mchale@sheffcol.ac.uk]  
**Sent:** 13 March 2017 14:45  
**To:** Hollis Georgina (CEX); licensingservice

**From:** Susan Mchale <[REDACTED]>  
**Sent:** 13 March 2017 14:45  
**To:** Hollis Georgina (CEX); licensingservice  
**Cc:** David Battell; Heather Smith  
**Subject:** Re: Application for Street Trading Consent - Livesey Street Layby

Dear Georgina,

Thank you for asking for our view on this, unfortunately we were not consulted for the previous and current vendors using this area and we would have objected , and still do, to any such activity during college hours.

We have concerns regarding activities which encourage students to congregate unsupervised and outside college, for all sorts of safety and safeguarding reasons. The litter generated becomes a problem which we get left with, nor do we wish to encourage the bringing of take away food into the college.

Regards

**Sue McHale**  
**Senior Administrator, Estates & Services**  
**The Sheffield College | [www.sheffcol.ac.uk](http://www.sheffcol.ac.uk)**  
**T: [REDACTED] | L: City Campus – B01**

**The  
Sheffield  
College**



/thesheffieldcollege



/sheffcol

---

**From:** Susan Mchale  
**Sent:** 13 March 2017 13:43  
**To:** David Battell  
**Subject:** Fw: Application for Street Trading Consent - Livesey Street Layby

Does this ring any bells.

**Sue McHale**  
**Senior Administrator, Estates & Services**  
**The Sheffield College | [www.sheffcol.ac.uk](http://www.sheffcol.ac.uk)**  
**T: [REDACTED] | L: City Campus – B01**

# Appendix C

Invitation to attend

C2

**SHEFFIELD CITY COUNCIL**

**LOCAL GOVERNMENT MISCELLANEOUS PROVISIONS ACT 1982**

**Street Trading – Static Street Trading Application – Livesey Street  
IMPORTANT: NOTIFICATION OF A COMMITTEE MEETING**

To: Ms Sue McHale  
Senior Administrator  
Estates & Services  
Sheffield College  
City Campus

Email. [REDACTED]

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

**LICENCE TYPE: Street Trading Consent – Livesey Street**

I refer to the above and the application for the grant of a static street trading consent.

This matter has been referred to the Licensing Committee of Sheffield City Council for determination. Full details are provided in the report enclosed and 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 and interested parties and objectors to attend the meeting.**

The meeting in respect of the application will take place on **Thursday 27<sup>th</sup> April 2017** in a Committee Room of the Town Hall, Sheffield, S1 2HH (Pinstone Street entrance) and you are invited to attend at **10:00am**.

**PLEASE NOTE:**

I would be grateful if you could confirm that you will be attending the meeting by telephoning the Licensing Office on 0114 2734264.

*Steve Lonnia*

Date: 13<sup>th</sup> April 2017

.....  
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 2734264

**The Licensing Service Reception is open from 10.00am to 4.00pm, Monday to Friday. Telephone calls can be taken from 09:00am to 5:00pm.**

# SHEFFIELD CITY COUNCIL

d

LOCAL GOVERNMENT MISCELLANEOUS PROVISIONS ACT 1982

Street Trading – Static Street Trading application – Livesey Street.

## IMPORTANT: NOTIFICATION OF A COMMITTEE MEETING

To: Ms Katie Birks

[REDACTED]  
Sheffield  
[REDACTED]

Email: [REDACTED]

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

**LICENCE TYPE:** Street Trading Consent – Livesey Street

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# Appendix D

Hearing Procedure



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.
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- 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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## SHEFFIELD CITY COUNCIL Committee Report

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

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**Date:** 27<sup>th</sup> April 2017

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**Subject:** Street Trading  
Application to vary a Static Street Trading Consent

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**Author of Report:** Clive Stephenson

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**Summary:** To consider an application for a street trading consent  
Peace Gardens Sheffield

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**Background Papers:** As attached  
Street Trading Policy

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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: 53/17**

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

**STREET TRADING – Ice Cream Products - Peace Gardens**

**1.0 PURPOSE OF REPORT**

1.1 To consider an application for the variation of a Static Street Trading consent to trade at Peace Gardens Sheffield.

**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 any consent. An applicant may, however apply for judicial review of the Council's decision.

### **3.0 THE APPLICATION**

- 3.1 The applicant is Mr Andrew Cuneo and Ms Inglanga Saqladi a copy of the application is attached at Appendix 'A'.
- 3.2 The application was submitted on 11<sup>th</sup> April 2017.
- 3.3 The application is vary the current purpose built trailer to an Ice Cream van for a period of 8 weeks. (From the date of application).
- 3.4 The application was circulated, to City Centre Management.
- 3.5 The Ice Cream van does not meet the qualities criteria for the City Centre Street Trading. A copy of the criteria is attached at Appendix B.

### **4.0 REASONS FOR REFERRAL**

- 4.1 The application falls outside the qualities criteria as stated in 3.5.
- 4.2 Members should consider all the information provided by the applicant both in their written application and in person at the hearing.
- 4.4 The applicant has been invited to attend the Licensing Committee hearing. Copies of the invites are attached at Appendix 'C'.
- 4.5 A copy of the hearing procedure is attached at Appendix 'D'.

### **5.0 FINANCIAL IMPLICATIONS**

- 5.1 The Street Trading Policy states that fees will be set and reviewed annually on a full cost recovery basis. The level of fee takes into account the location, duration of consent, the trading hours and articles to be sold as well as the enforcement of terms and conditions.
- 5.2 Fees for static consents are determined at the grant of the application therefore there are no financial implications arising from this report.

### **6.0 RECOMMENDATIONS**

- 6.1 That Members consider all the relevant information available, any representations that may be made and our policy.

## **7.0 OPTIONS OPEN TO THE COMMITTEE**

- 7.1 To grant the application for to vary the Static Street Trading Consent at location applied for.
- 7.2 To grant the application with amendments.
- 7.3 To defer the matter for further consideration.
- 7.4 To refuse to vary the Static Street Trading Consent .

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

27<sup>th</sup> April 2017.

# Appendix A

Application

### Application to VARY a 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 to VARY a street trading consent (\*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	ANDREW CUNEO	Inglene Sagueli
Q2	Applicant(s) permanent private address	[REDACTED]	[REDACTED]
Q3	Date of birth	05/02/1961	03/04/1965,
Q4	Nationality and place of birth	BRITISH. Sheffield	British Sheffield
Q5	Telephone No	2960258	2960258
Q6	Email address	[REDACTED]	[REDACTED]

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

Q7	Name	
Q8	Registered address	
Q9	Registered number	
Q10	Telephone number	
Q11	Email address	



**C. CURRENT CONSENT DETAILS**

Q12	Consent number	ST/CC 0001
Q13	Type of consent issued	STATIC / MOBILE / CITY CENTRE SMALL UNIT / SCHOOL / OTHER (please list)
Q14	Current site details (if applicable)	PEACE GARDEN
Q15	Expiry date of consent	30-11-17

**D. DETAILS OF VARIATION**

Q16	<p>Please note:</p> <ul style="list-style-type: none"> <li>• you cannot change sites on a variation, a new application must be submitted.</li> <li>• Consents are non transferrable, so you cannot add new consent holders on an existing consent.</li> </ul> <p>Tick details of variation, this can be more than one:</p>	
	Change days of trading	
	Change hours of trading	
	Change items to be sold	
	Change of vehicle / unit	—
	Other (if other, please specify below)	
	<p>Details: FJ17 UVT</p>	

Q17	Current details to change	Proposed details of change and reason for that change
	From purpose built trailer to ice-cream van.	Andrew Cuneo is the only one capable of towing trailer, he recently been diagnosed blood clot to lung and is recovering from pneumonia he has been told by hospital no bending or physical work at all till blood clot is clear. This will be for a maximum of 8 weeks

**E. CONVICTIONS / CAUTIONS**

Q18	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 [ <input checked="" type="checkbox"/> ]		
<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)

Fee on variation application	✓
3 Photographs of the vehicle / unit if a change of unit showing front, back and side	✓
If a change of unit, confirm it meets the qualitative criteria	✓
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 application:

(tick if enclosed with this application)

Certificate of insurance in respect of the vehicle / unit (if applicable)	
Appropriate vehicle test (if applicable)	
Written confirmation that the vehicle meets the Council's food safety standards	

# G. DECLARATION

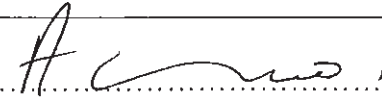
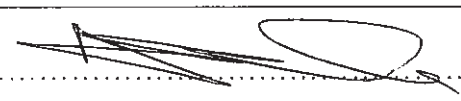
## WARNING

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;

<b>Applicant 1</b>	Signature: 
	Print name: A. Cuneo
	Date: 11/4/17
	Capacity: OWNER
<b>Applicant 2</b>	Signature: 
	Print name: J SARWAR
	Date: 11/4/17
	Capacity: OWNER

Please read these notes before completing the application form.

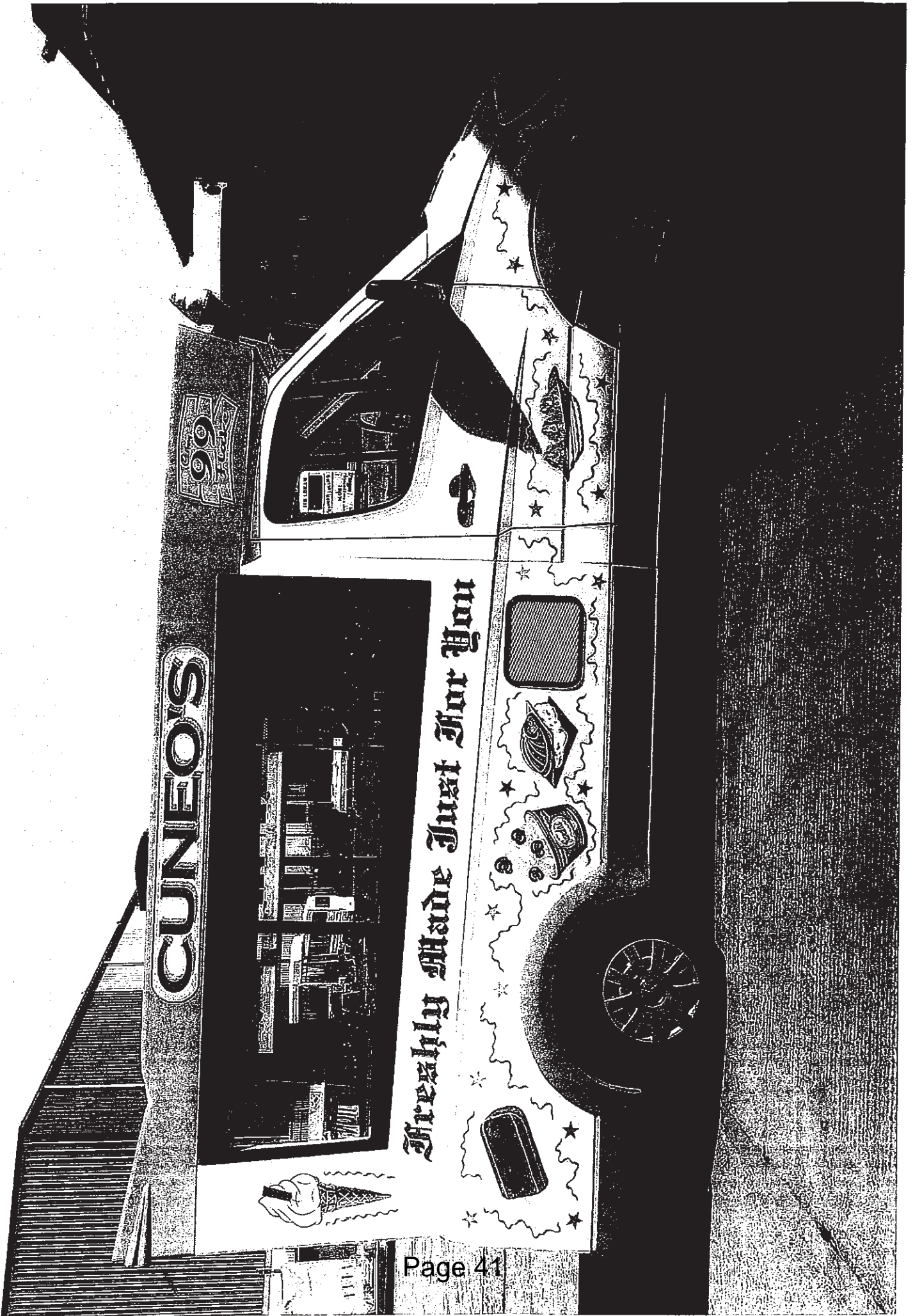
- (a) If there is insufficient room on this form to fully answer the questions; or if you wish to make any further statement in support of your application, please do so on a separate sheet of paper attached to this form.
- (b) None of the information which you supply on (or with) this form will be treated 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.

AS

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 10am to 4pm, Monday to Friday. Telephone (0114) 2734264



CUNEO'S

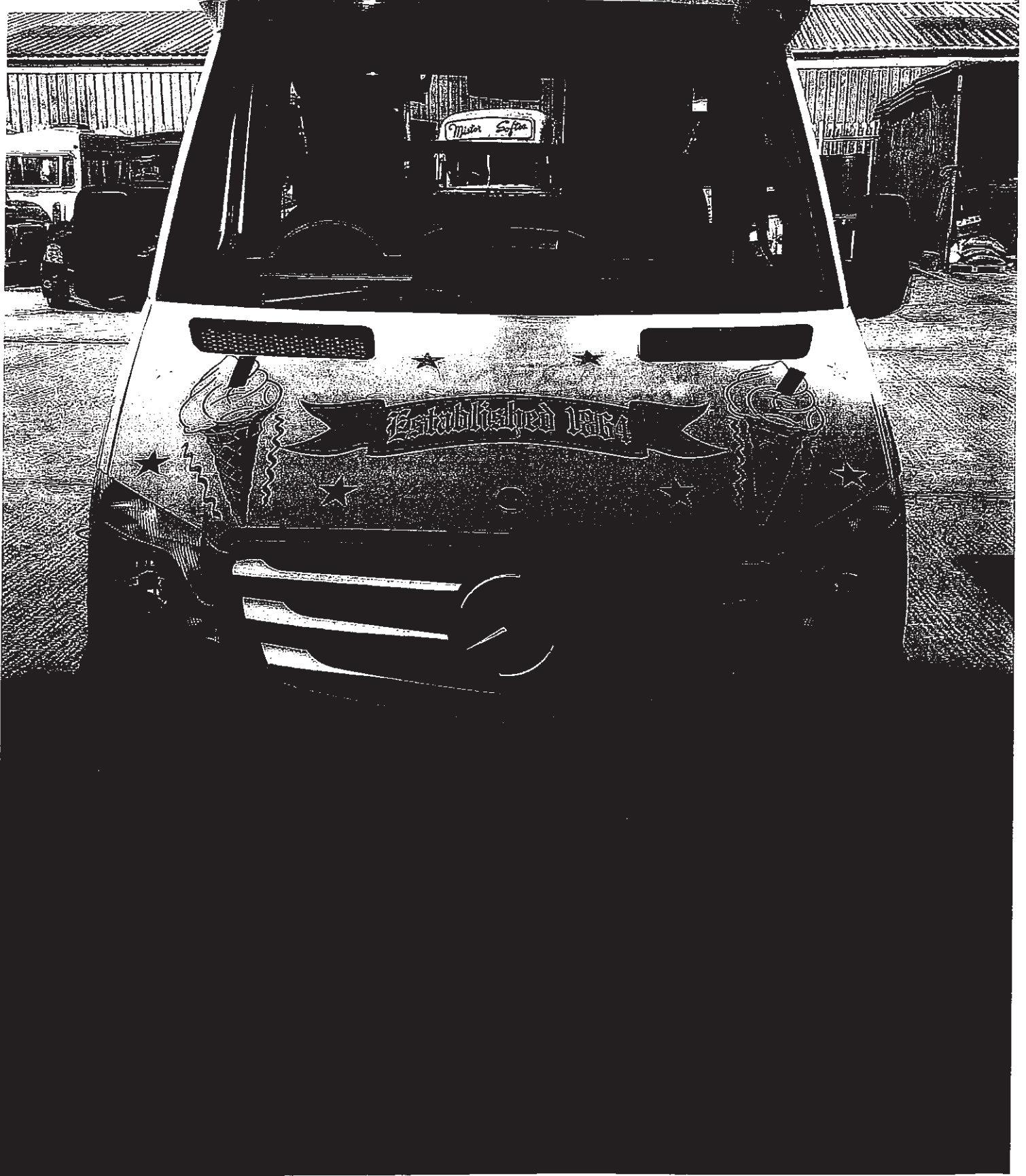
Freshly Made Just For You





A9

CUNEO'S







# Appendix B

Qualities Criteria

## 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 Service) 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

B2

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 safety 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
- Food traders must have a minimum food hygiene rating score of 3.

# Appendix C

Invitation to attend

# SHEFFIELD CITY COUNCIL

C

## LOCAL GOVERNMENT MISCELLANEOUS PROVISIONS ACT 1982

### Street Trading – Vary a Static Street Trading Consent– Peace Gardens

#### IMPORTANT: NOTIFICATION OF A COMMITTEE MEETING

To: Mr Andrew Cuneo

[REDACTED]  
Sheffield  
[REDACTED]

Email: [REDACTED]

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

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*Steve Lonnia*

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

Date: 18<sup>th</sup> April 2017

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