



## SHEFFIELD CITY COUNCIL Committee Report

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

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**Date:** 28<sup>th</sup> May 2019

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**Subject:** Street Trading  
Application for a Static Street Trading Consent

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**Author of Report:** Jayne Gough

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**Summary:** To consider an application for a Static Street Trading Consent for an Ice Cream Van on Rustlings Road

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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: 51/19**

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

**STREET TRADING – Andrew Cuneo & Inqlana Saqladi – Rustlings Road,  
near bottom of Peveril Road by entrance to Endcliffe Park.**

**1.0 PURPOSE OF REPORT**

- 1.1 To consider an application for the grant of a Static Street Trading consent to trade an Ice Cream Van at the top entrance of Endcliffe Park on Rustlings Road, near to the bottom of Peveril Road (as per map provided within application pack).

**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    - (c) all previous designations in relation to street trading will be rescinded as a result of the designation set out above.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 applicants are Andrew Cuneo and Inqlana Saqladi. A copy of the application is attached at Appendix 'A'.
- 3.2 The application was submitted on the 22<sup>nd</sup> March 2019.
- 3.3 The application is to sell Ice Cream from a traditional style Ice Cream Van as detailed within the application pack in Appendix 'A'.
- 3.4 The application was circulated, in the usual manner, to South Yorkshire Police, South Yorkshire Fire and Rescue, Highways and Planning. 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. No comments were received from any surrounding businesses.

### **4.0 REASONS FOR REFERRAL**

- 4.1 The application has been referred to the Licensing Sub - Committee for their consideration as the Licensing Authority has received a representation against the application from the following parties:-
- Local resident x 2 (1 representation rejected due to being out of time)
- A copy of the representation is attached at Appendix 'B'
- 4.2 The objection refers 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. (sections a-d)
  - Avoidance of Public Nuisance. (Section b)
  - Environmental credentials (section a)
  - Number of Street Trading Consents (section a)
- 4.3 Members should consider all the information provided by the applicant both in their written application and in person at the hearing.
- 4.4 The applicant and the objector have been invited to attend the Licensing Committee hearing. Copies of the invites are attached at Appendix 'C'.
- 4.5 A copy of the hearing procedure is attached at Appendix 'D'.

## **5.0 FINANCIAL IMPLICATIONS**

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

## **6.0 RECOMMENDATIONS**

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

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

- 7.1 To grant the application for a Static Street Trading Consent on Rustlings Road.
- 7.2 To grant the application with amendments.
- 7.3 To defer the matter for further consideration.
- 7.4 To refuse the grant of the Static Street Trading Consent.



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

28<sup>th</sup> May 2019

# Appendix A

Application and relevant documents

# Local Government (Miscellaneous Provisions) Act 1982

## Application for a STATIC Street Trading Consent

### Notes to Applicant

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

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

### 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	Ingiana Saqlach	Andrew Cuneos
Q2	Applicant(s) permanent private address	[REDACTED]	
Q3	Date of birth	[REDACTED]	
Q4	Nationality and place of birth	Sheffield UK	
Q5	National Insurance No.		
Q6	Do you have the legal right to work and live in the UK?	YES / NO Details:	YES / <del>NO</del> Details:
Q7	Have you ever been refused a street trading consent in this or any other area?	YES / <del>NO</del> Details:	YES / NO Details:
Q8	Telephone No	[REDACTED]	
Q9	Email address	[REDACTED]	

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

Q10	Name	Cuneo's Ice-Creams
Q11	Registered address	[REDACTED]
Q12	Registered number	<del>1234</del>
Q13	Telephone number	[REDACTED]
Q14	Email address	[REDACTED]
Q15	Please provide details of all Directors (names, addresses, dates of birth and details of any convictions). A separate sheet may be used.	

## C. THE UNIT / VEHICLE

Q16	Description of unit / vehicle to be used	Whitby Morrison Ice-cream Van,
Q17	Registration number (if applicable)	DE09 CNC.
Q18	Date of first registration (If applicable)	May 2009.
Q19	Last MOT and service (if applicable)	Feb 2019.
Q20	Size of vehicle	Height: <del>10ft</del> 10ft. Width: 6ft Length: 17ft.
Q21	Does the vehicle meet the qualitative criteria? Your vehicle will be inspected prior to granting a consent.	Yes

## D. TRADING DETAILS

Q22	Details of site to be occupied	Rustings Rd
Q23	Location of pitch: (include site plan to scale)	Page 11 plan

Q24	Is this private land?	NO.
Q25	If private, who owns the land and have you obtained consent from them to use the land to trade?	
Q26	Items to be sold	Ice-cream, lollies.
Q27	Specify days of trade	7 days a week
Q28	Specify times of trade (use 24 hours clock e.g. 10:00 to 16:00 hours)	11am - 7pm.
Q29	Highways comments attached?	✓
Q30	Planning comments attached?	✓

## E. CONVICTIONS / CAUTIONS

Q31	<p>Have any of the applicants ever been convicted of a criminal offence, whether in the United Kingdom or elsewhere?</p> <p>If the answer is Yes please give full details below:</p>	<p><b>Applicant 1</b> Yes [ ] <input checked="" type="radio"/> No [ ]</p> <p><b>Applicant 2</b> Yes [ ] <input checked="" type="radio"/> No [ ]</p>													
		<p><b>Details of previous convictions and/or cautions</b></p> <table border="1"> <thead> <tr> <th>Date of Conviction</th> <th>Court of Conviction</th> <th>Nature of Offence</th> <th>Sentence</th> </tr> </thead> <tbody> <tr> <td><b>Applicant 1</b></td> <td></td> <td></td> <td></td> </tr> <tr> <td><b>Applicant 2</b></td> <td></td> <td></td> <td></td> </tr> </tbody> </table>				Date of Conviction	Court of Conviction	Nature of Offence	Sentence	<b>Applicant 1</b>				<b>Applicant 2</b>	
Date of Conviction	Court of Conviction	Nature of Offence	Sentence												
<b>Applicant 1</b>															
<b>Applicant 2</b>															



## F. CHECK LIST

The following documents must be attached with this application:

(tick)

Appropriate fee (if short term) or non refundable fee of £100	
Your current passport	
Your current drivers licence	
One other proof of identity, showing your name and current address (recent utility bill, bank statement etc)	
Right to work documentation (if applicable)	
Two colour (recent and identical) passport size photographs signed and dated on the reverse as a true likeness.	
If trading from private land, written confirmation from the landowner	
Ordnance survey map of at least 1:1250 scale clearly identify the proposed trading position. An additional map to scale showing its proximity to other similar retail outlets within an 800 metre radius.	
Photographs of the vehicle / unit showing front, side and rear.	
Confirmation in writing that you have consulted with the Highways Department	
Confirmation in writing that you have consulted with the Planning Department	
Details of any food hygiene qualifications (unless trading in non food items)	
If trading in food, confirmation that the business has a food hygiene score rating of 3 or more.	
Confirmation that your vehicle meets the quality 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 consent:

(tick if enclosed with this application)

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



## G. DECLARATION

### WARNING

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

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

- 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: <u>Inglana Saqlani</u></p> <p>Date: <u>22-3-2019</u></p> <p>Capacity: .....</p>
4	<p><b>Applicant 2</b></p> <p>Signature: </p> <p>Print name: <u>ANDREW CURVED</u></p> <p>Date: <u>22-3-2019</u></p> <p>Capacity: .....</p>

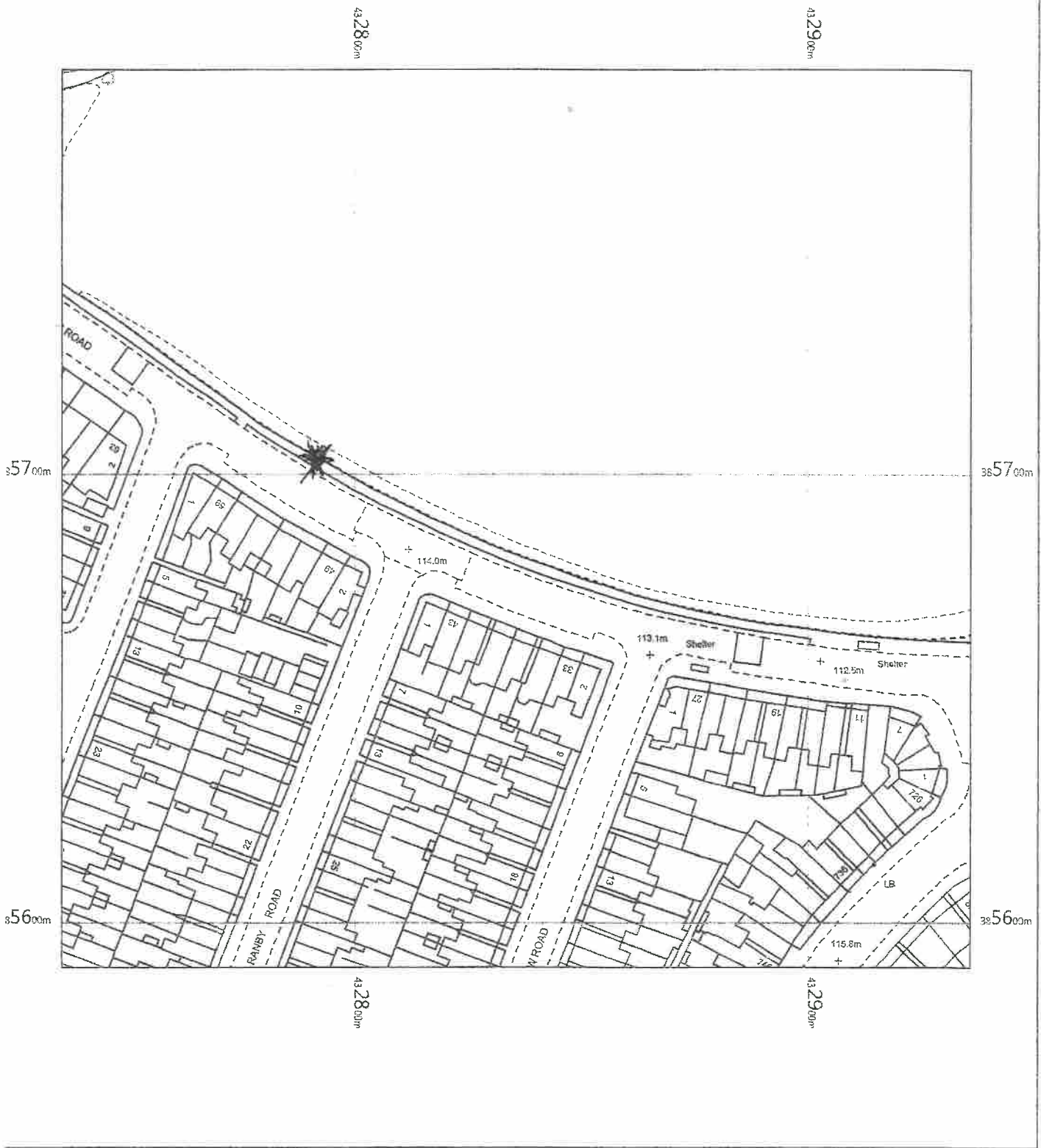
Please read these notes before completing the application form.

- 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.

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

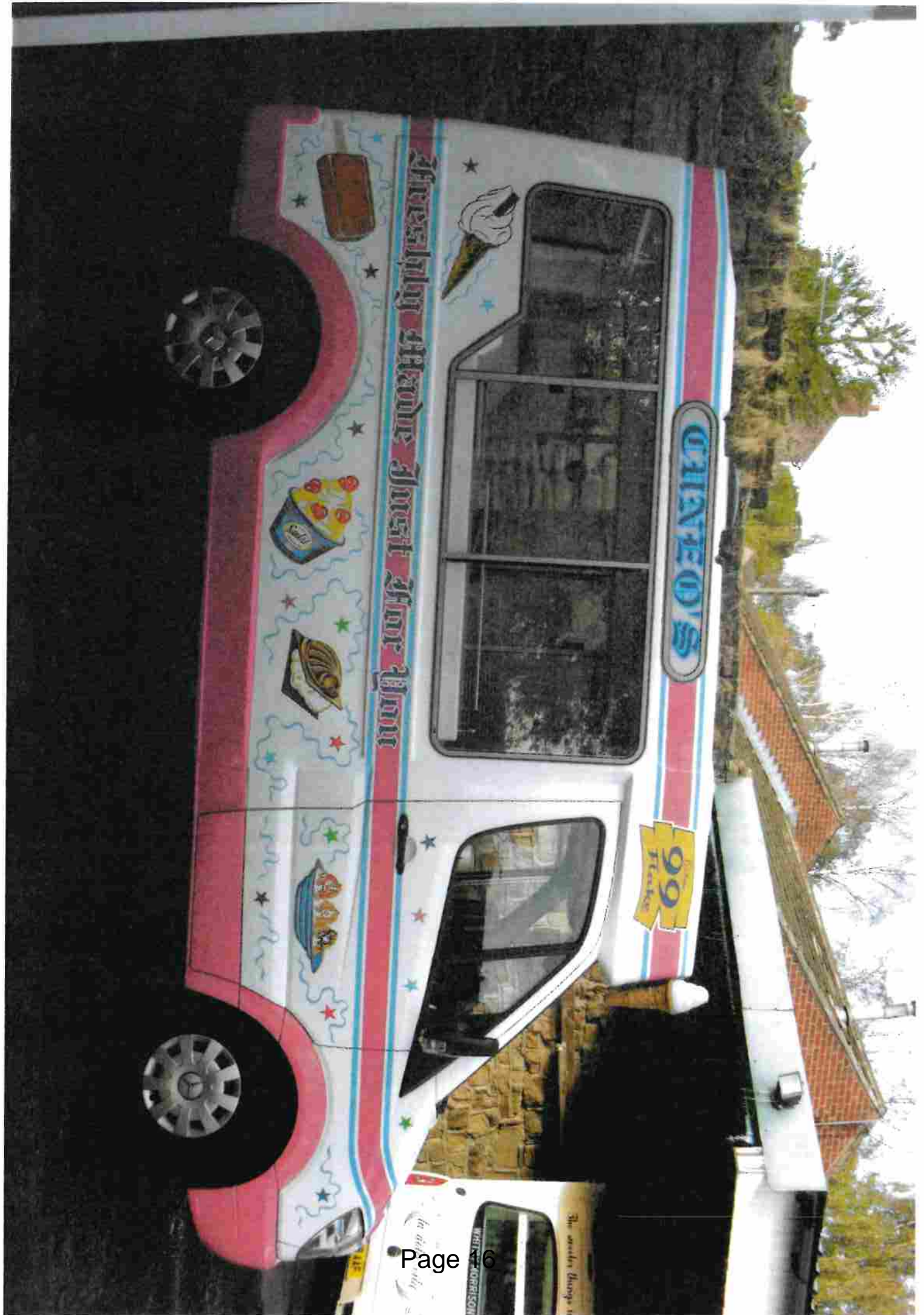


Hustlings Road/  
 Windcliffe Park  
 Sheffield

OS MasterMap 1250/2500/10000 scale  
 Tuesday, May 14, 2019, ID: BW1-00799623  
 www.blackwellmapping.co.uk  
 1:1250 scale print at A4, Centre: 432836 E, 385690 N  
 © Crown Copyright Ordnance Survey Licence no. 100041041



**BLACKWELL'S**  
 www.blackwellmapping.co.uk  
 TEL: 0114 268 7658  
 mans.sheffield@blackwell.co.uk



## Crawshaw Michael (CEX)

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**From:** saqladi uglona <[REDACTED]>  
**Sent:** 22 March 2019 14:01  
**To:** Crawshaw Michael (CEX); planningdc@sheffield.gov.uk; highways@sheffield.gov.uk  
**Subject:** street traders licence to sell ice cream on Rustlings rd

Andrew Cuneo and myself Inglana Saqladi have applied to the licensing services for a street traders licence to stand on Rustlings rd at the top end of endcliffe Park to sell Ice cream. We have looked on rustlings rd and there are no parking restrictions. . we welcome any comments you may have . Thank you  
Andrew Cuneo Inglana Saqladi

## **Crawshaw Michael (CEX)**

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**To:** Police Licensing; SYFRlicensing@syfire.gov.uk (SYFRlicensing@syfire.gov.uk);  
planningdc@sheffield.gov.uk; highways@sheffield.gov.uk  
**Subject:** FW: Street Trading Static Application  
**Attachments:** scanned-Crawshaw Michael (CEX)-20190326090918.pdf

Good Morning

We have received a Street Trading Static Application for Rustlings Road for Andrew Cuneo & Ingiana Saqladi

Last date for comment 23 April 2019

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)

## Crawshaw Michael (CEX)

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**From:** Turner Paul (DEL-H/Way Regs)  
**Sent:** 25 March 2019 08:58  
**To:** [REDACTED]  
**Cc:** Crawshaw Michael (CEX); [planningdc@sheffield.gov.uk](mailto:planningdc@sheffield.gov.uk); [highways@sheffield.gov.uk](mailto:highways@sheffield.gov.uk)  
**Subject:** FW: street traders licence to sell ice cream on Rustlings rd

Dear Andrew / Inglana,

Please accept this e-mail as confirmation that from a Highway view the Highway Authority would have no objection to your Ice Cream Street Trading proposal on Rustlings Road as indicated in your e-mail below provided that the vehicle does not:-

- i) contravene any Traffic Regulation Order (yellow lines) or other on-street parking restrictions
- ii) present an obstruction to any highway users
- iii) present safety or visibility issues at any location

I trust that this information is of use.

Regards

Paul Turner  
Highway Licences  
Strategic Transport and Infrastructure  
City Growth Department  
Sheffield City Council  
Room G36, Town Hall  
Sheffield  
S1 2HH

Tel 0114 2736137  
[paul.turner@sheffield.gov.uk](mailto:paul.turner@sheffield.gov.uk)  
[www.sheffield.gov.uk](http://www.sheffield.gov.uk)

**From:** saqladi uglona [[mailto:\[REDACTED\]](mailto:[REDACTED])]  
**Sent:** 22 March 2019 14:01  
**To:** Crawshaw Michael (CEX); [planningdc@sheffield.gov.uk](mailto:planningdc@sheffield.gov.uk); [highways@sheffield.gov.uk](mailto:highways@sheffield.gov.uk)  
**Subject:** street traders licence to sell ice cream on Rustlings rd

Andrew Cuneo and myself Inglana Saqladi have applied to the licensing services for a street traders licence to stand on Rustlings rd at the top end of endcliffe Park to sell Ice cream. We have looked on rustlings rd and there are no parking restrictions. . we welcome any comments you may have . Thank you Andrew Cuneo Inglana Saqladi



This certificate is presented to

**Inglana Saqladi**

who has successfully completed the training course and assessment in

**Food Safety and Hygiene Level 2 (Catering)**

This course is designed to meet the national occupational standards and covers:

- The Importance of Food Safety and Hygiene
- Impact of Food-Borne Illness
- Understanding Food Law
- Food Safety Hazards and Contamination
- Food Preservation, Storage and Temperature Control
- Personal Hygiene
- Hygienic Premises and Equipment
- Hazard Analysis and Critical Control Point System (HACCP)

**22 July 2009**

Date: \_\_\_\_\_

Certificate No: **25850**

Signed: *Roseanne Pearson*

Designation: Dr. R.J.Pearson  
Dialog Course Director



Authorisation Seal



To verify, telephone 01943 605976



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



INVESTOR IN PEOPLE







This certificate is presented to

**Andrew Cuneo**

who has successfully completed the training course and assessment in

**Food Safety and Hygiene Level 2 (Catering)**

This course is designed to meet the national occupational standards and covers:

- The Importance of Food Safety and Hygiene
- Impact of Food-Borne Illness
- Understanding Food Law
- Food Safety Hazards and Contamination
- Food Preservation, Storage and Temperature Control
- Personal Hygiene
- Hygienic Premises and Equipment
- Hazard Analysis and Critical Control Point System (HACCP)

**22 July 2009**

Date: \_\_\_\_\_

**25802**

Certificate No: \_\_\_\_\_

*Rosemarie Pearson*

Signed: \_\_\_\_\_

Dr. R.J.Pearson  
Dialog Course Director

Designation: \_\_\_\_\_



Authorisation Seal



To verify, telephone 01943 605976

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



INVESTOR IN PEOPLE



putting the  
Customer First



Name of business

JNEO ICE CREAM

Date of hygiene rating

23/3/15

Local authority name

SHEFFIELD CITY COUNCIL

# Appendix B

Resident Objection

**Sent:** 17 April 2019 18:51  
**To:** licensingservice  
**Subject:** Rustlings Road Ice Cream Van

Hello,

We were wondering where exactly the ice cream van would be? The map was a bit unclear.

We are concerned that young children would be queuing next to the busy road.

I was also concerned about the impact on air quality if it is the type of van which has to have it's engine running. The Ecclesall Road area has high levels of air pollution and I believe the council are running a campaign against engine idling. Do you know if it has to have it's engine running?

I have two young children who love ice cream. We quite regularly use both the cafe and the current ice cream van which is in the park already so I don't think there is need for another one.

Yours sincerely,

Liz Roche

# Appendix C

Hearing invitations

# SHEFFIELD CITY COUNCIL

## LOCAL GOVERNMENT MISCELLANEOUS PROVISIONS ACT 1982

### Street Trading – Static Street Trading Application – Rustlings Road entrance to Endcliffe Park, near to bottom of Peveril Road.

#### IMPORTANT: NOTIFICATION OF A COMMITTEE HEARING

To: Andrew Cuneo & Inglanga Saqladi

Sent via email: [REDACTED]

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

**LICENCE TYPE:** Static Street Trading Consent – Rustlings Road entrance to Endcliffe Park, near to bottom of Peveril Road.

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, interested parties and objectors to attend the hearing.**

The hearing in respect of the application will take place on **Tuesday 28<sup>th</sup> May 2019** in a Committee Room of the Town Hall, Sheffield, S1 2HH (Pinstone Street entrance) and you are invited to attend at **10:00am**.

#### PLEASE NOTE:

I would be grateful if you could confirm that you will be attending the hearing by telephoning the Licensing Office on 0114 2734264 or emailing [licensing@sheffield.gov.uk](mailto:licensing@sheffield.gov.uk)



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

Date: 10<sup>th</sup> May 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.

# SHEFFIELD CITY COUNCIL

## LOCAL GOVERNMENT MISCELLANEOUS PROVISIONS ACT 1982

### Street Trading – Static Street Trading Application – Rustlings Road entrance to Endcliffe Park, near to bottom of Peveril Road.

#### IMPORTANT: NOTIFICATION OF A COMMITTEE HEARING

To: Ms Liz Roche

Sent via email: [REDACTED]

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

**LICENCE TYPE:** Static Street Trading Consent – Rustlings Road entrance to Endcliffe Park, near to bottom of Peveril Road.

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

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

Date: 10<sup>th</sup> May 2019

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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 procedures



## 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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