



SHEFFIELD CITY COUNCIL Committee Report

Report of: Chief Licensing Officer, Head of Licensing

Date: 18th April 2017

Subject: Street Trading
Application for a Static Street Trading Consent

Author of Report: Clive Stephenson

Summary: To consider an application for a street trading consent City Centre (Fargate)

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: 47/17

LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982

STREET TRADING – Hot food & Drink - Fargate

1.0 PURPOSE OF REPORT

1.1 To consider an application for the grant of a Static Street Trading consent to trade at Fargate 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 - (c) all previous designations in relation to street trading will be rescinded as a result of the designation set out above.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 Hristo Hristov & Zima Simeonova a copy of the application is attached at Appendix 'A'.

3.2 The application was submitted on 20th February 2017.

3.3 The application is to serve Traditional Balkan Food, hot & cold, Monday to Sunday between 09.00 and 19.00.

3.4 The application was circulated, in the usual manner, to South Yorkshire Police, South Yorkshire Fire and Rescue, Highways and Planning, and City Centre Management. Notices were erected by Licensing Officers at the site advertising the application and notice was also given to shops and anyone that might be affected by the applications within the immediate vicinity.

3.5 Objections have been received by an interested party, a business nearby.

3.6

4.0 REASONS FOR REFERRAL

4.1 The application has been referred to the Sub-Licensing Committee for their consideration as the Licensing Authority has received objections to the application from the following parties:-

- The Manager Lynne's Pantry, Surrey Street.

Copies of the representations are attached at Appendix 'B'

4.2 The objections refer to issues contained in section 2.8 of our street trading policy when determining the application, and Members are referred to in particular section 2.8.2:

- Traders

4.3 Members should consider all the information provided by the applicant both in their written application and in person at the hearing.

4.4 The applicant and objectors have been invited to attend the Licensing Committee hearing. Copies of the invites are attached at Appendix 'C'.

4.5 A copy of the hearing procedure is attached at Appendix 'D'.

5.0 FINANCIAL IMPLICATIONS

5.1 The Street Trading Policy states that fees will be set and reviewed annually on a full cost recovery basis. The level of fee takes into account the location, duration of consent, the trading hours and articles to be sold as well as the enforcement of terms and conditions.

5.2 Fees for static consents are determined at the grant of the application therefore there are no financial implications arising from this report.

6.0 RECOMMENDATIONS

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

7.0 OPTIONS OPEN TO THE COMMITTEE

7.1 To grant the application for a Static Street Trading Consent at location applied for.

7.2 To grant the application with amendments.

7.3 To defer the matter for further consideration.

7.4 To refuse the grant of the Static Street Trading Consent .

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

18th April 2017.

Appendix A

Application

Application for a
(City Centre – small unit) 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 (city centre – small unit) street trading consent.

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	Hristo Petrov Hristov	Zina Fidanova Simeonova
Q2	Applicant(s) permanent private address	[REDACTED]	[REDACTED]
Q3	Date of birth	10.05.1969.	25.10.1978
Q4	Nationality and place of birth	Bulgarian Varna	Bulgarian Varna
Q5	National Insurance No.	[REDACTED]	[REDACTED]
Q6	Do you have the legal right to work and live in the UK?	<input checked="" type="radio"/> YES / <input type="radio"/> NO EU Details: Permanent Residence	<input checked="" type="radio"/> YES / <input type="radio"/> NO EU Details: Permanent Residence
Q7	Have you ever been refused a street trading consent in this or any other area?	YES <input checked="" type="radio"/> NO Details:	YES <input checked="" type="radio"/> NO Details:
Q8	Telephone No	[REDACTED]	[REDACTED]
Q9	Email address	[REDACTED]	[REDACTED]

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

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Q10	Name	
Q11	Registered address	
Q12	Registered number	
Q13	Telephone number	
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. TRADING DETAILS

Q16	Trading Name (if applicable)	Hristo Hristov / Zina Simeonova
Q17	Trading address (if different from above) Post Code	
Q18	Site to be occupied	Fargate
Q19	Items to be sold (i.e. type of food, jewellery, paintings, etc)	Food - Hot and Cold Food - salads, various sausages, koftas, chips, Hot and Cold drinks.
Q20	Please specify preferred days of trade:	Monday - Sunday
Q21	Please specify preferred hours of trade:	9am - 7pm

D. THE UNIT

Q19	Type: eg barrow / cart, etc.	food trailer / cart
Q20	Size of unit	Height: 2.5 Width: 2.00 Length: 3.00

E. CONVICTIONS / CAUTIONS

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Q21	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
	Applicant 1		
	Applicant 2		

F. CHECK LIST

The following documents must be attached with this application: (tick)

Non refundable fee of £100	<input checked="" type="checkbox"/>
Your current passport	<input checked="" type="checkbox"/>
Your current drivers licence	<input checked="" type="checkbox"/>
One other proof of identity, showing your name and current address (recent utility bill, bank statement etc)	<input checked="" type="checkbox"/>
Right to work documentation (if applicable)	<input checked="" type="checkbox"/>
Two (recent and identical) passport size photographs signed and dated on the reverse as a true likeness.	<input checked="" type="checkbox"/>
Photographs of the vehicle / unit, front back and rear.	<input checked="" type="checkbox"/>
Details of any food hygiene qualifications (unless trading in non food items)	<input checked="" type="checkbox"/>
If trading in food, confirmation that the business has a food hygiene score rating of 3 or more.	
Confirmation your vehicle meets the quality criteria	<input checked="" type="checkbox"/>
Any further information you may wish to submit in support of your application	<input checked="" type="checkbox"/>

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

(tick if enclosed with this application)

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

G. DECLARATION

WARNING



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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 applicationfor 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: Hristo Hristov
Date: 13.02.2017
Capacity: Applicant / trader
Applicant 2
Signature: 
Print name: Zina Simeonova
Date: 13.02.2017
Capacity: Applicant / trader

Please read these notes before completing the application form.

- If there is insufficient room on this form to fully answer the questions; or if you wish to make any further statement in support of your application, please do so on a separate sheet of paper attached to this form.
- None of the information which you supply on (or with) this form will be treated as confidential except where it relates to convictions.
- The Council is under no obligation whatsoever to grant a consent to any person; you will be notified of the result of this application, as soon as possible.

Please return the fully completed form and all attachments to:

AS

**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

**CITY CENTRE STREET TRADING
Small Trading Stalls**

BACKGROUND

Street activities are an essential ingredient of a vibrant and lively city, and in Sheffield there is a strong demand for legitimate small scale trading pitches. They also offer an opportunity for small businesses to get started with relatively modest outlay.

The widening of footways offers the opportunity to designate more pitches in locations that will add to the attractiveness of the City Centre. In Orchard Square and Meadowhall 'Barrow' style stalls are used extensively, enhancing the colour and vitality of those places.

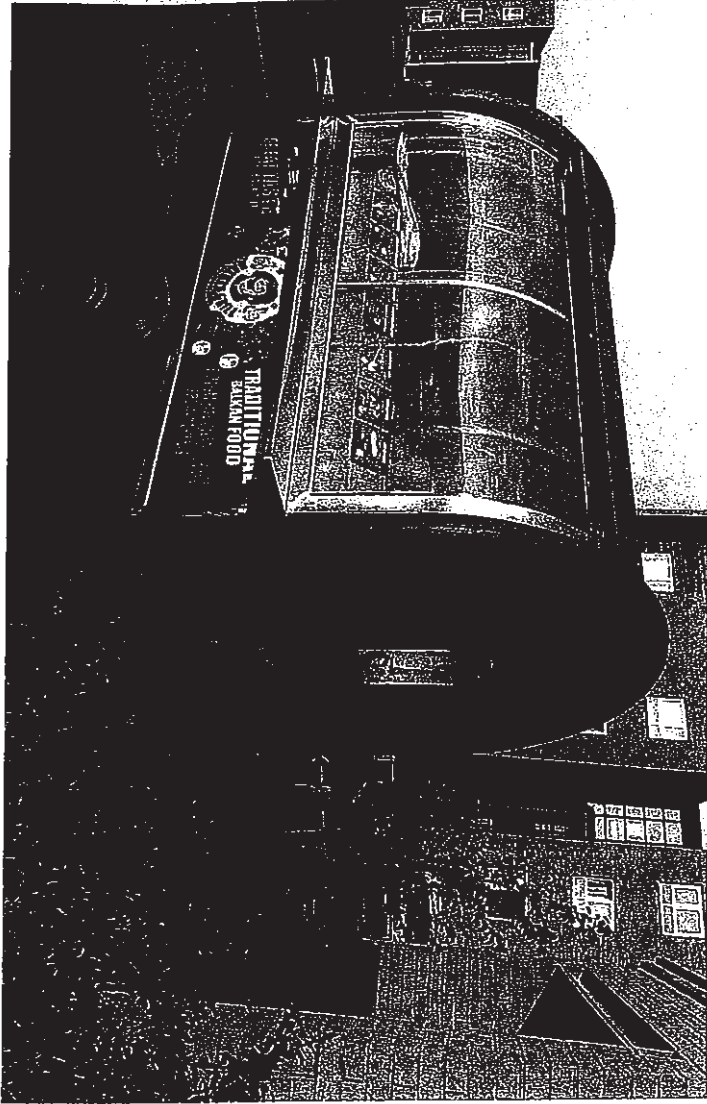
This scheme is part of the City Council's campaign to make Sheffield City Centre a more attractive and vibrant place. Set out below is the qualitative criteria which forms the basis on which to test applications for the grant of designated small trading stall Street Trading Consent sites within the City Centre.

QUALITATIVE CRITERIA – SMALL TRADING STALLS

GENERAL DESIGN

- There will be no motorised vehicles or stalls etc. permitted as part of this scheme.
- All barrows/handcarts must be capable of being moved on and off site by hand and any vehicles used to bring the barrows/handcarts to the site must be parked, loaded and unloaded off site.
- Good display is an important part of the selling process and top quality presentation encourages purchase and benefits the retailer reputation.
- It is in the best interest of traders to produce a high quality design in their barrows/handcarts. The function of the stall is to identify the trader and add vitality and colour to the immediate area, and reflect the quality, cleanliness and order in their operation. The barrow/stall contributes to the appearance of the street for good or bad, so design matters to everyone who uses the street, as well as the operator.
- 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 (this will include the Head of Licensing, City Centre Manager and Planning Service) and be in keeping with the street/area that it is to be located.
- 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.
- 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 and the promotion of the City Centre.
- Non functional elements attached to barrows / handcarts, are not acceptable.
- The general design of the barrow/handcart must meet the requirements of the Council for that

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STREET TRADING

Notice is hereby given that:

An application has been submitted to Sheffield City Council for a static street trading consent:

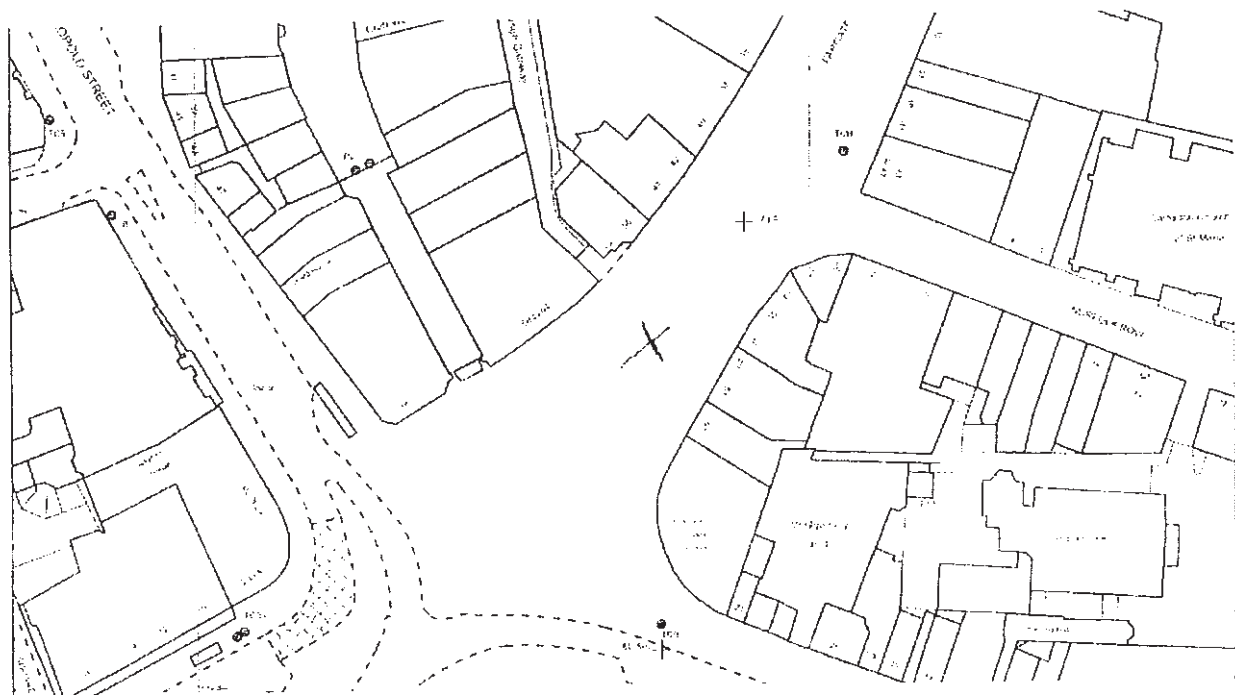
By: **Hristo Hristov & Zina Simeonova**

To trade: **Hot and Cold Food and Drink**

On: **Monday to Sunday
09:00 to 19:00**

Unit details: **Food Trailer/Cart**

The location: **Fargate (See attached plan)**



Interested parties may make representations about this application, in writing, to: Licensing Services, Sheffield City Council, Block C, Staniforth Road Depot, Staniforth Road, Sheffield, S9 3HD by **23rd March 2017**

For full details and to view a copy of the application please contact the Licensing Service on 0114 273 4264

COMPLETE IF CONSULTING WITH NEARBY SHOPS ETC

Name and Address of Business / Residential Property address	Nature of Business		
	Sandwich Shop/Café/ Takeaway	Off-Licence selling sandwiches, confectionary etc.	Other (please specify)
Marmadukes	✓		
Nero - fargate	✓		
Starbucks - fargate	✓		
Munchies Chap Walk	✓		
Creggs - fargate	✓		
feast Chapel Walk	✓		
Lynns Pantry	✓		
Stanfords Chapel Walk.	✓		

Appendix B

Objections. No.1

Local Government (Miscellaneous Provisions) Act 1982
Street Trading – Fargate

An application has been submitted to Sheffield City Council for a static street trading consent at the above named site:

By: **Hristo Hristov & Zina Simeonova**
To trade: **Hot and Cold Food and Drink**
On: **Monday – Sunday : 09:00 - 19:00**

As a local business/person that could potentially be affected by the siting of this vendor, we would like to consult with you to gain your opinion.

Please refer to the attached information - you will note the proposed location of the consent and details of the proposed vehicle.

I would be grateful if you would take a couple of minutes to write any comments below.

If it is more convenient for you, you are welcome to submit your comments by email to licensing@sheffield.gov.uk or in writing to Licensing Service, Block C, Staniforth Road Depot, Staniforth Road, Sheffield, S9 3HD. Please ensure all your details and all the traders' details are included in your message.

Any comments you have regarding this application must be received by the Licensing Service by **23rd March 2017**

If you have any queries, please contact The Licensing Service on 0114 273 4264

Company/name and address: Lynne's Pantry, 39 Surreys meer, S1 2LG

Form completed by (please print): Matthew Frolish

a) I have no comments to make about this application

b) I have the following comments to make about this application
(please detail below)

Comments: Our business has been in the City Centre since 1979, employing 16 staff. I feel over the course of time this area has been saturated with food outlets. Over the last year our costs have significantly increased, its now a struggle to survive. This application would only add to this struggle.

Signed: [Signature] Date: 20/3/17

Position in company: Manager

Applicant: **Mr Michael Richard Hall**
Proposed Location: **Meadowhall Park and Ride Officer dealing: AMA**

Appendix C

Invitation to attend

SHEFFIELD CITY COUNCIL

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LOCAL GOVERNMENT MISCELLANEOUS PROVISIONS ACT 1982

Street Trading – Static Street Trading application - Fargate.

IMPORTANT: NOTIFICATION OF A COMMITTEE MEETING

To: Mr Hristo Hristov

[REDACTED]
Sheffield [REDACTED]

Email: [REDACTED]

LEGISLATION: Local Government (Miscellaneous Provisions) Act 1982

LICENCE TYPE: Street Trading Consent – Fargate

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

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

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

The meeting in respect of the application will take place on **Tuesday 18th April 2017** in a Committee Room of the Town Hall, Sheffield, S1 2HH (Pinstone Street entrance) and you are invited to attend at **11:45 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 2734264.

Steve Lonnia

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Steve Lonnia
Chief Licensing Officer
Head of Licensing

Date: 5th April 2017

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.**

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SHEFFIELD CITY COUNCIL

LOCAL GOVERNMENT MISCELLANEOUS PROVISIONS ACT 1982

Street Trading – School Street Trading Application – Norborough Road IMPORTANT: NOTIFICATION OF A COMMITTEE MEETING

To: Mathew Frolish
Manager
[Redacted]
[Redacted]
Sheffield
[Redacted]

LEGISLATION: Local Government (Miscellaneous Provisions) Act 1982

LICENCE TYPE: Street Trading Consent – Fargate

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

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

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Appendix D

Hearing Procedure

STREET TRADING CONSENT APPLICATION

SUB-COMMITTEE HEARING PROCEDURE

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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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