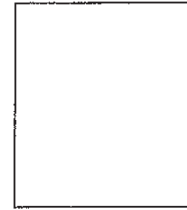




SHEFFIELD CITY COUNCIL Committee Report



Report of: Chief Licensing Officer, Head of Licensing

Date: 23rd July 2013

Subject: Local Government (Miscellaneous Provisions) Act 1982

Author of Report: Andy Ruston - 2037752

Summary: To consider an existing mobile street trading consent following breaches of the street trading consent conditions.

Recommendations: See attached report.

Background Papers:

Category of Report: Open

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

Ref: 46/13

**LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982
STREET TRADING - MOBILE**

Raja Rafaqat Khan – MOBILE STREET TRADING CONSENT.

1.0 PURPOSE OF REPORT

- 1.1 To consider a Mobile Street Trading Consent following several breaches of the conditions by the consent holder, Raja Rafaqat Khan.

2.0 INTRODUCTION

- 2.1 The Council 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- (c) all previous designations in relation to street trading will be rescinded as a result of the designation set out above.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.

3.0 THE CONSENT

- 3.1 Raja Razaqat Khan is the holder of a Mobile Street Trading Consent, to trade city wide.
- 3.2 A copy of the consent and Mobile Street Trading conditions are attached at Appendix 'A'.

4.0 REASONS FOR REFERRAL

- 4.1 Raja Razaqat Khan has on three separate occasions been observed breaching the conditions of his mobile street trading consent, by both officers from the Licensing Service and by a local Councillor.
- 4.2 Raja Razaqat Khan has received warnings from the Licensing Service regarding the breaches of conditions.
- 4.3 Licensing Officers have been required to spend a considerable amount of time investigating the complaints and seeking evidence to support the complaints.

5.0 BACKGROUND

- 5.1 Members should note that the Sheffield City Council Street Trading Policy has been amended following a full consultation and there are now additional conditions, which have been added to the Street Trading Policy in relation to Mobile Street Trading Consent holders for fruit/vegetables and other traders and which are now in force. Condition 2 of The Mobile Street Trading Consent Conditions Fruit / vegetables and other traders states that;
 - 2. Mobile consent holders are not permitted to trade within an 800 metre radius of any static traders, other mobile traders, or shops, trading in similar goods / articles.
- 5.2 A copy of the Council's Street Trading Policy is available via the following link; <https://www.sheffield.gov.uk/business-economy/licensing/general-licensing/retail/street-trading.html>. Members should note that the age restriction of 5 years for motorised vehicles is under review and is not presently being enforced.
- 5.3 Officers from the Licensing Service observed Raja Razaqat Khan street trading from his vehicle on South View Crescent on 10th April 2013, within an 800m radius of shops selling similar articles to him such as fruit and vegetables. Officers from the Licensing Service spoke with Raja Razaqat Khan, whilst he was trading on South View Crescent and also wrote to him of which a copy of the letter is attached at Appendix 'B'.
- 5.4 The Licensing Service received a report from Councillor Nikki Bond on 1st May 2013, detailing that Councillor Nikki Bond had observed Raja Razaqat Khan street trading on Glover Road on 1st May 2013 at 4.45pm, within an 800m radius of shops selling similar articles to him such as fruit and vegetables. The Licensing Service wrote to Raja Razaqat Khan on 7th May 2013, informing him of the report made by Councillor Nikki Bond and to also invite him into the Licensing Service to discuss the matter further. A copy of the letter sent to Raja Razaqat Khan and the report received from Councillor Nikki Bond are attached at Appendix 'C'.

- 5.5 Raja Razaqat Khan attended the Licensing Service on 14th May 2013 to discuss the above further and during which Raja Razaqat Khan agreed to sign a caution, which would be placed on his file. A copy of the caution is attached to the report at Appendix 'D'. Officers explained to Raja Razaqat Khan at the meeting on 14th May 2013, that should he be observed again breaching any of the conditions relating to his Mobile Street Trading Consent, then his Mobile Street Trading Consent would be placed before the Licensing Committee of the Council for the members of the committee to consider the breaches of the conditions and whether to take any action with regards to the future of the consent.
- 5.6 Officers from the Licensing Service observed Raja Razaqat Khan street trading on Ferras Road on 17th June 2013, within an 800m radius of shops selling similar articles to him such as fruit and vegetables, during which officers again spoke with him, and following which a further letter was sent to Raja Razaqat Khan on 19th June 2013. A copy of the letter is attached at Appendix 'E'
- 5.7 Raja Razaqat Khan and Councillor Bond, have been invited to attend the Licensing Committee hearing. Copies of the invites are attached at Appendix 'F'.

6.0 APPEALS

- 6.1 There is no appeal procedure against the refusal or revocation of a consent. An applicant may, however apply for judicial review of the Council's decision.

7.0 FINANCIAL IMPLICATIONS

- 7.1 There are no financial implications for the Council arising from this report.

8.0 RECOMMENDATIONS

- 8.1 That members consider all the relevant information.

9.0 OPTIONS OPEN TO THE COMMITTEE

- 9.1 To revoke the Street Trading Consent.
- 9.2 To defer the matter for further consideration.
- 9.3 To issue a further warning to Raja Razaqat Khan.

Steve Lonnia
Sheffield City Council
Block C, Staniforth Road Depot
Sheffield
S9 3HD

15th July 2013

APPENDIX A

Licensing Service,
Sheffield City Council,
Block C Staniforth Road Depot
Staniforth Road,
Sheffield, S9 3HD.
Tel:0114 2037752 Fax:0114 2734073
E-mail: general.licensing@sheffield.gov.uk
Website: www.sheffield.gov.uk
Date: 18 March 2013

Mr Raja Razaqat Khan
46 Raisen Hall Road
Sheffield
S5 7NB

Reference: LIC/243/streettrading

Dear Sir/Madam

**Local Government (Miscellaneous Provisions) Act 1982
Street Trading – Mobile – Fruit/Vegetables & others**

I refer to the above and your application for a mobile (fruit/vegetables and others) street trading consent which was received by the Licensing Service on the 19 February 2013.

Please find enclosed your Consent, and your Consent Certificate number **MFV 010**

You must at all times have a copy of this Consent available for inspection on request by any Police Officer or duly Authorised Officer of the Council.

The Certificate must be clearly displayed on the vehicle in a position that is clearly visible to customers and members of the public.

Please ensure you comply with all conditions, any breaches or unauthorised trading will be dealt with by placing your Consent before the Licensing Committee for determination and/ or a prosecution made against you.

Please note, your Consent expires on the **31 March 2014**.

If you have any queries, or would like to discuss any of the above, please do not hesitate to contact the Licensing Service.

Yours faithfully

Linda Darwent
Licensing Officer
Licensing Service

Enquiries to: **Licensing Service on 0114 2037752**

Enc.

**SHEFFIELD CITY COUNCIL
MOBILE FRUIT/VEGETABLES & OTHERS
STREET TRADING - CERTIFICATE**

Local Government (Miscellaneous Provisions) Act 1982

Consent No: MFV 010 Expires: 31 March 2014

Name: Mr Raja Rafaqat Khan

Goods Sold: Fruit & Veg, Soft Drinks, Gram Flour, Eggs, Toilet Rolls, etc

Permitted Days: Monday to Friday inclusive Permitted Hours: 09:00 to 19:00 hours

- Consent Areas:
1. Tinsley
 2. Firth Park
 3. Darnall
 4. Firvale
 5. Abbeydale

Signed *Steve Lomina* Vehicle Registration Number: X805 PJW
Dated: 18 March 2013

Steve Lomina
Chief Licensing Officer, Head of Licensing



**PLEASE NOTE, This consent does not permit the holder to trade in any of the areas detailed in
Standard Consent Conditions 18, 19 and 20 and;
Mobile Fruit / Vegetable Consent Conditions 2 and 3**

SHEFFIELD CITY COUNCIL

MOBILE FRUIT/VEGETABLES & OTHERS STREET TRADING CONSENT

Local Government (Miscellaneous Provisions) Act 1982

The Sheffield City Council HEREBY GRANT CONSENT to:

Consent No: MFV 010

Consent Holder: Mr Raja Rafaqat Khan

Areas permitted to trade under this Consent:

- Area 1: Tinsley
- Area 2: Firth Park
- Area 3: Darnall
- Area 4: Firvale
- Area 5: Abbeydale

Vehicle registration number: X805 PJW

Permitted days: Monday to Friday inclusive

Permitted hours: 09:00 to 19:00 hours


Goods sold: Fruit & Veg, Soft Drinks, Gram Flour, Eggs, Toilet Rolls, etc

Issue date: 18 March 2013

Valid from: 1 April 2013

Expiry date: 31 March 2014

THIS CONSENT is granted subject to the conditions set out in the attached document and shall continue in force until the above expiry date unless previously revoked or surrendered.

Signed: 
Steve Lonnia
Chief Licensing Officer
Head of Licensing



SHEFFIELD CITY COUNCIL

LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982

Mobile Street Trading Consent Conditions Fruit / vegetables and other traders

1. Mobile consent holders are not permitted to remain static for more than 15 minutes, and cannot return to the same site within the week (site refers to an 800 metre radius).
2. Mobile consent holders are not permitted to trade within a 800 metre radius of any static traders, other mobile traders, or shops, trading in similar goods / articles.
3. 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 attached plan) for four hours previous, during and one hour after any event.
4. Mobile traders must not in any circumstance unload items for sale off the unit for display on the footpath, highway or any other area.
5. Mobile traders can only trade between the hours of 9am to 7pm Monday to Friday inclusive.
6. Mobile traders are only permitted to trade in the areas listed on their consents.
7. Mobile traders must ensure that any stopping position does not infringe any parking or traffic requirements or cause obstruction of the highway, and does not present any dangers to other road users or pedestrians.
8. Mobile traders must not stop within 800 metres of any school from an hour before the start of the school day until an hour after the end of the school day.

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

APPENDIX B

Licensing Services

Block C, Staniforth Road Depot,
Staniforth Road, SHEFFIELD S9 3HD
Tel: 0114 203 7752 Fax: 0114 273 5410
E-mail: general.licensing@sheffield.gov.uk
Website: www.sheffield.gov.uk
Date: 10th April 2013

Sheffield
City Council



Raja Rafaqat Khan
46 Raisen Hall Road
Sheffield
S5 7NB.

Dear Sir,

**Local Government (Miscellaneous Provisions) Act 1982
Mobile Street Trading Consent No 99.**

I refer to the above and your Mobile Street Trading consent.

During a routine enforcement exercise on 10th April 2013, my colleague and I observed your vehicle registration X 805 PJW parked on South View Crescent at 10.40am, from which you were street trading.

My colleague and I spoke with you following our observations to explain to you that the Sheffield City Council Street Trading Policy has been amended following a full consultation and there are now additional conditions, which have been added to the Street Trading Policy in relation to Mobile Street Trading Consent holders for fruit/vegetables and other traders and which are now in force. We explained to you that Condition 2 of The Mobile Street Trading Consent Conditions Fruit / vegetables and other traders states that;

2. Mobile consent holders are not permitted to trade within an 800 metre radius of any static traders, other mobile traders, or shops, trading in similar goods / articles.

We also explained to you that there are a number of shops located in the immediate area in which you were trading, which sell similar goods to yourself, such as fruit and vegetables and these shops are located within an 800 metre radius of the location where you were trading from. Therefore I must inform you that should you continue to trade at any location in Sheffield, which is within an 800 metre radius of any static traders, other mobile traders, or shops, trading in similar goods / articles, then you will be in breach of the Mobile Street Trading Consent Conditions.

I must inform you that due to the number of complaints that we receive with regards to mobile street traders flouting the Street Trading Consent Conditions, officers from the Licensing Service will carry out proactive enforcement duties to seek out street traders who fail to comply with the Street Trading Consent Conditions relevant to them. If officers observe you again trading in breach of any of the Street Trading Consent Conditions, you will be invited into the Licensing Service for a formal warning, which will be placed on your file. Should you continue to breach any of the Street Trading Consent Conditions, following a formal caution, then evidence of such breaches will be placed before the Licensing Committee of the Council with a view to the possible revocation of your mobile street trading consent and/or a possible prosecution against you.

I attach to this letter a copy of the Sheffield City Council Street Trading Policy for your information and ask that if there is anything you do not understand or if you require any further assistance regarding this matter, please do not hesitate to contact me either via email or on the telephone number shown above.

Yours faithfully



Andy Ruston
Senior Licensing Officer

APPENDIX C

Licensing Services
Block C, Staniforth Road Depot,
Staniforth Road, SHEFFIELD S9 3HD
Tel: 0114 203 7752 Fax: 0114 273 5410
Email: andy.ruston@sheffield.gov.uk



Date: 7th May 2013

Raja Rafaqat Khan
46 Raisen Hall Road
Sheffield
S5 7NB.

Dear Sir,

**Local Government (Miscellaneous Provisions) Act 1982
Mobile Street Trading.**

I refer to the above and my previous letter to you of 10th April 2013, and a report that I have received from a local councillor on 1st May 2013, detailing that you where street trading within an 800m radius of shops selling similar articles to you such as fruit and vegetables, which is a breach of the Street Trading Consent Conditions.

After giving further consideration to your recent breaches of the Street Trading Consent Conditions, it will be necessary for you to attend the Licensing Service at Block C, Staniforth Road Depot, Staniforth Road, Sheffield, S9 3HD, to meet with my colleague and myself, to discuss this matter further. I would be grateful if you could attend the Licensing Service at the aforementioned address on 14th May 2013 at 2pm. You can if you so wish, bring someone with you to the meeting.

If you are unable to attend the above meeting, please can you contact me either via email at the above email address or by telephone on the above number.

If you require any further assistance regarding this matter, please do not hesitate to contact me either via email or on the telephone number shown above.

Yours faithfully

Andy Ruston
Senior Licensing Officer

Ruston Andy (CEX)

From: Ruston Andy (CEX)
Sent: 02 May 2013 09:59
To: Bond Nikki (LAB CLLR)
Subject: RE: IMG00026-20130501-1709.jpg

Cllr Bond.

Thanks

Andy.

-----Original Message-----

From: Bond Nikki (LAB CLLR)
Sent: 02 May 2013 09:34
To: Ruston Andy (CEX)
Subject: Re: IMG00026-20130501-1709.jpg

It was 4.45pm yesterday

----- Original Message -----

From: Ruston Andy (CEX)
Sent: Thursday, May 02, 2013 09:11 AM
To: Bond Nikki (LAB CLLR)
Cc: Rani Shimla (CEX)
Subject: RE: IMG00026-20130501-1709.jpg

Dear Cllr Bond,

Thank you for the attached photo and information. The consent holder will be invited into the Licensing Service to receive a formal warning and if he is caught again his consent will be put before the Licensing Committee for consideration. Can you remember what time you saw the trader.

Regards

Andy Ruston

Senior Licensing Officer

Business Strategy and Regulation

Place Portfolio

Block C, Staniforth Road Depot, Staniforth Road, Sheffield, S9.

Telephone: 0114 2037752 Fax: 0114 20 37750 Email: Andy.Ruston@sheffield.gov.uk

www.sheffield.gov.uk

-----Original Message-----

From: Rani Shimla (CEX)
Sent: 01 May 2013 17:11
To: Bond Nikki (LAB CLLR)
Cc: Ruston Andy (CEX)
Subject: FW: IMG00026-20130501-1709.jpg

Dear Cllr Bond

Thank you for the information. The Licensing Service will look into this and will contact you with any updates.

Kind regards

Shimla

-----Original Message-----

From: Bond Nikki (LAB CLLR)

Sent: 01 May 2013 17:09

To: Rani Shimla (CEX)

Subject: IMG00026-20130501-1709.jpg

This van was trading on Glover Road in Central ward round the corner from a fruit and veg shop. I asked to see his license and advised I would report this to yourselves for action.

APPENDIX D



Licensing Services
Block C, Staniforth Road Depot,
Staniforth Road, SHEFFIELD S9 3HD
Tel: 0114 203 7752 Fax: 0114 273 5410
E-mail: general.licensing@sheffield.gov.uk
Tel: 0114 2037751 Fax: 01142 735410
Email: andy.ruston@sheffield.gov.uk

Date: 14th May 2013

Raja Razaqat Khan
46 Raisen Hall Road
Sheffield
S5 7NB.

Dear Sir,

Local Government (Miscellaneous Provisions) Act 1982

Offences: Breach of Street Trading Consent Conditions:

2. Mobile consent holders are not permitted to trade within an 800 metre radius of any static traders, other mobile traders, or shops, trading in similar goods / articles.

During a routine enforcement exercise on 10th April 2013, your vehicle registration X805 PJW was observed parked on South View Crescent at 10.40am, from which you were street trading within an 800m radius of shops selling similar articles to you such as fruit and vegetables .

On 1st May 2013 you were observed on Glover Road at 4.45pm, street trading within an 800m radius of shops selling similar articles to you such as fruit and vegetables.

The offence is admitted and I give my consent to the caution. I have been informed that a record of the caution will be kept by the Council and any further offences of breaches of street trading consent conditions will lead to the street trading consent being referred to the Licensing Committee of the Council for consideration.

Previous caution(s) may influence the decision of the Council if the above named should offend again. If the above should appear before court on some future date, this caution may be cited.

Signed... R: KHAN

Time... 2-40 Date... 14-5-13

Signature of officer administering the caution.

Signed... A-S. [Signature]

Time... 2-40pm Date... 14/5/13

APPENDIX E

Licensing Services
Block C, Staniforth Road Depot,
Staniforth Road, SHEFFIELD S9 3HD
Tel: 0114 203 7752 Fax: 0114 273 5410
Email: andy.ruston@sheffield.gov.uk

Date: 19th June 2013

Raja Razaqat Khan
46 Raisen Hall Road
Sheffield
S5 7NB.

Dear Sir,

**Local Government (Miscellaneous Provisions) Act 1982
Mobile Street Trading.**

I refer to the above and my previous correspondence and meetings with you.

On 17th June 2013, My colleague and I observed you street trading from your vehicle registration X 805 PJW at 2pm on Ferras Road, which is within an 800 metre radius of shops selling similar articles to you such as fruit and vegetables. As you are aware, this is the third occasion that you have been observed street trading within an 800 metre radius of shops selling similar articles such as fruit and vegetables. Therefore as previously explained to you at the meeting that you attended with my colleague and I on 14th May 2013, it will now be necessary for your mobile consent to be placed before the Licensing Committee of the Council to allow the members of the Licensing Committee to give consideration to your breaches of the Street Trading Consent Conditions.

I will contact you in due course with a date and time at which your consent will be placed before the Licensing Committee of the Council for consideration.

If you require any further assistance regarding this matter, please do not hesitate to contact me either via email or on the telephone number shown above.

Yours faithfully

Andy Ruston
Senior Licensing Officer

APPENDIX F

SHEFFIELD CITY COUNCIL

**LOCAL GOVERNMENT MISCELLANEOUS PROVISIONS ACT 1982
Street Trading – Mobile Street Trading Consent – Raja Rafaqat Khan
IMPORTANT: NOTIFICATION OF A COMMITTEE HEARING**

To: Raja Rafaqat Khan
46 Raisen Hall Road
Sheffield
S5 7NB.

LEGISLATION: Local Government (Miscellaneous Provisions) Act 1982

LICENCE TYPE: Street Trading Consent – Mobile.

I refer to the above and consideration that will be given to the consent following three instances of the consent holder breaching the Mobile Street Trading Consent Conditions, Fruit Vegetables and Other traders.

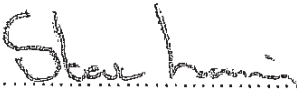
This matter has been referred to the Licensing Committee of Sheffield City Council for determination. Full details will be provided in the report to the Committee which will be sent to you in due course. The Licensing Committee has the authority to decide what action to take in relation to this matter.

The Committee has indicated that it expects persons that are invited to attend the meeting.

The hearing in respect of this matter will take place on 23rd July 2013 in a Committee Room of the Town Hall, Sheffield (Pinstone Street entrance) and you are invited to attend at 10:00 am.

PLEASE NOTE:

I would be grateful if you could confirm that you will be attending the meeting by telephoning the Licensing Office on 0114 2037752.


.....

Date: 10th July 2013

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 2037752

The Licensing Service is open from 9.00am to 5.00pm, Monday to Friday

SHEFFIELD CITY COUNCIL

LOCAL GOVERNMENT MISCELLANEOUS PROVISIONS ACT 1982
Street Trading – Mobile Street Trading Consent – Raja Rafaqat Khan
IMPORTANT: NOTIFICATION OF A COMMITTEE HEARING

To: Cllr Nikki Bond.

LEGISLATION: Local Government (Miscellaneous Provisions) Act 1982

LICENCE TYPE: Street Trading Consent – Mobile.

I refer to the above and consideration that will be given to the consent following three instances of the consent holder breaching the Mobile Street Trading Consent Conditions, Fruit Vegetables and Other traders.


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 this matter.

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PLEASE NOTE:

I would be grateful if you could confirm that you will be attending the meeting by telephoning the Licensing Office on 0114 2037752.


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

Date: 10th July 2013

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 2037752

The Licensing Service is open from 9.00am to 5.00pm, Monday to Friday

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