



## SHEFFIELD CITY COUNCIL Committee Report

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

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**Date:** 15<sup>th</sup> May 2018

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**Subject:** Street Trading  
Application for a Schools (Ice Cream) Street Trading

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**Author of Report:** Clive Stephenson

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**Summary:** To consider an application for a Schools (Ice Cream) Street Trading consent at Birley Community Primary School, Thornbridge Avenue.

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**Background Papers:** As attached

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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: 55/18

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

**SCHOOLS (ICE CREAM) STREET TRADING – Paul Grayson**

**1.0 PURPOSE OF REPORT**

- 1.1 To consider an application for the grant of a Schools (Ice Cream) Street Trading consent to trade at Birley Community Primary School, Thornbridge Avenue, 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    - (c) all previous designations in relation to street trading will be rescinded as a result of the designation set out above.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 Paul Grayson a copy of the application is attached at Appendix 'B'.
- 3.2 The application was submitted on 9<sup>th</sup> April 2018
- 3.3 The application is to sell ice cream near the entrance of Birley Community Primary School during school term times. A photo of the area where the van would be parked, if granted, is attached at Appendix 'A'.
- 3.4 The application was circulated, in the usual manner, to South Yorkshire Police, South Yorkshire Fire and Rescue, Highways and Planning and no adverse comments were received.

### **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 an objections to the application from:

School Representative  
Public

- 4.2 A copy of the objections are attached at Appendix 'C'
- 4.3 Representations and observations have been made by Licensing Officers after visiting the area during the last year.
- 4.4 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.
- 4.5 Members should consider all the information provided by the applicant both in their written application and in person at the hearing.
- 4.6 The applicant and objector have been invited to attend the Licensing Committee hearing. Copies of the invites are attached at Appendix 'D'.
- 4.7 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 The fees for a school's (ice cream) street trading consent is currently fixed at £50 and is payable on 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 School's (Ice Cream) Street Trading Consent at the 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 Street Trading Consent.

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

15<sup>th</sup> May 2018

# APPENDIX A

## Consent Location

4/4/2017

3 Thornbridge Ave - Google Maps

Google Maps 3 Thornbridge Ave



Image capture: Jul 2008 © 2013 Google

Sheffield, England

Street View - Jul 2008



# APPENDIX B

Application Form

## 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	PAUL GRAYSON	
Q2	Applicant(s) permanent private address	<del>REDACTED</del>	
Q3	Date of birth	20/02/1980	
Q4	Nationality and place of birth	BRITISH	
Q5	National Insurance No.	<del>REDACTED</del>	
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	<del>REDACTED</del>	
Q9	Email address	<del>REDACTED</del>	
Q10	Current ice cream mobile consent number	STB 269	

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

B2

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	FORD TRANSIT
Q18	Registration number	CX08UJZ
Q19	Date of first registration	03/2008
Q20	Last MOT and service	
Q21	Size of vehicle	Height: Width: Length:
Q22	Items to be sold	ICE CREAMY LOLLIES & CANS OF POP
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:	BIRLEY PRIMARY ACADEMY THORNBIDGE AVE S12 4XF
Q25	Location of pitch: (include site plan)	THORNBIDGE AVE



**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 <input checked="" type="checkbox"/> No <input type="checkbox"/>	
	If the answer is Yes please give full details below:		<b>Applicant 2</b> Yes <input type="checkbox"/> No <input 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)

(tick if enclosed with this application)

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><b>Applicant 1</b></p> <p>Signature: ..... <i>[Handwritten Signature]</i> .....</p> <p>Print name: ..... <i>PAUL GRAYSON</i> .....</p> <p>Date: ..... <i>1/4/2018</i> .....</p> <p>Capacity: .....</p>
	<p><b>Applicant 2</b></p> <p>Signature: .....</p> <p>Print name: .....</p> <p>Date: .....</p> <p>Capacity: .....</p>

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.
- (d) Any consent granted permits the consent holder to trade at the designated pitch:  
Monday to Friday, 12 noon – 2:00pm and 3:00pm – 4.30 pm (term times only)

# APPENDIX C

## Objections

**From:** Dawn McAughey [mailto: [REDACTED]@ [REDACTED]]  
**Sent:** 18 April 2018 16:39  
**To:** licensingservice  
**Subject:** Re: Renewal Application - Ice Cream Trader - Birley Primary Academy

Dear Georgina,

as previously stated I do wish to raise an objection to the licence for the ice cream van to trade outside Birley Primary Academy. This is due to the numerous complaints I have received over recent years, and continue to receive about the van adding considerably to the congestion at the end of the school day on what is already a very busy road. Safety of all pupils in school is paramount.

Thanks

Dawn McAughey

Dawn McAughey  
Headteacher  
Birley Primary Academy  
[REDACTED]  
[REDACTED]

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**From:** Hollis Georgina (CEX) <Georgina.Hollis@sheffield.gov.uk> on behalf of licensingservice  
<licensingservice@sheffield.gov.uk>  
**Sent:** Wednesday, April 18, 2018 2:31:28 PM  
**To:** Dawn McAughey  
**Subject:** Renewal Application - Ice Cream Trader - Birley Primary Academy

Dear Ms McAughey

I am emailing with regards to your previous representation below and a recent renewal application for the ice cream trader to trade near the Birley Primary Academy.

As part of the renewal process, as you have not provided any support or consent from the school, I would appreciate if you could have your comments with regards to the renewal application that has been submitted to the Licensing Service.

A further hearing will go ahead with regards to the application and all persons submitting comments will be invited to attend as part of the process.

If you wish to make a formal representation to the application, I would ask that you send my your representation in writing or by email. Please clearly explain the reasons in detail.

You will be invited along to the hearing to give evidence and discuss your concerns with the Licensing Sub-Committee.

Please ensure that you submit your full representation by **Friday 27th April 2018.**

Kind Regards

Georgina

unintentional  
[redacted]  
[redacted]  
[redacted]

02

25 APR 2018

Monday 23<sup>rd</sup> April 2018

I am writing to formally object to Paul Grayson's mobile street trading - Ice Cream ~~at~~ permit and for the Special Permission permit for outside Birley Primary on Thornebridge Avenue.

The reasons for this are the following:

Every time he turns up on Thornebridge Avenue he causes an obstruction by blocking a one way street outside the school in an area which states no stopping, which is a health and safety issue for people and children. I have sent video and photo evidence of this into Georgina Hollis.

He has falsely been accusing me of filming children at his ice cream van he has been telling parents and the police which is untrue and I have had to report him to the police due to the serious accusations he has been making. The day he claimed I was filming children your traffic wardens was there and confirm

no ice cream van was there.  
which shows he is an unfit, and  
proper person to be working with  
children. He has also been asking  
people on facebook for information  
on me which could cause serious  
problems for me and my son I feel  
he is threatening and try to intim-  
idate me.

He also breaches his license  
every time he comes by turning up  
before his agreement which states  
12-2pm and 3-4.30pm.

• He also does not have permission  
from the school head teacher which  
is also a term of him have the  
license.

• Birley primary is under the Jamie  
oliver healthy eating. he sells  
items we can not have ~~in~~ in school  
so why can he sell this outside  
the gate.

• He also wears his street  
clothes on the van when serving  
and not protective outer clothing  
for example, apron, overalls.

• I have also seen him working on  
weekend which is also not permitted

on his mobile street trading agreement  
I have also seen him selling **CU**  
at Mossborough after 7pm which  
is also not permitted.

He has also started a petition  
on Facebook but it is signed by  
his friends, family and other ice  
cream men which is not proof  
the parents of Birley primary  
and Birley academy want him  
there.

I am wanting the outcome  
of this for Paul Grayson loses  
both his licenses as he has  
broken many of the council  
rules and continues to do so  
he is not fit and proper person  
to be working with children.

A. Reid  
ANNEMARIE REID.

Ice Cream Van trading at  
Birley Primary Academy, Thornbridge Avenue, Sheffield

**17<sup>th</sup> April 2018 14:30 hours**

On arrival we (Julia Triandafillithis and Emma Rhodes-Evans) could not see the ice cream van mentioned in a complaint received.

We then began to see children walking outside the school (Birley Primary Academy) with ice creams. We walked around the immediate vicinity and at 15:15 hours we saw CX 08 UJZ parked outside 3 Thornbridge Close selling ice creams.

We approached and spoke with Mr Paul Grayson who said he had parked there with permission from the homeowner because he was receiving abuse when trading on Thornbridge Avenue from a member of the public who's son attends Birley Primary Academy. Mr Grayson went on to say that the complainant makes videos of him and such is the harassment that he has spoken to his solicitor about this. Mr Grayson knows the complainant's ex best friend who has told him that the complainant is jealous because Mr Grayson owns 2 houses and lives in a 5 bedroom house and that is the reason complaints have been made.

Mr Grayson asked if he could continue to trade on Thornbridge Close. ERE advised that he has not previously held a consent for this site and the site he has applied to renew is on Thornbridge Avenue.

Discussions were had about information we have received about Mr Grayson permanently parking a car opposite the school on Thornbridge Avenue and would move the car to park the ice cream van. Mr Grayson said he had purchased this car specifically to ensure he could legally park his ice cream van.

We advised Mr Grayson to cease trading today on Thornbridge Close and that we would be monitoring him due to the complaint we have received.

**19<sup>th</sup> April 2018 14:05 hours**

We (Julia Triandafillithis & Emma Rhodes-Evans) arrived at Thornbridge Avenue.

At 14:40 hours the ice cream van (CX 08 UJZ) arrived. Mr Grayson (through the open drivers side window) spoke to ERE regarding trading times and asked why he couldn't trade before 15:00 hours. ERE explained that set trading times have been approved by Licensing Sub-committee for all ice cream school traders.



Mr Grayson went further up the road towards the car park entrance of the school and we observed him move a Renault Clio car forward and pull the ice cream van into position. This took no more than 40 seconds and did not cause traffic congestion.

At 14:45 hours while we were stood outside Birley Primary Academy we were approached by a female (early 30's) whilst still on her mobile phone she said to us that Mr Grayson does not have permission to be there and has been revoked and should not be trading.

After some discussions the female clarified it was the complainant on the telephone and terminated the call. ERE explained he was not revoked and that Mr Grayson had applied to renew his School Ice Cream trading consent, which would be referred to Licensing Sub-committee for determination.

14:55 hours JT proceeded to take photographs of the ice cream van.

15:00 hours Mr Grayson started trading and JT proceeded to take more photographs.

We stood and observed Mr Grayson trading until 15:30 hours and during this time there were at least 20-30 people in the queue some of which were children on their own, adults on their own and some adults with children.

Whilst stood observing Mr Grayson we were approached by a male who said that the ice cream van was contributing to the road congestion and also that the people waiting for ice creams were queueing on the grassed area of Thornbridge Place – where he lives.

We observed people collecting children from the school that had illegally parked on double yellow lines within the vicinity of the school.

Mr Grayson was parked legally and was not causing obstruction.

15:35 hours we left Thornbridge Avenue

#### **24<sup>th</sup> April 2018 14:40 hours**

We (Julia Triandafillithis & Emma Rhodes-Evans) arrived at Thornbridge Avenue (Birley Primary Academy). We drove round and left at 15:15 hours as we could not see the ice cream van – this could be due to the heavy rain.

#### **26<sup>th</sup> April 2018 15:11 hours**

We (Julia Triandafillithis & Emma Rhodes-Evans) arrived at Thornbridge Avenue (Birley Primary Academy). We witnessed CX 08 UJZ trading on Thornbridge Avenue across from the school (in the same spot as previously seen).

15:15 We left Thornbridge Avenue.

C7



.....  
Julia Triandafillithis

Licensing Enforcement & Technical Officer

3/5/2018

Date



.....  
Emma Rhodes-Evans

Licensing Enforcement & Technical Officer

Date 3/5/2018

JT/ER enfo  
Thursday 19/4/18. 8  
(15:39 email)  
onwards

Not sure of times of  
trade - to  
be added to report  
with officer reports



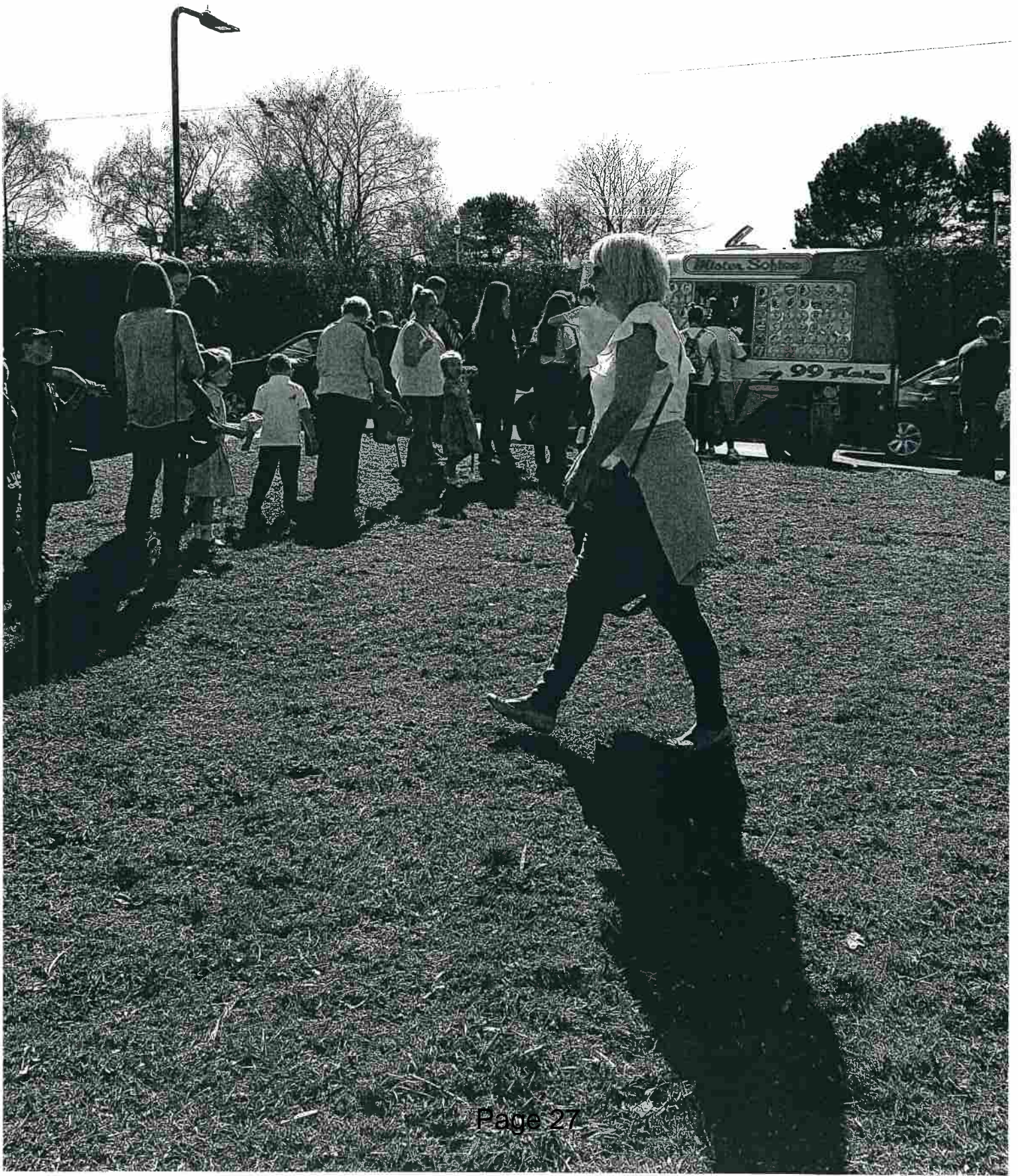
C9



C10







# APPENDIX D

Invitations to attend hearing.  
Hearing Procedures.



# SHEFFIELD CITY COUNCIL

DI

## LOCAL GOVERNMENT MISCELLANEOUS PROVISIONS ACT 1982

Street Trading – Schools (Ice Cream) Street Trading Consent – Birley Community Primary

### IMPORTANT: NOTIFICATION OF A COMMITTEE MEETING

To: Mr Paul Grayson

[Redacted]  
Sheffield  
[Redacted]

Email: [Redacted]

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

**LICENCE TYPE:** Schools (Ice Cream) Street Trading Consent – Birley Community Primary

I refer to the above and the application for the grant of 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.**

The meeting in respect of the application will take place on **Tuesday 15<sup>th</sup> May 2018** 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 4<sup>th</sup> May 2018

**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**

D2

**LOCAL GOVERNMENT MISCELLANEOUS PROVISIONS ACT 1982**

**Street Trading – Schools (Ice Cream) Street Trading Consent – Birley Community Primary**

**IMPORTANT: NOTIFICATION OF A COMMITTEE MEETING**

To: Mrs Anne Marie Reid  
[Redacted]  
Sheffield  
[Redacted]

Email: [Redacted]

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

**LICENCE TYPE: Schools (Ice Cream) Street Trading Consent – Birley Community Primary**

I refer to the above and your recent objection to the application for the grant of a street trading consent.

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

Date: 4<sup>th</sup> May 2018

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DB

## SHEFFIELD CITY COUNCIL

### LOCAL GOVERNMENT MISCELLANEOUS PROVISIONS ACT 1982

Street Trading – Schools (Ice Cream) Street Trading Consent – Birley Community Primary

#### IMPORTANT: NOTIFICATION OF A COMMITTEE MEETING

To: Ms Dawn McAughey  
Headteacher  
Birley Primary Academy

Email: 

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

**LICENCE TYPE:** Schools (Ice Cream) Street Trading Consent – Birley Community Primary

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Steve Lonnia  
Chief Licensing Officer  
Head of Licensing

Date: 4<sup>th</sup> May 2018

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## STREET TRADING CONSENT APPLICATION

### SUB-COMMITTEE HEARING PROCEDURE

D4

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.**