



## SHEFFIELD CITY COUNCIL Committee Report

---

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

---

**Date:** 29<sup>th</sup> June 2017

---

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

---

**Author of Report:** Clive Stephenson

---

**Summary:** To consider an application for a street trading consent  
Peace Gardens 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: 53/17**

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

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

**1.0 PURPOSE OF REPORT**

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

**2.0 INTRODUCTION**

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

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

2.3 The Licensing Committee at it's meeting of 29<sup>th</sup> January 2002 passed the following resolution:

1. That under the provisions of schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982:
  - (a) all streets (which includes roads, footways, forecourts or other areas to which the public have access) within the Sheffield City boundary, shall be designated consent streets and;
  - (b) such street trading designation shall take effect as from the 1<sup>st</sup> April 2002; and
  - (c) all previous designations in relation to street trading will be rescinded as a result of the designation set out above.
2. The effect of this resolution is that from 1<sup>st</sup> April 2002, it will be an offence to engage in street trading in any street or any other place identified in the above resolution without being authorised to do so by consent from the City Council.

2.4 A Local Authority may attach conditions to a Street Trading Consent. The conditions may include conditions to prevent obstruction of the street and danger to persons using the street or nuisance or annoyance.

2.5 A Street Trading Consent may only be granted for a maximum period of twelve months.

2.6 There is no appeal procedure against the refusal or revocation of any consent. An applicant may, however apply for judicial review of the Council's decision.

### **3.0 THE APPLICATION**

- 3.1 The applicant is Mr Andrew Cuneo and Ms Inglana Saqladi a copy of the application is attached at Appendix 'A'.
- 3.2 The application was submitted on 11<sup>th</sup> April 2017.
- 3.3 The application is to extend the variation to the current purpose built trailer to an Ice Cream van for a period of 8 weeks.
- 3.4 The original application was granted 27<sup>th</sup> April 2017, with the authority to extend the timescales for a further 8 week period. Mrs Cuneo has expressed her wish to extend this. A copy of the decision notice is attached at Appendix A.
- 3.5 We have received an objection to this from the City Centre management team. A copy of the objection is attached at Appendix B.
- 3.6 The Ice Cream van does not meet the qualities criteria for the City Centre Street Trading. A copy of the criteria is attached at Appendix B.

### **4.0 REASONS FOR REFERRAL**

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

### **5.0 FINANCIAL IMPLICATIONS**

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

### **6.0 RECOMMENDATIONS**

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

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

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

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

29<sup>th</sup> June 2017

# Appendix A

Application &  
Determination Notice

### Application to VARY a Street Trading Consent

**Notes to Applicant**

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

\*I / \*WE HEREBY APPLY to the Sheffield City Council to VARY a street trading consent (\*delete as appropriate).

**A. THE APPLICANT(S)**

		1 <sup>st</sup> Applicant (Mr/Mrs/Miss/other)	2 <sup>nd</sup> Applicant (Mr/Mrs/Miss/other)
Q1	Full name(s) of the applicant	ANDREW CUNEO	Inglene Saglund
Q2	Applicant(s) permanent private address	[REDACTED]	[REDACTED]
Q3	Date of birth	05/02/1961	03/04/1965,
Q4	Nationality and place of birth	BRITISH. Sheffield	British Sheffield
Q5	Telephone No	2960258	2960258
Q6	Email address	[REDACTED]	[REDACTED]

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

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

### C. CURRENT CONSENT DETAILS

A2

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

### D. DETAILS OF VARIATION

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

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

**E. CONVICTIONS / CAUTIONS**

Q18	Have any of the applicants ever been convicted of a criminal offence, whether in the United Kingdom or elsewhere?	<b>Applicant 1</b> Yes [ ] No [ <input checked="" type="checkbox"/> ]	
	If the answer is Yes please give full details below:	<b>Applicant 2</b> Yes [ ] No [ <input checked="" type="checkbox"/> ]	
<b>Details of previous convictions and/or cautions</b>			
	<b>Date of Conviction</b>	<b>Court of Conviction</b>	<b>Nature of Offence</b>
	<b>Sentence</b>		
	<b>Applicant 1</b>		
	<b>Applicant 2</b>		

**F. CHECK LIST**

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

Fee on variation application	<input checked="" type="checkbox"/>
3 Photographs of the vehicle / unit if a change of unit showing front, back and side	<input checked="" type="checkbox"/>
If a change of unit, confirm it meets the qualitative criteria	<input checked="" type="checkbox"/>
Any further information you may wish to submit in support of your application	

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

(tick if enclosed with this application)

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



G. DECLARATION

WARNING

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

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

I/We,

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

<b>Applicant 1</b>	Signature: <u>A. Curcio</u>
	Print name: <u>A. Curcio</u>
	Date: <u>11/4/17</u>
	Capacity: <u>OWNER</u>
<b>Applicant 2</b>	Signature: <u>[Signature]</u>
	Print name: <u>I SARHAD</u>
	Date: <u>11/4/17</u>
	Capacity: <u>OWNER</u>

Please read these notes before completing the application form.

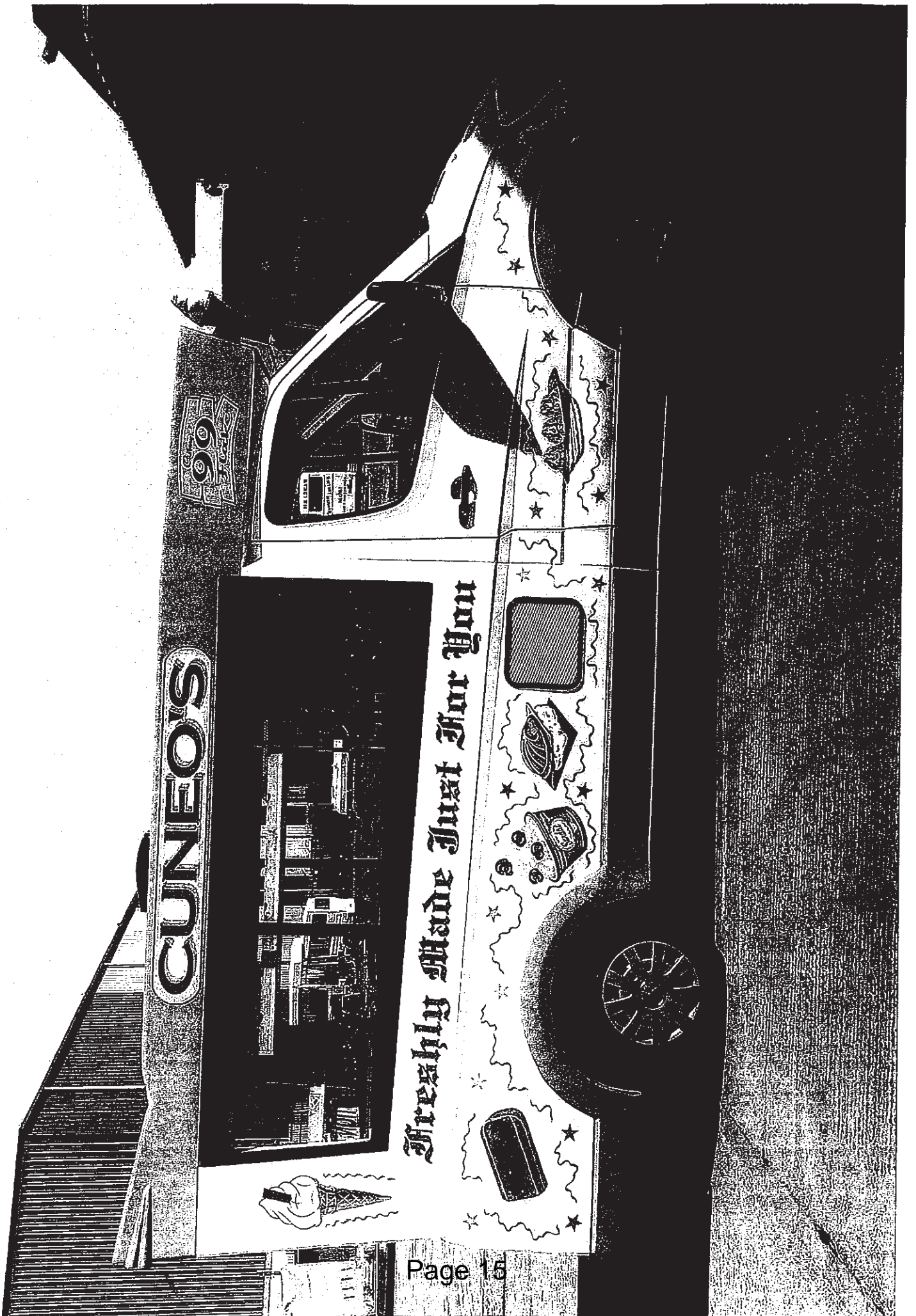
- (a) If there is insufficient room on this form to fully answer the questions; or if you wish to make any further statement in support of your application, please do so on a separate sheet of paper attached to this form.
- (b) None of the information which you supply on (or with) this form will be treated as confidential except where it relates to convictions.
- (c) The Council is under no obligation whatsoever to grant a consent to any person; you will be notified of the result of this application, as soon as possible.

Please return the fully completed form and all attachments to:

AS

**Licensing Service,  
Block C, Staniforth Road Depot  
Staniforth Road  
Sheffield  
S9 3HD**

The Service is open from 10am to 4pm, Monday to Friday. Telephone (0114) 2734264



CUNEO'S

Freshly Made Just For You



A8



A9







**SHEFFIELD CITY COUNCIL**

Application for a Street Traders Consent

*AK*

**IMPORTANT: NOTIFICATION OF THE RESULT  
OF A LICENSING SUB COMMITTEE HEARING**

Mr Andrew Cuneo  
Ms Inglanga Saqladi  
7 Palm Street  
Sheffield  
S6 2XF

Case No - 53/17

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

Street Trading Consent

I refer to the meeting of the Licensing Sub Committee, which took place on 27<sup>th</sup> April 2017. I can confirm that the Sub Committee decided, after carefully considering the report, all the available evidence and your representations to grant the consent in the terms applied for.

They also stated that in the event that the 8 week variation order is not adequate in terms of the health issues, then delegated powers were given to the Chief Licensing Officer head of Licensing Service to be able to extend the variation for a maximum of a further 8 weeks.

Your terms and conditions will be sent out with your consent.

*Steve Lonnia*

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

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

The Licensing Service, Sheffield City Council, Block C Staniforth Road Depot,  
Staniforth Road, Sheffield, S9 3HD.  
The reception is open from 10am to 4pm., Monday to Friday telephone (0114) 273 4264  
Email: [licensing@sheffield.gov.uk](mailto:licensing@sheffield.gov.uk)



# Appendix B

Objection & Qualities Criteria

## CITY CENTRE STREET TRADING

### Small Trading Stalls

#### BACKGROUND

Street activities are an essential ingredient of a vibrant and lively city, and in Sheffield there is a strong demand for legitimate small scale trading pitches. They also offer an opportunity for small businesses to get started with relatively modest outlay.

The widening of footways offers the opportunity to designate more pitches in locations that will add to the attractiveness of the City Centre. In Orchard Square and Meadowhall 'Barrow' style stalls are used extensively, enhancing the colour and vitality of those places.

This scheme is part of the City Council's campaign to make Sheffield City Centre a more attractive and vibrant place. Set out below is the qualitative criteria which forms the basis on which to test applications for the grant of designated small trading stall Street Trading Consent sites within the City Centre.

### QUALITATIVE CRITERIA – SMALL TRADING STALLS

#### GENERAL DESIGN

- There will be no motorised vehicles or stalls etc. permitted as part of this scheme.
- All barrows/handcarts must be capable of being moved on and off site by hand and any vehicles used to bring the barrows/handcarts to the site must be parked, loaded and unloaded off site.
- Good display is an important part of the selling process and top quality presentation encourages purchase and benefits the retailer reputation.
- It is in the best interest of traders to produce a high quality design in their barrows/handcarts. The function of the stall is to identify the trader and add vitality and colour to the immediate area, and reflect the quality, cleanliness and order in their operation. The barrow/stall contributes to the appearance of the street for good or bad, so design matters to everyone who uses the street, as well as the operator.
- Sign writing and scrollwork must be finished to a standard acceptable to the City Council.
- The unit must be visually acceptable to the City Council (this will include the Head of Licensing, City Centre Manager and Planning Service) and be in keeping with the street/area that it is to be located.
- Advertisements on stalls will not be permitted except by permission of the Council in writing and subject to further conditions. The Council shall be the sole judge of what is an acceptable advertisement.
- The Council will reserve the right to not renew any consent where it considers the

product(s) offered by the operator are not in keeping with the requirements of the site and the promotion of the City Centre.

- Non functional elements attached to barrows / handcarts, are not acceptable.
- The general design of the barrow/handcart must meet the requirements of the Council for that location.
- Flame retardant 'skirts' are to be used if necessary, so as to obscure the frame, gas bottle etc. They should be designed to 'unify' the barrow/handcart.
- All equipment, tools, gas bottles etc. must be self contained within the stall/handcart etc.
- Bright colours and a sense of fun are encouraged.
- Finished in flame retardant paint.
- A colour photograph or scale illustration of the proposed handcart must be submitted to the Licensing Service as part of the application process.
- No barrow/handcart should have a frontage greater than 3.0 metres or a width greater than 2.0metre.
- Roofs should be no more than 2.5m above ground level.
- Pitched and curved roofs are encouraged.
- Canopies should be high quality with a feeling of 'permanence'. These could be manufactured from either stretched canvas, or woven material, opaque or light metal materials. Clear plastic awning and extensions to the canopy will not be acceptable.
- Canopies must be maintained and cleaned to a high standard.
- Food traders must ensure that any stall design satisfies the requirement of food safety legislation. Staff must be adequately trained in good hygiene (Basic Food Hygiene Certificate and regular on going training) and records of training must be made available on request.
- Best practise of food hygiene must be adopted by the operator. This covers:
  - Personal hygiene
  - Hand washing
  - Ill health
  - Prevention of contamination
  - Temperature control
  - Temperature monitoring
  - Cleaning
  - Storage and stock rotation
  - Procedures in the event of freezer breakdown
  - Site cleanliness
  - Waste disposal
  - Pest control
  - Quality control
  - First aid facilities
- Food traders must have a minimum food hygiene rating score of 3.

**Stephenson Clive (CEX)**

---

~~ES~~

B3

**From:** Cooper Steve (DEL)  
**Sent:** 16 June 2017 15:08  
**To:** Stephenson Clive (CEX)  
**Cc:** Eyre Richard  
**Subject:** RE: City Centre Ice Cream - Cuneo

Hi Clive,  
Yes we will be objecting,

The Peace Gardens is our prime site and we cannot allow a relaxing of the quality criteria particularly in this area , an ice cream van is simply not in fitting with the surroundings.

There is no reason that the original unit could not be brought on site and left in situ , we would be ok with this as a temporary arrangement given the circumstances.

Regards  
Steve

Steve Cooper  
City Centre Resources Manager  
*City Centre Management Team*  
*Sheffield City Council*  
*Moor Market Management suite*  
77 The Moor  
S1 4PF  
01142736832/07971750722

**From:** Stephenson Clive (CEX)  
**Sent:** 16 June 2017 14:54  
**To:** Cooper Steve (DEL)  
**Subject:** City Centre Ice Cream - Cuneo

Hi Steve

I hope I am contacting the correct person.

You may be aware the Licensing Sub Committee – decided to grant a 8 week exemption to Mr & Mrs Cuneo to use a “normal” type of ice cream van. At present that 8 week period ends on Thursday 22<sup>nd</sup>

I am currently presuming that Mr & Mrs Cuneo will want to extend that although they have not approached us officially yet.

If they do Steve (Lonnia) is asking that this is re-presented back to the Licensing Sub Committee for determination, I am aware of the original correspondence from City Centre management with licensing and your objections to this application.

# Appendix C

Invitations to attend

# SHEFFIELD CITY COUNCIL

Cl

## LOCAL GOVERNMENT MISCELLANEOUS PROVISIONS ACT 1982

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

#### IMPORTANT: NOTIFICATION OF A COMMITTEE MEETING

To: Mr Andrew Cuneo  
7 Palms Street  
Sheffield  
S6 2XF

Email: [REDACTED]

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

**LICENCE TYPE:** Street Trading Consent – Peace Gardens.

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 29<sup>th</sup> June** 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*

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

Date: 21<sup>st</sup> June 017

**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.**

C2

# SHEFFIELD CITY COUNCIL

## LOCAL GOVERNMENT MISCELLANEOUS PROVISIONS ACT 1982

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

#### IMPORTANT: NOTIFICATION OF A COMMITTEE MEETING

To: Steve Cooper  
City Centre Resources Manager  
City Centre Management Team  
Sheffield City Council

Email: [REDACTED]

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

**LICENCE TYPE:** Street Trading Consent – Peace Gardens.

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 29<sup>th</sup> June** 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: 21<sup>st</sup> June 017

**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.**

# 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.**

This page is intentionally left blank