

# **Licensing Sub-Committee**

**Tuesday 16 August 2022 at 10.30 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), Abdul Khayum and George Lindars-Hammond  
Henry Nottage (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.

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 John Turner on 0114 474 1947 or email [john.turner@sheffield.gov.uk](mailto:john.turner@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 AUGUST 2022**

**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 - Schools (Ice Cream) Street Trading Consent**  
Report of the Chief Licensing Officer
- 6. Hackney Carriage and Private Hire Licensing - Individual Cases**  
Report of the Chief Licensing Officer.

<p>*(<b>NOTE:</b> The report at item 6 in the above agenda is not available to the public and press because it contains exempt information described in paragraphs 1 and 2 of Schedule 12A to the Local Government Act 1972 (as amended))</p>
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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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**Report of:** Chief Licensing Officer, Head of Licensing

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**Date:** Tuesday 16<sup>th</sup> August 2022 at 10.30am

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**Subject:** Street Trading:  
Application to renew a Schools (Ice Cream) Street Trading  
Consent

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**Author of Report:** Shimla Finch

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**Summary:** To consider an application to renew a Schools (Ice Cream)  
Street Trading consent at Birley Primary Academy,  
Thornbridge Avenue, 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: 103/22**

**LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982  
SCHOOLS (ICE CREAM) STREET TRADING – Paul Grayson**

**1.0 PURPOSE OF REPORT**

1.1 To consider an application to renew a Schools (Ice Cream) Street Trading Consent to trade at Birley Primary Academy, Thornbridge Avenue, Sheffield.

1.2 Please note, this report has been deferred from the 5<sup>th</sup> of July 2022.

**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 its 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 Paul Grayson who submitted a renewal application of a Schools (Ice Cream) Street Trading Consent on the 9<sup>th</sup> of May 2022. A copy of the application is attached at Appendix 'A' with pictures of the site occupied.
- 3.2 The application was circulated in the usual manner to South Yorkshire Police, South Yorkshire Fire and Rescue, Highways and Planning and no comments have been received from them.
- 3.3 The applicant has also consulted with the Head Teacher of the school in regards to renewing his street trading consent.

### **4.0 REASONS FOR REFERRAL**

- 4.1 Three objections (attached at Appendix 'B') have been received against the renewal application for this consent by the following parties:
- Headteacher of Birley Primary Academy
  - MP Clive Betts
  - South Yorkshire Police – Lauren Spacie
- 4.2 These objections relate to issues of congestion, parking, and the safety of the pupils at busy times. All three objections refer to an incident which occurred on the 10<sup>th</sup> March 2022 where a pupil walked around the van to cross the road and was hit by a car.
- 4.3 This incident was investigated by our Licensing Enforcement Officer, and discussions were held with both the primary and secondary school, Sheffield City Council's Parking Services and South Yorkshire Police.
- 4.4 The investigation showed that the ice cream trader had been parked legally at the time of the incident. CCTV footage of the incident has been viewed by authorities, and both the schools and South Yorkshire Police believe that the incident would not have occurred if the ice cream van was parked in a different location as it reduced visibility for anyone crossing the road. As this is a legal parking space without any road traffic regulations in place, this could be a problem for any larger vehicles parked there. This issue has been shared with the Highways Department and Traffic Regulation Services of Sheffield City Council to seek their views on whether further considerations should be made to parking in this area to reduce any risks.
- 4.5 Licensing Enforcement Officers have been in discussion with the applicant Mr Grayson and have met onsite to discuss the issues outlined above and the objections received against his application. He has worked closely with our officers to find an alternative location near to where he is currently trading, with various areas around the current site being viewed, Officers have confirmed that there is currently no other suitable site around the school due to existing parking



restrictions. Appendix 'C' of this report details maps showing the current parking restrictions in the area and photos of Mr Grayson's current trading location and the immediate vicinity when carrying out these site visits.

- 4.6 As the objections are unresolved, the renewal application has been referred to the Licensing Sub-Committee for determination. The application was originally to be determined by the Licensing Sub-Committee on the 5<sup>th</sup> of July 2022 and has been deferred to today's meeting. Since the publication of the original report, the Licensing Authority has received a further statement from MP Clive Betts and various emails of support for the applicant. A copy is attached at Appendix 'D' of this report.
- 4.7 Members are advised to consider all documentation and to refer to the Street trading policy, in particular to paragraph 2.8 in regard to factors around 'public safety/highway' in considering an application.
- 4.8 The applicant, and the objectors to the application have been invited to attend the Licensing Sub-Committee meeting. Copies of the invites are attached at Appendix 'E'. The Licensing Enforcement Officer who investigated the complaint has also been invited should there be any questions from Members.
- 4.9 A copy of the hearing procedure is attached at Appendix 'E'.

## **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 The fees for a school's (ice cream) street trading consent is currently fixed and is payable on 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 renewal for a School's (Ice Cream) Street Trading Consent.
- 7.2 To grant the renewal application with amendments.
- 7.3 To defer the matter for further consideration.
- 7.4 To refuse the renewal application.

Steve Lonnia - Head of Licensing  
16<sup>th</sup> August 2022



# APPENDIX 'A'

Renewal Application and site location



## 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	PAUL GRABOW	
Q2	Applicant(s) permanent private address		
Q3	Date of birth		
Q4	Nationality and place of birth		
Q5	National Insurance No.		
Q6	Do you have the legal right to work and live in the UK?	YES / NO Details: YES	YES / NO Details:
Q7	Have you ever been refused a street trading consent in this or any other area?	YES / NO Details: NO	YES / 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	PAUL BRAYSON
Q12	Registered address	
Q13	Registered number	CX0845Z
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	Consent number	
Q18	Description of vehicle to be used	HORN TRANSIT
Q19	Registration number	CX0845Z
Q20	Date of first registration	03/08
Q21	Last MOT and service	03/02/2022
Q22	Size of vehicle	Height: Width: Length:
Q23	Items to be sold	ICE CREAM LOCCOS CANS POP
Q24	Does the vehicle meet the quality criteria? Your vehicle will be inspected prior to granting a consent.	

### D. THE SCHOOL



<b>Q25</b>	Name and address of school where you wish to trade:	BIRLEY PRIMARY ACADEMY THORNBURGH RD SHEFFIELD S12 3AD
<b>Q26</b>	Location of pitch: (include site plan)	THORNBURGH RD S12 3AD

## E. CONVICTIONS / CAUTIONS

<b>Q27</b>	Have any of the applicants ever been convicted of a criminal offence, whether in the United Kingdom or elsewhere?  If the answer is Yes please give full details below:	<b>Applicant 1</b> Yes [ ] No <input checked="" type="checkbox"/>  <b>Applicant 2</b> Yes [ ] No [ ]												
<b>Details of previous convictions and/or cautions</b> <table border="1"> <thead> <tr> <th>Date of Conviction</th> <th>Court of Conviction</th> <th>Nature of Offence</th> <th>Sentence</th> </tr> </thead> <tbody> <tr> <td>Applicant 1</td> <td></td> <td></td> <td></td> </tr> <tr> <td>Applicant 2</td> <td></td> <td></td> <td></td> </tr> </tbody> </table>			Date of Conviction	Court of Conviction	Nature of Offence	Sentence	Applicant 1				Applicant 2			
Date of Conviction	Court of Conviction	Nature of Offence	Sentence											
Applicant 1														
Applicant 2														

## F. CHECK LIST

The following documents must be attached with this application:  
(tick)

(tick if enclosed with this application)

Certificate of insurance in respect of the vehicle / unit	<input checked="" type="checkbox"/>
Appropriate vehicle test	<input checked="" type="checkbox"/>
Public liability insurance (minimum of £2,000,000)	<input checked="" type="checkbox"/>
Written confirmation that the vehicle meets the Council's food safety standards	<input checked="" type="checkbox"/>
Waste management contract	<input checked="" type="checkbox"/>
Declare that you have registered as a food business	<input checked="" type="checkbox"/>
Head teacher's written consent (on letter-headed paper) EMAIL ATTACHED	<input checked="" type="checkbox"/>

## G. DECLARATION

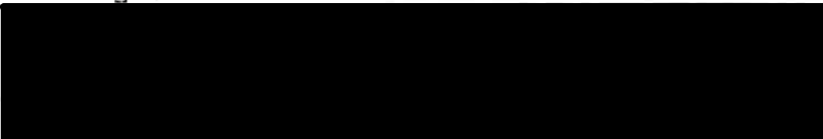


Paragraph 10(3) of Schedule 4 to the Local Government (Miscellaneous Provisions) Act 1982 gives the following warning:-

"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: PAUL GRAYSON
	Date: 27/04/2022
	Capacity:

## ICE CREAM VAN

From: 

To: enquiries@birley.primaryacademy.co.uk

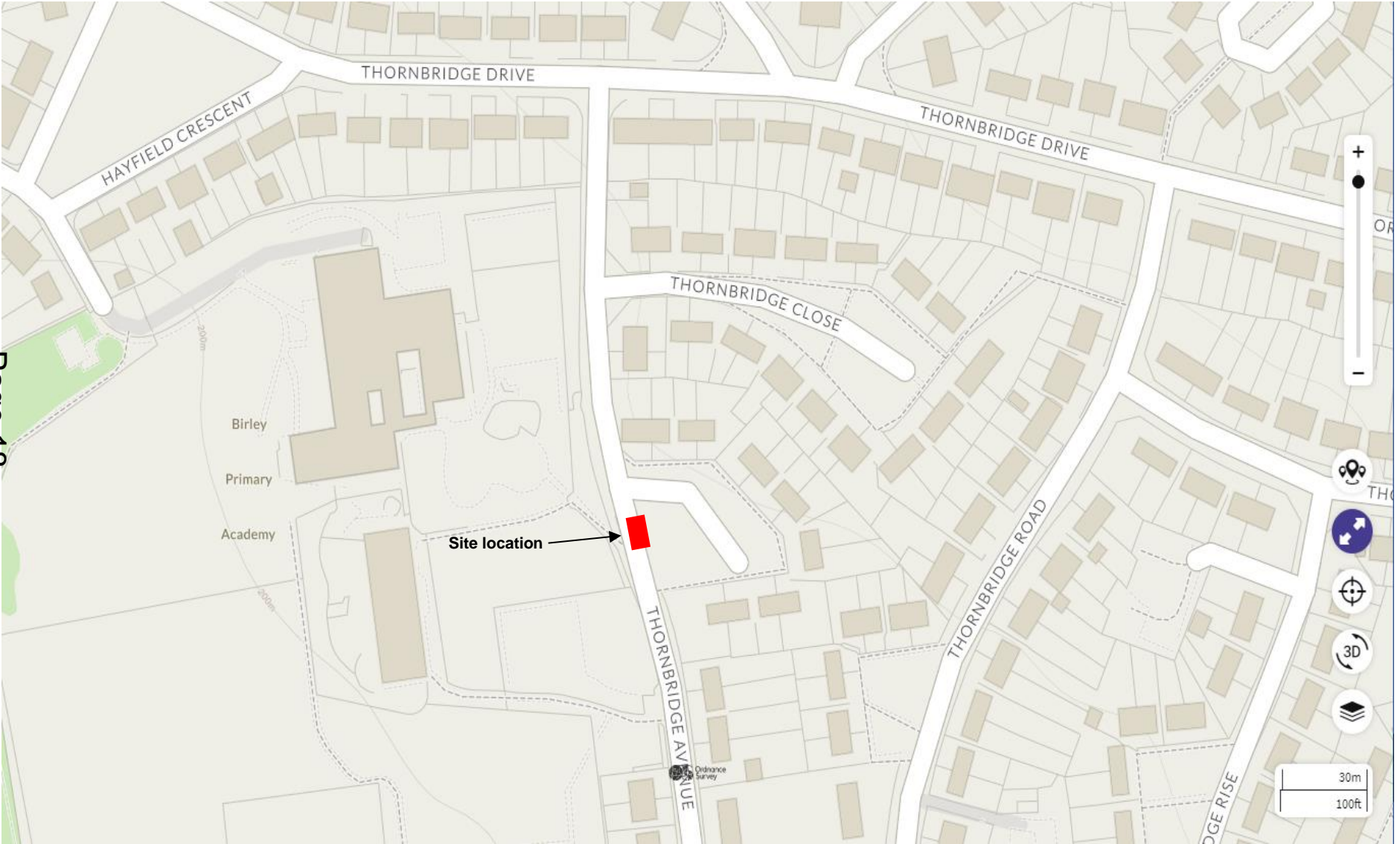
Date: Wednesday, 27 April 2022, 11:07 BST

Good morning

I am emailing you for consent from the head teacher to park outside your school in a safe place allocated by the council thank you

p grayson



















# APPENDIX 'B'

Objections



# Birley Primary Academy Objection

**From:** Dawn Mcaughey [REDACTED]  
**Sent:** 04 May 2022 08:13  
**To:** Stephen Lonnia (CEX) [REDACTED]  
**Subject:** Licensing objection

Good morning Stephen,

I was wondering if you could forward on my email to Claire Bower as I don't have her email address regarding an ice cream van trading outside Birley Primary Academy?

I have been contacted directly by Mr Paul Grayson in order for me to grant permission for him to continue to trade outside Birley Primary Academy.

I have objected to this in the past and I do wish to raise an objection again due to the difficulties this location continues to cause in terms of the amount of parking at the school at home time (we are a 3 form entry, very large Primary School with nearly 600 children) the congestion around the area and the safety implications for pupils - it adds greatly to congestion on what is already a very busy road. Recently a pupil went behind the van and got knocked down by a car. This was all reported to the Licensing Committee. It is a huge concern for myself as I am sure you will appreciate.

I hope you will take my objection into account. There may be a more convenient and appropriate location for the ice cream van, but where he currently parks is not appropriate in my opinion.

Many thanks  
Dawn McAughey

Dawn McAughey  
Headteacher  
Birley Primary Academy  
[REDACTED]



**Birley Primary Academy**  
A L.E.A.D. Academy



## Clive Betts MP Objection

**From:** Clive Betts MP [REDACTED]  
**Sent:** 21 April 2022 09:02  
**To:** Stephen Lonnia (CEX) [REDACTED]  
**Cc:** Bryan Lodge <[REDACTED]>; Denise Fox <[REDACTED]>  
**Subject:** (Case Ref: ZA21484) from Clive Betts MP/Birley Primary School/Ice Cream Van

Dear Stephen

I understand that the licence for the ice cream van to sell ice cream outside Birley School on Birley Lane has now run its term and will have to be renewed for the trade to continue.

I wish to object to this because of the difficulties this location causes in terms of the amount of parking at the school at leaving times, the congestion around the area and the safety implications for pupils. I understand recently a pupil went behind the van and got knocked down and clearly this is a matter of concern both to myself and I understand to the school as well.

I hope you will take this objection into account. Maybe there is a more convenient and appropriate location for the ice cream van but this does not seem at all the right place for it to operate.

Yours Sincerely

**CLIVE BETTS**

Clive Betts MP  
Sheffield South East



# South Yorkshire Police Objection

-----Original Message-----

From: LAUREN SPACIE <[REDACTED]@southyorks.pnn.police.uk>

Sent: 30 March 2022 11:24

To: Emma Rhodes-Evans (CEX)

Subject: RE: Incident outside Birley Primary Academy, S12 - Thursday 10th March 2022 - Incident Ref:56410032022

Hi Emma,

As per our phone call conversation, I can clarify the following -

I attended the Road Traffic Collision on the 10th March 2022 outside Birley Academy. The driver during this incident was not at fault. From speaking to witnesses and reviewing CCTV at the scene, it is clear and evident that the child runs in front of the ice cream van, into the road into the path of the vehicle.

Teachers at the school stated there concerns over the location of the ice cream van. I also have the same concern as I am of the opinion it is in a dangerous place. Albeit the Van is not parked on double yellow lines, the vehicle causes children to congregate and causes reduced visibility on the pavement when crossing the road. I spoke to the owner of the van who was quite dismissive of what had occurred, which also concerned me.

I think the van would be better situated further up the road, in order to prevent any further incidents.

Please let me know if you need any further clarification on the matter.

Kind regards,  
Lauren



# APPENDIX 'C'

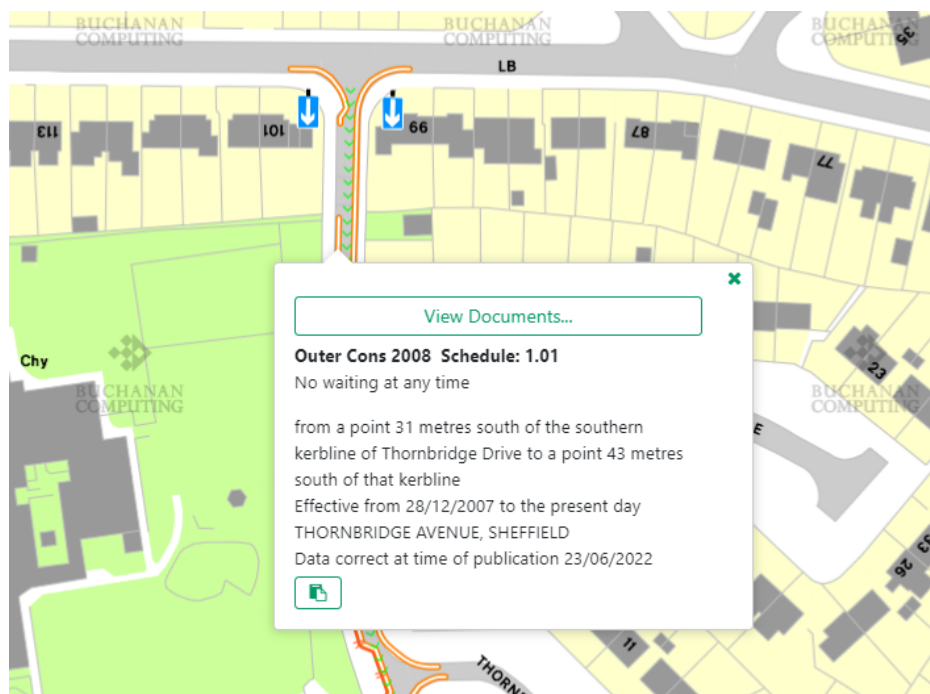
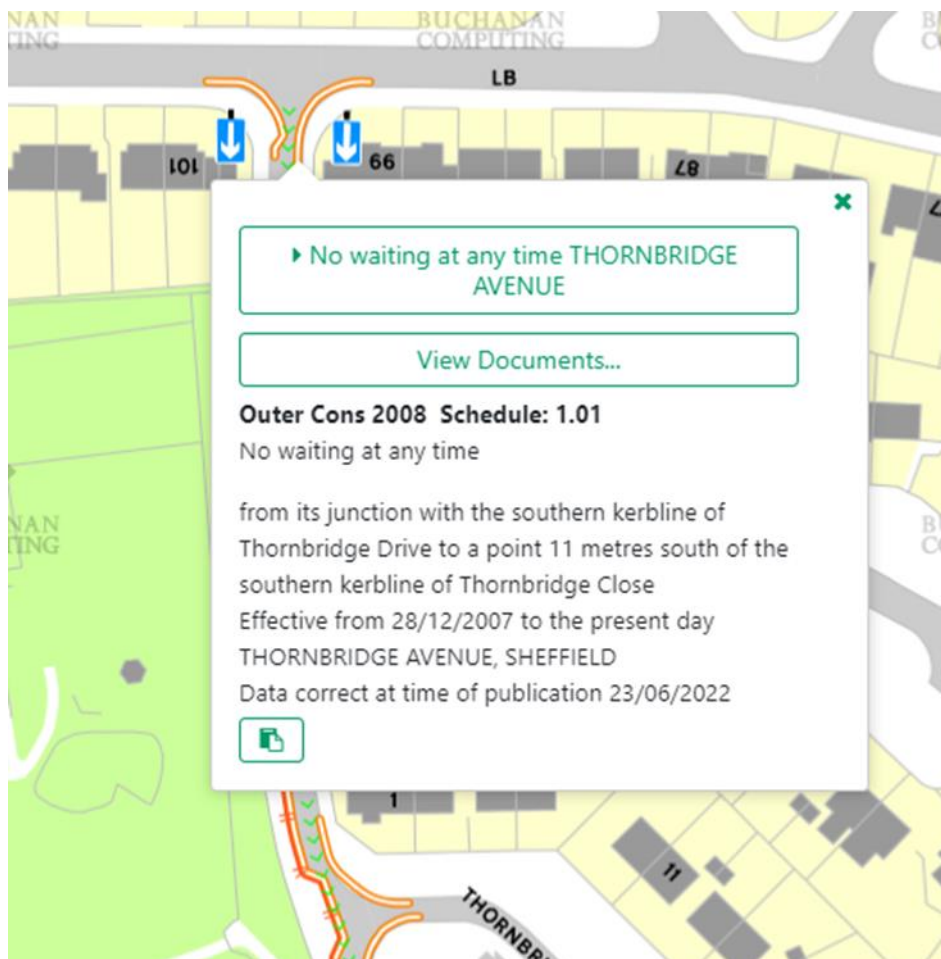
Current location, parking restrictions and the  
immediate vicinity



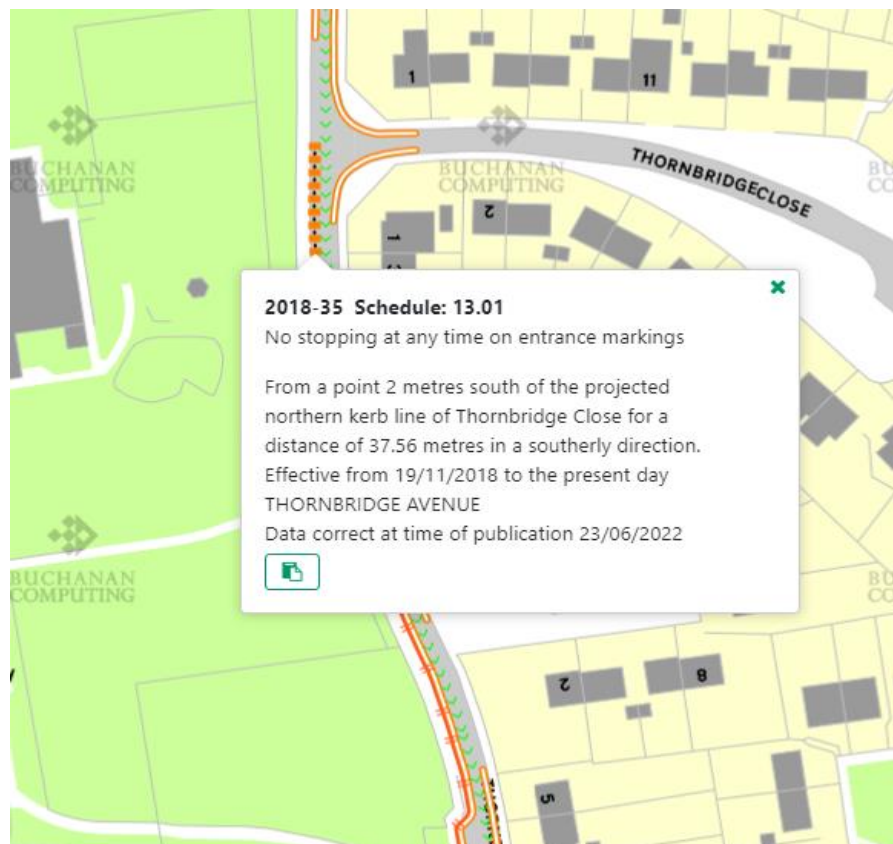
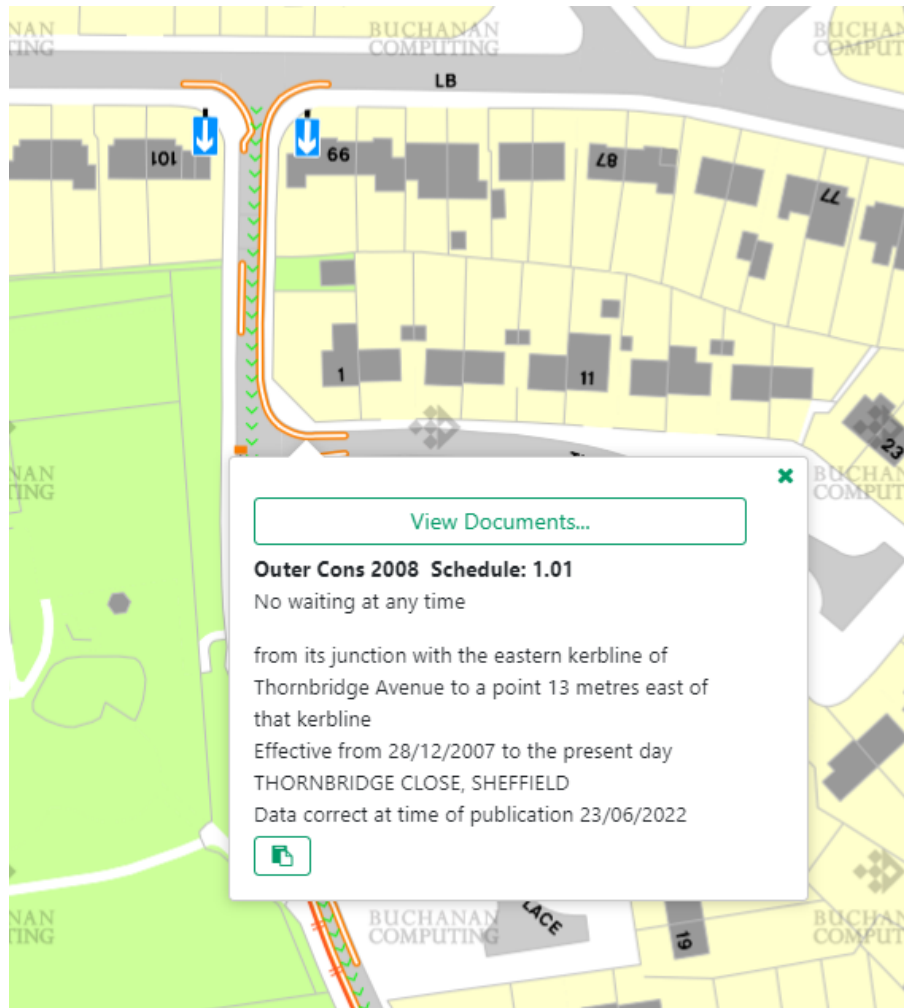
# Mapped parking restrictions of area



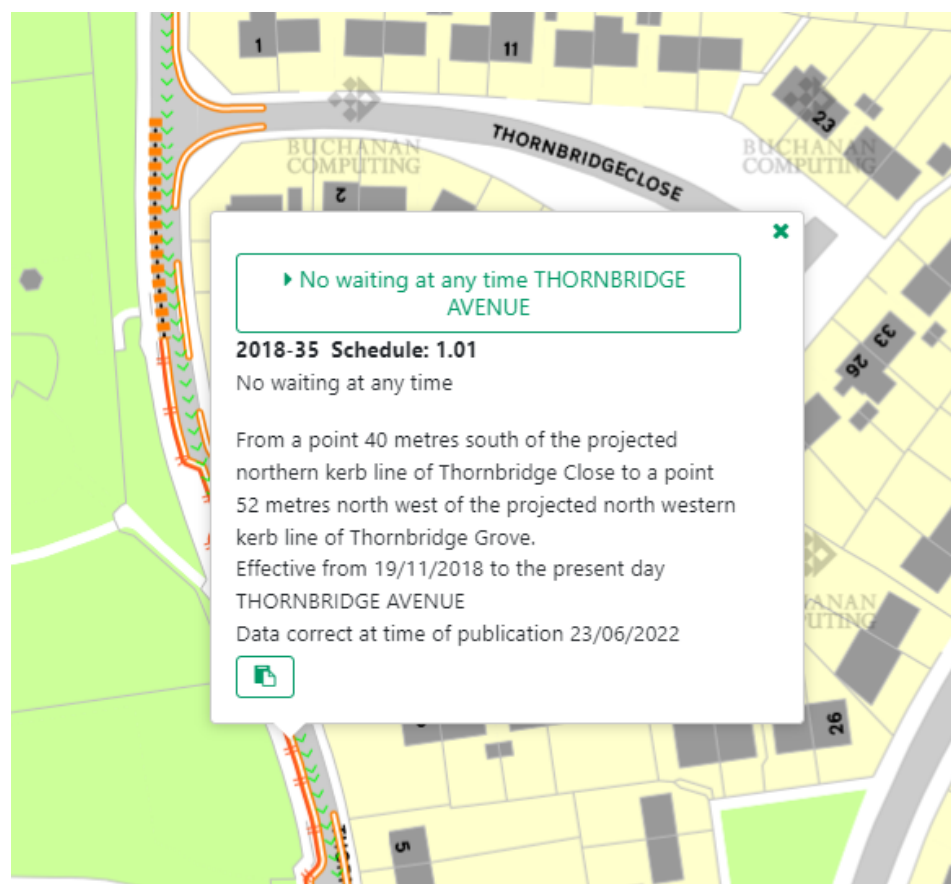
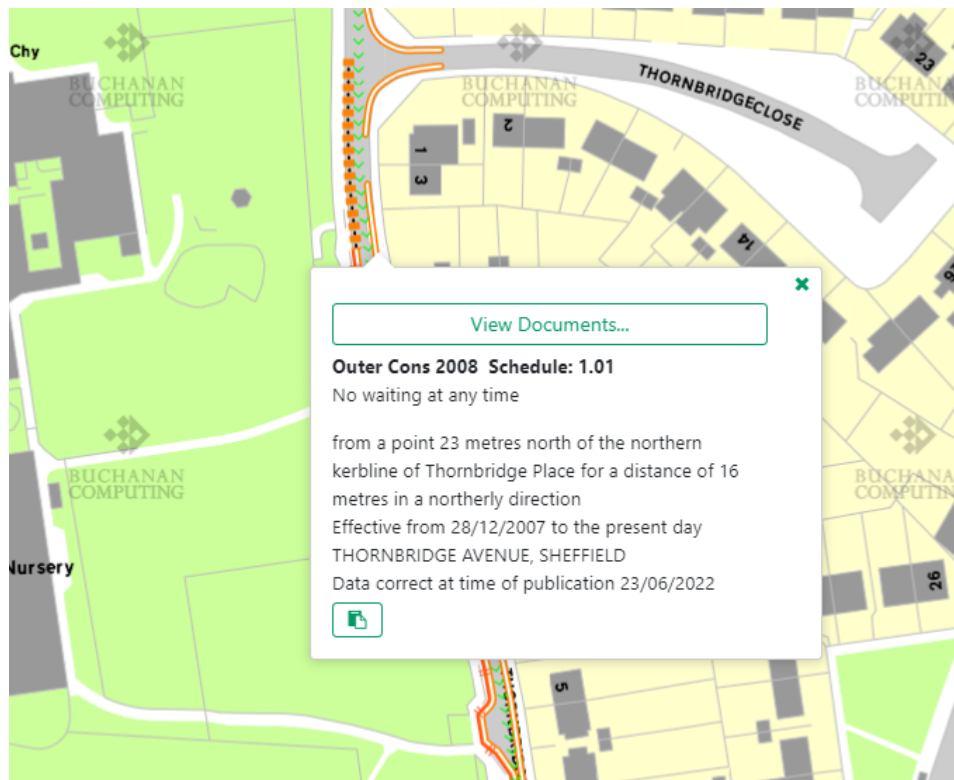














## Current location





## Immediate vicinity









# APPENDIX 'D'

Additional information and emails of support



## ADDITIONAL INFORMATION

### OBJECTOR – Clive Betts MP – Further statement

**From:** Clive Betts MP  
**Sent:** 29 June 2022 12:26  
**To:** Shimla Finch (CEX)  
**Subject:** (Case Ref: ZA21484) from Clive Betts MP/Birley School Ice Cream Van  
Dear Shimla

Thank you very much indeed for inviting me to the Licence Committee on 5 July to discuss the issue of the permit for the street trader selling ice cream outside Birley Primary School.

I have already put in an objection to a new licence being issued. Unfortunately I cannot be present in person at the meeting as I am required in Parliament that day.

I do want to emphasize again the nature of my objection, however. I do have sympathy with the ice cream seller and I appreciate that Licensing Officers and he have tried to find an alternative place to trade and cannot. In the end, in my view, the over-riding issue has to be the safety of children. I note this issue has been very clearly raised by both the Head at the school and by South Yorkshire Police and their concerns about safety, in my view, must be paramount in giving consideration to any possibility of re-issuing this licence. Whatever the problems for the street trader, they would pale into insignificance if a child were injured and that essentially is the risk that would be taken if trading continues given the concerns that the Head and the police have expressed and I hope these concerns in the end will lead the Committee to the conclusion that a new licence should not be issued.

Yours Sincerely

**CLIVE BETTS**

Clive Betts MP  
Sheffield South East

### APPLICANT– Paul Grayson – Copy of report submitted to South Yorkshire Police

**From:**  
**Sent:** 30 June 2022 10:33  
**To:** Shimla Finch (CEX)  
**Subject:** Fw: Ice cream man

this is the email i sent to he police complaints the police women said i was not bothered that k as been nocked over that was not the case it was how she spoke to me thanks

----- Forwarded message -----

**From:** [REDACTED]  
**To:** [enquiries@southyorks.pnn.police.uk](mailto:enquiries@southyorks.pnn.police.uk) <[enquiries@southyorks.pnn.police.uk](mailto:enquiries@southyorks.pnn.police.uk)>  
**Sent:** Thursday, 10 March 2022 at 16:54:47 GMT  
**Subject:** Ice cream man  
My name is Paul Grayson [REDACTED]

I park at the birley school they was a lad hit by a car he was three cars up from where I park So nothing to do where I park we have been doing the school over 25 year I was approached by 4 wpc one was very arrogant advice not to park where we have always parked with approval off Sheffield city council police and fire department she made me feel like a criminal and it was my fault very disappointed how I was treated as a few weeks ago CSI was in my house taking CCTV off me after neighbor was being



## EMAILS OF SUPPORT FOR THE GRANT OF THE RENEWAL

### Ms J Spowage

**From:** Jspowage

**Sent:** 29 June 2022 17:31

**To:** licensingservice <licensingservice@sheffield.gov.uk>

**Subject:** Paul graysons ice cream van

Hi there ..

My name is J spowage I'm the mother of the boy k that got hit with the 4x4 outside birley primary academy.

K was at the time messing around with friends at side of the ice cream van when k was chased by his friends...

Then k ended up running directly into the road from in front of the ice cream van he never looked just ran directly into Rd.. this would of happened if the ice cream wasn't there. As k isn't the best for safety.

We definitely wouldn't say it was Paul's fault for from being.

Paul's a lovely person everyone loves the van to be there daily.....

If anything is dangerous its the parents parking on that road..... its unbelievable how they park so dangerous... across corners of street so no matter what u have to walk in to Rd with young children.so that definitely needs sorting out ....Not trying to move the ice scream van thst isn't an issue....

Maybe takes photos on parents parking on school home times 3pm its ridiculous.

Like I said k admitted he never looked and it definitely wasn't the van being in way that caused it ..

If u want to personally speak to k ur more than welcome

Kind regards

Mrs j spowage ...

### J Dearden

**From:** WDearden

**Sent:** 28 June 2022 20:31

**To:** licensingservice <[licensingservice@sheffield.gov.uk](mailto:licensingservice@sheffield.gov.uk)>

**Subject:** Paul Grayson Birley primary academy

Hi

Paul Grayson who sells ice cream at Birley Primary Academy is an example of safe and sensible parking on the school road. He does not block the footpaths and parks in a safe and sensible place. Alas parents and carers of pupils at Birley Primary Academy who come in cars and vans to collect their children are not. These people park on double yellow lines, block junctions and paths, drive at speeds not suitable for the road and make it unsafe for pedestrians. These are the people who should be spoken to and not Paul Grayson. Paul Grayson shows nothing but respect for the safety of the children, parents and carers and always has.

J Dearden

### D Turley

**From:**

**To:**

**Sent:** Tuesday, 28 June 2022, 20:53:44 BST

**Subject:** Please keep coming to birley school

Hi Paul,

Just an email to say thanks for being a nice presence at the birley primary.



It's always nice to come out of school and take the kids for an ice cream and your upbeat personality makes it even better.



**T Dearden**

From: TDearden

Sent: 29 June 2022 09:55

To: licensingservice <licensingservice@sheffield.gov.uk>

Subject: Support - Paul Grayson - Birley Primary Academy

Hello,

I am writing to give my support for Paul Grayson the ice cream man who parks outside Birley Primary Academy, S12.

I was not there when the incident of a senior school aged pupil running out in the road happened, however I can say that I see pupils from the comprehensive acting clever on a regular basis walking down that road after school, pushing friends as if they're going to push them into the road, jumping about inappropriately, climbing on the railings and walls and running across the road in a silly manner in order to "impress their friends". I'm sure it's a minority that are like this and I'm not tarring them all with the same brush but although I wasn't there on the day in question and the incident might not have been related to anyone behaving like this, I believe whether or not the ice cream van was parked there, it was an accident waiting to happen on that road.

Also people drive and use vans as their everyday vehicles, not just the ice cream van, so it's like saying that no one can go and pick their child up from school in a van because it obstructs the view when crossing. To be honest I think the problems around the school at the start and end of the day don't lie with one van - but the number of other cars and vehicles that are parked there, blocking junctions, making it awkward to cross and not to mention the speed at which some people drive up that road when there are children leaving school, walking home on the paths, needing to cross - that is the issue that needs addressing.

My son and his friends love a treat after school, going to the ice cream man is something they look forward to and I don't see why for one incident this should change. I think if you look at the bigger picture of what it's like around there at the end of the day, that's clearly the main issue not the ice cream van. Paul is always really friendly, has a chat and has loads of patience with the kids when they're deciding what ice cream to have. He parks in a sensible place on the street - not like the masses who just park wherever they can, making it awkward for other drivers, the home owners on the street and also pedestrians - when let's be honest most of them could probably walk to school for the pick up anyway.

Paul parks next to the grass bank so if and when there is a queue there is plenty of room for people to stand and wait for their ice cream and also leaving plenty of room for people to pass, both on foot and on the road. He is also only parked there for a very small amount of time when you take into consideration the full day, so for the hour that he may be there earning an honest living, I can't see what the problem is with this.

Children should be allowed to look forward to a treat and most people behave in a safe way, it's only a small number that behave inappropriately and spoil it for others and I hope this is not something that is going to be ruined for our children because of a minority.



He has my full support to remain outside the school at the end of the day and I know that my son, his friends, myself and a lot of other people would be very disappointed if this was to change.

Full support to Paul.

### **A Colley**

**From:** a

**Sent:** 28 June 2022 17:47

**To:** Shimla Finch (CEX)

**Subject:** Statement regarding icecream van

Hello my name is A [REDACTED] Colley I am a nurse who has children at Birley primary academy. I have heard the news that the ice cream van may have to move altogether from his current spot, regarding the recent accident on that road with a pupil. I was present at the scene and saw the accident which I can say was not caused at all by the ice-cream van being Parked there, the boy was running around with his friends and did not look at the road. The ice cream van being there is only like a van being parked on the road which is the case most days as people are picking their children up from work. I also looked after the boy until the ambulance arrived and spoke to the police after regarding it not being the driver or the ice cream vans fault, it was an accident. Paul is a valued member of the community which brings joy to all the children and is very much liked. All the children look forward to getting an ice cream at the end of the school day.

He generally cares about his job and this is shown with his attitude and how he always will try and get what the children want at valued price. It would cause upset to all the children but also the parents who love to treat their children with all their hard work at school. He has vast support from the community and it would really be a loss for him not to be there.

Thankyou a colley

### **C Dwyer**

**From:** c

**Sent:** 29 June 2022 12:36

**To:** Shimla Finch (CEX)

**Subject:** Fwd: Accident 10 March

Hi Paul,

Just saw your post on Facebook regarding the accident on 10 March and the council trying to take your licence to park there.

I can confirm I was sat in my car about 3 cars behind your van and saw the whole accident happen. The boy was fooling around with his friends and he ran straight out in front of your van without even looking.

As he ran out he was actually looking back at his friends, the car hit him within a second because he ran out out of nowhere the car couldn't possibly have stopped.

It had nothing to do with your van being parked where it is. It was down to a child who did not simply look before running across the road, even if you weren't parked there the same thing would have happened due to the child not checking the road.

I hope this helps and your van is able to stay outside school as my daughter loves an ice cream after school!

All the best  
C Dwyer



## **R Trigg**

**From:** RTrigg

**Sent:** 29 June 2022 13:58

**To:** Shimla Finch (CEX)

**Subject:** Birley primary ice cream van

Afternoon,

I write to you in regards to the Ice cream van that sells from Birley Primary School following on from a road traffic accident in which a school boy from the secondary school was knocked over. Whilst I did not actually see the accident just the aftermath of it, I can say the icecream man in question parks his van in the same spot every single day he is within the vicinity and he parks it safely and does not park on double yellows. The biggest issue in this area during school hours is not the ice cream van but the parents who drive to pick up their children, they park on double yellows, park blocking the road making it difficult for oncoming traffic to get through, park on corners leaving the back/front end of their vehicle stuck out, park on pavements. I myself drive and if i can not park safely on the school road then i do so safely on a neighbouring road but a majority of the time even getting up the road to get to a neighbouring road is an issue. My children's previous school used to block the school road off during the morning and afternoon school run hours after facing similar issues and it worked. Pedestrians were then safer as there was no traffic on the road to potentially cause accidents. I feel this is the same sort of action needed on the road outside Birley primary and secondary. The other problem in this area is people just step out onto the road without any regard to oncoming traffic, i've had this happen to me numerous times and it isn't just secondary school children, it is parents with their children who they have just collected. This doesn't do much in terms of teaching children about road safety. Traffic wardens are on the road every so often, i think i've seen them possibly 3/4 times since September but this does not resolve the issue every other day they aren't present. I dont feel when the current issues preside that the ice cream van is to blame i just feel like he is being used as an easy target following on from a secondary school student being knocked down.

Rebecca Trigg

## **P & F Housley**

**From:** PHousley

**Sent:** 29 June 2022 14:19

**To:** licensingservice <licensingservice@sheffield.gov.uk>

**Subject:** Re Paul Grayson - Ice-cream vendor - Birley Scool, Sheffield

We refer to the above subject.

Paul Grayson seems a friendly gentleman to both children, parents and grandparents.

We pick our grandchild up on a couple of days a week, and really look forward to him choosing his ice cream treat during the few summer months we have.

Parking is always difficult at Birley, and yes he does take up a parking space, but the pleasure he gives by selling his ice cream far outweigh his taking a parking space.

It would be tragic for all concerned if he was unable to continue selling his ice cream for a very limited time of each school year. Let's help the man to earn a living whilst the summer is here.

Yours truly

P & F Housley



## **V Moat**

From: VMoat  
Sent: 29 June 2022 19:55  
To: Shimla Finch (CEX)  
Subject: Ice cream van placement- Birley Primary. S12 ( Paul Grayson)

Good evening,

I am a parent of a child currently attending Birley primary academy in Y4, with a further child due to start there in September.

I have been compelled to issue a statement in favour of the position of the ice cream van which currently serves many children and parents on a daily basis.

I see no issue with his location, have not seen him illegally parked or creating any obstructions of the surrounding area. (The same cannot be said for the parents that continue to park illegally and dangerously day after day)

It would be a shame to lose a well deserved treat for the kids at the end of the day/week and also the potential lively hood of a kind hardworking man.

Unfortunately I am unable to attend his meeting on July 5th due to work commitments but I sincerely hope that this email helps him to maintain his current license and shows how well he is thought off by the majority of the community.

Kind regards  
V Moat

## **L Moorhouse**

**From:** LMoorhouse  
**Sent:** 30 June 2022 10:33  
**To:** licensingservice <licensingservice@sheffield.gov.uk>; Shimla Finch (CEX)  
**Subject:** Birley Primary Academy Ice cream Van

Good Morning,

I am a parent of two children currently attending Birley primary academy, one in Y4, and the other in Reception.

I write to issue a statement in favour of the position of the ice cream van which currently serves many children and parents on a daily basis.

I see no issue at all with his location, have never seen him illegally parked or creating any obstructions of the surrounding area.

Unfortunately its the parents that do continuously park illegally on double yellows and obstructing the path ways that are causing the one way road to be unsafe for all our children. The parking attendants along with the local councilors have visited the area on a number of occasions and parking tickets have ben issued, however this hasn't resolved the issue at all. It would be a shame to lose a well deserved treat for the kids at the end of the day/week and also the potential lively hood of a kind hardworking man who keeps the costs low for the community.

Unfortunately I am unable to attend his meeting on July 5th due to work commitments but I sincerely hope that this email helps him to maintain his current license and shows how well he is thought of by the majority of the community.

Kind Regards  
LMoorhouse.



## **R Hudson**

**From:** Rhudson

**To:**

**Sent:** Thu, 30 Jun 2022 at 13:24

**Subject:** Statement

Hi Paul, I'm a mother of 2 from birley school, I'd just like to make a quick statement in regards to you being moved on from your spot outside school.

I think a lot of other parents will agree that it makes the kids day seeing you parked up outside the school gates after school.

I don't see what the issue is as there is nothing or nobody being disturbed, the road is always clear for cars to pass through without a problem.

The incident with the child knocked over is not relevant, it's no different to a large suv/ van parked on the road side, the child wasn't looking when crossing and members of the boys family have confirmed this also.

It would be sad to see you get moved on because of this matter, not only do you light up the childrens faces each day your very friendly and love a chat with us parents too.

Hope this all gets resolved and you keep your spot. Good luck. Hope this helps!

Thankyou, Rebecca 😊

## **S Desmond**

**From:** SDesmond

**Sent:** 04 July 2022 13:11

**To:** Shimla Finch (CEX)

**Subject:** Paul Grayson ice cream van

To whom this may concern

I just wanted to email and offer my support to Paul Grayson the ice cream man outside my children school, Birley Primary academy school.

Paul has served for many years outside this school and I for one as well as my children and many others would be deeply saddened if he was made to move. The children look forward to a treat after school and they all know Paul. Paul is a hardworking man from our community who is been penalised through an accident that occurred through no fault of his! The comprehensive school children show no concern for road safety at all if they arnt walking in the middle of the road then they are shoulder barging each other into the road or peoples gardens showing no concern for their own or anyone else's safety! Quite frankly I find it disgusting that this poor hardworking man from our community is been made a scape goat for someone else's actions! He doesn't park illegally or on double yellows and he never has that accident could have occurred if say I or another member of the public was parked there and would that have made me responsible? No it wouldn't, so on behalf of myself my children and many other parents and kids at this school we ask that you please please leave this man be and let him carry on putting a smile on the children faces like he has done for many years, the school run at home time would not be the same without him.

Many thanks  
SDesmond



## **A Grayson**

**From:** AGrayson  
**Sent:** 04 July 2022 22:03  
**To:** Shimla Finch (CEX)  
**Subject:** Paul grayson icecream

My daughter has been coming to Pauls van for years as she calls it the best time of day unless we have no change. Paul is such a polite and friendly guy losing him on the birley school run would be a huge loss I recon my daughter would probably move schools to follow him haha. Joking aside all vehicles parked on that road can cause obstructions even when parked legally I many of time have had to step back onto the pavement it's the cars that are the issue they drive so fast down that road something needs to change with them not with the ice cream van  
Thanks A

## **A Hampshire**

**From:** A Hampshire  
**To:** [REDACTED]  
**Sent:** Monday, 11 July 2022 at 16:22:56 BST  
**Subject:** Support for your spot outside school

I noticed you were missing today and being greatly missed!

I know that a lot of parents and a huge amount of kids miss it a great deal when you aren't there.

My grandchildren miss you a great deal, you provide a very good service and your prices are reasonable, you are always parked in the same spot and the kids know where you are!

It's a shame that due to a few your business is going to suffer, to Sheffield Council I say support local business, the risks are at a minimum as you always park in your regular place, please do not take away a small brightspot at reasonable prices, much cheaper than in the park, ice cream is a thing for the kids to look forward to, may be the people who want to close you down have forgotten their own child hood pleasures!

Yours truly A Hampshire.

## **Kerry**

Hi

I have been following the posts on Facebook and saw your email so would just like to send you my support.

I don't believe you did anything wrong. I have taught my kids 4 and 5 how to cross a road safely and they never have a problem crossing the road near where you park. They are always so excited to see the ice cream van and we often stand in the queue after school. You are so polite and friendly and it really is disappointing and unfair that you could lose your licence because of some selfish persons mistake.

I see the way cars drive up there without a care in the world and the scary thing is those cars are the parents collecting their kids, so it could be their own kids they are knocking down because of their own arrogance. The school and council should be tackling this. There have also been a few occasions where the school delivery van has pulled out of the car park without looking and nearly hit a car or person but nothing is done about this.



You have my full support and I do not see how you are causing any harm. I wish you all the best with your appeal.

Thank you for serving the area

Kerry



# APPENDIX 'E'

## Hearing Notices and Procedure



**SHEFFIELD CITY COUNCIL**

**LOCAL GOVERNMENT MISCELLANEOUS PROVISIONS ACT 1982**

**Street Trading – Schools (Ice Cream) Street Trading Consent – Birley Primary Academy**

**IMPORTANT: NOTIFICATION OF A COMMITTEE MEETING**

To: Mr Paul Grayson

Sent via email: [REDACTED]

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

**LICENCE TYPE:** Schools (Ice Cream) Street Trading Consent – Birley Primary Academy

I refer to the above and the application to renew a 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, interested parties and any objectors to attend the meeting on Tuesday 16<sup>th</sup> August 2022** in a Committee Room of the Town Hall, Sheffield, S1 2HH (Pinstone Street entrance) and you are invited to attend at **10.30 am**.

**PLEASE NOTE:**

I would be grateful if you could confirm that you will be attending the meeting via email to [licensing@sheffield.gov.uk](mailto:licensing@sheffield.gov.uk) as soon as possible.



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

Date 12<sup>th</sup> July 2022

**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 no longer open. Telephone calls can be taken from 09:00am to 5:00pm.**



**SHEFFIELD CITY COUNCIL**

**LOCAL GOVERNMENT MISCELLANEOUS PROVISIONS ACT 1982**

**Street Trading – Schools (Ice Cream) Street Trading Consent – Birley Primary Academy**

**IMPORTANT: NOTIFICATION OF A COMMITTEE MEETING**

To: Ms Dawn McAughey  
Headteacher  
Birley Primary Academy

Sent via email: [REDACTED]

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

**LICENCE TYPE:** Schools (Ice Cream) Street Trading Consent – Birley Primary Academy

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**SHEFFIELD CITY COUNCIL**

**LOCAL GOVERNMENT MISCELLANEOUS PROVISIONS ACT 1982**

**Street Trading – Schools (Ice Cream) Street Trading Consent – Birley Primary Academy**

**IMPORTANT: NOTIFICATION OF A COMMITTEE MEETING**

To: Clive Betts MP

Sent via email: [REDACTED]

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

**LICENCE TYPE:** Schools (Ice Cream) Street Trading Consent – Birley Primary Academy

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**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.



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Steve Lonnia  
Chief Licensing Officer  
Head of Licensing

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**SHEFFIELD CITY COUNCIL**

**LOCAL GOVERNMENT MISCELLANEOUS PROVISIONS ACT 1982**

**Street Trading – Schools (Ice Cream) Street Trading Consent – Birley Primary Academy**

**IMPORTANT: NOTIFICATION OF A COMMITTEE MEETING**

To: Ms Lauren Spacie  
South Yorkshire Police

Sent via email: [REDACTED]

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

**LICENCE TYPE:** Schools (Ice Cream) Street Trading Consent – Birley Primary Academy

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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.

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## **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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of the Local Government Act 1972.

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