



SHEFFIELD CITY COUNCIL Committee Report

Report of: Chief Licensing Officer, Head of Licensing

Date: 14th October 2019 – 10am

Subject: Street Trading
Revocation of a Static Street Trading Consent:
Angela Heath and Maria Vilela

Author of Report: Jayne Gough

Summary: To consider revoking a Static Street Trading Consent outside the Botanical Gardens on Clarkehouse Road following the implementation of a new Traffic Regulation Order at the current consent site.

Background Papers: As attached
[Street Trading Policy](#)

Category of Report: OPEN

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

REF No: 97/19

LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982

**STREET TRADING – Angela Heath & Maria Vilela – Static Street Trading
Consent Number: ST/ST0240;
Consent site: Botanical Gardens, Clarkehouse Road**

1.0 PURPOSE OF REPORT

- 1.1 To consider revoking a Static Street Trading consent outside Botanical Gardens on Clarkehouse Road, following the implementation of a new Traffic Regulation Order by the Traffic Regulation Department at the consent site.

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 29th 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 1st 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 - (c) all previous designations in relation to street trading will be rescinded as a result of the designation set out above.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 1st 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 BACKGROUND

- 3.1 The consent holders Mrs Heath and Mrs Vilela hold a Static Street Trading Consent to operate an Ice Cream van directly outside the Botanical Gardens gates on Clarkehouse Road. A copy of this consent can be found at Appendix 'A'.
- 3.2 The Licensing Service has been made aware of the introduction of a new Traffic Regulation Order (TRO) at the consent site (outside Botanical Gardens on Clarkehouse Road) by Sheffield City Council's Traffic Regulation Department.
- 3.3 The TRO came in to force on the 9th May 2019 with the following restrictions – "*No Waiting at Any Time*" - a Bus Stand has also been placed at the consent site (which does not require an Order). The 'Bus Stand' signage was not erected at the time to make this restriction to not park enforceable. Mrs Heath and Mrs Vilela have therefore continued to trade up until recent weeks.
- 3.4 As of the week commencing 9th September 2019, the Licensing Service has been advised from Parking Services that the signs and lines are now in accordance with the 'Traffic Signs Regulations and General Directions 2002' instrument and will therefore be enforcing the parking restrictions in place. Details of the TRO can be found at Appendix 'B'.
- 3.5 Mrs Heath and Mrs Vilela have already received a Penalty Charge Notice for being in their trading position which contravenes the TRO, and it has been confirmed by the head of Parking Services that the parking restrictions are now being actively enforced, putting the traders at risk of further fines if they continue to trade there.
- 3.6 The Licensing Service has received further notification from the Traffic Regulations Department that a second, revised TRO is to be in force as of 7th October 2019, which stipulates "*No waiting At Any Time - Midnight to 2.30pm and 4pm to Midnight (to allow active loading/unloading for businesses in the Botanical Gardens and disabled drivers with timed blue badges to use – as these are exempt from the restriction) and the Bus Stand will operate 2.30pm-4pm*". These restrictions therefore stipulate that there would not be any time throughout the day which would allow legal parking at this site for the traders. Details of this TRO can also be found at Appendix 'B'.

4.0 REASONS FOR REFFERAL

- 4.1 Sheffield City Council's Standard Street Trading condition 43 states:

"The consent holder shall at all times obey all road traffic regulations in force in the consent area".

- 4.2 The Licensing Authority has no power to override a Traffic Regulation Order.
- 4.3 The new TRO which has been implemented at this site forbids any stopping or loading at any time, therefore making this consent site unviable to continue trading against the traffic regulations and public safety. A full copy of the Standard Street Trading Conditions can be found at Appendix 'C'.
- 4.4 The Licensing Service have met with the consent holders to assist in finding a possible alternative location, both Mrs Heath and Mrs Vilela feel there is no other viable location and have requested their consent to be referred to the Licensing Committee.
- 4.5 Under the Street Trading legislation, there is no process to review a street trading consent; Mrs Heath and Mrs Vilela do not wish to find an alternative location which leaves the Council to look at revoking the current consent in line with our policy, conditions and public safety issues following the introduction of the TRO. Members are to refer to section 2.8 of the street trading policy which refers to factors which should be considered when revoking a consent.
- 4.6 Members should also note, revocation of a consent can only be determined by the Licensing Sub-Committee, please see Appendix 8 of the street trading policy.
- 4.7 Members should consider all the information provided by the applicant in person at the hearing, as well as all details provided within this report.
- 4.8 Mrs Heath and Mrs Vilela have been invited to attend the Licensing Committee hearing. Copies of the invites are attached at Appendix 'D'.
- 4.9 A copy of the hearing procedure is also 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.
- 5.3 Where a consent is surrendered or revoked, the council shall remit or refund, as they consider appropriate, the whole or a part of any fee paid for the grant or renewal of the consent.

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 defer the matter for further consideration.
- 7.2 To revoke the Static Street Trading Consent.



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

Date: 14th October 2019

Appendix A

Current Static Street Trading Consent

STREET TRADING CONSENT - STATIC

ST/ST0240

LOCAL AUTHORITY



Licensing Service
Place Portfolio
Block C Staniforth Road Depot
Staniforth Road
Sheffield
S9 3HD
Tel: 0114 2734264
Email: licensing@sheffield.gov.uk
Website: www.sheffield.gov.uk/licensing

NAME OF HOLDER OF STREET TRADING CONSENT

Angela HEATH
Maria VILELA

CONSENT AREAS

Botanical Gardens, Clarkehouse Road,

CONSENT DETAILS

Goods Sold Ice Cream and Confectionary
Vehicle Registration DK 15 TXZ

PERMITTED HOURS

	Open From	Open To
Monday	11:00	17:00
Tuesday	11:00	17:00
Wednesday	11:00	17:00
Thursday	11:00	17:00
Friday	11:00	17:00
Saturday	11:00	17:00
Sunday	11:00	17:00

CONSENT DETAILS

ISSUED : 10 Dec 2018 **EXPIRY :** 30 Nov 2019

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



**STREET TRADING
CONSENT - STATIC**

ST/ST0240

LOCAL AUTHORITY



**Licensing Service
Place Portfolio**
Block C Staniforth Road Depot
Staniforth Road
Sheffield
S9 3HD
Tel: 0114 2734264
Email: licensing@sheffield.gov.uk
Website: www.sheffield.gov.uk/licensing

A handwritten signature in black ink that reads "Stephen Lonnia".

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



Appendix 'B'

Traffic Regulation Order – 9th May 2019
Traffic Regulation Order – 7th October 2019

THE SHEFFIELD CITY COUNCIL
(CONSOLIDATION) (ON-STREET PARKING AND PROHIBITION OF WAITING)
(OUTER AREA) ORDER 2008
(AMENDMENT NO. 126) ORDER 2019

The Sheffield City Council in exercise of its powers under Sections 1, 2(1) to (3), 4(2), 32(1), 35(1), 45, 46, 46A, 49, 51, 53 and 124(1)(c), (d) and (f) of the Road Traffic Regulation Act 1984 (c.27) ("the Act") and of all other enabling powers, and after consulting the Chief Officer of Police in accordance with Part 111 of Schedule 9 to the Act, hereby make the following Order:-

1. The Sheffield City Council (Consolidation) (On-Street Parking and Prohibition of Waiting) (Outer Area) Order 2008 (as amended) shall have effect as though:-
 - a) In Schedule 1.01C thereto for the item '877 Stevenson Road (i)' there was substituted the following item:-

877. Stevenson Road	The west side:
	(i) Between the north western kerb line of Attercliffe Road and a point 43 metres north of that kerb line.
 - b) In Schedule 1.01I for item '1665 Glossop Road the north & north west side (i)' there was substituted the following item:-

1665. Glossop Road	The north & north west side:
	(i) From a point 37 metres west of its junction with the western kerb line of Gell Street to a point 10 metres west of its junction with the western kerb line of Leavy Greave.
 - c) In Schedule 1.01C thereto the items '276 Clarkehouse Road – the south east side (i) (ii) and the north west side (i) (ii) (iii) (iv) (v)' and '430 Glossop Road - the south east side (i)' were deleted.
 - d) In Schedule 1.01I thereto the item '1665 Glossop Road - the north side (i)' was deleted.
 - e) In Schedule 2.01A thereto the item '33 Clarkehouse Road - both sides (i)' was deleted.
 - f) In Schedule 2.23 thereto the item '12 Glossop Road - the north west side (i)' was deleted.
 - g) In Schedule 22.01 thereto the item '25 Clarkehouse Road the north west side (i) and the south east side (i) (ii)' was deleted.

h) In Schedule 1.01C thereto were included the following items:-

276. Clarkehouse Road

Both sides:

- (i) The whole length.

492A. Hecla Drive

Both sides:

- (i) From its junction with Stevenson Road to its eastern termination.

877. Stevenson Road

Both sides:

- (i) From a point 60 metres south of the intersection of the southern kerb line of Five Weirs Walk with its western kerbline to a point 65 metres north of the intersection of the northern kerb line of Five Weirs Walk with its western kerb line.

i) In Schedule 1.01I thereto there was included the following item:-

1665. Glossop Road

The north and north west side:

- (ii) From a point 89 metres south west of its junction with the south western kerb line of Newbould Lane to its junction with the south western kerb line of Durham Road.

j) In Schedule 22.01 thereto there was included the following item:-

25. Clarkehouse Road

Both sides:

- (i) The whole length.

2. This Order shall come into operation on the 9th day of May, 2019 and may be cited as The Sheffield City Council (Consolidation) (On-Street Parking and Prohibition of Waiting) (Outer Area) Order 2008 (Amendment No. 126) Order 2019.

GIVEN under the Common Seal of the Sheffield City Council this 2nd day of May, 2019.

EXECUTED as a DEED)
by The Sheffield City Council)
whose Common Seal)
was hereunto affixed in the)
presence of:-)

THE SHEFFIELD CITY COUNCIL
(CONSOLIDATION) (ON-STREET PARKING AND PROHIBITION OF WAITING)
(OUTER AREA) ORDER 2008
(AMENDMENT NO. 126) ORDER 2019

NOTICE IS HEREBY GIVEN that on the 2nd day of May, 2019 the Sheffield City Council made the above Order which comes into operation on the 9th day of May, 2019 under the provisions of the Road Traffic Regulation Act 1984.

The effect of the Order will be to introduce:

- Prohibition of Waiting At Any Time on Clarkehouse Road and part of Glossop Road, Hecla Drive and Stevenson Road;
- Restriction of Waiting and Loading, Mondays to Fridays 7.30 a.m. to 9.30 a.m. & 4.00 p.m. to 6.30 p.m. on part of Clarkehouse Road;

And remove:

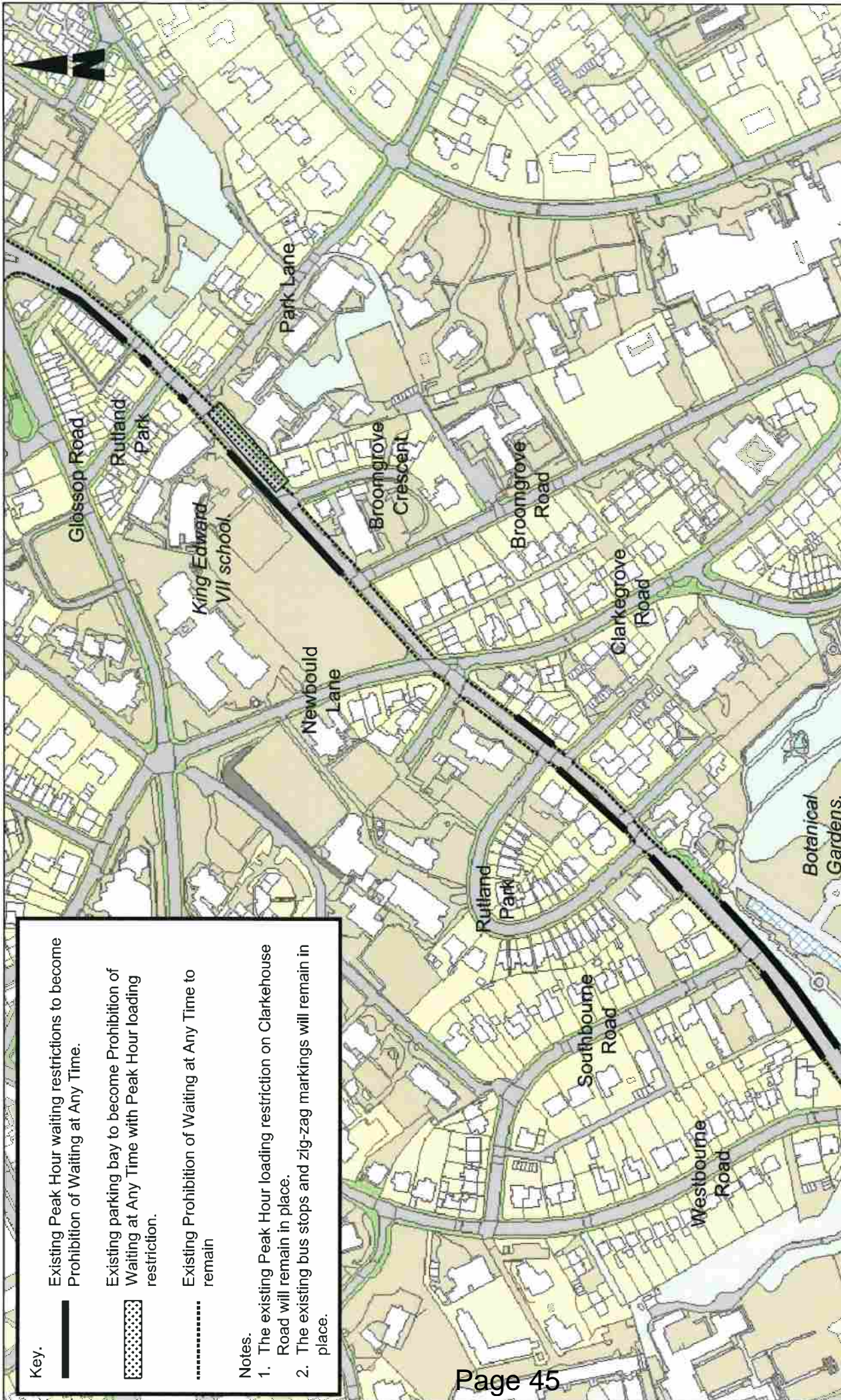
- Restriction of Waiting Mondays to Saturdays 8.00 a.m. to 6.30 p.m. on parts of Clarkehouse Road; and
- Restriction of Waiting Mondays to Saturdays 7.30 a.m. to 6.30 p.m. on part of Glossop Road.

A copy of the Order may be examined during normal opening hours at First Point Reception, Howden House, 1 Union Street, Sheffield, S1 2SH.




Any person who wishes to question the validity of the Order or any of its provisions on the grounds that it is not within the powers of the enabling Act or that a requirement of the enabling Act or any of the relevant regulations made thereunder has not been complied with may, within six weeks of the 2nd May, 2019 make application for that purpose to the High Court.

Dated this 2nd day of May, 2019

Tom Finnegan-Smith, Head of Strategic Transport & Infrastructure
Howden House, 1 Union Street, SHEFFIELD, S1 2SH



Key.

-  Existing Peak Hour waiting restrictions to become Prohibition of Waiting at Any Time.
-  Existing parking bay to become Prohibition of Waiting at Any Time with Peak Hour loading restriction.
-  Existing Prohibition of Waiting at Any Time to remain

Notes.

1. The existing Peak Hour loading restriction on Clarkehouse Road will remain in place.
2. The existing bus stops and zig-zag markings will remain in place.

STRATEGIC TRANSPORT & INFRASTRUCTURE - DESIGN AND ASSURANCE 5th FLOOR, HORNBY HOUSE 100, WESTBOURNE ROAD, SHEFFIELD, S1 2SH Tel: 0114 2762000 Email: Schemes.Design@Sheffield.gov.uk Tom Flanagan-Smith - Head of Service	Client: SHEFFIELD CITY COUNCIL	Drawing No. 1963-DA-TRO-01
	Scheme: Clarkehouse Road, Parking review.	DRAWN BY: ML 02/18
Drawing Title: Proposed Traffic Regulation Order	CHECKED: CG 02/18	Scale: NTS
		Date: 02/18
		A3

THE SHEFFIELD CITY COUNCIL
(CONSOLIDATION) (ON-STREET PARKING AND PROHIBITION OF WAITING)
(OUTER AREA) ORDER 2008
(AMENDMENT NO.) ORDER 2018

STATEMENT OF REASONS

Additional waiting restrictions are being proposed for parts of Clarkehouse Road. They are intended to improve the route for cyclists as part of a package of cycle related measures being introduced in the Broomhall area.

The proposed items on Glossop Road are required to formalise current waiting restrictions and will not result in any changes on street.

TR/21/0

Traffic Regulation Order

THE SHEFFIELD CITY COUNCIL
(CONSOLIDATION) (ON-STREET PARKING AND PROHIBITION OF WAITING)
(OUTER AREA) ORDER 2008
(AMENDMENT NO.) ORDER 2018

NOTICE IS HEREBY GIVEN that the Sheffield City Council proposes to make an Order under the provisions of Sections 1, 2(1) to (3), 4(2), 32(1), 35(1), 45, 46, 46A, 49, 51, 53 and 124(1)(c), (d) (f) and Schedule 9 of the Road Traffic Regulation Act 1984.

The effect of the Order will be to introduce:

- Prohibition of Waiting At Any Time on Clarkehouse Road and part of Glossop Road;
- Restriction of Waiting and Loading, Mondays to Fridays 7.30 a.m. to 9.30 a.m. & 4.00 p.m. to 6.30 p.m. on part of Clarkehouse Road;

And remove:

- Restriction of Waiting Mondays to Saturdays 8.00 a.m. to 6.30 p.m. on parts of Clarkehouse Road; and
- Restriction of Waiting Mondays to Saturdays 7.30 a.m. to 6.30 p.m. on part of Glossop Road.

A copy of the proposed Order, a plan showing the roads concerned and a statement of the Council's reasons for proposing to make the Order may be examined during normal opening hours at First Point Reception, Howden House, 1 Union Street, Sheffield, S1 2SH.

If you wish to object to the proposed Order you should send the grounds for your objection in writing to the undersigned by 29th March, 2018.

Dated this 8th day of March, 2018

Tom Finnegan-Smith, Head of Strategic Transport & Infrastructure
Howden House, 1 Union Street, SHEFFIELD, S1 2SH



THE SHEFFIELD CITY COUNCIL
(CONSOLIDATION) (ON-STREET PARKING AND PROHIBITION OF WAITING)
(OUTER AREA) ORDER 2008
(AMENDMENT NO. 131) ORDER 2019

NOTICE IS HEREBY GIVEN that on the 3rd day of October, 2019 the Sheffield City Council made the above Order which comes into operation on the 7th day of October, 2019 under the provisions of the Road Traffic Regulation Act 1984.

The effect of the Orders will be to introduce:

- Prohibition of Waiting At Any time on parts of Beaver Hill Road, Church Lane (Dore), Clarkehouse Road, Cowlshaw Road, Endcliffe Vale Road, Handsworth Grange Road, Oakholme Road, Sanderson Street and Vicarage Lane;
- Restriction of waiting Mondays to Fridays 8.00am to 6.30pm on part of Upper Gate Road;
- Restriction of waiting Mondays to Saturdays Midnight to 2.30pm and 4.00pm to Midnight on part of Clarkehouse Road;
- Restriction of loading Mondays to Fridays 7.30am to 9.30am and 4.00pm to 6.30pm on part of Furnival Road;
- No loading at any time on parts of Church Lane (Dore) and Vicarage Lane;
- No Stopping At Any Time on parts of Beaver Hill Road, Handsworth Grange Road, Herries Place, Upper Gate Road and Vicarage Lane;

And remove:

- Prohibition of Waiting At Any time on parts of Beaver Hill Road, Clarkehouse Road, Hawksley Avenue;
- Permit holders only parking bay on parts of Cowlshaw Road and School Road; and
- No Stopping At Any Time on parts of Beaver Hill Road.

A copy of the Order may be examined during normal opening hours at First Point Reception, Howden House, 1 Union Street, Sheffield, S1 2SH.

Any person who wishes to question the validity of the Order or any of its provisions on the grounds that it is not within the powers of the enabling Act or that a requirement of the enabling Act or any of the relevant regulations made thereunder has not been complied with may, within six weeks of the 3rd October, 2019 make application for that purpose to the High Court.

Dated this 3rd day of October, 2019

Tom Finnegan-Smith, Head of Strategic Transport, Sustainability and Infrastructure
City Growth Department, Howden House, 1 Union Street, SHEFFIELD, S1 2SH

THE SHEFFIELD CITY COUNCIL
(CONSOLIDATION) (ON-STREET PARKING AND PROHIBITION OF WAITING)
(OUTER AREA) ORDER 2008 (AMENDMENT NO.) ORDER 2019

THE SHEFFIELD CITY COUNCIL
(CONSOLIDATION) (ON-STREET PARKING AND PROHIBITION OF WAITING)
(CITY CENTRE CONTROLLED PARKING ZONE) ORDER 2008
(AMENDMENT NO.) ORDER 2019

STATEMENT OF REASONS

School Keep Clear Review – Various Schools

The proposed waiting restrictions and no stopping restrictions are required to control parking and enable enforcement at various schools.

SD/LT073/SKC/SIS/PO1 Stannington Infants School
SD/LT073/SKC/PA/PO1 Pathways Academy
SD/LT073/SKC/HGS/PO1 Handsworth Grange School
SD/LT073/SKC/DP/PO1 Dore Primary
SD/LT073/SKC/FPA/PO1 Firth Park Academy
SD/LT073/SKC/BS/PO1 Birkdale School

Clarkehouse Road

The proposed changes to the waiting restrictions are to facilitate loading for businesses within the Botanical Gardens and to provide potential parking for Blue Badge Holder's close to the Botanical Gardens entrance.
1963-DA-TRO-02

Furnival Road

The proposed amendments formalise the current arrangements on street. (No Plan)

Hollis Croft and Garden Street

The proposed changes to the waiting restrictions are required to facilitate a new residential development.
TR-20-01-HC
TR-20-01-GS

Union Street and Union Lane

The proposed amendments formalise the current arrangement on street. (No plan)

Sanderson Street

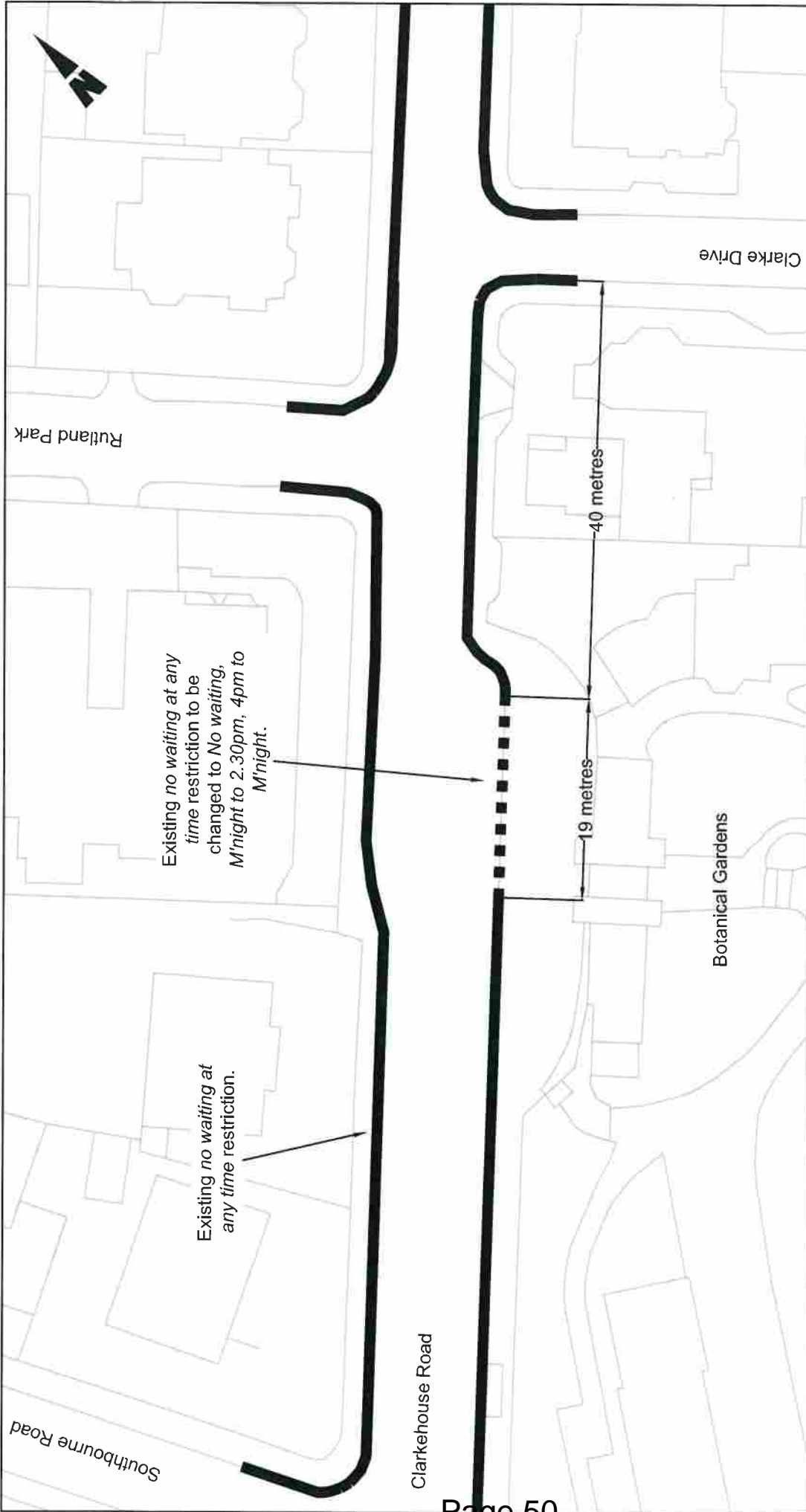
The proposed no waiting at any time restriction is required to facilitate the movement of traffic for all road users as an additional part of the wider parking scheme currently being undertaken in this area.
TR/20/08/AR

Cowlshaw Road and School Road

The proposed restrictions formalise the current arrangements on street since new driveways have been constructed. (No plan)

Hawksley Avenue

The proposed amendments formalise the current arrangement on street. (No plan)



STRATEGIC TRANSPORT & INFRASTRUCTURE - DESIGN AND ASSURANCE 5th FLOOR, HOWDEN HOUSE 1, UNION STREET, SHEFFIELD, S1 2SH E-mail: Scheme.Design@Sheffield.gov.uk Tom Finnegan-Smith - Head of Service	Do not scale from this drawing © Crown copyright and database rights 2019 OS 100018816. Use of this data is subject to these terms and conditions. 1. You are granted a non-exclusive, royalty free revocable licence solely to view the licensed data for non-commercial purposes for the period during which Sheffield City Council makes it available; 2. You are not permitted to copy, sub-license, distribute, sell or otherwise make available the Licensed Data to third parties in any form; and 3. Third party rights to enforce the terms of this licence shall be reserved to OS.		Client SHEFFIELD CITY COUNCIL	Drawing No. 1963-DA-TRO-02	
	AUTHOR ML May 19	CHECKED CG May 19	Scheme Clarkehouse Road Parking Review	Scale 1:500	Drawing Title TRO amendment to accommodate change to Bus Stand hours of operation
A Service Area of Place Sheffield City Council		Drawing Title TRO amendment to accommodate change to Bus Stand hours of operation		Date May 19	

Appendix C

Static Street Trading Conditions

SHEFFIELD CITY COUNCIL

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.
12. 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.

13. 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.
14. 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.)
15. Consent holders shall ensure that disabled people and wheelchair users can be adequately served.

CONDUCT

16. 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.
17. Consent holders will not obstruct Authorised Officers of the Council or Police Officers at any time and will always be polite and courteous.

AREA

18. Any consent issued by the Licensing Service does not permit the holder to trade within "The City Centre Boundary" unless specifically stated.
19. 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.
20. 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

21. The consent holder will only employ persons that are suitably qualified in food hygiene to assist him (unless trading in non food articles / goods).
22. The consent holder shall not permit any person under the age of 17 to engage in Street Trading.
23. 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).
24. 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.

25. 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.
26. 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.

FOOD HYGIENE

27. 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.
28. 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.

29. 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.
30. 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.
31. Food traders must meet a minimum of 3 in their food hygiene rating score.
32. The applicant must display their food hygiene rating score visibly to customers.

LEGAL PROVISIONS

33. 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

34. 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.
35. 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.
36. 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 or contact Environmental Protection on 0114 2037411 for more information on Trade Waste Disposal.

37. No freestanding advertisements such as 'A' boards or signs attached to street furniture will be permitted.
38. The consent holder shall comply with any reasonable request and / or instruction given to him / her by a Police Officer or duly Authorised Officer of the Council.
39. 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.
40. The consent holder shall not obstruct the highway / footpath in which the site is situated or cause danger to persons using the highway / footpath.
41. The consent holder shall not cause nuisance or annoyance whether to persons using the street or otherwise.
42. 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.
43. The consent holder shall at all times obey all road traffic regulations in force in the consent area.
44. 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.

I confirm I have read and understood the conditions attached to my consent and will undertake to comply with all conditions:

Signed:.....

Print name:.....Dated:.....

Appendix D

Hearing Notices and Hearing Procedures

SHEFFIELD CITY COUNCIL

LOCAL GOVERNMENT MISCELLANEOUS PROVISIONS ACT 1982

Street Trading –Static Street Trading Consent Review – Clarkehouse Road, outside Botanical Gardens

IMPORTANT: NOTIFICATION OF A COMMITTEE MEETING

To: Mrs Angela Heath & Mrs Maria Vilela



LEGISLATION: Local Government (Miscellaneous Provisions) Act 1982

LICENCE TYPE: Street Trading Consent Review – Clarkehouse Road, outside Botanical Gardens

I refer to the above and the review of your static street trading consent.

This matter has been referred to the Licensing Committee of Sheffield City Council for determination. Full details are provided in the report enclosed and to the Committee. The Licensing Committee has the authority to decide what action to take in relation to each application.

The Committee has indicated that it expects applicants and interested parties and objectors to attend the meeting.

The meeting in respect of the application will take place on **Monday 14th October 2019** in a Committee Room of the Town Hall, Sheffield, S1 2HH (Pinstone Street entrance) and you are invited to attend at **10am**.

PLEASE NOTE: This hearing will involve the review of both yours and Mr Cuneo's consent at the same time, given that you are both in the same position as traders in this location.

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

Handwritten signature of Steve Lonnia in black ink.

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Steve Lonnia
Chief Licensing Officer
Head of Licensing

Date: 30th September 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.

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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