



SHEFFIELD CITY COUNCIL Committee Report

Report of: Chief Licensing Officer, Head of Licensing

Date: 17th December 2019 – 10am

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

Author of Report: Jayne Gough

Summary: To consider renewal of 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 and subsequent objection.

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: 119/19

LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982

**STREET TRADING – Angela Heath & Maria Vilela – Static Street Trading
Consent Renewal: ST/ST0240;**

Consent site: Botanical Gardens, Clarkehouse Road

1.0 PURPOSE OF REPORT

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

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 its 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 - (c) all previous designations in relation to street trading will be rescinded as a result of the designation set out above.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, and have done so for a number of years. This consent expires on the 30th of November each year. Mrs Heath and Mrs Vilela have submitted their renewal application for this site, a copy of which can be found at Appendix 'A'.
- 3.2 Earlier this year, the Licensing Service was 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 In support of this new TRO, Parking Services confirmed that they would actively enforce the parking restrictions at this location, which led to the traders receiving a Penalty Charge Notice.
- 3.4 A Licensing Sub-Committee hearing was held on the 14th October 2019 to review this consent site and consider the revocation of the consent as it contravened the Street Trading Condition which states:

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

A copy of this hearing report detailing the TRO information can be found at Appendix 'B'

- 3.5 The outcome of this hearing was to defer the decision until a meeting could be held between the Traders and the necessary Council departments to see if there was any method of compromise or remedy, with revocation being the last resort given the extended number of years that the traders had been located at the site, and the Council's vision to support and facilitate local business to trade within the city.
- 3.6 Several meetings have been held between the relevant Council departments and the Traders, and it has been recommended by the Head of Strategic Transport, Sustainability and Infrastructure that the site is not viable as a trading site. The evidence to support this recommendation has been collated by the Head of Strategic Transport and a Road Safety Auditor, and can be found at Appendix 'C'.

4.0 REASONS FOR REFFERAL

- 4.1 The Licensing Authority has no power to override a TRO, and the TRO which is in place at this site forbids any stopping or loading at any time.

- 4.2 PLEASE NOTE: The Street Traders have submitted a Judicial Review of the implementation of the TRO process in October 2019 which has not yet been determined. It is required to be noted, that if the TRO is overturned and the Bus Stand is removed at this site, the restrictions which were in place prior to the TRO coming in to force will be applicable, which were double yellow lines that do not allow stopping at any time.
- 4.3 The applicants and representatives from Strategic Transport, Sustainability and Infrastructure and Parking Services have been invited to attend the Licensing Sub-Committee hearing. Copies of the hearing notices and hearing procedure are 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 carefully consider all the relevant information available, any representations submitted and the Sheffield City Council Street Trading policy.

7.0 OPTIONS OPEN TO THE COMMITTEE

- 7.1 To defer the matter for further consideration.
- 7.2 To refuse to renew the Street Trading Consent.
- 7.3 To grant the renewal of the Street Trading Consent



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

Date: 17th December 2019

Appendix A

Static Street Trading Renewal Application

Health

AI

LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982



STREET TRADING CONSENTS

STATIC STREET TRADING RENEWAL

Botanical Gardens

APPLICATION FORM AND GUIDANCE

ST/ST0240

Licensing Service
Place Portfolio
Business Strategy and Regulation
Block C, Staniforth Road Depot
Staniforth Road
Sheffield
S9 3HD

Telephone Number: 0114 2734264

Or visit our website: www.sheffield.gov.uk/licensing
Or email us at: licensing@sheffield.gov.uk

Opening Times

Monday to Friday 10:00 to 16:00

GUIDANCE FOR A STATIC STREET TRADING APPLICATION NOTES FOR APPLICANTS

The purpose of the Street Trading process is to allow the selling or exposing or offering for sale of any article (including a living thing) in a street, under the Local Government (Miscellaneous Provisions Act 1982

The Council passed a resolution under Schedule 4 of the above Act designating all streets (which includes roads, footway, forecourts, or other areas to which the public have access) within the Sheffield City Boundary as consent streets.

This designation took effect from the 1st April 2002. The effect of the above resolution is that from the aforementioned date, it is an offence to engage in street trading in any street or other place identified in the above resolution without being authorised to do so by consent from the City Council.

If you wish to street trade in Sheffield, you must apply to the Licensing Authority. Please ensure you fully read our Street Trading Policy before making an application to us. This can be viewed at www.sheffield.gov.uk/licensing.

Any street trading consent granted under the Local Government (Miscellaneous Provisions) Act 1982 will generally remain in force for one year or for such shorter period as the licensing authority thinks fit.

Static street trading is trading in one site for **more** than 20 minutes. If a trader wishes to move around in various parts of the city for a period of less than 20 minutes at each site they are required to apply for the relevant mobile street trading consent.

Static street trading is where a pitch is identified and a Consent holder trades only from that pitch within the terms of the Consent issued.

These pitches are usually very specific and traders are given consent based on the **detailed** plan submitted on application.

It would be up to the trader to locate a pitch and make an appropriate application with the Authority.

Applicants **must contact the Highways and Planning services** prior to submitting your application to discuss any issues they may have and whether any other permissions are required.

It is not possible for traders to move pitch, even just a short distance, without the prior consent of the Licensing Service.

All static street trading consents expire on the 30th November.

1. Eligibility Criteria

An applicant:

- Must be at least 17 years old

2. Fee

The Quarterley or Annual Fee to be paid on application
(The Licensing Service no longer accepts cash or cheque payments)

3. Application

All questions on the application form must be answered unless otherwise stated. If relevant questions are not answered, the application will be deemed incomplete and returned to the applicant. Application forms are available from www.sheffield.gov.uk/licensing

To apply for the grant of a Static Street Trading Consent an applicant must produce to the Council:-

- a) The remaining quarterly fee or full annual fee.
- b) A certificate of insurance in respect of the vehicle or tow vehicle you propose to use.
- c) An appropriate vehicle test certificate.
- d) A certificate of public liability insurance (the level of cover shall be a minimum of £2,000,000).
- e) Written confirmation that the vehicle meets the Council's food safety standards.
- f) Waste management contract.
- g) Declare that you have registered as a food business.

4. Traffic Regulation Orders

You will need to be aware of any parking restrictions (yellow lines) and other traffic restrictions on the highway when deciding where to site your vehicle.

If you think there is a traffic regulation order that might affect your consent, you must contact the traffic regulations section on (0114) 273 6178 or email Traffic_Regs@sheffield.gov.uk before you submit your application.

6. Objections

Any person objecting to an application for a consent shall give notice of their objection in writing not later than 28 days after the date of the application.

In any cases where an objection is received the application will be referred to Members of the Licensing Committee for their consideration. The applicant and objectors will be notified of the hearing and will be invited to attend.

7. Grant of a Licence

The Council may grant to any applicant a consent to trade in the terms and conditions as specified by the Council.

A consent will remain in force for one year, or such shorter period specified on the consent, unless previously cancelled or revoked.

All static consents expire on the 30th November.

8. Offences

It is an offence for any person to engage in street trading in a consent street without being authorised to do so except under and in accordance with the terms and conditions of a consent granted by the appropriate Authority.

The maximum penalty on summary conviction is £1000 for each offence (each individual sale would constitute a separate offence).

Any person who, in connection with an application for the grant or renewal of a 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.

9. Other Legislation to be Aware of

Food Establishments

Food establishments must be registered with Environmental Health (contact (0114) 273 5774 / 273 4415 or email: healthprotection@sheffield.gov.uk).

It is a criminal offence to operate a food business without registering.

There is no charge for registering with Environmental Health.

Trade Waste Disposal

You have a legal responsibility under the Environmental Protection Act 1990 and other related legislation to safely contain and legally dispose of any waste produced from your business. If you don't, you may be prosecuted.

For further information on this, please contact Environmental Protection on 0114 2037411 or visit www.netregs.gov.uk.

Identification of Consent Holders and Assistants

Consent holders must ensure that any person who is working on the site has obtained the relevant authorisation in the form of an identification badge from the Licensing Service.

Application forms for assistant identification badges can be collected from the Licensing Service.

Along with the form, the consent holder and any assistants must submit two (recent and identical) passport size photographs signed and dated on the reverse as a true likeness. These will be used to issue an identification badge.

Assistant badges will be at a cost of £32 each.

Lost or replacement badges will be at a cost of £22 for consent holders and assistants.

The identification badge must be worn by the person/s working at all times.

Consent holders must ensure that the Licensing Service are immediately informed of any new assistants that are employed to work. Assistants may not commence work until being issued with the appropriate identification badge.

The consent holder must not allow anybody under the age of 17 to work on the pitch.

Applications must be submitted 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

SHEFFIELD CITY COUNCIL
Licensing Service

PLEASE NOTE:

DISCLAIMER

The information / guidance supplied in this pack by Sheffield City Council, Licensing Service, is offered purely as a basic guide for your assistance.

Sheffield City Council can take no responsibility or liability for the completion of your application form.

We will however endeavour to offer basic information / guidance.

Should you require any legal assistance you must seek your own legal advice.

Stephen Lonnia
Head of Licensing
Sheffield City Council

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 st Applicant (Mr /Mrs/Miss/other)	2 nd Applicant (Mr/Mrs/Miss/other)
Q1	Full name(s) of the applicant ANGELA HEATH	ANGELA HEATH	Mania Celerina Vilela
Q2	Applicant(s) permanent private address [REDACTED]	[REDACTED]	[REDACTED] Sheffield [REDACTED]
Q3	Date of birth [REDACTED]	[REDACTED]	[REDACTED]
Q4	Nationality and place of birth ENGLAND	ENGLAND	ITALY
Q5	National Insurance No. [REDACTED]	[REDACTED]	[REDACTED]
Q6	Do you have the legal right to work and live in the UK? yes	YES / NO Details:	YES / NO Details: yes
Q7	Have you ever been refused a street trading consent in this or any other area? no	YES / NO Details: [REDACTED]	YES / NO Details: no
Q8	Telephone No. [REDACTED]	[REDACTED]	[REDACTED]
Q9	Email address —		—

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

Q10	Name	DEVOTI'S ICECREAM
Q11	Registered address	#13 CHAPEL ST S1374L
Q12	Registered number	
Q13	Telephone number	0114 269 3438
Q14	Email address	
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	MERCEDES SPRINTER
Q17	Registration number (if applicable)	DK15TXZ
Q18	Date of first registration (If applicable)	1.4.2015
Q19	Last MOT and service (if applicable)	
Q20	Size of vehicle	Height: 9 FT Width: 18 FT 8 FT Length: 18 FT
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	BOTANICAL GARDENS
Q23	Location of pitch: (include site plan to scale)	CLARKHOUSE RD.
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	icecream Confectionary
Q27	Specify days of trade	7 DAYS
Q28	Specify times of trade (use 24 hours clock e.g. 10:00 to 16:00 hours)	10 AM, 16 PM
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>Applicant 1 Yes [] No []</p>		
		<p>Applicant 2 Yes [] No []</p>		
<p>Details of previous convictions and/or cautions</p>				
	Date of Conviction	Court of Conviction	Nature of Offence	Sentence
	Applicant 1			
	Applicant 2			

The following documents must be forwarded to us before the Renewal of your consent:

(tick if enclosed with this application)

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

G. DECLARATION



WARNING

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

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

I / We,

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

	<p>Applicant 1</p> <p>Signature: </p> <p>Print name: <u>A. HEATH</u></p> <p>Date: <u>25.10.19.</u></p> <p>Capacity:</p>
	<p>Applicant 2</p> <p>Signature: </p> <p>Print name: <u>M.C. Vilela</u></p> <p>Date: <u>7-11-2019.</u></p> <p>Capacity:</p>

All

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.

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

Privacy Notice – Street Trading

How we will use your information

The information provided to us will be used to help us process your application.

Your personal data is processed under a contract to which you are party to through your application for a licence (as per Article 6(1)(b) of the General Data Protection Regulation). In terms of special category data, your information is processed as it is necessary for the performance of a task carried out in the public interest (as per Article 9(2)(g) of the General Data Protection Regulation).

Your application will be processed in line with the following pieces of legislation:

- Local Government (Miscellaneous Provisions) Act 1982

Who we will share your information with

We may share your information with the following third parties in order to inform decision making:

- South Yorkshire Police
- South Yorkshire Fire and Rescue
- Sheffield City Council Planning Department
- Sheffield City Council City Centre Management Team
- Sheffield City Council Highways Department
- Sheffield City Council Safety Advisory Group (SAG)
- Sheffield City Council Food Hygiene Department
- Sheffield City Council Health Protection
- Sheffield City Council Park and Countryside Service
- Other Local Authorities relevant to your application
- Other Council Services

How long we will keep your information

The information you provide will be kept for the duration of your licence, plus six years, after which time it will be deleted.

The information will be stored either in paper form and/or electronically on a secure council database.

What are your rights

You have rights under Data Protection law. For further details about your rights, the contact details of our Data Protection Officer and your rights to make a complaint please see our Data Protection web page:

<https://www.sheffield.gov.uk/privacy>

If you do not have access to the internet, please contact us and we will be able to provide paper versions of the information you require.

I have read and understood the information provided in this form and understand my personal information will be used in the processing of my application and/or request.

Name: A. HEATH

Action

Initial and date

ges on lalpac (Initial)

**CITY WIDE STREET TRADING
QUALITY SPECIFICATION**
(This specification does not include the city centre)

UNIT DESIGN

- Good display is an important part of the selling process and top quality presentation encourages purchase and benefits the retailers' reputation.
- It is in the best interest of traders to produce a high quality design both internally and externally in their unit.
- The function of the unit is to identify the trader and add vitality and colour to the immediate area, and reflect the quality, cleanliness in their operation. The unit must contribute to the appearance of the area for good or bad, so design matters to everyone who uses the street, as well as the operator.
- Stalls must enhance the visual appearance of the street rather than detract from it and be constructed in a suitable style and of appropriate materials.

Examples of acceptable designs include:

- Modern, simple, functional stalls with umbrellas, canopies or striped awnings.
- Traditional or 'period' type handcarts, barrows or tricycles.
- The stall design should be fully accessible for all customers.
- The outside of the unit will be limited to the name of the stall, the type of product sold and a simple price list. Ad hoc pictures and advertiser's slogans should be avoided, as should untidy handwritten signs.
- Advertisements on stalls will not be permitted except by permission of the Council in writing and subject to further conditions. The Council shall be the sole judge of what is an acceptable advertisement.
- Sign writing and scrollwork must be finished to a standard acceptable to the City Council.
- The unit must be visually acceptable to the City Council.
- The general design of the unit must meet the requirements of the Council for the location and proposed hours or days of trading. A photograph of the actual unit or proposed model must be submitted on application.
- Bright colours and a sense of fun are encouraged.
- Pitched and curved roofs are encouraged.
- Canopies must be maintained and cleaned.
- No expenditure on units or equipment should be made until the Council has granted consent and the unit design has been approved.
- The internal layout of the unit must be clean and to a high standard.
- Non-motorised vehicles (ie carts/barrows) are encouraged in pedestrian areas. For example shopping areas like Woodseats, Hillsborough, etc.

- Motorised vehicles should not be of an age of 5 years or over.
- Mobile trading vans must have a side hatch to serve customers.
- The unit / vehicle must be clearly identifiable as a trader.

Environmental Health considerations of the unit design:

For Enclosed Food units:

- The internal arrangements must be such that:
 - There is suitable and sufficient hand washing facilities with hot water;
 - The work surfaces are impervious to water and readily cleansable;
 - There is sufficient compliant temperature controlled food storage facilities appropriate to the business;
 - The gas and electrical installations are certificated and deemed to be safe by a competent and suitably qualified engineer; any gas store cupboard should be outside of the food area;
- The external arrangements must be that the mobile is sufficiently weather and pest proof so as to not risk the contamination of the food.

For Market-Stall or Street-Barrow type food units:

- The stall must be covered to prevent the risk of matter falling on to the food;
- The work surfaces likely to be in contact with the food must be impervious to water and readily cleansable;
- Any intrinsic storage food area must be able to be secured against the intrusion by pests;
- If temperature controlled food is to be stored on the mobile, the storage facility shall be capable of maintaining the food in a legally compliant manner;
- That there are adequate hand washing facilities.

Food Hygiene record (for all food stalls) - all food regulations have been adhered to:

- The applicant will need to demonstrate that:
 - they have registered with their home Local Authority;
 - all food handlers have received adequate food safety training appropriate to their job role;

- the food business has a legally compliant Food Safety Management System (e.g. Safer Food, Better Business);
- if there is a history of non-compliance, it has been addressed and accepted by the Food Safety Enforcing Officer, or that the food business is in the process of addressing the issues and the Food Safety Officer does not consider the defect too severe so as to prohibit the food business from trading; and
- their business has a food hygiene rating score of at least 3.

DRESS

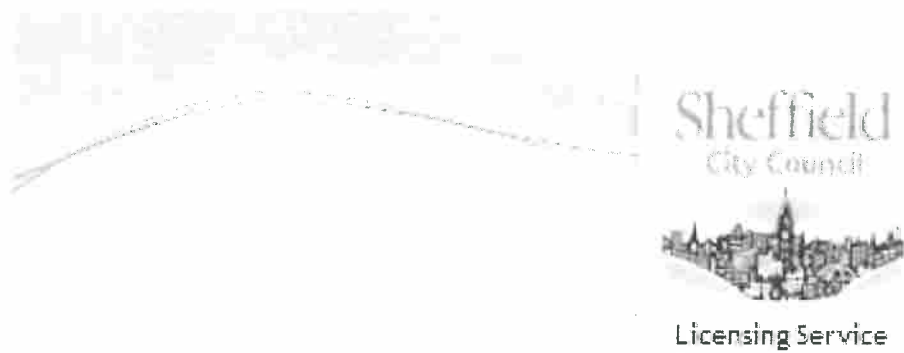
- Trader and their assistants must be identifiable (i.e wear a uniform).
- The style of dress worn by stall operators should be chosen to complement the style and period of the unit.
- Over clothing must always be smart and clean. Operators of food stalls should ensure that sufficient changes of clothes are provided so as to enable personnel to always wear over clothing, which is clean.
- Personal cleanliness is also important and persons employed at food stalls are required to have good personal hygiene.

GENERAL

- Vehicles used to tow trailers must be parked legally at all times.
- The Council will reserve the right to not renew any consent where it considers the product/s offered by the operator are not in keeping with the requirements of the site.
- The goods complement and do not conflict with the goods sold by other retailers within their proposed area(s).

The criteria above are intended to guide applicants for street trading consents as to the type of stall and dress, which the Council is looking to promote as a means of regulating the street trading.

It is not intended to exclude any design that does not fall within the examples given.



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....Need help with your application?
Then contact Licensing now!!**



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Call the Licensing Service today on 0114 2734264
or email us at: licensing@sheffield.gov.uk
to find out more.

Appendix B

Revocation Hearing Report – 14th October 2019



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:
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 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.
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- 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



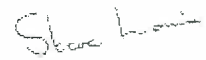
**STREET TRADING
CONSENT - STATIC**

ST/ST0240

LOCAL AUTHORITY



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



**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:

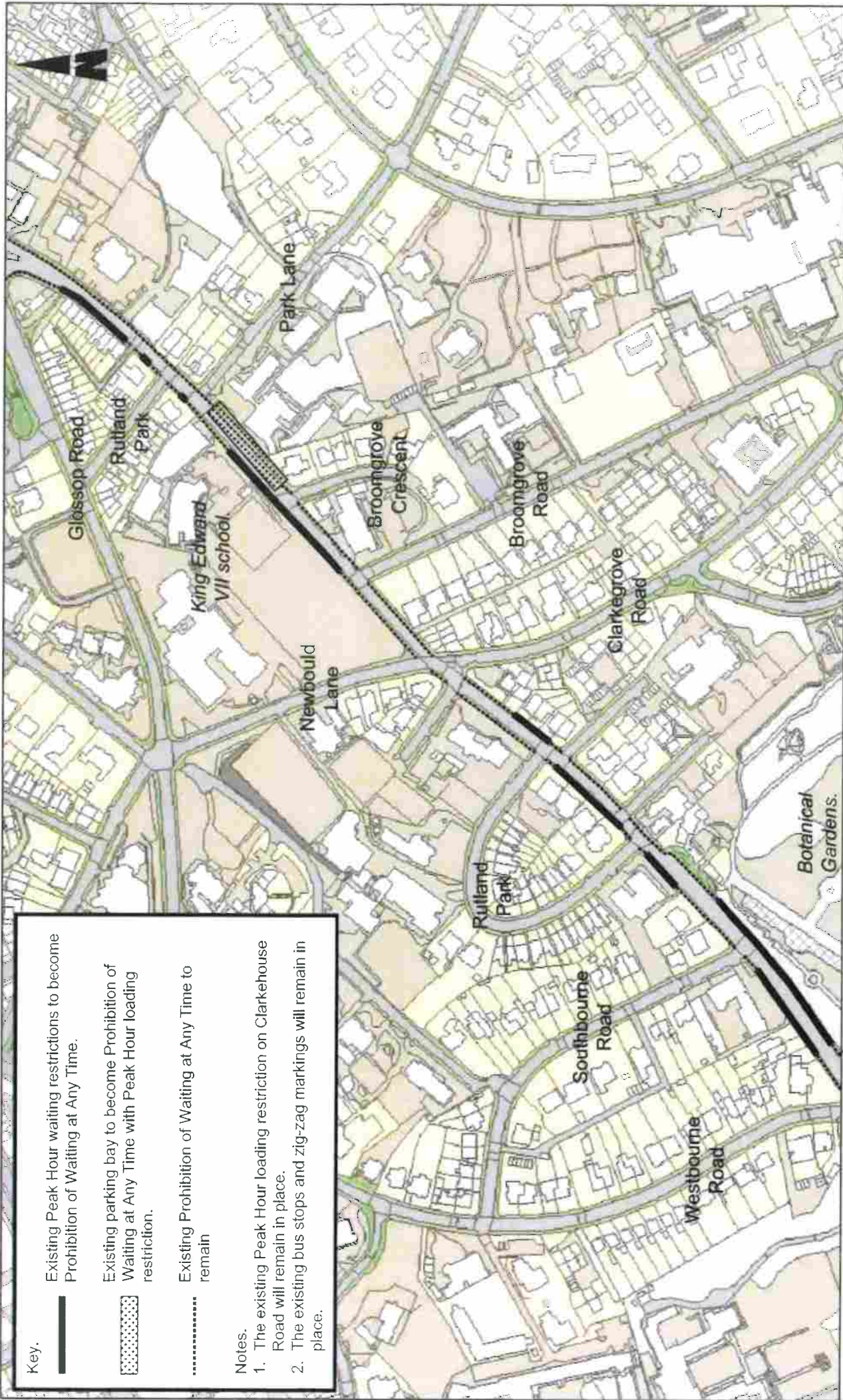
- Restriction of Waiting Mondays to Saturdays 8.00 a.m. to 6.30 p.m. on parts of Clarkehouse Road; and
- Restriction of Waiting Mondays to Saturdays 7.30 a.m. to 6.30 p.m. on part of Glossop Road.

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.

Drawing No. 1963-DA-TRO-01	
DRAWN BY	MLU 02/18
CHECKED	CG 02/18
Scale	NTS
Date	02/18

SHEFFIELD CITY COUNCIL	
Clarkehouse Road, Parking review.	
Proposed Traffic Regulation Order	

Client	SHEFFIELD CITY COUNCIL
Schematic	Clarkehouse Road, Parking review.
Drawing Title	Proposed Traffic Regulation Order

STRATEGIC TRANSPORT & INFRASTRUCTURE - DESIGN AND ASSURANCE

5th FLOOR, HOWARD HOUSE
 2, BRUNN STREET, SHEFFIELD, S1 2SA
 T: 0114 276 2000
 E: transport@stratgroup.co.uk

STRAT GROUP

CAO FILE NAME: [C:\Data\Transport\Capital Programme\Projects_Live\1963_Broomhall Cycle Route\Traffic Review\AutoCAD\1963 clarkehouse review - tro plan.dwg](#)

A3B3

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.

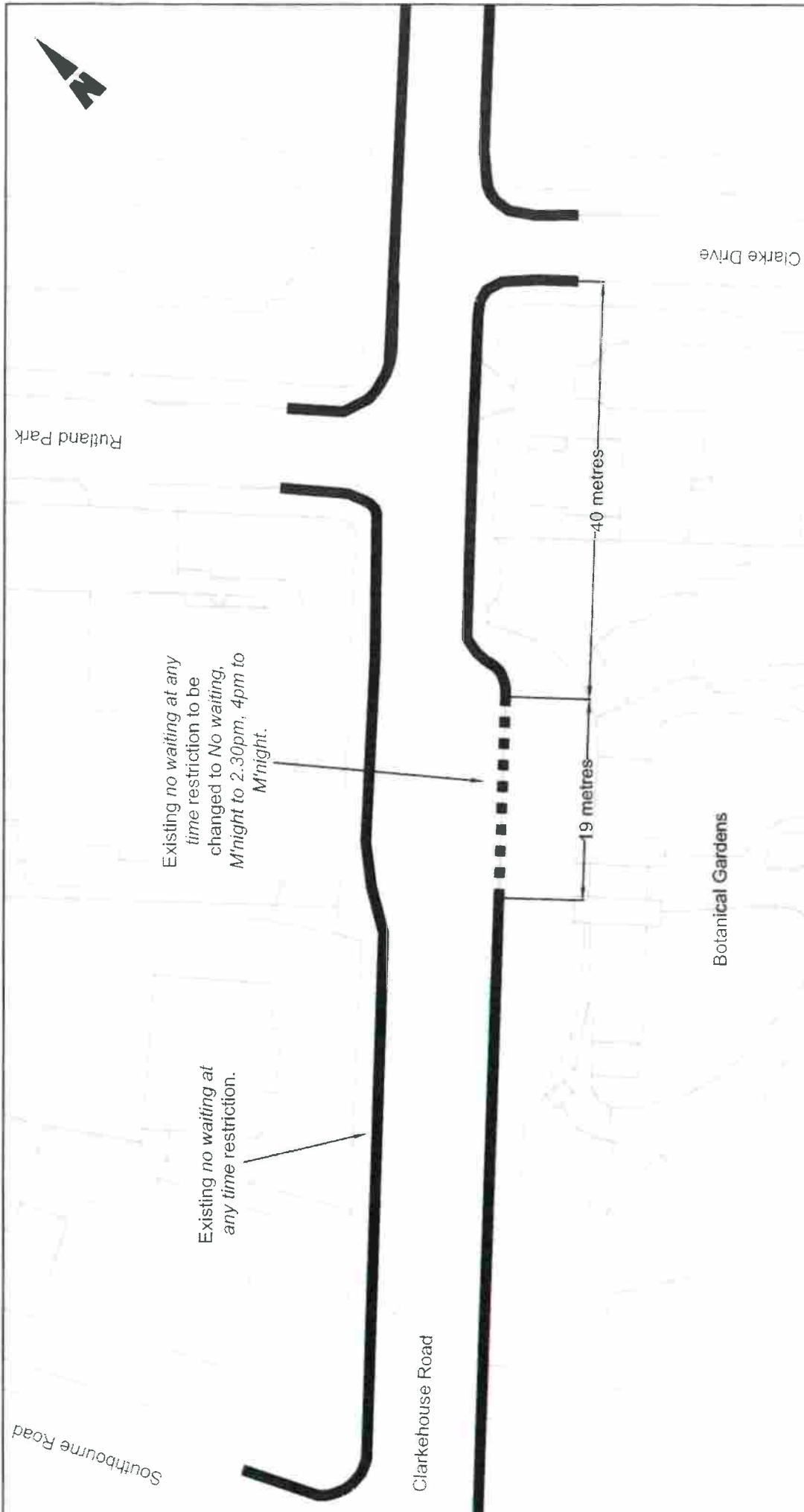
TR/20/08/AR

Cowlishaw 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: 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-licence, 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.	SHEFFIELD CITY COUNCIL Clarkehouse Road Parking Review	Drawing No. 1963-DA-TRO-02	DESIGN & ASSURANCE
	AUTHOR ML May 19	CHECKED CG May 19	Drawing Title TRO amendment to accommodate change to Bus Stand hours of operation	Scale 1:500
A Service Area of Place Sheffield City Council	CAD FILE NAME	Client SHEFFIELD CITY COUNCIL	Scheme Clarkehouse Road Parking Review	Drawing No. 1963-DA-TRO-02

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

B25

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.

.....
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.

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.

Appendix C

Strategic Transport, Sustainability and Infrastructure
evidence and recommendation.

Clarkehouse Road, Sheffield

Summary of the traffic restrictions in relation to the area adjacent to the Botanical Gardens

Background

This note provides a summary of the yellow line waiting restrictions and other traffic restrictions that are present on Clarkehouse Road adjacent to the Sheffield Botanical Gardens entrance. It presents the changes to restrictions that have been made during 2019 and the reasons for this. It sets out at each stage the implications of the traffic restrictions on the ability for an ice-cream van to park in this location.

It then summarises work that has been undertaken to consider whether a space can be provided on Clarkehouse Road for an ice-cream van.

Summary of Traffic Regulation Orders on Clarkehouse Road

Prior to the 2019 Traffic Regulation Order

The area outside of the Botanical Gardens entrance has been covered by a double yellow line no waiting at any time restriction (preventing parking 24hrs a day 7 days a week), with a peak hour loading restriction (preventing loading between 08:00 to 09:30, 16:30 to 18:30), and zig zag markings on the approaches to the pedestrian crossing (preventing parking and loading at all times). This meant it was illegal for an ice-cream van to park on the double yellow lines or zig zag marking at any time.

To the west of the pedestrian crossing zig-zag markings on Clarkehouse Road, close to the entrance to the Botanical Gardens, there were single yellow line no waiting restrictions between 08:00 to 09:30, 16:30 to 18:30 on the Botanical Gardens side of the road. This meant that drivers, including the ice cream van, were able to park in this location outside of the times of the loading restriction.

These restrictions were consolidated into a Traffic Regulation Order in 2008 so these existed before 2008 however records are unclear as to when these restrictions were first introduced.

1st 2019 Traffic Regulation Order (in effect from 09 May 2019)

As part of a wider scheme to improve conditions for cyclists along Clarkehouse Road all of the existing single yellow lines on Clarkehouse Road were changed into double yellow lines. As part of this change a 24 hour bus stand was provided in place of a section of the double yellow lines outside the Botanical Gardens entrance. This was provided to accommodate coaches and buses to local schools and the Botanical Gardens.

Note that only a bus can stop/wait at the bus stand, no loading or no blue badge parking is allowed.

This also means that it is illegal for an ice-cream van to park on the bus stand, double yellow lines or zig zag markings at any time.

2nd 2019 Traffic Regulation Order (in effect from 07 October 2019)

Following implementation of the scheme in May 2019 a further Traffic Regulation Order was promoted to vary the bus stand restriction so that it only operates when required for the bus (14:30 to 16:00). In addition a no waiting single yellow line restriction was provided across the bus stand to operate outside of the bus stand time (Midnight to 14:30 and 16:00 to midnight). This was in response to calls from a local business and a blue badge holder about the impact the bus stand had on loading/unloading for businesses and blue badge parking for visitors to the Botanical Gardens.

Note that although a Traffic Regulation Order isn't required for a bus stand one is required to put a restriction in place for the times when the bus stand isn't operating.

The October 2019 changes mean it is still illegal for an ice-cream van to park on the bus stand, yellow lines or zig zag markings.

Important note

It should be noted that there is, as at today, a legal challenge to the validity of the October 2019 TRO based on an allegation of inadequate or unlawful consultation. That claim has yet to be determined but is being defended.

Summary of restrictions

Whilst changes have been made along Clarkehouse Road during 2019 in terms of the restrictions in place with both the previous and current TRO, it wasn't/isn't legal for the Ice Cream van to park on Clarkehouse Road outside the Botanical Gardens.

Since at least 2008 when the Consolidation Order was made, but in reality at some unknown date before this, no parking has been allowed adjacent to the Botanical Gardens entrance except from those vehicles parking with a valid blue badge, or those loading and unloading

Consideration of whether space for an ice-cream van can be provided on Clarkehouse Road

Officers have considered whether a space can be accommodated on Clarkehouse Road adjacent to the Botanical gardens entrance.

The current bus stand is 19m long which is the recommended minimum length. It should be noted that the bus stand marking covers more than the space needed to park a coach (typically 12m long), it keeps the carriageway/kerbside clear of parked vehicles so that a coach can safely pull in and out of the stand.

An assessment as to whether a bay can be provided for an ice-cream van on Clarkehouse Road has been based on a 7m bay for ease of access as it could be difficult to get into a smaller bay if a bus was parked on the bus stand. A Short Wheel Base ice cream van is typically 5.3m long and a Long Wheel Base one is 5.8m long. This is shown on the plan in Appendix 1.

A 7m bay and a 19m Bus Stand cannot both be accommodated in front of the Botanical Gardens and as such the only way to accommodate a bay for an ice-cream van would be to either reduce the length of the Bus Stand below the

recommended minimum or to reduce the length of the zig-zag markings on the approach to the pedestrian crossing.

The requirement to provide 8 zig zag marks on the approach to pedestrian crossings is an important safety feature of pedestrian crossings as they maintain inter-visibility between drivers and crossing pedestrians. As mentioned earlier in this note, it is illegal (an endorsable offence, 3pts and up to a maximum fine of £1000) to park or stop on these markings. The number of zig-zags can be shorter than 8 marks on the approach to a crossing but only in certain circumstances (e.g. proximity of the crossing to a junction); however providing parking for vehicles isn't one of these.

A shorter Bus Stand marking is expected to compromise how a bus gets into it, making this a manoeuvre that would involve reversing back from the controlled area of the pedestrian crossing.

Road Safety Auditor comment

In considering the potential to accommodate a space on the carriageway for an ice-cream van due to the above constraints SCC's Road Safety Auditor was asked to comment on this issue.

These comments are repeated below:

As previously discussed I am concerned that an ice cream van in the space as shown would create problems for a bus/coach attempting to manoeuvre into the bus stand as it would prevent it entering the stand in one movement safely. A bus/coach would either be parked with its rear end sticking into the carriageway, which would block forward visibility to the crossing or, alternatively, would have to enter the bay by stopping on the zig zag markings and then reversing. This would also be dangerous as whilst the manoeuvre was taking place inter-visibility between pedestrians attempting to cross and drivers overtaking the manoeuvring bus/coach would be seriously compromised. In both scenarios visibility of the nearside traffic signal would be completely blocked to approaching drivers making overshoots of a red signal very likely and the situation considerably more dangerous for pedestrians. I believe that the latest Google Street View image from May 2019 amply demonstrates the visibility problems caused by a bus parked or manoeuvring within the zig zags, although given that the image was taken partly from the opposing lane visibility is actually slightly better than it would in practice (see attached).

I appreciate that buses currently sometimes do this at times under the current arrangement but by providing the layout as proposed the occurrence would happen far more often than at present and the Council would be actively promoting such dangerous behaviour.

It would be possible to allow a bus to access the stop by moving it south-westwards and reducing the number of zig-zags but this would be against DfT advice (which recommends a minimum of 8 zig-zags on the approach to crossings for visibility reasons) and, again, would compromise inter-visibility between pedestrians and approaching drivers, and the view to the nearside traffic signal.

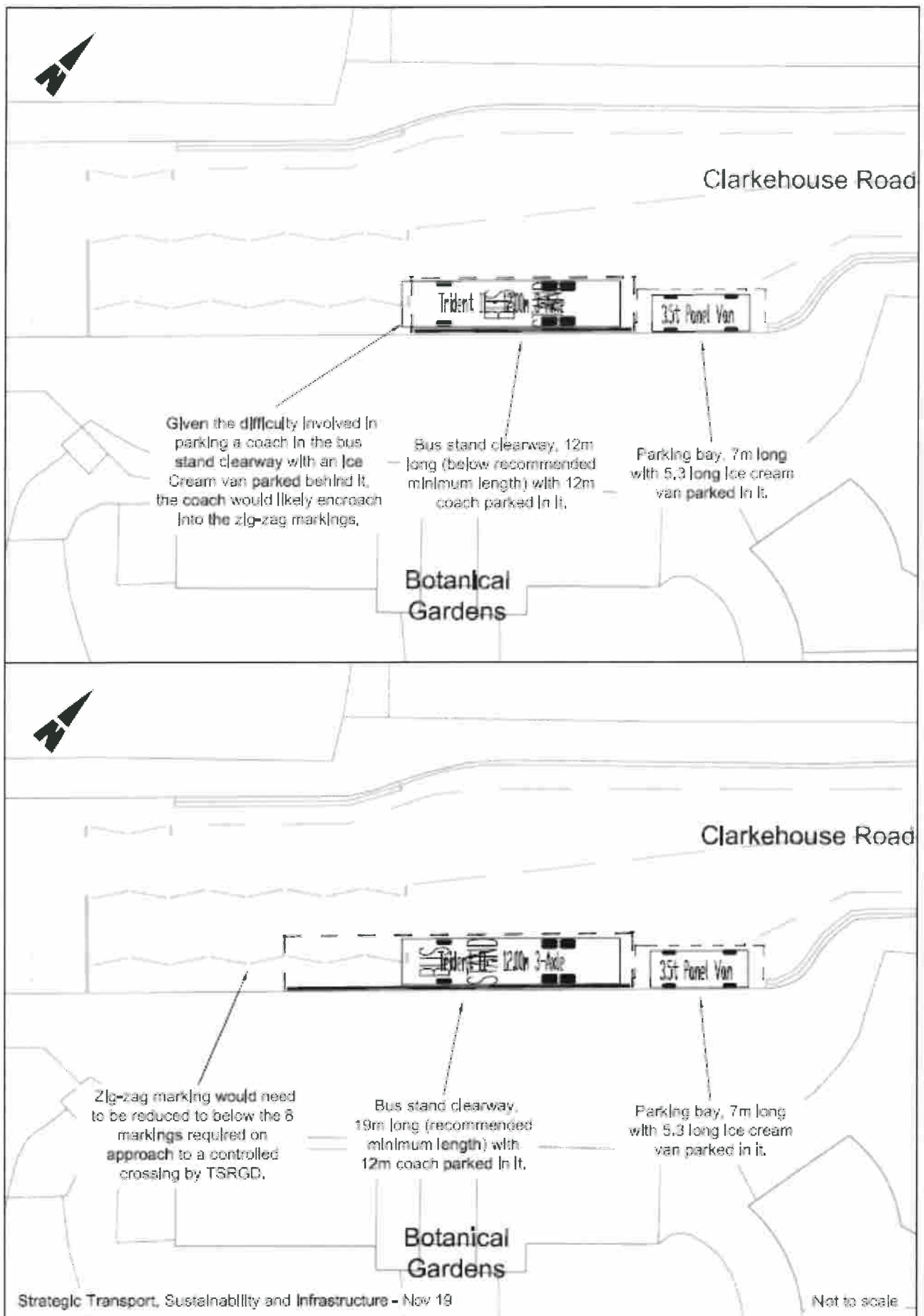
All of the above scenarios will be made worse by the fact that, presumably, whilst buses are parked the crossing will also be at its busiest with schoolchildren using it on their route from school.

In summary, I consider providing a space for an ice cream van to park here to be dangerous and unwarranted (given that the ice cream van has previously always been parked on double yellow lines anyway) especially with the signals in their current configuration. Placing the nearside signal on a totem pole arrangement or, preferably, a mast arm would alleviate the forward visibility to the signals problem but would do little for pedestrian/driver inter-visibility. However, should you decide to proceed with providing a parking space for the ice cream van as proposed I would recommend that this be done, as a minimum, in order to at least partially mitigate for the increased road safety danger.

Conclusion

Based on the assessment undertaken and the Road Safety Auditors comments it is not recommended that the current Bus Stand arrangement is amended.

Appendix 1



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 Renewal – Clarkehouse Road, outside Botanical Gardens

I refer to the above and the renewal 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 **Tuesday 17th December 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 renewal 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.

Steve Lonnia
.....

Date: 28th November 2019

Steve Lonnia
Chief Licensing Officer
Head of Licensing

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 Consent Review – Clarkehouse Road, outside Botanical Gardens

IMPORTANT: NOTIFICATION OF A COMMITTEE MEETING

To: Mr Tom Finnegan-Smith
Head of Strategic Transport, Sustainability and Infrastructure
Sheffield City Council

LEGISLATION: Local Government (Miscellaneous Provisions) Act 1982

LICENCE TYPE: Street Trading Consent Renewal – Andrew Cuneo & Inglanga Saqladi - Clarkehouse Road, outside Botanical Gardens

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

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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: Mr Ben Brailsford
Head of Parking Services
Sheffield City Council

LEGISLATION: Local Government (Miscellaneous Provisions) Act 1982

LICENCE TYPE: Street Trading Consent Renewal – Andrew Cuneo & Inglanga Saqladi - Clarkehouse Road, outside Botanical Gardens

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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.
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