



## SHEFFIELD CITY COUNCIL Committee Report

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

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**Date:** 24<sup>th</sup> August 217

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

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**Author of Report:** Clive Stephenson

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**Summary:** To consider an application for a street trading consent  
Peace Gardens Sheffield

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**Background Papers:** As attached  
Street Trading Policy

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**Category of Report:** OPEN

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

**REF No: 104/17**

**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  - (c) all previous designations in relation to street trading will be rescinded as a result of the designation set out above.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 Inglanga Saqladi a copy of the application is attached at Appendix 'A'.
- 3.2 The application was submitted on 11<sup>th</sup> July 2017.
- 3.3 The application is vary the current purpose built trailer to an Ice Cream van for a period of 8 weeks. (From the date of application).
- 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.

### **4.0 REASONS FOR REFERRAL**

- 4.1 The application falls within the City Centre.
- 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 'B'.
- 4.5 A copy of the hearing procedure is attached at Appendix 'C'.

### **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

24<sup>th</sup> August 2017.

# Appendix A

Application



MRC

Rec 71579  
CARA

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

**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 Curved	Inglana Sadadi
Q2	Applicant(s) permanent private address	[Redacted] Walkley S6 2XF	[Redacted] Walkley S6 2XF
Q3	Date of birth	05/02/196	03/04/1965
Q4	Nationality and place of birth	UK Sheffield	UK Sheffield
Q5	Telephone No	[Redacted]	[Redacted]
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	

A2

Please return the fully completed form and all attachments to:

**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

A3

**C. CURRENT CONSENT DETAILS**

Q12	Consent number	510001
Q13	Type of consent issued	STATIC / MOBILE / CITY CENTRE SMALL UNIT / SCHOOL / OTHER (please list)
Q14	Current site details (if applicable)	Peace Gardens
Q15	Expiry date of consent	30th November 2017.

**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	<input checked="" type="checkbox"/>
	Other (if other, please specify below)	
	Details:	

Q17	Current details to change	Proposed details of change and reason for that change
	Purpose Built trailer to ice cream van currently in use, Reg FJ17 UVT.	ill Health. Mr Cuneo has suffered with a blood clot and pneumonia he has been advised he will be on blood thinners for ever, and also taking the trailer and sitting everyday has also given him a bad back from the sheer weight of having to manoeuvre the trailer in to position



**A4**

**E. CONVICTIONS / CAUTIONS**

<b>Q18</b>	Have any of the applicants ever been convicted of a criminal offence, whether in the United Kingdom or elsewhere?	<b>Applicant 1</b> Yes [ ] <input checked="" type="radio"/> No [ ]		
	If the answer is Yes please give full details below:	<b>Applicant 2</b> Yes [ ] <input checked="" type="radio"/> 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>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	
3 Photographs of the vehicle / unit if a change of unit showing front, back and side	
If a change of unit, confirm it meets the qualitative criteria	
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	

AS

### G. DECLARATION

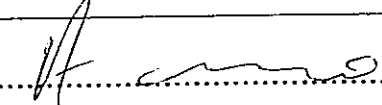
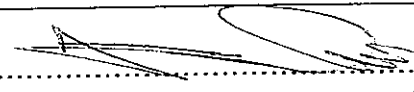
#### WARNING

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,

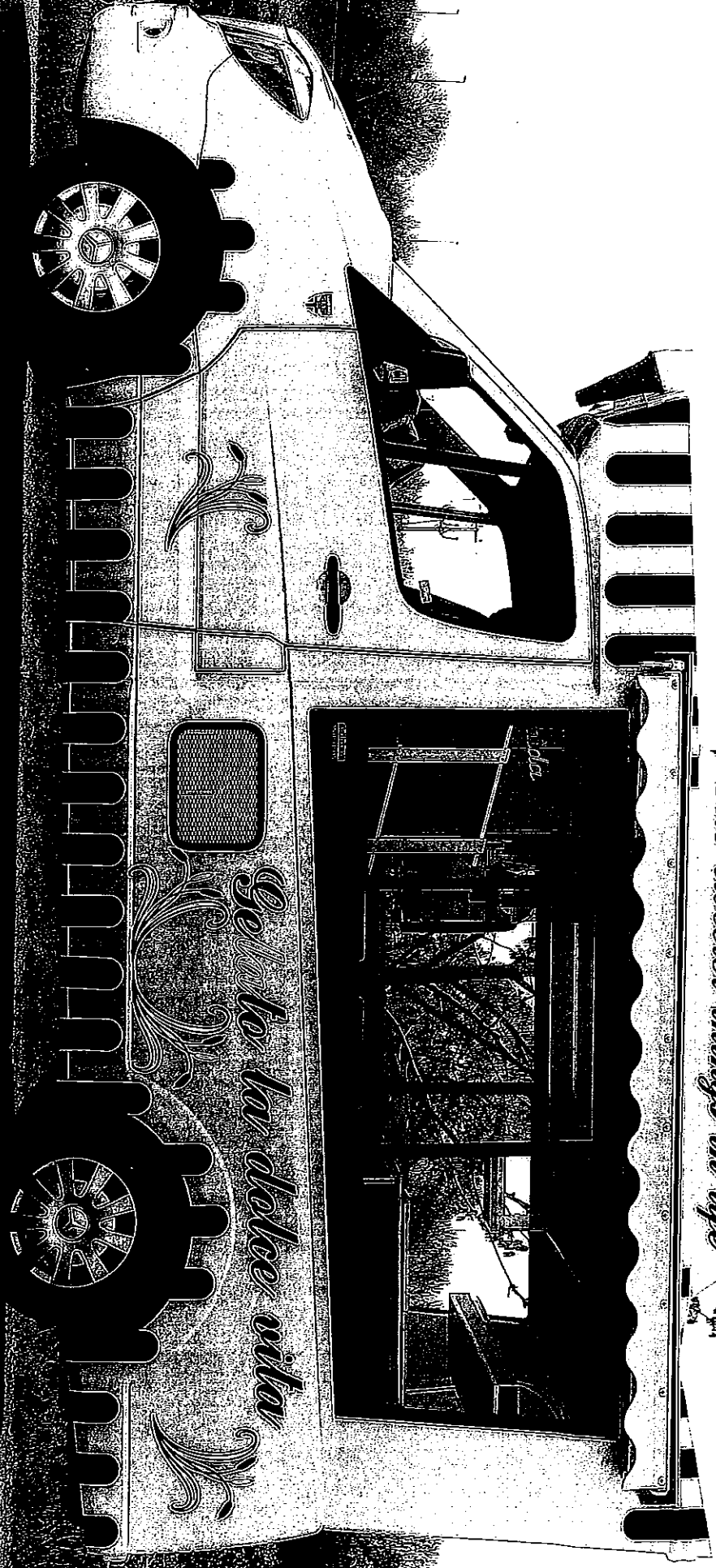
- declare that all the information I have given in this application is complete and correct;
- declare that I am over 17 years of age (in cases of individual applicants)
- declare I understand and will comply with the Sheffield City Council Street Trading Consent Conditions;
- undertake to pay Sheffield 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></u> Print name: <u>A. CINEO</u> Date: <u>10/07/17</u> Capacity: <u>Partner</u>
	<b>Applicant 2</b> Signature: <u></u> Print name: <u>I SAQULAOI</u> Date: <u>10-07-17</u> Capacity: <u>Partner</u>

Please read these notes before completing the application form.

- 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.
- None of the information which you supply on (or with) this form will be treated as confidential except where it relates to convictions.
- 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.

A6



*The sweeter things in life*

**Rhodes Emma (CEX)**

A7

**From:** Eyre Richard  
**Sent:** 26 June 2017 14:39  
**To:** saqladi uglona  
**Cc:** Cooper Steve (DEL); Stephenson Clive (CEX)  
**Subject:** RE: FW: paint options for van

Hi,

As long as the required changes to the van proposed are made as set out below we are happy to agree for the existing van to be used over the summer and the new van from September onwards.

Kind Regards

Richard

**Richard Eyre**  
Head Of City Centre, CCTV, Markets & Events

Tel: 0114 2734704

Post: Sheffield City Council, Moor Market Office Suite, 77 The Moor, Sheffield S1 4PF



@richardseyre



Richard Eyre



We Support  
Alive After Five  
#sheffafter5

**From:** saqladi uglona [mailto:inglana@blueyonder.co.uk]  
**Sent:** 22 June 2017 16:13  
**To:** Eyre Richard  
**Subject:** Re: FW: paint options for van

Hi Richard Eyre

thanks for getting back to me, we agree 100 per cent to the changes that you have suggested , as you can appreciate we cant get this van in till sept / october and are asking in the mean time if you will allow for the remaining 10/ 12 weeks of season the vehicle as it is as i am not back in hospital till end next month , also do you want the sign writing the same as the picture provided . We are also willing to include yourself everystep of the way on the changes to the vehicle , running past you before changes are made to make sure they are acceptable. Again many thanks

Andrew Cuneo



**From:** Turner Paul (DEL-H/Way Regs)  
**Sent:** 12 July 2017 10:04  
**To:** Crawshaw Michael (CEX); Police Licensing; SYFRlicensing@syfire.gov.uk (SYFRlicensing@syfire.gov.uk); planningdc@sheffield.gov.uk; highways@sheffield.gov.uk  
**Cc:** City Centre Management Team  
**Subject:** RE: Street Trading Variation

Mick,

Provided that the ice cream vehicle accesses or leaves the Peace Gardens via the rear (via Charles Street / Norfolk Street) and not the Pinstone Street footway then there are no Highway objections to the variation.

Regards, Paul

Paul Turner  
Highway Licences  
Room G34, Town Hall  
Pinstone Street  
Sheffield  
S1 2HH

Tel 0114 2736137  
Fax 0114 2736210

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

**From:** Crawshaw Michael (CEX)  
**Sent:** 12 July 2017 09:44  
**To:** Police Licensing; [SYFRlicensing@syfire.gov.uk](mailto:SYFRlicensing@syfire.gov.uk) ([SYFRlicensing@syfire.gov.uk](mailto:SYFRlicensing@syfire.gov.uk)); [planningdc@sheffield.gov.uk](mailto:planningdc@sheffield.gov.uk); [highways@sheffield.gov.uk](mailto:highways@sheffield.gov.uk)  
**Cc:** City Centre Management Team  
**Subject:** Street Trading Variation

Good Morning

Please find Vary of Street Trading Consent for Cuneo's Peace Gardens

Please can we have comments as soon as possible

Mick

Michael Crawshaw  
Licensing Analyst & Processing Officer  
Licensing Service, Business Strategy & Regulation Block C, Staniforth Road Depot, Staniforth Road, Sheffield, S9 3HD.  
Telephone 0114 2734264 Fax 01142734073 Email [michael.crawshaw@sheffield.gov.uk](mailto:michael.crawshaw@sheffield.gov.uk) or [licensing@sheffield.gov.uk](mailto:licensing@sheffield.gov.uk) [www.sheffield.gov.uk](http://www.sheffield.gov.uk)

# Appendix B

Invitation to attend

# SHEFFIELD CITY COUNCIL

31

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

[REDACTED]  
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 24<sup>th</sup> August** in a Committee Room of the Town Hall, Sheffield, S1 2HH (Pinstone Street entrance) and you are invited to attend at **10:30 am**.

### PLEASE NOTE:

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

*Steve Lonnia*

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

Date: 16<sup>th</sup> August 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.**

# Appendix C

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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