



SHEFFIELD CITY COUNCIL Committee Report

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

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

REF No: 52/17

LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982

STREET TRADING – Hot food & Drink - Livesey Street

1.0 PURPOSE OF REPORT

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

2.0 INTRODUCTION

2.1 The Council as a Licensing Authority have power under the provision of the 1982 Act to regulate Street Trading in the City.

2.2 A Street Trading Consent is required to trade on any Street (which includes roads, footways, forecourts, or other areas to which the public have access) within the Sheffield City Boundary.

2.3 The Licensing Committee at it's meeting of 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 - (c) all previous designations in relation to street trading will be rescinded as a result of the designation set out above.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 applicant is Ms Katie Birks copy of the application is attached at Appendix 'A'.
- 3.2 The application was submitted on 3rd March 2017.
- 3.3 The application is to serve Food, hot & cold, Monday to Sunday between 07.00 and 14.30.
- 3.4 The application was circulated, in the usual manner, to South Yorkshire Police, South Yorkshire Fire and Rescue, Highways and Planning, and City Centre Management. Notices were erected by Licensing Officers at the site advertising the application and notice was also given to shops and anyone that might be affected by the applications within the immediate vicinity.
- 3.5 Objections have been received by an interested party, a business nearby.
- 3.6 There has been a previous trader on this site for some years.

4.0 REASONS FOR REFERRAL

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

- The Administrator Estates & Services Sheffield College

Copies of the representations are attached at Appendix 'B'

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

- Avoidance of Public Nuisance. Section (b)

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

5.0 FINANCIAL IMPLICATIONS

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

6.0 RECOMMENDATIONS

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

7.0 OPTIONS OPEN TO THE COMMITTEE

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

7.2 To grant the application with amendments.

7.3 To defer the matter for further consideration.

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

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

27th April 2017.

Appendix A

Application

£100 cash paid
Rec 68209

**Application for a
STATIC Street Trading Consent**

Notes to Applicant

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

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

03 MAR 2017
14:45

A. THE APPLICANT(S)

		1 st Applicant (Mr/Mrs/Miss/other)	2 nd Applicant (Mr/Mrs/Miss/other)
Q1	Full name(s) of the applicant	Katie Lian binks	
Q2	Applicant(s) permanent private address	[REDACTED] SHEFFIELD [REDACTED]	
Q3	Date of birth	14-8-1986	
Q4	Nationality and place of birth	ENGLISH SHEFFIELD	
Q5	National Insurance No.	[REDACTED]	
Q6	Do you have the legal right to work and live in the UK?	<input checked="" type="radio"/> YES / NO Details:	YES / NO Details:
Q7	Have you ever been refused a street trading consent in this or any other area?	YES / <input checked="" type="radio"/> NO Details:	YES / NO Details:
Q8	Telephone No	[REDACTED]	
Q9	Email address	[REDACTED]	

B. COMPANY DETAILS (if applying as a Corporate body)**A2**

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

C. THE UNIT / VEHICLE

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

D. TRADING DETAILS

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

A3

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

E. CONVICTIONS / CAUTIONS

Q31	Have any of the applicants ever been convicted of a criminal offence, whether in the United Kingdom or elsewhere? If the answer is Yes please give full details below:	Applicant 1 Yes [] No [✓]	
		Applicant 2 Yes [] No []	
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:

A4

(tick if enclosed with this application)

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

G. DECLARATION

WARNING

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

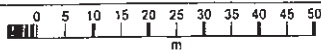
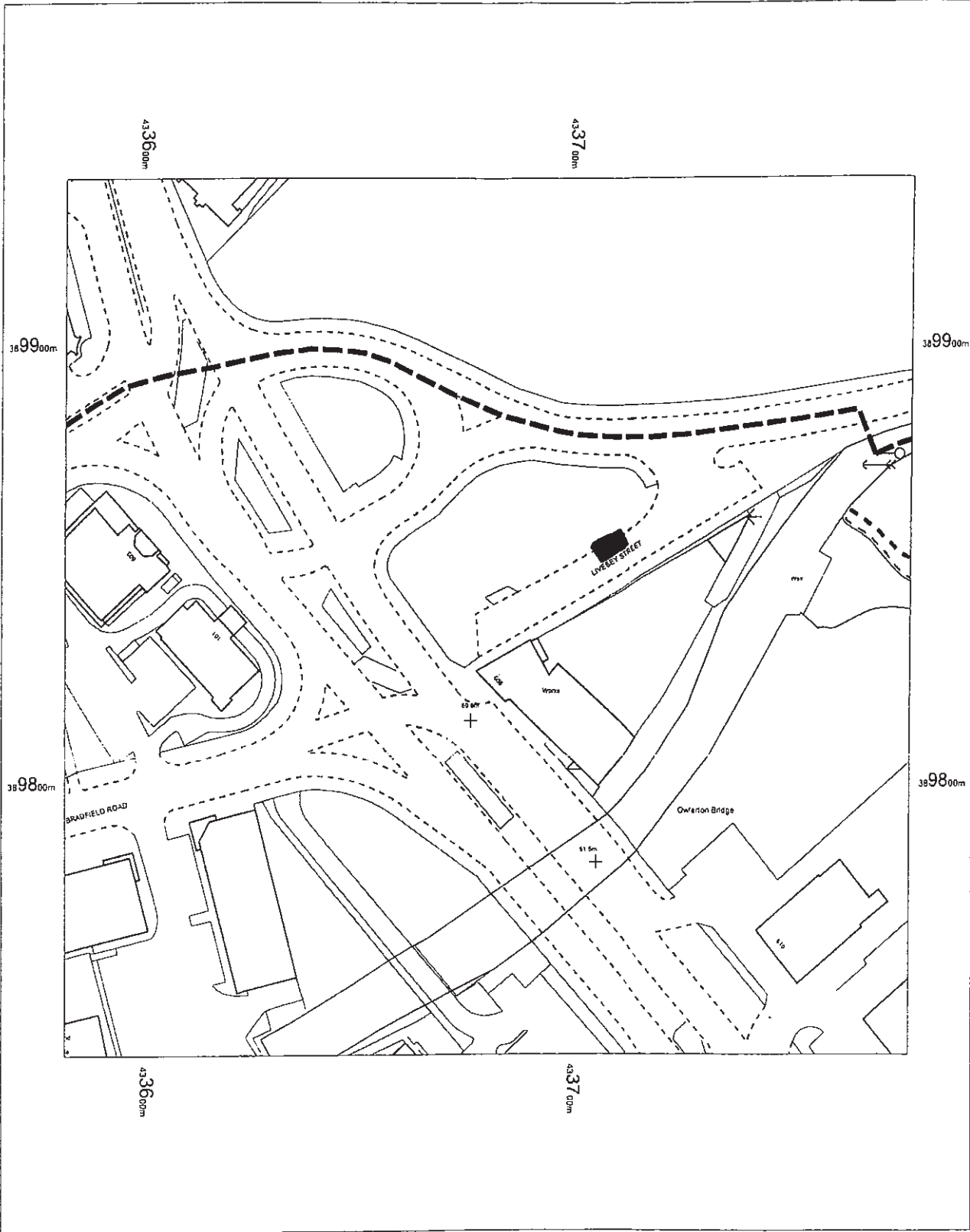
"Any person who, in connection with an application ... for a street trading consent, makes a false statement which he knows to be false, in any material respect, or which he does not believe to be true, shall be guilty of an offence."

I / We,

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

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

AS



Livesey Street Layby
Sheffield S6

OS MasterMap 1250/2500/10000 scale
13 June 2014, ID: BW1-00334206
maps.blackwell.co.uk

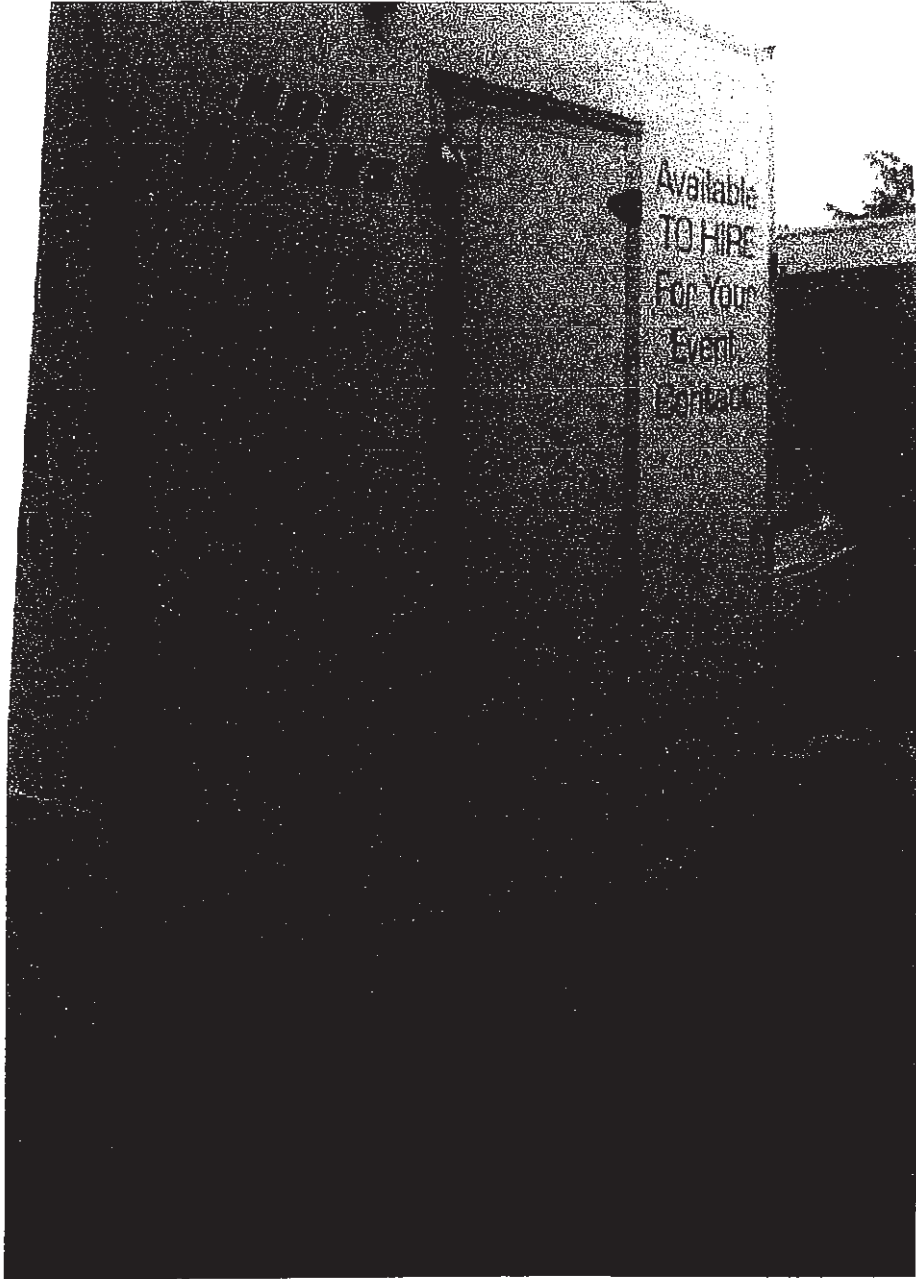
1:1250 scale print at A4, Centre: 433682 E, 389839 N

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Sheffield
City Council

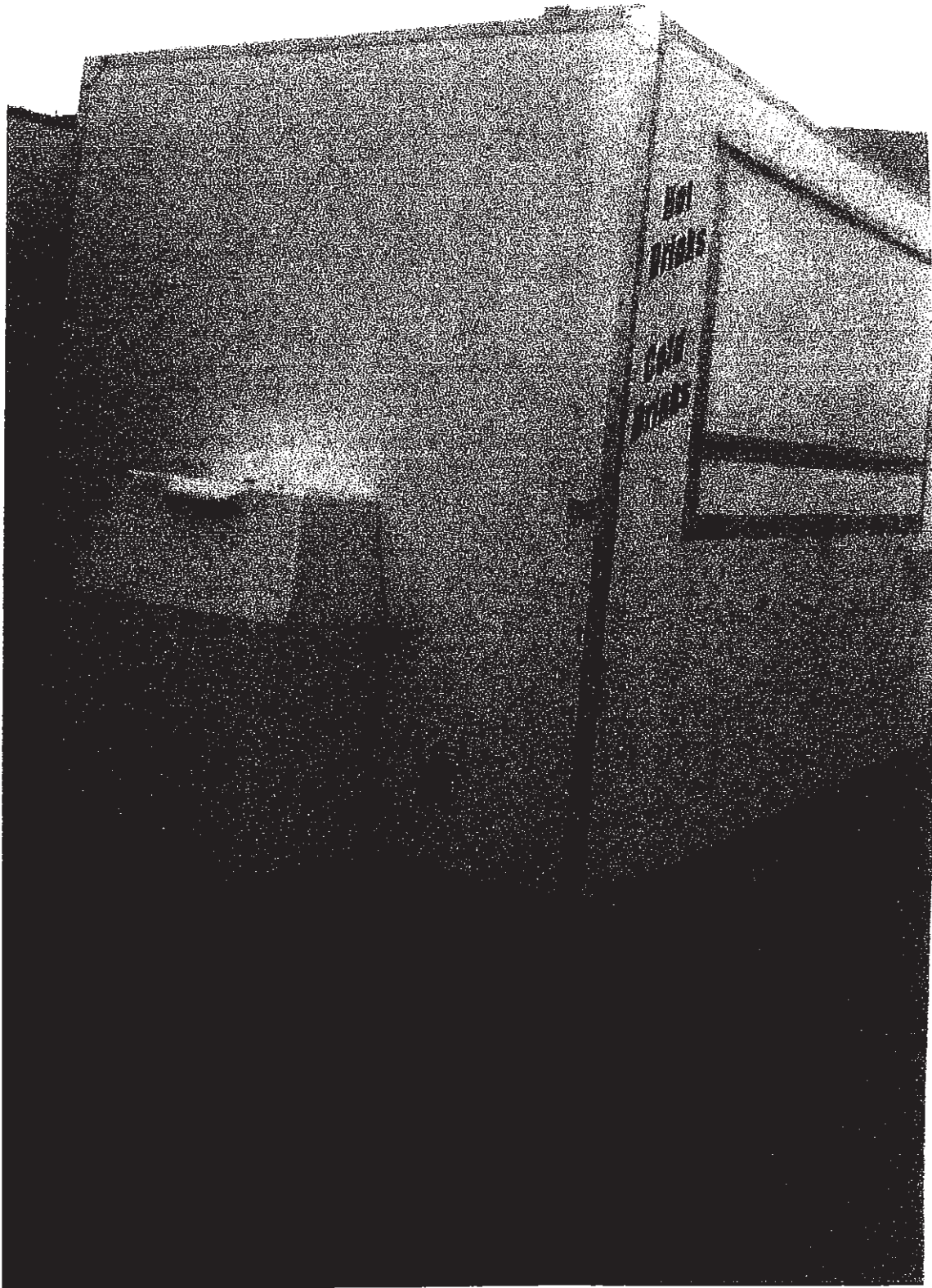




A7



A8





Place
Business Strategy and Regulation

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

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

Ms Katie Lian Birks
[Redacted]
Sheffield
[Redacted]

Dear Ms Birks,

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

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

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

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

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

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

Yours sincerely

J Marshall
Acting Principal Officer

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

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410

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



Waste Agreement

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

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

Agreement Commencement Date: 03/04/2017

Customer Details

Registered Company / Home Address

Company Name The Samle Box
Trading As The Samle Box
Director Name Katie Birks
Legal Entry Sole Trader
Co Reg No

Address Line 1 30 Dickinson Road
Address Line 2
Town/City Sheffield
Postcode S5 0HB

Service Address

Billing Address

Site Name The Samle Box
Address Line 1 [REDACTED]
Address Line 2
Town/City Sheffield
Postcode [REDACTED]
Tel [REDACTED]
Site Contact Katie Birks
Site Email [REDACTED]

Address Line 1 [REDACTED]
Address Line 2
Town/City Sheffield
Postcode [REDACTED]
Billing Contact [REDACTED]
Billing Email [REDACTED]

The Customer Shall:

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

Service Summary

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

<http://saleteam.businesswaste.co.uk/bw/BOLeadItemView.php?aW50TGvHzEiEPTExNTkyNTEzMCZpbmRTdWJMZWFKSUQ9InN0GjldHVybVST00vYm8..> 1/2

Appendix B

Objections. No.1

Hollis Georgina (CEX)

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

O
B1

Dear Georgina,

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

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

Regards

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

**The
Sheffield
College**



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

Does this ring any bells.

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

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

Dear Sue,

Thank you for your email.

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

Kind Regards
Georgina

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

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

Telephone: 0114 2734264
Fax: 0114 2734073
Email: licensing@sheffield.gov.uk www.sheffield.gov.uk

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

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

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

Dear Georgina,

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

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

Regards

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

**The
Sheffield
College**



/thesheffieldcollege



/sheffcol

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

Does this ring any bells.

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

Appendix C

Invitation to attend

C2

SHEFFIELD CITY COUNCIL

LOCAL GOVERNMENT MISCELLANEOUS PROVISIONS ACT 1982

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

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

Email. [REDACTED]

LEGISLATION: Local Government (Miscellaneous Provisions) Act 1982

LICENCE TYPE: Street Trading Consent – Livesey Street

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

This matter has been referred to the Licensing Committee of Sheffield City Council for determination. Full details are provided in the report enclosed and to the Committee. The Licensing Committee has the authority to decide what action to take in relation to each application.

The Committee has indicated that it expects applicants and interested parties and objectors to attend the meeting.

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

PLEASE NOTE:

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

Steve Lonnia

Date: 13th April 2017

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

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

Licensing Service, Business Strategy and Regulation, Block C Staniforth Road Depot, Staniforth Road, Sheffield, S9 3HD
Telephone 0114 2734264

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

SHEFFIELD CITY COUNCIL

d

LOCAL GOVERNMENT MISCELLANEOUS PROVISIONS ACT 1982

Street Trading – Static Street Trading application – Livesey Street.

IMPORTANT: NOTIFICATION OF A COMMITTEE MEETING

To: Ms Katie Birks

[REDACTED]
Sheffield
[REDACTED]

Email: [REDACTED]

LEGISLATION: Local Government (Miscellaneous Provisions) Act 1982

LICENCE TYPE: Street Trading Consent – Livesey Street

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

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Appendix D

Hearing Procedure

SUB-COMMITTEE HEARING PROCEDURE

This procedure has been drawn up to assist those parties attending Street Trading Consent Committee hearings.

1. The Chair of the Licensing Committee will introduce the Committee and ask officers to introduce themselves.
2. The Chair will ask the applicants and interested parties to formally introduce themselves.
3. The Solicitor to the Committee will outline the procedure to be followed at the hearing.

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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