



## SHEFFIELD CITY COUNCIL Committee Report

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<b>Report of:</b>	Chief Licensing Officer, Head of Licensing
<b>Date:</b>	18 <sup>th</sup> April 2017
<b>Subject:</b>	Street Trading Application for a Schools Ice Cream Street Trading
<b>Author of Report:</b>	Clive Stephenson
<b>Summary:</b>	To consider an application for a School Street Trading consent at Tinsley School (off Norborough Road)
<b>Background Papers:</b>	As attached <u><a href="#">Street Trading Policy</a></u>
<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: 45/17**

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

**STREET TRADING – Peter Devoti – Ice Cream**

**1.0 PURPOSE OF REPORT**

1.1 To consider an application for the grant of a Static Street Trading consent to trade at Tinsley Green School. This is a new build just off Norborough 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 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  - (c) all previous designations in relation to street trading will be rescinded as a result of the designation set out above.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 a Mr Peter Devoti a copy of the application is attached at Appendix 'A'.

3.2 The application was submitted on 20<sup>th</sup> April 2016.

3.3 The application is to serve ice cream near the school entrance during school term times.

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 the head teacher of the School.

### **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 head teacher.

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:

Public Safety Highway 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

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

# Appendix A

Application and relevant documents

## Application for a School Street Trading Consent

### Notes to Applicant

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

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

### A. THE APPLICANT(S)

		1 <sup>st</sup> Applicant (Mr/Mrs/Miss/other)	2 <sup>nd</sup> Applicant (Mr/Mrs/Miss/other)
Q1	Full name(s) of the applicant	PETER DEVOTI	
Q2	Applicant(s) permanent private address	[REDACTED] ROAD. SHEFFIELD. [REDACTED]	
Q3	Date of birth	07. 07. 1960	
Q4	Nationality and place of birth	BRITISH. 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 / <input type="radio"/> 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]	
Q10	Current ice cream mobile consent number	ST/MIC0008	

New Licence.  
ST/MIC0008.

240/241 31/03/2016  
Page 10  
New Licence not yet received.

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

A2

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

**C. THE VEHICLE**

Q17	Description of vehicle to be used	MERCEDES SPRINTER 209 CDI SWB.
Q18	Registration number	DK08 YFW.
Q19	Date of first registration	10.04.2008
Q20	Last MOT and service	3rd March 2016
Q21	Size of vehicle	Height: 2.5m Width: 2m Length: 5m
Q22	Items to be sold	Ice Cream + Soft drinks.
Q23	Does the vehicle meet the quality criteria? Your vehicle will be inspected prior to granting a consent.	YES.

**D. THE SCHOOL**

Q24	Name and address of school where you wish to trade:	TINSLEY GREEN (NEW SCHOOL OPENING SEPTEMBER 2016).
Q25	Location of pitch: (include site plan)	

A3

**E. CONVICTIONS / CAUTIONS**

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

**F. CHECK LIST**

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

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



A4

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

(tick if enclosed with this application)

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

### 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,

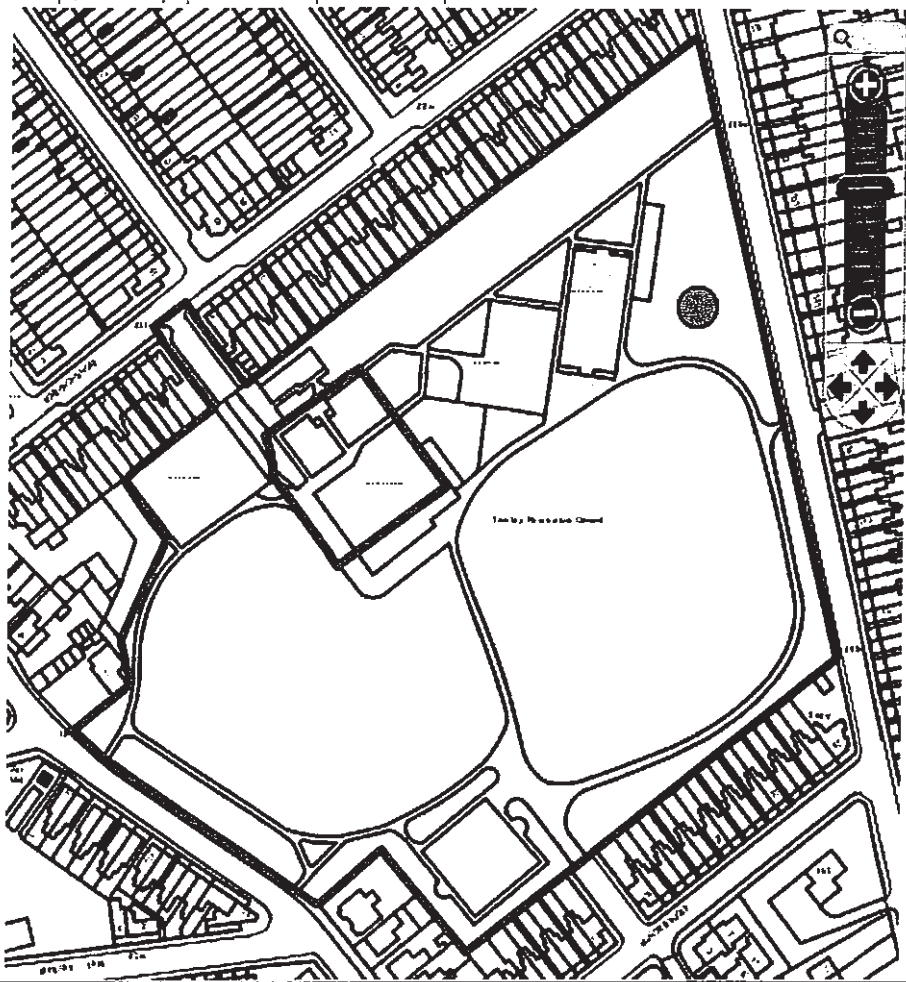
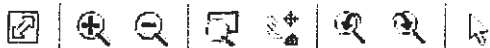
- declare that all the information I have given in this application is complete and correct;
- declare that I am over 17 years of age (in cases of individual applicants)
- declare I understand and will comply with the Sheffield City Council Street Trading Consent Conditions;
- undertake to pay Sheffield 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: <u>P. Devoti</u>
	Print name: <u>PETER DAOTI</u>
	Date: <u>20.04.2016</u>
	Capacity: .....
<b>Applicant 2</b>	Signature: .....
	Print name: .....
	Date: .....
	Capacity: .....

AS



A6



E: 440030.6m, N: 391049.7m 286 x 304 (m) 1Spatial.com

### Nearest Applications

**04/02674/FUL**

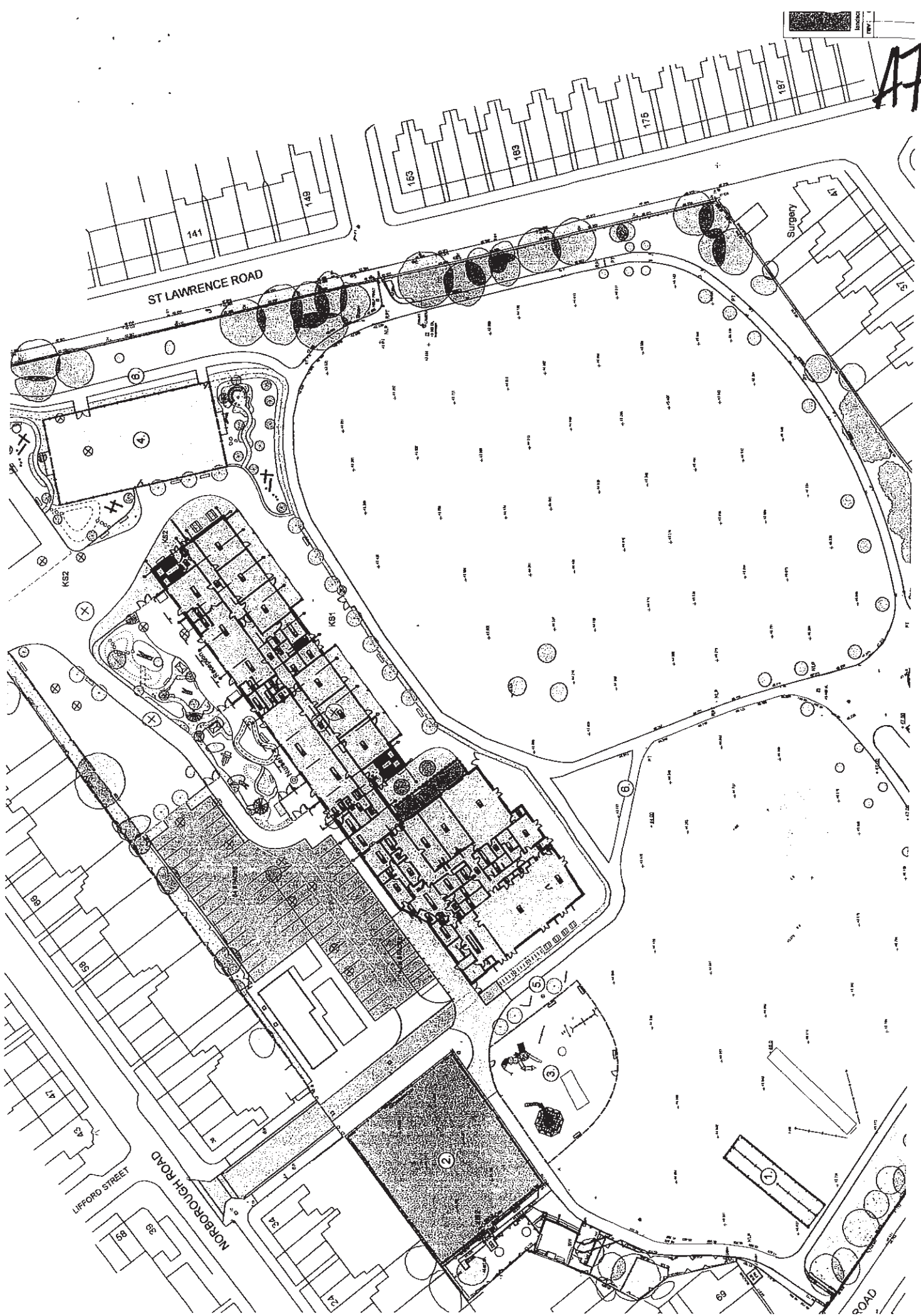
Erection of single-storey building for use as nursery, family centre, cafe, offices and the erection of a 2.1m high boundary fence with 3 disabled & 16 car parking spaces and associated landscaping (As amended plans 23.08.2004)  
Site Of Bowling Green At Tinsley Recreation Ground Norborough Road Sheffield Now Numbered 34A Tinsley Green Centre)

**06/00613/ADV**

Signage of community centre including two non-illuminated name signs with logo and one non-illuminated name sign

### Profile

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MOT Test Number  
537627391724

Vehicle Registration Mark  
DK08YFW

Vehicle Identification Number  
WDB9061112N371795

Make  
MERCEDES

Model  
SPRINTER 209 CDI SWB

Colour  
Multi-colour

Issuer's Name  
P. T. HARVEY

Test Class  
4

Country of Registration  
Great Britain

Expiry Date  
2 March 2017 (SEVENTEEN)


Issued  
3 Mar 2016

Test Station  
0208AH

Odometer Reading and History  
3 3 2016: 43612 mi  
14 4 2015: 39209 mi  
8 4 2014: 34443 mi  
17 4 2013: 29931 mi

Inspection Authority  
VAUX TYRES LIMITED  
30 CARLISLE STREET  
SHEFFIELD  
S4 7LJ 01142722334

Additional Information  
To preserve the anniversary of the expiry date,  
the earliest you can present your vehicle for  
test is 3 February 2017.

Signature of Issuer  


Advisory Information

**About this document**

- 1 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).
  - 2 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.
  - 3 Check carefully that the details are correct.
  - 4 Whilst advisory items listed above do not constitute MOT failure items, they are drawn to your attention for advice.
  - 5 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.

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## Mister Softee

13 Chapel Street, Woodhouse, Sheffield S13 7JL

Date of hygiene rating

12 March 2012

Authorising signature



Contact details

**Sheffield City Council**  
Health Protection Service  
2-10 Carbrook Hall Road  
Sheffield  
S9 2DB

Tel: (0114) 2735774

For more information about the Food Hygiene Rating Scheme visit [food.gov.uk/ratings](http://food.gov.uk/ratings)

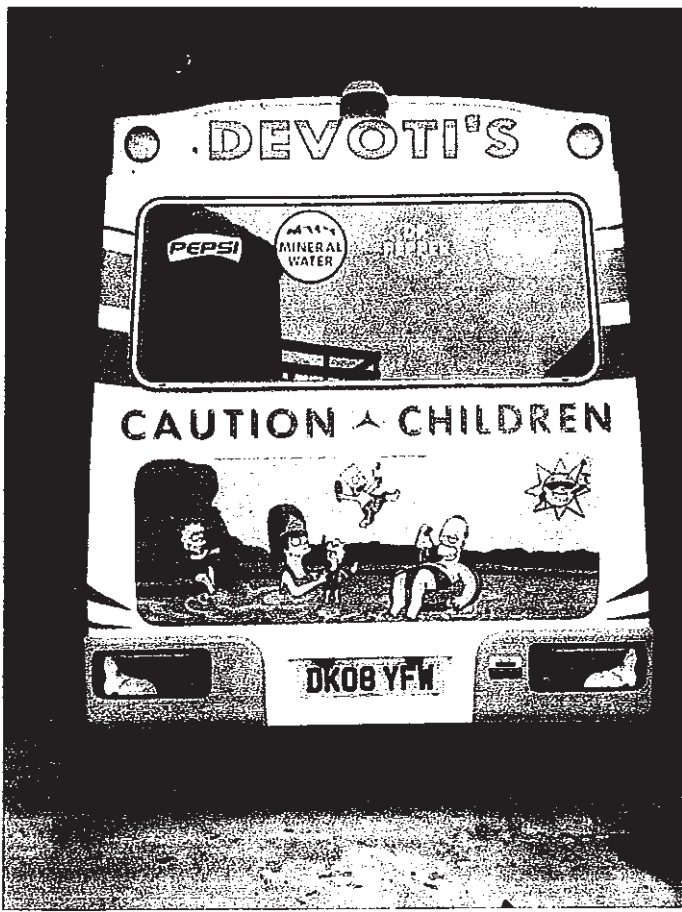
The food hygiene rating shown above reflects the standards found on the date of inspection or visit by the local authority. Ratings are given on a scale from 0 (urgent improvement necessary) up to 5 (very good). The rating is not a guide to food quality.



Food  
Standards  
Agency  
[food.gov.uk/ratings](http://food.gov.uk/ratings)

AG

This certificate remains the property of the local authority which reserves the right to remove it at any time.



**From:** devoti2 <devoti2@aol.co.uk>  
**To:** enquiries <enquiries@tinsleymeadows.sheffield.sch.uk>  
**Subject:** New school premises.  
**Date:** Tue, 12 Jul 2016 12:25

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All

Dear Mrs Webb

My name is Peter Devoti and I currently hold a licence to sell ice cream outside your school parked on Siemens Close.

I understand you will be moving in September to the newly built school off Norborough Road at Tinsley Green.

I am currently re applying for my licence to trade at the new site.

I hope this is to your satisfaction.

Many thanks

Yours Sincerely  
Peter Devoti



# Appendix B

Objections. No.1

**From:** [REDACTED]  
**Sent:** 02 November 2016 14:50  
**To:** Crawshaw Michael (CEX)  
**Subject:** Fwd: license

Sent from AOL Mobile Mail

On Monday, 3 October 2016, Deborah Sanderson <[REDACTED]> wrote:

Hi

We aren't happy for you to trade I am afraid due to the danger to children after school.

Kind regards

Deborah Sanderson

--

Mrs D Sanderson  
Executive head of school  
Tinsley Meadows Primary Accademy  
Norborough Road  
Sheffield  
S9 1SG

[REDACTED]

# Appendix C

Invitation to attend

# SHEFFIELD CITY COUNCIL

## LOCAL GOVERNMENT MISCELLANEOUS PROVISIONS ACT 1982

Street Trading – Schools (ice cream) Street Trading application - Tinsley Green School.

### IMPORTANT: NOTIFICATION OF A COMMITTEE MEETING

To: Mr Peter Devoti

[REDACTED]  
Sheffield  
[REDACTED]

Email: [REDACTED]

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

**LICENCE TYPE:** School Street Trading Consent – Tinsley Green.

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 **Tuesday 18<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 **10:00 am**.

**PLEASE NOTE:**

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



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

Date: 5<sup>th</sup> April 2017

**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

## LOCAL GOVERNMENT MISCELLANEOUS PROVISIONS ACT 1982

### Street Trading – School Street Trading Application – Norborough Road IMPORTANT: NOTIFICATION OF A COMMITTEE MEETING

To: Mrs D Sanderson  
Executive head of School  
Tinsley Meadow Primary School  
Norborough Road  
Sheffield  
S9 1 SG

Email 

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

**LICENCE TYPE:** School Street Trading Consent – Norborough Road

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# Appendix D

Hearing Procedure

# 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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