



**SHEFFIELD CITY COUNCIL
Committee Report**

Report of: Chief Licensing Officer, Head of Licensing

Date: 22nd August 2017

Subject: Street Trading
Application for a Static Street Trading Consent

Author of Report: Clive Stephenson

Summary: To consider an application for a Static Street Trading Consent at Barkers Pool Sheffield City Centre

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: 100/17

LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982

STREET TRADING – Steve Lokwa

1.0 PURPOSE OF REPORT

1.1 To consider an application for the grant of a Static Street Trading consent to trade at Barkers Pool.

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 - (c) all previous designations in relation to street trading will be rescinded as a result of the designation set out above.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 applicant is a Mr Steve Lokwa copy of the application is attached at Appendix 'A'.

3.2 The application was submitted on 8th June 2017.

3.3 The application is to Hot Food and Drinks from a mobile unit Monday to Sunday from 11.00 to 18.00.

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 City Centre Management.

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:-

- City Centre Management

A copy of the representation is attached at Appendix 'B'

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

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

4.4 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 Barkers Pool.

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

22nd August 2017.

Appendix A

Application and relevant documents

Rec 70584

Local Government (Miscellaneous Provisions) Act 1982

Application for a (City Centre – small unit) Street Trading Consent

MCC AI

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 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	Mr Steve Lokwa	<div style="border: 1px solid black; padding: 5px; text-align: center;"> <p>LICENSING</p> <p>- 8 JUN 2017</p> <p>SERVICES</p> </div>
Q2	Applicant(s) permanent private address	[REDACTED], Sheffield, S2 1RA	
Q3	Date of birth	22/02/1992	
Q4	Nationality and place of birth	British, Congo DRC	
Q5	National Insurance No.	[REDACTED]	
Q6	Do you have the legal right to work and live in the UK?	YES Details:	L70584 £100 cool
Q7	Have you ever been refused a street trading consent in this or any other area?	NO Details:	
Q8	Telephone No	[REDACTED]	
Q9	Email address	[REDACTED]	

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

A2

Q10	Name	N/A
Q11	Registered address	N/A
Q12	Registered number	N/A
Q13	Telephone number	N/A
Q14	Email address	N/A
Q15	Please provide details of all Directors (names, addresses, dates of birth and details of any convictions). A separate sheet may be used.	N/A

C. TRADING DETAILS

Q16	Trading Name (if applicable)	Topaz
Q17	Trading address (if different from above) Post Code	██████████ Sheffield, S2 RA
Q18	Site to be occupied	Day hours: 1. Sheffield city centre – Anywhere on Barker's Pool – (Barker's Pool, Sheffield S1 1EP)
Q19	Items to be sold (i.e. type of food, jewellery, paintings, etc)	Burgers, Hotdogs, Nachos, Sausages, Chips, Shawarma wraps, Salad and Soft Drinks
Q20	Please specify preferred days of trade:	Monday to Saturday
Q21	Please specify preferred hours of trade:	Day Hours: 11am to 6pm

D. THE UNIT

A3

Q19	Type: eg barrow / cart, etc.	Towable catering Trailer
Q20	Size of unit (approximate)	Height: 2.5 meters Width: 2 meters Length: 3 meters

E. CONVICTIONS / CAUTIONS

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 No	Applicant 2 N/A
Details of previous convictions and/or cautions			
	Date of Conviction	Court of Conviction	Nature of Offence
	Sentence		
Applicant 1			
Applicant 2			

F. CHECK LIST

The following documents must be attached with this application:

(tick)

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

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

(tick if enclosed with this application)

A4

The remaining quarterly fee or full annual fee.	
Certificate of insurance in respect of the vehicle / unit	
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

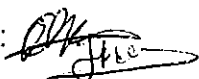
WARNING

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 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:

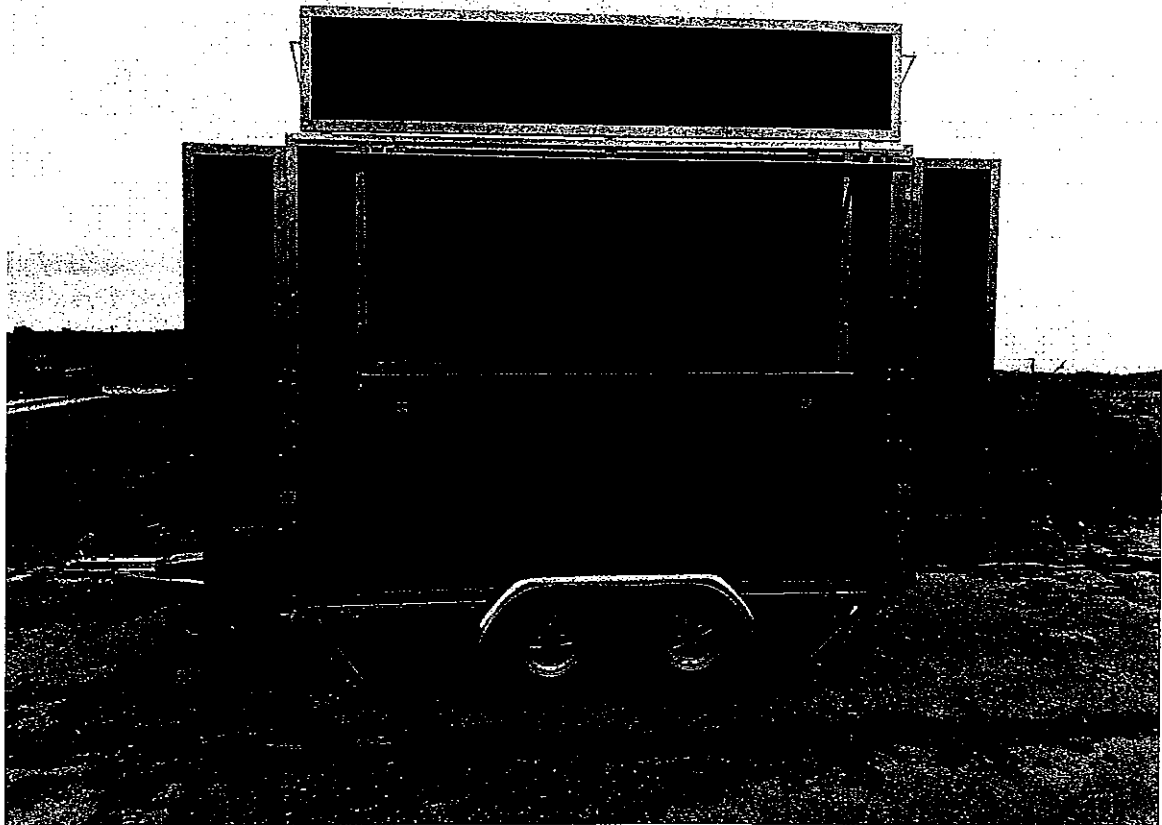
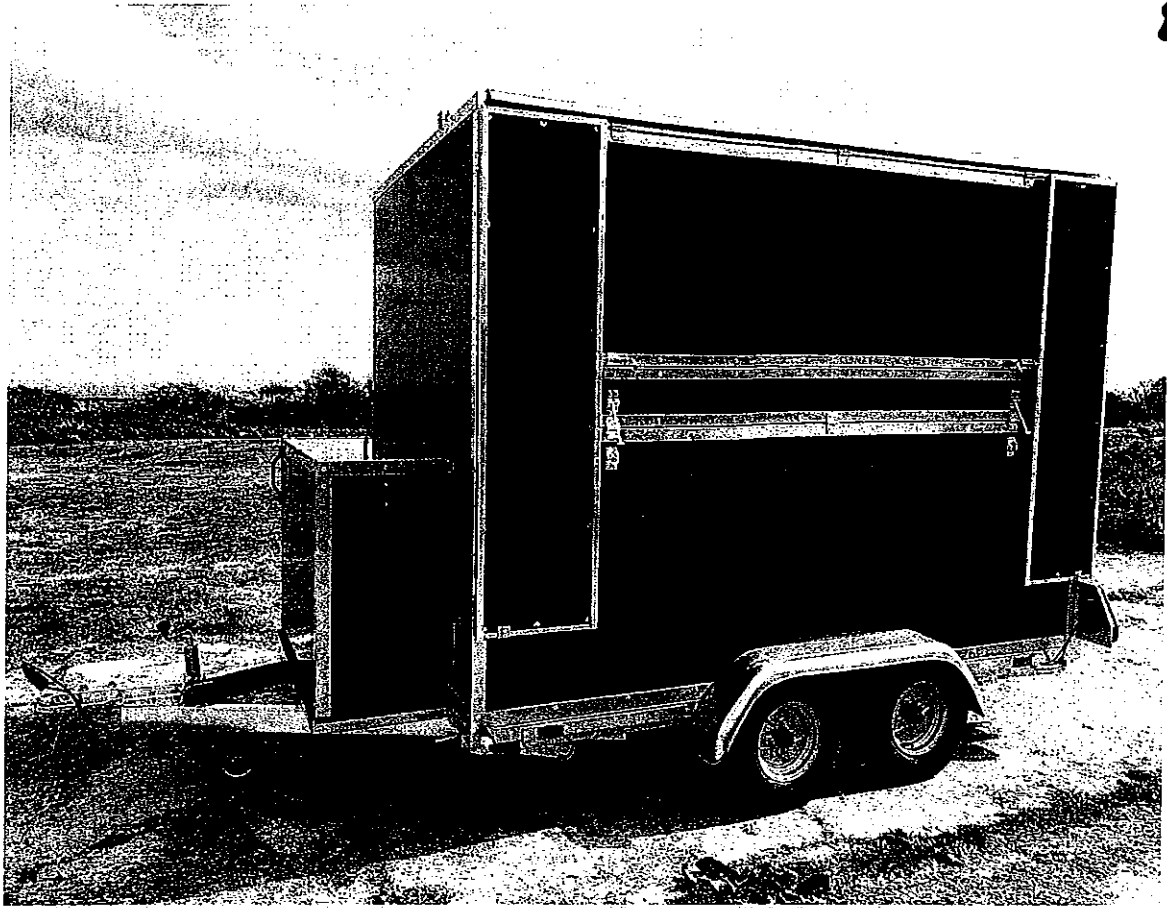
Applicant 1 Signature:  Print name: Steve Iokwa Date: 05/06/2017 Capacity: 100%
Applicant 2 Signature: N/A Print name: N/A Date: N/A Capacity: N/A

PLEASE NOTE: This is a new business, therefore all of the equipment are still to be purchased on the approval of this application. The images attached are an indication of how the trading unit is going to look like. I do not currently hold a Food hygiene certificate, but if this application were to be successful, I would obtain one before opening the business.

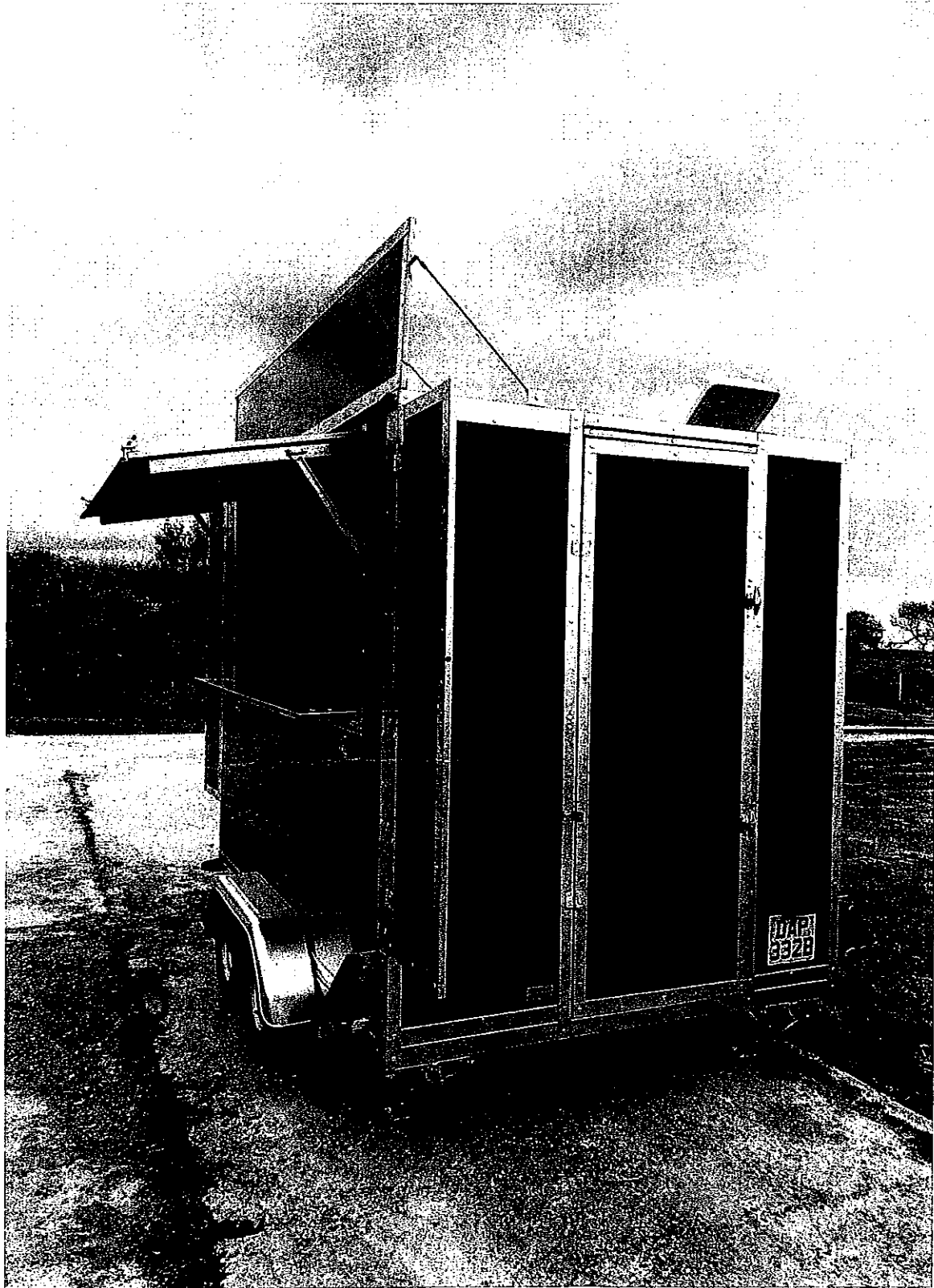
AS

My goal is to start small, and expand as the business grows. The plan is to continuously improve the looks of the trading unit in order to stand out and contribute to the visual looks of my surroundings. If the business is received well by the public, I am aiming to place a few more trading units in different part of the city to create a trademark look with in the city and to build a strong brand that people can trust. Furthermore I am also aiming to open a restaurant with a variety of food once the brand has been established, this will help create more jobs for the people of Sheffield, and add a completely new taste to the city of Sheffield, making our city more attractive to visitors and for the people that live in it.

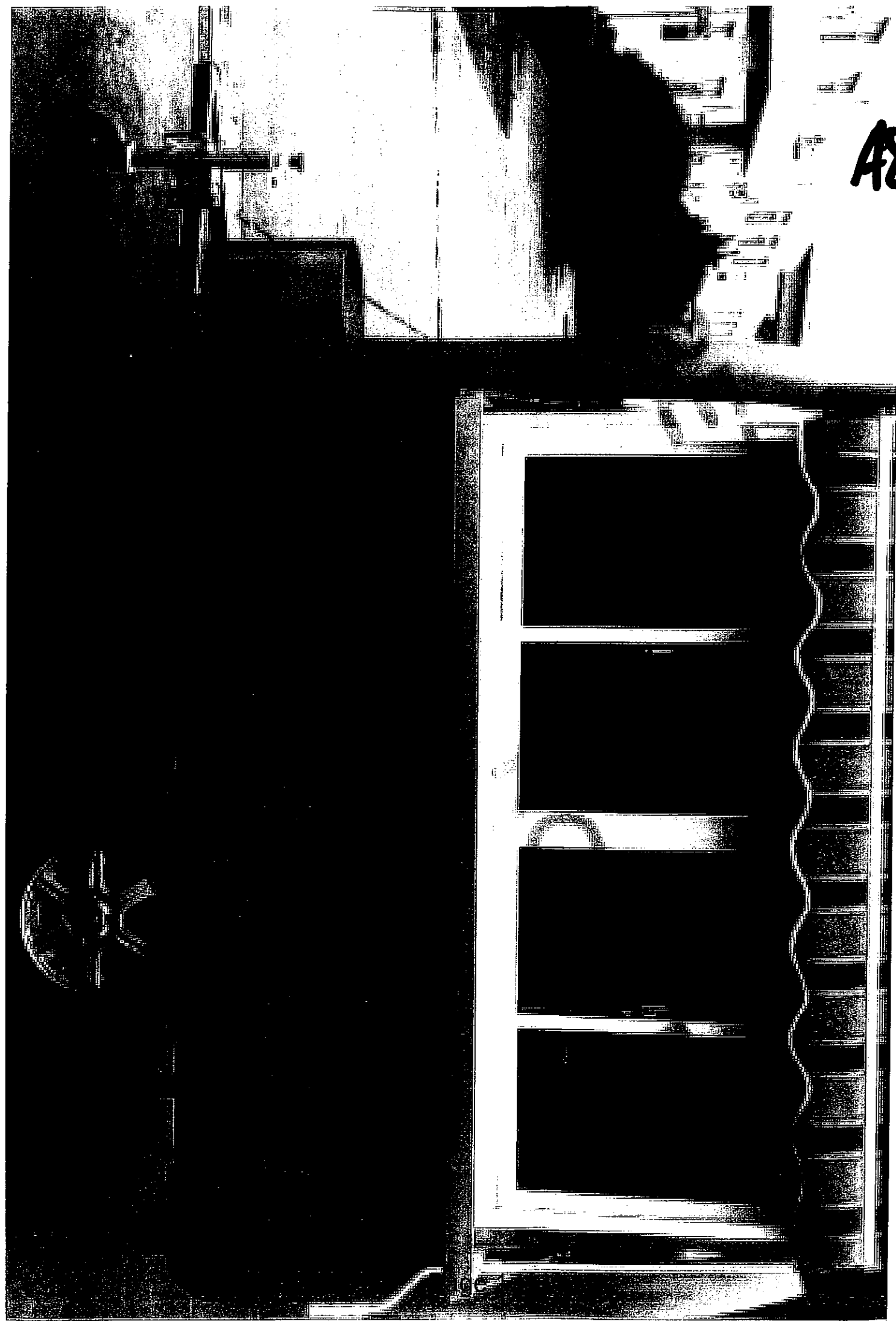
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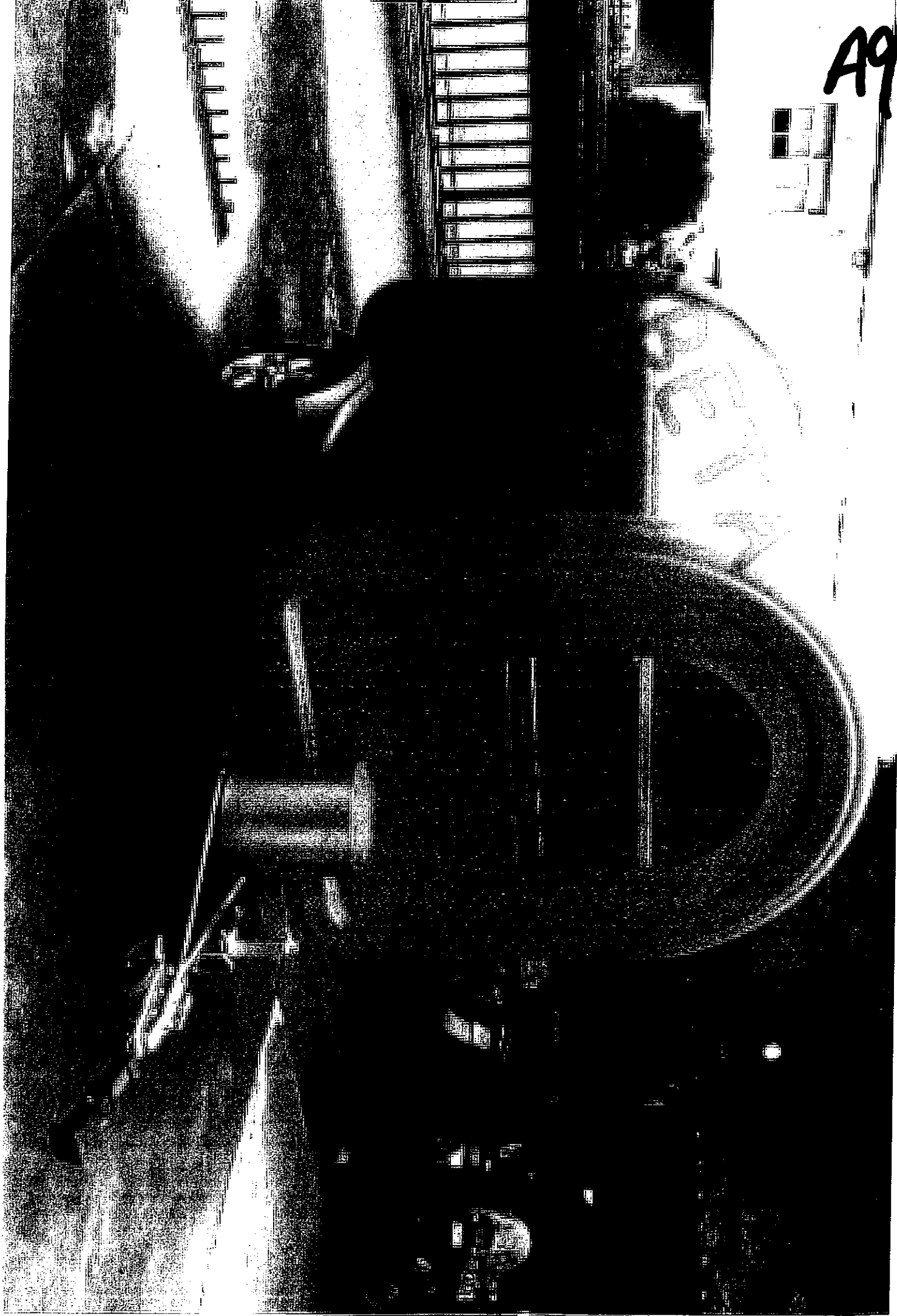
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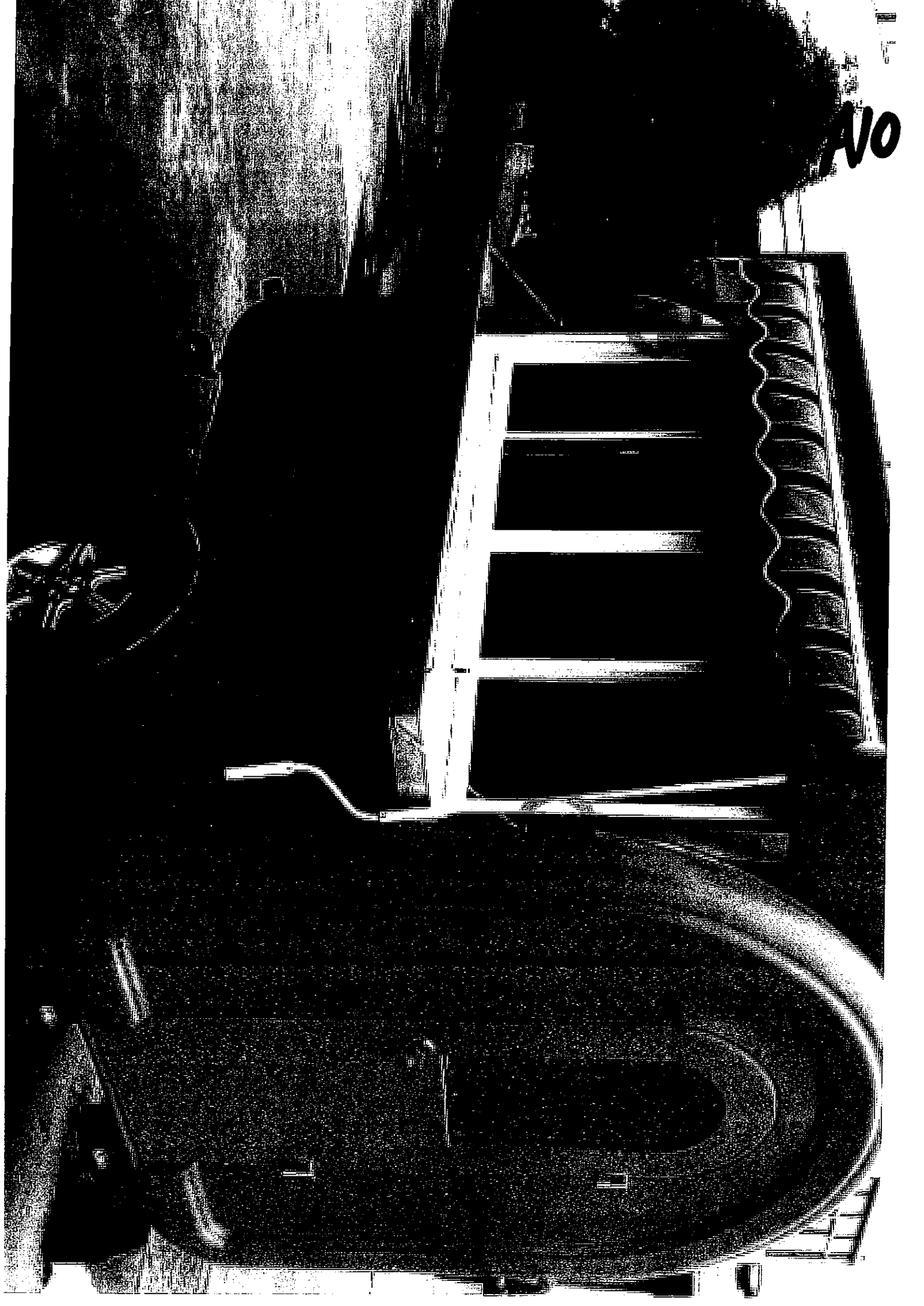
48



A9



No



AK

3m

Floor Plan not to scale

Appendix B

Objections. No.1

Crawshaw Michael (CEX)

From: City Centre Management Team
Sent: 14 June 2017 10:35
To: Crawshaw Michael (CEX); planningdc@sheffield.gov.uk
Cc: Eyre Richard
Subject: RE: City Centre Street Trading

BI

Hi Michael,

We would object to this based on the quality of the unit, it comes nowhere near the required quality criteria for a prime public realm site, it's a bog standard catering unit.

Regards

Steve

Steve Cooper
City Centre Resources Manager
City Centre Management Team
Sheffield City Council
Moor Market Management suite
77 The Moor
S1 4PF
01142736832/07971750722

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

From: Crawshaw Michael (CEX)
Sent: 14 June 2017 09:45
To: Police Licensing; SYFRlicensing@syfire.gov.uk (SYFRlicensing@syfire.gov.uk);
planningdc@sheffield.gov.uk; highways@sheffield.gov.uk; City Centre Management Team
Cc: 'Cafcass'
Subject: City Centre Street Trading

Good Morning

Please find City Centre Street Trading for Steve Lokwa

Barkers Pool

Last date for comment 6 July 2017

Mick

Michael Crawshaw
Licensing Analyst & Processing Officer
Licensing Service, Business Strategy & Regulation Block C, Staniforth Road Depot, Staniforth Road, Sheffield, S9 3HD.
Telephone 0114 2734264 Fax 01142734073 Email michael.crawshaw@sheffield.gov.uk or
licensing@sheffield.gov.uk www.sheffield.gov.uk

Crawshaw Michael (CEX)

B2

From: Cooper Steve (DEL)
Sent: 24 July 2017 12:04
To: Crawshaw Michael (CEX)
Subject: RE: Street Trading City Centre

Hi Mick,
Sorry, I missed this one, Had a look at the new images and the unit is a big improvement with suitable branding it would be fine and we would have no objections.
Regards
Steve

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

From: Biggin Guy On Behalf Of City Centre Management Team
Sent: 26 June 2017 12:18
To: Cooper Steve (DEL)
Subject: FW: Street Trading City Centre

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

From: Crawshaw Michael (CEX)
Sent: 26 June 2017 12:06
To: SYFRlicensing@syfire.gov.uk (SYFRlicensing@syfire.gov.uk); planningdc@sheffield.gov.uk; highways@sheffield.gov.uk; City Centre Management Team
Subject: Street Trading City Centre

Good Afternoon

Steve Lokwa has sent new Street Trading Pictures

Mick

Michael Crawshaw
Licensing Analyst & Processing Officer
Licensing Service, Business Strategy & Regulation Block C, Staniforth Road Depot, Staniforth Road, Sheffield, S9 3HD.
Telephone 0114 2734264 Fax 01142734073 Email michael.crawshaw@sheffield.gov.uk or licensing@sheffield.gov.uk www.sheffield.gov.uk

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From: Crawshaw Michael (CEX)
Sent: 14 June 2017 09:45
To: Police Licensing; SYFRlicensing@syfire.gov.uk (SYFRlicensing@syfire.gov.uk); planningdc@sheffield.gov.uk; highways@sheffield.gov.uk; City Centre Management Team
Cc: 'Cafcass'
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Good Morning

Please find City Centre Street Trading for Steve Lokwa

Appendix C

Invitation to attend

SHEFFIELD CITY COUNCIL

LOCAL GOVERNMENT MISCELLANEOUS PROVISIONS ACT 1982

Street Trading – Static Street Trading Application – Barkers Pool, (Adjacent to Division Street)

IMPORTANT: NOTIFICATION OF A COMMITTEE MEETING

To: Mr Steve Lokwa

[REDACTED]
Sheffield
S2 1RA

Email [REDACTED]

LEGISLATION: Local Government (Miscellaneous Provisions) Act 1982

LICENCE TYPE: Street Trading Consent – Barkers Pool.

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 22nd August 2017** 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 by telephoning the Licensing Office on 0114 2734264.

Steve Lonnia

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

Date: 10th August 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.

C2

SHEFFIELD CITY COUNCIL

LOCAL GOVERNMENT MISCELLANEOUS PROVISIONS ACT 1982

Street Trading – Static Street Trading Application – Barkers Pool IMPORTANT: NOTIFICATION OF A COMMITTEE MEETING

To: Steve Cooper
City Centre Resources Manager
City Centre Management Team
Sheffield City Council

Email; steve.cooper@sheffield.gov.uk

LEGISLATION: Local Government (Miscellaneous Provisions) Act 1982

LICENCE TYPE: Street Trading Consent – Barkers Pool.

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

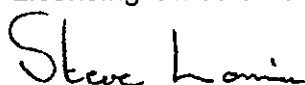
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Appendix D

Hearing Procedure

STREET TRADING CONSENT APPLICATION

SUB-COMMITTEE HEARING PROCEDURE

DI

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.