



## SHEFFIELD CITY COUNCIL Committee Report

---

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

---

**Date:** 7<sup>th</sup> March 2019 10am

---

**Subject:** Street Trading:  
Application to vary a Schools (Ice Cream) Street Trading  
Consent

---

**Author of Report:** Jayne Gough

---

**Summary:** To consider an application to vary a Schools (Ice Cream)  
Street Trading consent at Birley Primary Academy,  
Thornbridge Avenue.

---

**Background Papers:** As attached

---

**Category of Report:** OPEN

---

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

REF No: 12/19

**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 variation of a Schools (Ice Cream) Street Trading Consent to trade at Birley Primary Academy, 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    - (c) all previous designations in relation to street trading will be rescinded as a result of the designation set out above.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 Mr Paul Grayson who submitted a variation application of a Schools (Ice Cream) Street Trading Consent on the 19th September 2018. A copy of the application is attached at Appendix 'A'.
- 3.2 Mr Grayson is an existing holder of a Schools (Ice Cream) Street Trading Consent at this location. He has applied to vary this consent to bring forward the commencement of his trading time from 15:00 to 14:45 hours in line with the new end time of the school day of 14:45 hours. A copy of the current licence is attached at Appendix 'B'
- 3.3 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.
- 3.4 The Head Teacher of the primary school has also been consulted as part of the application process, and no comments have been received back.
- 3.5 Mr Grayson requested that the hearing was delayed until March 2019.

### **4.0 REASONS FOR REFERRAL**

- 4.1 The application has been referred to the Licensing Sub-Committee for their consideration as the current approved street trading policy has set trading hours for Schools (Ice Cream) Street Trading to commence at 15.00 hours. This application has a request to commence at 14:45 hours which subsequently places the application outside of the current policy.
- 4.2 Mr Grayson's current Street Trading Consent was granted following a meeting of the Licensing Sub-Committee on the 15th May 2018, which took into account an objection from a local resident and gave consideration to the issues that was raised.
- 4.3 Since the granting of the Consent, the resident has submitted various complaints regarding Mr Grayson; these have been fully investigated by Enforcement Officers from the Licensing Service, and are detailed along with the subsequent action at Appendix 'C' of this report. In addition to these complaints, the resident has also raised these concerns through Councillor Clive Betts (MP).
- 4.4 Our Enforcement Team have fully investigated each complaint that has been submitted, and have checked compliance by undertaking numerous site visits as outlined above, at which no breaches were found to date. The resident and Councillor Betts have been provided with full feedback after each visit.
- 4.5 The applicant, Councillor Betts and the local resident has been invited to attend the Licensing Committee hearing as a result of the history with this case. Copies of the invites are attached at Appendix 'D'.

4.6 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 £55 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 times requested on application outside of the Policy.

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 variation.



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

7<sup>th</sup> March 2019

# APPENDIX 'A'

Application Form

# 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	PAUL GRAYSON	
Q2	Applicant(s) permanent private address	[REDACTED]	
Q3	Date of birth	[REDACTED]	
Q4	Nationality and place of birth	BRITISH SHEFFIELD	
Q5	Telephone No	[REDACTED]	
Q6	Email address	[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

Q12	Consent number	
Q13	Type of consent issued	STATIC / MOBILE / CITY CENTRE SMALL UNIT / <u>SCHOOL</u> / OTHER (please list)
Q14	Current site details (if applicable)	BIRLEY ACADEMY
Q15	Expiry date of consent	31/3/19

### 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:	

Q17	Current details to change	Proposed details of change and reason for that change
	SCHOOL CONSENT FROM 3 PM TO 2 45 PM	THE COMMUNITY COLLEGE AS CHANGED THERE TIMES OF COMING OUT OF SCHOOL FROM 3 PM TO 2 45 PM SO I AM MISSING THE TRADE FROM THE CHILDREN THAT ARE VERY DISAPPOINTED

**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 [ ]		
<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 type="checkbox"/>
Any further information you may wish to submit in support of your application	<input checked="" type="checkbox"/>

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)	<input checked="" type="checkbox"/>
Appropriate vehicle test (if applicable)	<input type="checkbox"/>
Written confirmation that the vehicle meets the Council's food safety standards	<input type="checkbox"/>



**G. DECLARATION**


**WARNING**

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

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

I / We,

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

	<p><b>Applicant 1</b></p> <p>Signature: .....  .....</p> <p>Print name: ..... P GRAYSON .....</p> <p>Date: ..... 18-9-18- .....</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.



This certificate is presented to

**paul grayson**

who has successfully completed the training course and assessment in

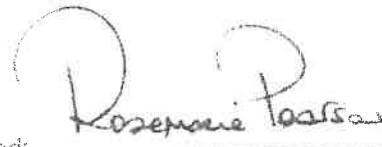
### Level 2 - Food Safety and Hygiene for Catering

This course covers:

- An Introduction to Food Safety & Hygiene
- Impact of Food-Borne Illness
- Understanding Food Law
- Food Safety Hazards & Contamination
- Food Preservation, Storage & Temperature Control
- Personal Hygiene
- Hygienic Premises & Equipment
- HACCP & Summary

08-Apr-2017 00:02

Certificate No:  
CNNB-QFZ8-JJLI-CL9G

  
Signed: \_\_\_\_\_  
Dr Rosemarie Pearson (Food Specialist)

  
Signed: \_\_\_\_\_  
Director (Virtual College)



To verify, telephone 01943 605976

The content of this course has been independently certified as conforming to universally accepted Continuous Professional Development (CPD) guidelines

## Certificate of Motor Insurance

Your Van Club Insurance



**Certificate number:** 017606233

1. Registration number: **CX08 UJZ**

2. Name of Policyholder: **Paul Grayson**

3. Effective date of the commencement of insurance for the purposes of the Relevant Law: **18 October 2017**

4. Date of expiry of insurance: **17 October 2018**

5. Person or classes of persons entitled to drive

*As defined below provided that the person driving holds a licence to drive the vehicle or has held and is not disqualified from holding or obtaining such a licence.*

- The Policyholder

6. Limitations as to use:

- Use for the Policyholder's business
- Use for social domestic and pleasure purposes

Exclusions:

- Use for hiring
- Use for racing, competitions, rallies or trials

I hereby certify that the policy to which this certificate relates satisfies the requirements of the relevant law applicable in Great Britain, Northern Ireland, the Isle of Man, the Island of Guernsey, the Island of Jersey and the Island of Alderney.  
Aviva Insurance Limited - authorised Insurer

**Note:**

For full details of the insurance cover, reference should be made to your policy.  
**Advice to third parties** - Nothing contained in this certificate affects your right as a third party to make a claim.

**Maurice Tulloch**  
Chief Executive Officer, UK & Ireland General Insurance

## Public Liability Schedule

---

Certificate Policy Number: CEQ309943/2018  
The Insured Paul Grayson  
Product Liability Per Capita  
Period of Insurance: Commencing 11:39:00 on the 05/04/2018 to 23:59:00 on the 04/04/2019

Liability	Limits of Indemnity
Section B – Public Liability:	£2,000,000
Section C – Products Liability:	£2,000,000

**IMPORTANT NOTICE** - Please check this policy very carefully

**This insurance is subject to the information detailed in this document. The Insured should carefully review the contents of the Certificate (including its attached schedule, endorsements and proposal / statement of facts). If any of the information set out therein is incorrect, the insured must notify the Commercial Express or the insurer. Failure to do so may invalidate the insurance provided.**

Public Liability Schedule



Signed in Brierley Hill, West Midlands for and on behalf of those Underwriters subscribing to this certificate  
Dated this derToday\_S\_(1)

# MOT test certificate



Driver & Vehicle  
Standards  
Agency

① Vehicle identification number

**WF0FXXBDFF7U47378**

②a Registration number

**CX08UJZ**

②b Country of registration

**GB**

Make and model

**FORD TRANSIT**

⑤ Vehicle category

**N1**

④ Mileage

**115,552 miles**

Mileage history

**104,889 miles** 22.08.2017

**91,278 miles** 13.06.2016

**80,549 miles** 20.05.2015

## ⑦ Pass

### Monitor and repair if necessary (advisories)

- Brake pad(s) wearing thin Rear [1.1.13 (a) (ii)]
- Tyre worn close to legal limit/worn on edge Offside (both) [5.2.3 (e)]

③b Date of the test

**23.08.2018**

③ Expiry date

**22.08.2019**

To preserve the anniversary of the expiry date, the earliest you can present your vehicle for test is 23.07.2019.

③a Location of the test

**88 HARWOOD STREET, SHEFFIELD, S2 4SE**

③ Testing organisation and inspector name

**4488BB MR EXHAUST  
w. mellor**

MOT test number

**5240 9425 4605**

Check that this document is genuine by visiting [www.gov.uk/check-mot-history](http://www.gov.uk/check-mot-history)

If any of the details are not correct, please contact DVSA by email at [enquiries@dvsa.gov.uk](mailto:enquiries@dvsa.gov.uk) or by telephone on 0300 1239000.

Receive a free annual MOT reminder by subscribing at [www.gov.uk/mot-reminder](http://www.gov.uk/mot-reminder) or by telephone on 0300 1239000.

Issuer signature



# Mister Softies

HIRE THIS ICE CREAM VAN FOR YOUR SPECIAL OCCASION.  
CATERING FOR SCHOOL FETES, FOOTBALL TOURNAMENTS,  
WEDDINGS, CORPORATE TEAM BUILDING EVENTS, ETC  
FOR DETAILS EMAIL PAUL

[icecreamvanhire@sky.com](mailto:icecreamvanhire@sky.com)

Find me on facebook @  
Icecreamvanhire  
And leave me a message

CAD CATERED DRIVER

**WATCH OUT...KIDS ABOUT!**



CX08 UJZ









# APPENDIX 'B'

Current Licence

**STREET TRADING CONSENT  
SCHOOL STREET TRADING**

**ST/SCH0014**

**LOCAL AUTHORITY**

**Sheffield**  
City Council



**Licensing Service  
Place Portfolio**  
Block C Staniforth Road Depot  
Staniforth Road  
Sheffield

**NAME & ADDRESS OF HOLDER OF STREET TRADING CONSENT**

**Paul GRAYSON**

**29 Parkdale Drive Sheffield S20 9DY**

**CONSENT AREAS**

**Birley Community Primary School**

**CONSENT DETAILS**

<b>Goods Sold</b>	<b>Ice Cream and Cans</b>
<b>Vehicle Registration</b>	<b>CX 08 UJZ</b>

**PERMITTED HOURS**

	<b>Open from</b>	<b>Open to</b>
<b>Monday to Friday during School Term</b>	<b>12:00 noon</b>	<b>14:00</b>
	<b>15:00</b>	<b>16:30</b>

**CONSENT DETAILS**

<b>ISSUED :</b>	<b>18 May 2018</b>	<b>EXPIRY :</b>	<b>31 Mar 2019</b>
-----------------	--------------------	-----------------	--------------------

**NOTES**

- (1) THIS CONSENT IS SUBJECT TO THE PROVISIONS OF THE LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982, THE CONDITIONS ATTACHED TO THIS CONSENT AND ANY OTHER RELEVANT ACTS AND SHALL CONTINUE IN FORCE UNTIL THE ABOVE EXPIRY DATE UNLESS PREVIOUSLY REVOKED OR SURRENDERED.
- (2) THIS CONSENT IS NOT TRANSFERABLE
- (3) THIS CONSENT PERMITS THE HOLDER TO TRADE ONLY AT THE SITE STATED ABOVE

*Stephen Lonnia*

**Stephen Lonnia  
Head of Licensing  
Sheffield City Council**



# STANDARD CONDITIONS ATTACHED TO THE ISSUE OF

Street Trading Consent - Schools ST/SCH00

## LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982

### Standard Street Trading Consent Conditions

#### AUTHORISATION

1. The consent is only valid for the person named and is not transferable.
  2. This consent enables the holder to trade in Sheffield from the area designated and between those times detailed in this consent only (if any).
  3. The consent holder shall at all times have a copy of this consent available for inspection on request to any Police Officer or duly Authorised Officer of the Council.
  4. A certificate will be issued along with the consent which must be clearly displayed on the vehicle or stall in a position that is clearly visible to customers and members of the public.
  5. The consent holder shall only trade from the size and type of vehicle / stall / trailer specified in this consent.
  6. The consent holder shall not use or permit anyone to use this consent to trade from anywhere other than the site detailed within this consent.
  7. The consent holder shall ensure that a current price list of articles being sold is always prominently displayed on the vehicle or stall.
  8. There shall be no alteration in the design / construction / appearance of the vehicle or stall without the written permission of the Council having been obtained.
  9. There shall be no change in the range of articles sold without the written permission of the Council having been obtained.
  10. The consent holder shall at all times have available for inspection an up to date and valid Certificate of Insurance (Vehicle and Public Liability) - the level of Public Liability Cover shall be a minimum of £2,000,000.
  11. The Council reserve the right, should the need arise from time to time, to direct that the consent holder shall not trade:
    - from the whole or any part of the site;
    - during certain times from the site;
    - and move to an alternative site for a small length of time;
 and the consent holder shall comply with that instruction.
1. In the event that the Council give a direction to cease trading from the whole of the site, the City Council shall deduct from the next fee instalment due, a sum proportional to the trading time lost. For the purposes of this calculation it shall be deemed that trading takes place on 7 days a week.
  2. This consent will expire on the date given on the face of this consent, and the Council are under no obligation to renew such consent.

## STANDARD CONDITIONS ATTACHED TO THE ISSUE OF

### Street Trading Consent - Schools ST/SCH00

3. Consent holders shall notify the Council in writing of any permanent change of address as soon as it occurs. You must provide proof of your new address with your notification (i.e. utility bill, bank statement, etc.)
4. Consent holders shall ensure that disabled people and wheelchair users can be adequately served.

### CONDUCT

5. Consent holders and any assistants employed by them shall ensure the public and Council officers are treated fairly and with courtesy. Traders shall ensure that their staff are competent, courteous and helpful.
6. Consent holders will not obstruct Authorised Officers of the Council or Police Officers at any time and will always be polite and courteous.

### AREA

7. Any consent issued by the Licensing Service does not permit the holder to trade within "The City Centre Boundary" unless specifically stated.
8. Any consent issued for a street trader does not permit the holder to trade within 800 meter radius of any school in the Sheffield boundary unless authorised to do so.
9. Any consent issued for a mobile street trader does not permit the holder to trade within an 800 metre radius of the Sheffield Arena, Don Valley Stadium, Sheffield Wednesday and Sheffield United Stadiums on any event / match day (see plan for radius) for four hours previous, during and one hour after any event.

### ASSISTANTS

10. The consent holder will only employ persons that are suitably qualified in food hygiene to assist him (unless trading in non food articles / goods).
11. The consent holder shall not permit any person under the age of 17 to engage in Street Trading.
12. The consent holder shall ensure that any person who is working on the vehicle, stall or designated area has obtained the relevant authorisation and is wearing the identity badge issued to them by the Council (this includes the consent holder and any other person who is assisting the consent holder in trading).
13. The consent holder shall ensure that any person who is working on the vehicle has a right to work in the UK and has made appropriate checks.
14. The consent holder shall ensure that the Council (Licensing Service) are informed immediately of any new assistants that are employed to work at the vehicle, stall or unit.
15. The consent holder shall supply a copy of these street trading conditions to every assistant employed by him and ensure they are fully aware of their responsibilities.

## STANDARD CONDITIONS ATTACHED TO THE ISSUE OF

Street Trading Consent - Schools ST/SCH00

### FOOD HYGIENE

16. The consent holder shall at all times observe proper food safety and hygiene standards and shall make appropriate use of any equipment provided for this purpose.
17. The applicant shall comply with all statutory requirements regarding food hygiene. The applicable legislation is:

#### **FOOD HYGIENE (ENGLAND) REGULATIONS 2006 FOOD REGULATIONS (EC) 852/ 2004.**

18. In accordance with the food hygiene legislation the applicant must provide proof to the Council that the business/mobile food unit is currently registered with the food authority in which the stall, handcart, barrow or mobile food unit is currently stored.
19. The applicant together with all other persons employed in food handling activities are required to attend a food hygiene course commensurate with the food handling activities.
20. Food traders must meet a minimum of 3 in their food hygiene rating score.
21. The applicant must display their food hygiene rating score visibly to customers.

### LEGAL PROVISIONS

22. Nothing contained in these conditions shall relieve or excuse the consent holder or their employees or agents from any legal duty or liability and at all times the consent holder shall comply with the relevant legislation in force.

### GENERAL

23. The consent holder shall take all reasonable steps to ensure public safety; in particular, any vehicle or trailer used to assist in street trading shall be maintained in a safe condition and be tested / serviced annually.
24. The consent holder shall ensure that no waste liquids (including grease) of any description are deposited on to the site, highway or into rainwater gullies / drains serving the site. All liquids must be removed from the site and disposed of in a proper manner.
25. The consent holder shall take all reasonable steps to;
  - Prevent accumulation of litter dirt, and / or grease in or close to the site;
  - Remove and properly dispose of any such litter, etc which does accumulate.
 See [www.netregs.gov.uk](http://www.netregs.gov.uk) <<http://www.netregs.gov.uk>> or contact Environmental Protection on 0114 2037411 for more information on Trade Waste Disposal.
1. No freestanding advertisements such as 'A' boards or signs attached to street furniture will be permitted.
2. The consent holder shall comply with any reasonable request and / or instruction

**STANDARD CONDITIONS ATTACHED TO THE ISSUE OF****Street Trading Consent - Schools ST/SCH00**

given to him / her by a Police Officer or duly Authorised Officer of the Council.

3. The consent holder shall not use or permit to be used any electrical or electronic equipment (for example, televisions or radio receivers) in such a manner as to cause a disturbance and or nuisance.
4. The consent holder shall not obstruct the highway / footpath in which the site is situated or cause danger to persons using the highway / footpath.
5. The consent holder shall not cause nuisance or annoyance whether to persons using the street or otherwise.
6. The consent holder shall be responsible for and reimburse the Council in respect of any damage he / she causes to the highway / footpath or any fittings or fixtures on it.
7. The consent holder shall at all times obey all road traffic regulations in force in the consent area.
8. The consent holder and/or assistant must notify the Council immediately of any convictions or proceedings arising out of the use or enjoyment of the Consent, or from any other offence committed.

**PLEASE NOTE, for the purposes of these conditions the "Council" shall be defined as the Licensing Service.**

**Paul GRAYSON  
Birley Community Primary School  
ST/SCH0014**

**You have confirmed that you have read and understood the conditions attached to your consent and will undertake to comply with all conditions.**

**A copy of your signed conditions are available at the Licensing Service at request.**



**STANDARD CONDITIONS ATTACHED TO THE ISSUE OF**  
**Street Trading Consent - Schools ST/SCH00**

# APPENDIX 'C'

Complaints history and Enforcement  
action



**Local Resident Complaints log:**

<b>Complaint date (Local resident)</b>	<b>Complaint details</b>	<b>Actions By Enforcement Officers</b>
16th March 2018	Ice-cream van blocking Road on Thornbridge Avenue	Request to view dash cam footage
29th March 2018	Ice-cream van blocking Road on Thornbridge Avenue	Footage viewed 26.03.18: no obstruction/blocking found (ice-cream van reversing into position). Site visit made 17th April 2018.
17th April 2018	Reporting that Trader is 'trying to get other parents to gang up' on her on social media	Advice given that the Street Trader is renewing their consent, if there are issues to make a formal objection against the application, this would be determined by the Licensing Committee. The trader would still however be monitored as part of the complaint if an objection was not submitted.
18th April 2018	Detailing issues of alleged harassment from the trader which has been logged with the Police - Street trader is still an issue and causing problems which the head teacher can confirm	Email sent: issues regarding alleged harassment to be investigated by Police. No comments have been received by the Head Teacher to the Licensing Service; as to date no comments have been received by the Head Teacher as part of the renewal application. Further site visit scheduled for the 19th April 2018
25th April 2018	Formal objection received against traders renewal application	Complainant has been told to desist using private information of the applicant on social media
9th May 2018	Complaining that the Trader has been to the Sheffield Star and published what she and another resident have said to him	Complainant told again to desist using private information of applicant on social media
26th June 2018	Complaining that trader breaching trading hours	Letter sent to complainant to confirm further checks will be done to monitor any breaches of the street trading consent, complainant updated
4th July 2018	Complaining that trader breaching trading hours and parking on yellow lines (photographs provided)	Requested confirmation of date and time photographs taken
29th August 2018	Complaining that traders vehicle is more than 5 years old which does against policy	Updated complainant that this was an old part of the policy which has been removed for quite some time - Site visits commenced after school holidays

24th September 2018	Phone call complaint at 14:30 hours from complainant advising of being aggrieved at lack of action being taken by Licensing Service.	Enforcement Officer spoke with complainant and confirmed that this was an ongoing investigation and officers would continue to monitor and as of yet there has been no breaches.
---------------------	--	--

The Local resident has provided photographs in addition to these complaints, which have not shown any breach of the terms and conditions of Mr Grayson's Consent.

### **Enforcement Officer Action:**

<b>Site Visit</b>	<b>Result/Actions</b>
17th April 2018: 14:30	Monitoring compliance of Consent - advice given to consent holder regarding site location
19th April 2018: 14:05 to 15:35	Monitoring compliance of Consent - general advice given to consent holder regarding policy and trading hours after questions posed. Further monitoring - Consent holder parked legally and not causing obstruction (photographs taken)
24th April 2018: 14:40 to 15:15	Monitoring compliance of Consent - Consent holder not there (possibly due to heavy rain)
26th April 2018: 15:11 to 15:15	Monitoring compliance of Consent - Trader not seen breaching Consent terms and conditions
17th September 2018	Monitoring compliance of Consent - Consent holder not there
18th September 2018	Monitoring compliance of Consent - Trader not seen breaching Consent terms and conditions
26th September 2018	Monitoring compliance of Consent - Trader not seen breaching Consent terms and conditions
2nd October 2018	Monitoring compliance of Consent - Trader not seen breaching Consent terms and conditions

Enforcement Officers from Parking Services have also visited the School /Ice Cream Van, and have not had any complaints about vehicle, nor had any cause to issue PCNs. Parking Services have also confirmed that they will be undertaking further visits to ensure compliance.

# APPENDIX 'D'

Hearing Notices and Regulations

**SHEFFIELD CITY COUNCIL****LOCAL GOVERNMENT MISCELLANEOUS PROVISIONS ACT 1982****Street Trading – Schools (Ice Cream) Street Trading Consent – Birley Primary Academy****IMPORTANT: NOTIFICATION OF A COMMITTEE MEETING**To: Mr Paul Grayson  
Sent via email: **LEGISLATION: Local Government (Miscellaneous Provisions) Act 1982****LICENCE TYPE: Schools (Ice Cream) Street Trading Consent – Birley Primary Academy**

I refer to the above and the application for variation 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 on Thursday 7<sup>th</sup> March 2019** 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 26<sup>th</sup> February 2019**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.**

## 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.**

**SHEFFIELD CITY COUNCIL****LOCAL GOVERNMENT MISCELLANEOUS PROVISIONS ACT 1982****Street Trading – Schools (Ice Cream) Street Trading Consent – Birley Primary Academy****IMPORTANT: NOTIFICATION OF A COMMITTEE MEETING**

To: Rt Hon Clive Betts MP

Sent via email: [REDACTED]

**LEGISLATION: Local Government (Miscellaneous Provisions) Act 1982****LICENCE TYPE: Schools (Ice Cream) Street Trading Consent – Birley Primary Academy**

I refer to the above and the application for variation 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 on Thursday 7<sup>th</sup> March 2019 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 26<sup>th</sup> February 2019**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.**



## 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.**

DS

# SHEFFIELD CITY COUNCIL

## LOCAL GOVERNMENT MISCELLANEOUS PROVISIONS ACT 1982

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

### IMPORTANT: NOTIFICATION OF A COMMITTEE MEETING

To: Ms AnneMarie Reid

Sent via email: [REDACTED]

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

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

I refer to the above and the application for variation 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 on Thursday 7<sup>th</sup> March 2019** 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 26<sup>th</sup> February 2019

**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.**



## 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