



SHEFFIELD CITY COUNCIL Committee Report

Report of: Chief Licensing Officer, Head of Licensing

Date: Tuesday 10th January 2023 at 10.00am

Subject: Street Trading:
Application to renew a Static Street Trading Consent on
Rustlings Road, Sheffield

Author of Report: Shimla Finch

Summary: To consider an application to renew a Static Street Trading
Consent on Rustlings Road, Sheffield

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: 01/23

**LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982
Static Street Trading – Rustlings Road – Andrew Cuneo & Inglanga
Saqladi**

1.0 PURPOSE OF REPORT

1.1 To consider an application to renew a Static Street Trading Consent on Rustlings Road, Sheffield.

2.0 INTRODUCTION

2.1 The Council as a Licensing Authority have power under the provision of the 1982 Act to regulate Street Trading in the City.

2.2 A Street Trading Consent is required to trade on any Street (which includes roads, footways, forecourts, or other areas to which the public have access) within the Sheffield City Boundary.

2.3 The Licensing Committee at it's meeting of 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 - (c) all previous designations in relation to street trading will be rescinded as a result of the designation set out above.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 THE APPLICATION

- 3.1 The applicants are Mr Andrew Cuneo and Ms Inglanga Saqladi who submitted a renewal application of a Static Street Trading Consent on the 7th of November 2022. A copy of the application is attached at Appendix 'A' with a map of the site occupied.
- 3.2 The application was circulated in the usual manner to South Yorkshire Police, South Yorkshire Fire and Rescue, Highways and Planning and no comments have been received from them.

4.0 REASONS FOR REFERRAL

- 4.1 An objection has been received against the renewal application for this consent by Sheffield City Councils Parks and Countryside Service.
- 4.2 The objection relates to similar concessions which have been granted within the parks land and the impact the applicants' consent is having on the charitable trust. A copy of the objection detailing this is attached at Appendix 'B' of this report.

4.3 Concession/Traders Information and Background

- 4.3.1 The below table details the current renewal applicants' consent details and those of the existing street trader within the park:

Trader	Renewal applicant	Park Street Trader
Location	Rustling Road	Inside Endcliffe Park
Days and time trading	Monday to Sunday 11am to 7pm	Monday to Sunday 10.30 am to 7pm
Items trading	Ice cream	Ice Cream, Slush, Light Refreshments
Street Trading Consent?	Yes ST/ST0270	Yes ST/PK0025
Consent first issued	28.05.2019	01.04.2022

- 4.3.2 There is also a [café](#) on site within Endcliffe Park that operates between 9am to 6pm in the summer and 9am to 4pm in the winter with extended weekend times.
- 4.3.3 To assist Members, a plan indicating the concessions and street trading consent issued within the park in relation to the applicants site location (in blue) is attached at Appendix 'C' of this report.

- 4.4 As the objection has been unresolved, the renewal application has been referred to the Licensing Sub-Committee for determination. Members are advised to consider all documentation and to refer to the Street Trading Policy, in particular to paragraph 2.8 in regard to factors considered in granting/renewing street trading applications.
- 4.5 The applicants, and the objector to the application have been invited to attend the Licensing Sub-Committee meeting. Copies of the invites and the accompanying 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.

6.0 RECOMMENDATIONS

- 6.1 That Members consider all the relevant information available, any representations made and the Council's Street Trading Policy.

7.0 OPTIONS OPEN TO THE COMMITTEE

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

Licensing Service
Sheffield City Council

10th January 2023

APPENDIX 'A'

Renewal Application and site location

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	ANDREW CUNES	INGJANA SAGADI
Q2	Applicant(s) permanent private address		
Q3	Date of birth		
Q4	Nationality and place of birth		
Q5	National Insurance No.		
Q6	Do you have the legal right to work and live in the UK?	YES / NO Details:	YES / NO Details:
Q7	Have you ever been refused a street trading consent in this or any other area?	YES / NO Details:	YES / NO Details:
Q8	Telephone No		
Q9	Email address		

ANY DETAILS (if applying as a Corporate body)

	Registered address	
	Registered number	
	Telephone number	
14	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	Consent number	ST/ST0270
Q17	Description of unit / vehicle to be used	White Mercedes Ice Cream Van
Q18	Registration number (if applicable)	
Q19	Date of first registration (if applicable)	June 21
Q20	Last MOT and service (if applicable)	—
Q21	Size of vehicle	Height: Width: Length:
Q22	Does the vehicle meet the qualitative criteria? Your vehicle will be inspected prior to granting a consent.	Yes

D. TRADING DETAILS

Q23	Details of site to be occupied	Rustings Road
Q24	Location of pitch: (include site plan to scale)	Page 15

Q25	Is this private land?	NO
Q26	If private, who owns the land and have you obtained consent from them to use the land to trade?	
Q27	Items to be sold	ICE CREAM, LOLLIES, SUSHI.
Q28	Specify days of trade	7 DAYS A WEEK.
Q29	Specify times of trade (use 24 hours clock e.g. 10:00 to 16:00 hours)	11 - 6 PM.
Q30	Highways comments attached?	
Q31	Planning comments attached?	

E. CONVICTIONS / CAUTIONS

Q32	Have any of the applicants ever been convicted of a criminal offence, whether in the United Kingdom or elsewhere? If the answer is Yes please give full details below:	Applicant 1 Yes [] No <input checked="" type="checkbox"/>	
		Applicant 2 Yes [] No <input checked="" type="checkbox"/>	
Details of previous convictions and/or cautions			
	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:

Applicant 1	
Signature:	
Print name:	A. CUNEO
Date:	2/11/22
Capacity:	
Applicant 2	
Signature:	
Print name:	INGRAM SAOJAN
Date:	2/11/22
Capacity:	

Google Maps

Proposed Trading Site



Set a home address

Set a work address

Updated just now

Heavy traffic in this area
Typical conditions

Search this area

52°

APPENDIX 'B'

Objection – Parks and Countryside Service

From:

Sent: 01 December 2022 14:46

To: licensingservice <licensing@sheffield.gov.uk>

Subject: Licensing Service - Objection to Street Trading Application

FAO; Licensing Service – Objection to Street Trading Application for Ice Cream Vendor on Rustlings Road, S11

Dear Officer

I am writing on behalf of the Parks and Countryside Service. We wish to object to the application for Street Trading Consent for an Ice Cream Operator on Rustlings Road, adjacent to Endcliffe Park for the following reasons;

Endcliffe Park is a charity. The sole trustee is Sheffield City Council who have responsibilities to ensure that the Park is managed properly and the charity's money is protected (both in the way income is generated and expenditure incurred). Management of Endcliffe Park is the responsibility of the Council's Parks and Countryside Service. This application for an ice cream van adjacent to the park is particularly significant as it is affecting a charitable trust with very limited income sources and established retailers.

There are currently two other ice cream vendors within Endcliffe Park, one an Ice Cream Van which parks adjacent to the playground area, the second, being Endcliffe Park Café, which sells ice cream as part of its offer.

We are objecting therefore based on section **2.8 of the Street Trading Policy; Grant/Renewal of Revocation of Street Trading Consents**, specifically within section **2.8.2 In considering applications for the grant or renewal of a Street Trading Consent or revoking a current consent the following factors may be considered:**

(b) Whether the granting of a consent for the sale of goods would conflict with those provided by nearby shops or cafes providing similar services;

(c) Whether the trading in a particular location will conflict with concessions granted to other existing street traders;

Having another street trader operating adjacent to Endcliffe Park selling the same food products conflicts with established arrangements with two operators, both of whom pay market rental value for their sites and are, we feel, entitled to enjoy a fair-trading environment in return. We have clear evidence that the Rustlings Road ice cream trade adversely impacts the value of the pitch inside the Park and anticipate an ongoing annual loss of Charity Park income of at least £15,000 annually as a direct result.

There are already sufficient traders in this locality and there is no public benefit to there being an ice cream van so close to others.

We would object, based on these principles to any future applications, adjacent to park sites, with established and sufficient arrangements with ice cream vendors. The Councils budget situation at present is a challenge to all, the Parks and Countryside are doing what they can to balance increased demand for services and pressures, whilst generating income within sites to support with this. We are objecting to allow us to continue to maximise the

income potential at each site, whilst continuing to deliver the services required to benefit our park users.

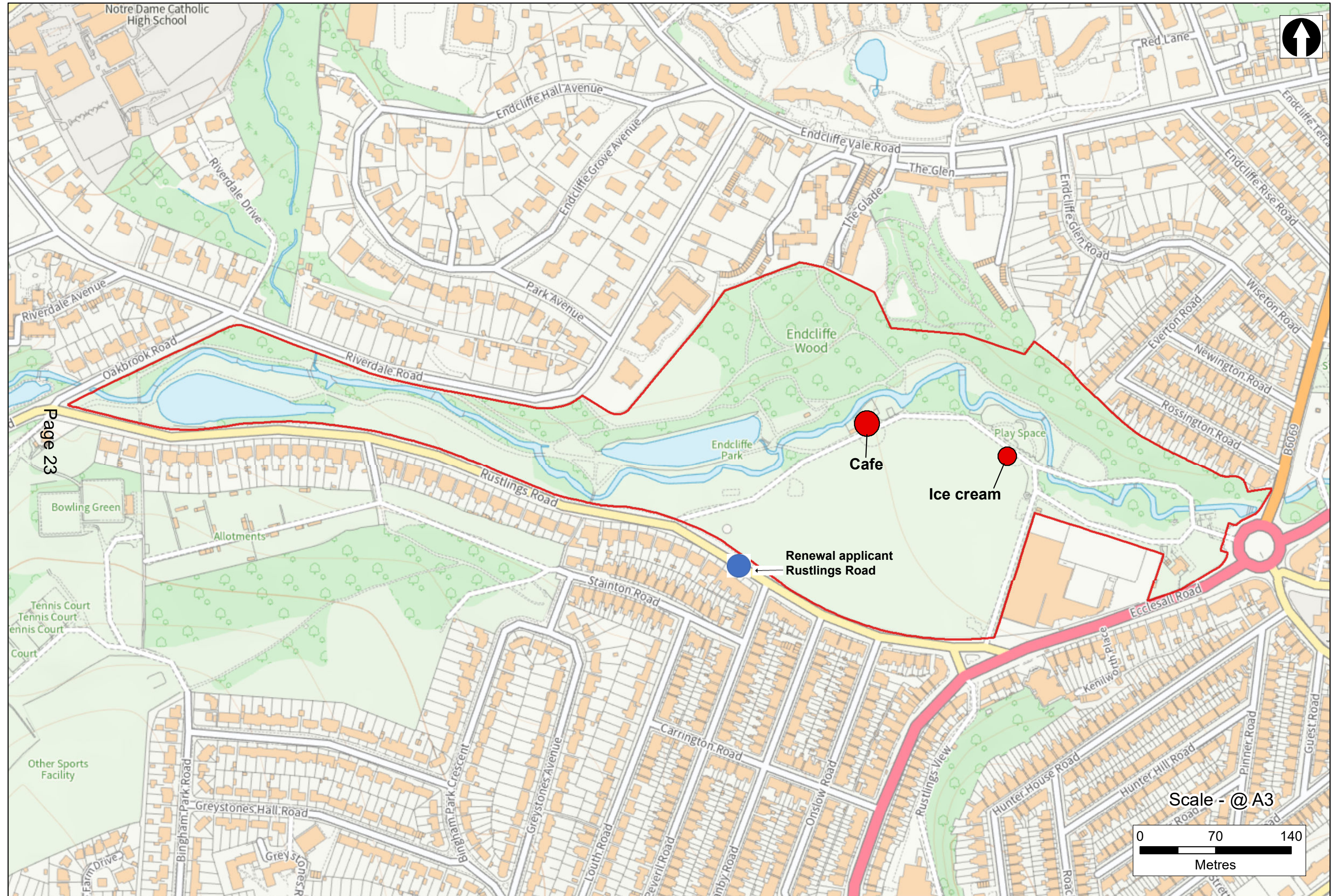
Kind Regards,

Business and Partnerships (Parks and Countryside Service)

APPENDIX 'C'

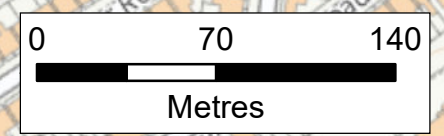
Plan of park concessions and applicant site location

Endcliffe Park



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Scale - @ A3



APPENDIX 'D'

Hearing Invites and Hearing Procedure

SHEFFIELD CITY COUNCIL

LOCAL GOVERNMENT MISCELLANEOUS PROVISIONS ACT 1982

Street Trading – Static Street Trading Consent – Rustlings Road, Sheffield

IMPORTANT: NOTIFICATION OF A COMMITTEE MEETING

To: **Mr Andrew Cuneo and Ms Inglana Saqladi**

Sent via email: [REDACTED]

LEGISLATION: Local Government (Miscellaneous Provisions) Act 1982

LICENCE TYPE: Static Street Trading Consent – Rustlings Road

I refer to the above and the application to renew a street trading consent.

This matter has been referred to the Licensing Committee of Sheffield City Council for determination. Full details will be provided in the report to the Committee which will be sent to you in due course. The Licensing Committee has the authority to decide what action to take in relation to each application.

The Committee has indicated that it expects applicants, interested parties and any objectors to attend the meeting on Tuesday 10th January 2023 in a Committee Room of the Town Hall, Sheffield, S1 2HH (Pinstone Street entrance) and you are invited to attend at **10.00 am**.

PLEASE NOTE:

I would be grateful if you could confirm that you will be attending the meeting via email to licensing@sheffield.gov.uk as soon as possible.



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

Date 14th December 2022

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 no longer open. 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 – Rustlings Road, Sheffield

IMPORTANT: NOTIFICATION OF A COMMITTEE MEETING

To: FAO: [REDACTED]
Parks and Countryside Service

Sent via email: [REDACTED]

LEGISLATION: Local Government (Miscellaneous Provisions) Act 1982

LICENCE TYPE: Static Street Trading Consent – Rustlings Road

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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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