

Licensing Sub-Committee (Regulatory)

Tuesday 10 January 2023 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), Lewis Chinchen and Roger Davison

PUBLIC ACCESS TO THE MEETING

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. 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

FACILITIES

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.

**LICENSING SUB-COMMITTEE AGENDA
10 JANUARY 2023**

Order of Business

- 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 - Static Street Trading - Rustlings Road**
Report of the Chief Licensing Officer

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ADVICE TO MEMBERS ON DECLARING INTERESTS AT MEETINGS

If you are present at a meeting of the Council, of its Policy Committees, 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 Standards Committee in relation to a request for dispensation.

Further advice can be obtained from David Hollis, Interim Director of Legal and Governance by emailing david.hollis@sheffield.gov.uk.

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SHEFFIELD CITY COUNCIL Committee Report

Report of: Chief Licensing Officer, Head of Licensing

Date: Tuesday 10th January 2023 at 10.00am

Subject: Street Trading:
Application to renew a Static Street Trading Consent on
Rustlings Road, Sheffield

Author of Report: Shimla Finch

Summary: To consider an application to renew a Static Street Trading
Consent on Rustlings Road, Sheffield

Background Papers: As attached
[Street Trading Policy](#)

Category of Report: OPEN

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

REF No: 01/23

**LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982
Static Street Trading – Rustlings Road – Andrew Cuneo & Inglanga
Saqladi**

1.0 PURPOSE OF REPORT

- 1.1 To consider an application to renew a Static Street Trading Consent on Rustlings Road, 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 29th 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 1st 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 1st 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 applicants are Mr Andrew Cuneo and Ms Inqlana Saqladi who submitted a renewal application of a Static Street Trading Consent on the 7th of November 2022. A copy of the application is attached at Appendix 'A' with a map 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.

4.0 REASONS FOR REFERRAL

- 4.1 An objection has been received against the renewal application for this consent by Sheffield City Councils Parks and Countryside Service.
- 4.2 The objection relates to similar concessions which have been granted within the parks land and the impact the applicants' consent is having on the charitable trust. A copy of the objection detailing this is attached at Appendix 'B' of this report.

4.3 Concession/Traders Information and Background

- 4.3.1 The below table details the current renewal applicants' consent details and those of the existing street trader within the park:

| | | |
|--------------------------------|---------------------------------|--------------------------------------|
| Trader | Renewal applicant | Park Street Trader |
| Location | Rustling Road | Inside Endcliffe Park |
| Days and time trading | Monday to Sunday 11am to 7pm | Monday to Sunday 10.30 am to 7pm |
| Items trading | Ice cream | Ice Cream, Slush, Light Refreshments |
| Street Trading Consent? | Yes ST/ST0270 | Yes ST/PK0025 |
| Consent first issued | 28.05.2019 | 01.04.2022 |

- 4.3.2 There is also a [café](#) on site within Endcliffe Park that operates between 9am to 6pm in the summer and 9am to 4pm in the winter with extended weekend times.
- 4.3.3 To assist Members, a plan indicating the concessions and street trading consent issued within the park in relation to the applicants site location (in blue) is attached at Appendix 'C' of this report.

- 4.4 As the objection has been unresolved, the renewal application has been referred to the Licensing Sub-Committee for determination. 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 considered in granting/renewing street trading applications.
- 4.5 The applicants, and the objector to the application have been invited to attend the Licensing Sub-Committee meeting. Copies of the invites and the accompanying hearing procedure are 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 made and the Council's Street Trading Policy.

7.0 OPTIONS OPEN TO THE COMMITTEE

- 7.1 To grant the renewal for a Static 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.

Licensing Service
Sheffield City Council

10th January 2023

APPENDIX 'A'

Renewal Application and site location

Local Government (Miscellaneous Provisions) Act 1982

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).

A. THE APPLICANT(S)

| | | 1 st Applicant (Mr/Mrs/Miss/other) | 2 nd Applicant (Mr/Mrs/Miss/other) |
|----|--|--|--|
| Q1 | Full name(s) of the applicant | ANDREW CUNES | INGJANA SAGADI |
| 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 / NO Details: |
| Q7 | Have you ever been refused a street trading consent in this or any other area? | YES / NO Details: | YES / NO Details: |
| Q8 | Telephone No | | |
| Q9 | Email address | | |

ANY DETAILS (if applying as a Corporate body)

| | | |
|-----|--|--|
| | Registered address | |
| | Registered number | |
| | Telephone number | |
| 14 | 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 | Consent number | ST/ST0270 |
| Q17 | Description of unit / vehicle to be used | White Mercedes Ice Cream Van |
| Q18 | Registration number (if applicable) | |
| Q19 | Date of first registration (if applicable) | June 21 |
| Q20 | Last MOT and service (if applicable) | — |
| Q21 | Size of vehicle | Height: Width: Length: |
| Q22 | Does the vehicle meet the qualitative criteria? Your vehicle will be inspected prior to granting a consent. | Yes |

D. TRADING DETAILS

| | | |
|-----|---|---------------|
| Q23 | Details of site to be occupied | Rustings Road |
| Q24 | Location of pitch: (include site plan to scale) | Page 15 |

| | | |
|-----|---|----------------------------|
| Q25 | Is this private land? | NO |
| Q26 | If private, who owns the land and have you obtained consent from them to use the land to trade? | |
| Q27 | Items to be sold | ICE CREAM, LOLLIES, SUSHI. |
| Q28 | Specify days of trade | 7 DAYS A WEEK. |
| Q29 | Specify times of trade (use 24 hours clock e.g. 10:00 to 16:00 hours) | 11 - 6 PM. |
| Q30 | Highways comments attached? | |
| Q31 | Planning comments attached? | |

E. CONVICTIONS / CAUTIONS

| | | | |
|--|---|--|--------------------------|
| Q32 | 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: | Applicant 1 Yes [] No <input checked="" type="checkbox"/> | |
| | | Applicant 2 Yes [] No <input checked="" type="checkbox"/> | |
| Details of previous convictions and/or cautions | | | |
| | Date of Conviction | Court of Conviction | Nature of Offence |
| | Sentence | | |
| Applicant 1 | | | |
| Applicant 2 | | | |

The following documents must be forwarded to us before the Renewal of your consent:
(tick if enclosed with this application)

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

G. DECLARATION



WARNING

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

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

I / We,


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

| |
|---|
| <p>Applicant 1</p> <p>Signature: </p> <p>Print name: A. CUNEO</p> <p>Date: 2/11/22</p> <p>Capacity:</p> |
| <p>Applicant 2</p> <p>Signature: </p> <p>Print name: INGRAM SAOJAN</p> <p>Date: 2/11/22</p> <p>Capacity:</p> |

Google Maps

Proposed Trading Site



 Set a home address

 Set a work address

Updated just now

 Heavy traffic in this area
Typical conditions

Search this area

52°

APPENDIX 'B'

Objection – Parks and Countryside Service

From:

Sent: 01 December 2022 14:46

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

Subject: Licensing Service - Objection to Street Trading Application

FAO; Licensing Service – Objection to Street Trading Application for Ice Cream Vendor on Rustlings Road, S11

Dear Officer

I am writing on behalf of the Parks and Countryside Service. We wish to object to the application for Street Trading Consent for an Ice Cream Operator on Rustlings Road, adjacent to Endcliffe Park for the following reasons;

Endcliffe Park is a charity. The sole trustee is Sheffield City Council who have responsibilities to ensure that the Park is managed properly and the charity's money is protected (both in the way income is generated and expenditure incurred). Management of Endcliffe Park is the responsibility of the Council's Parks and Countryside Service. This application for an ice cream van adjacent to the park is particularly significant as it is affecting a charitable trust with very limited income sources and established retailers.

There are currently two other ice cream vendors within Endcliffe Park, one an Ice Cream Van which parks adjacent to the playground area, the second, being Endcliffe Park Café, which sells ice cream as part of its offer.

We are objecting therefore based on section **2.8 of the Street Trading Policy; Grant/Renewal of Revocation of Street Trading Consents**, specifically within section **2.8.2 In considering applications for the grant or renewal of a Street Trading Consent or revoking a current consent the following factors may be considered:**

(b) Whether the granting of a consent for the sale of goods would conflict with those provided by nearby shops or cafes providing similar services;

(c) Whether the trading in a particular location will conflict with concessions granted to other existing street traders;

Having another street trader operating adjacent to Endcliffe Park selling the same food products conflicts with established arrangements with two operators, both of whom pay market rental value for their sites and are, we feel, entitled to enjoy a fair-trading environment in return. We have clear evidence that the Rustlings Road ice cream trade adversely impacts the value of the pitch inside the Park and anticipate an ongoing annual loss of Charity Park income of at least £15,000 annually as a direct result.

There are already sufficient traders in this locality and there is no public benefit to there being an ice cream van so close to others.

We would object, based on these principles to any future applications, adjacent to park sites, with established and sufficient arrangements with ice cream vendors. The Council's budget situation at present is a challenge to all, the Parks and Countryside are doing what they can to balance increased demand for services and pressures, whilst generating income within sites to support with this. We are objecting to allow us to continue to maximise the

income potential at each site, whilst continuing to deliver the services required to benefit our park users.

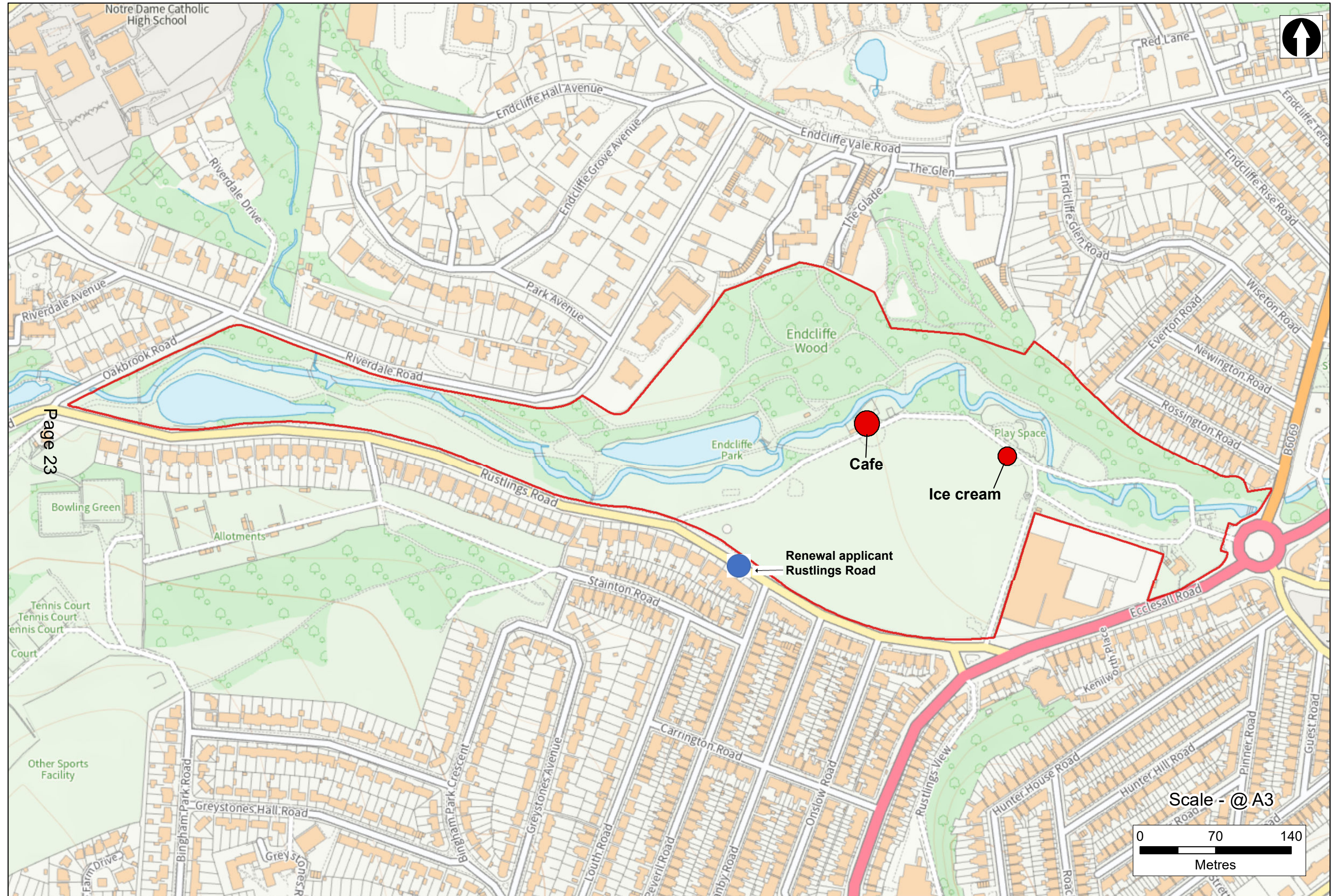
Kind Regards,

Business and Partnerships (Parks and Countryside Service)

APPENDIX 'C'

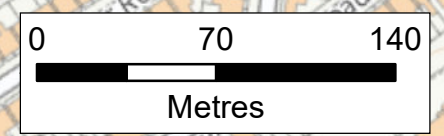
Plan of park concessions and applicant site location

Endcliffe Park



Page 23

Scale - @ A3



APPENDIX 'D'

Hearing Invites and Hearing Procedure

SHEFFIELD CITY COUNCIL

LOCAL GOVERNMENT MISCELLANEOUS PROVISIONS ACT 1982

Street Trading – Static Street Trading Consent – Rustlings Road, Sheffield

IMPORTANT: NOTIFICATION OF A COMMITTEE MEETING

To: **Mr Andrew Cuneo and Ms Inqlana Saqladi**

Sent via email: [REDACTED]

LEGISLATION: Local Government (Miscellaneous Provisions) Act 1982

LICENCE TYPE: Static Street Trading Consent – Rustlings Road

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 10th January 2023 in a Committee Room of the Town Hall, Sheffield, S1 2HH (Pinstone Street entrance) and you are invited to attend at **10.00 am**.

PLEASE NOTE:

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



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

Date 14th December 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 – Static Street Trading Consent – Rustlings Road, Sheffield

IMPORTANT: NOTIFICATION OF A COMMITTEE MEETING

To: FAO: [REDACTED]
Parks and Countryside Service

Sent via email: [REDACTED]

LEGISLATION: Local Government (Miscellaneous Provisions) Act 1982

LICENCE TYPE: Static Street Trading Consent – Rustlings Road

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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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