



## SHEFFIELD CITY COUNCIL Committee Report

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**Report of:** Chief Licensing Officer, Head of Licensing

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**Date:** 3<sup>rd</sup> October 2017 at 10.45 am

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**Subject:** Street Trading  
Application for a Schools (Ice Cream) Street Trading

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**Author of Report:** Claire Bower

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**Summary:** To consider an application for a Schools (Ice Cream) Street Trading consent at Birley Community Primary School, Thornbridge Avenue.

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**Background Papers:** As attached

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**Category of Report:** OPEN

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

**REF No: 122/17**

**LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982**

**SCHOOLS (ICE CREAM) STREET TRADING – Paul Chafer**

**1.0 PURPOSE OF REPORT**

- 1.1 To consider an application for the grant of a Schools (Ice Cream) Street Trading consent to trade at Birley Community Primary School, Thornbridge Avenue, 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 29<sup>th</sup> 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 1<sup>st</sup> 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    - (c) all previous designations in relation to street trading will be rescinded as a result of the designation set out above.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 1<sup>st</sup> 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 Paul Grayson a copy of the application is attached at Appendix 'A'.
- 3.2 The application was submitted on 4<sup>th</sup> May 2017.
- 3.3 The application is to sell ice cream near the entrance of Birley Community Primary School during school term times. A photo of the area where the van would be parked, if granted, is attached at Appendix 'B'.
- 3.4 Mr Grayson submitted, as part of his application, a 39 page petition of signatures of people who would like to allow an ice cream van outside the school. Due to the size of the document, it has not been attached to the report but will be available for Members to view at the Hearing.
- 3.5 The application was circulated, in the usual manner, to South Yorkshire Police, South Yorkshire Fire and Rescue, Highways and Planning and no adverse comments were received.

### **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 an objection to the application from the Headteacher of the school.
- 4.2 A copy of the objection is attached at Appendix 'C'
- 4.3 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: Public Safety/Highway.
- 4.4 Members should consider all the information provided by the applicant both in their written application and in person at the hearing.
- 4.5 The applicant and objector have been invited to attend the Licensing Committee hearing. Copies of the invites are attached at Appendix 'D'.
- 4.6 A copy of the hearing procedure is attached at Appendix 'E'.

### **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 The fees for a school's (ice cream) street trading consent is currently fixed at £50 and is payable on 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 School's (Ice Cream) Street Trading Consent at the 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 Street Trading Consent.

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

20<sup>th</sup> September 2017

# Appendix A

## Application Form

Local Government (Miscellaneous Provisions) Act 1982

### Application for a School Street Trading Consent

LICENSING

#### 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.

SERVICES

I / WE HEREBY APPLY to the Sheffield City Council for the grant of a school street trading consent to sell ice cream (delete as appropriate).

#### A. THE APPLICANT(S)

		1 <sup>st</sup> Applicant (Mr/Ms/Miss/other)	2 <sup>nd</sup> Applicant (Mr/Ms/Miss/other)
Q1	Full names of the applicant	Mr. [REDACTED]	
Q2	Applicant's permanent home address	[REDACTED]	
Q3	Date of birth	[REDACTED]	
Q4	Nationality and place of birth	[REDACTED]	
Q5	National Insurance No.	[REDACTED]	
Q6	Do you have the legal right to work and live in the UK?	<input checked="" type="checkbox"/> YES / NO Details:	<input type="checkbox"/> YES / NO Details:
Q7	Have you ever been refused a street trading consent in this or any other area?	<input checked="" type="checkbox"/> YES / NO Details:	<input type="checkbox"/> YES / NO Details:
Q8	Telephone No.	[REDACTED]	
Q9	Email address	[REDACTED]	
Q10	Current ice cream mobile consent number		

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

Q11	Name	...
Q12	Registered address	...
Q13	Registered number	...
Q14	Telephone number	...
Q15	Email address	...
Q16	Please provide details of all Directors (names, addresses, dates of birth and details of any convictions). A separate sheet may be used.	...

**C. THE VEHICLE**

Q17	Description of vehicle to be used	...
Q18	Registration number	...
Q19	Date of first registration	...
Q20	Last MOT and service	...
Q21	Size of vehicle	Height: ... Width: ... Length: ...
Q22	Items to be sold	...
Q23	Does the vehicle meet the quality criteria? Your vehicle will be inspected prior to granting a permit	...

**D. THE SCHOOL**

Q24	Name and address of school where you wish to trade	...
Q25	Location of pitch (include site plan)	...

**E. CONVICTIONS / CAUTIONS**

**Q26** Have any of the applicants ever been convicted of a criminal offence, whether in the United Kingdom or elsewhere?

Applicant 1 Yes [ ] No [ ]

Applicant 2 Yes [ ] No [ ]

If the answer is Yes please give full details below:

**Details of previous convictions and/or cautions**

Date of Conviction	Court of Conviction	Nature of Offence	Sentence
Applicant 1	<b>Conviction Details will be available for Members at the Hearing</b>		
Applicant 2			

**F. CHECK LIST**

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

The appropriate fee	<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 colour (recent and identical) passport size photographs signed and dated on the reverse as a true likeness	<input checked="" type="checkbox"/>
Head Teachers written consent	<input checked="" type="checkbox"/>
If trading from private land, written confirmation from the landowner	<input checked="" type="checkbox"/>
Ordnance survey map of at least 1:1250 scale clearly identify the proposed trading position	<input checked="" type="checkbox"/>
Photographs of the vehicle / unit showing front, side and rear	<input checked="" type="checkbox"/>
Details of any food hygiene qualifications	<input checked="" type="checkbox"/>
Confirmation that the business has a food hygiene score rating of 3 or more	<input checked="" type="checkbox"/>
Ensure your vehicle meets the qualitative 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)

Certificate of insurance in respect of the vehicle (tick)

Appropriate vehicle test (tick)

Public liability insurance (minimum of £3,000,000) (tick)

Written confirmation that the vehicle meets the Council's food safety standards (tick)

Waste management contract (tick)

Declare that you have registered as a food business (tick)

## G. DECLARATION

### WARNING

Paragraph 10(3) of Schedule 4 to the Local Government (Miscellaneous Provisions) Act 1980 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

Date

Capacity

Applicant 2

Signature

Print name

Date

Capacity



# Appendix B

## Location Plan

04/27/17

17 Thornbridge Ave - 10400 St

17 Thornbridge Ave



Google Maps - 421148 - © 2017 Google

04/27/17, England

04/27/17, 10400 St

Hadley Community  
Primary School



# Appendix C

## Objection

**From:** Dawn McAughey [<mailto:dawnmcaughey@birleyprimaryacademy.co.uk>]  
**Sent:** 19 September 2017 13:19  
**To:** licensingservice  
**Subject:** Objection to licence to trade

I wish to raise an objection to the licence for the ice cream van to trade outside Birley Primary Academy. This is due to the numerous complaints I have received over recent years about the van adding considerably to the congestion at the end of the school day on what is already a very busy road. Safety of all pupils in school is paramount.

Thanks

Dawn McAughey

Dawn McAughey  
Headteacher  
Birley Primary Academy  
01142399007  
[dawnmcaughey@birleyprimaryacademy.co.uk](mailto:dawnmcaughey@birleyprimaryacademy.co.uk)

# Appendix D

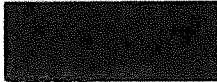
## Invitations to Attend Hearing

### LOCAL GOVERNMENT MISCELLANEOUS PROVISIONS ACT 1982

**Street Trading – Schools (Ice Cream) Street Trading Consent – Birley Community Primary**

#### IMPORTANT: NOTIFICATION OF A COMMITTEE MEETING

To: Mr Paul Grayson



Email:

**LEGISLATION:** Local Government (Miscellaneous Provisions) Act 1982

**LICENCE TYPE:** Schools (Ice Cream) Street Trading Consent – Birley Community Primary

I refer to the above and the application for the grant of 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.**

The meeting in respect of the application will take place on **Tuesday 3<sup>rd</sup> October 2017** in a Committee Room of the Town Hall, Sheffield, S1 2HH (Pinstone Street entrance) and you are invited to attend at **10.45 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  
Chief Licensing Officer  
Head of Licensing

Date: 21<sup>st</sup> September 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.**

**LOCAL GOVERNMENT MISCELLANEOUS PROVISIONS ACT 1982**

**Street Trading – Schools (Ice Cream) Street Trading Consent – Birley Community Primary**

**IMPORTANT: NOTIFICATION OF A COMMITTEE MEETING**

To: Ms Dawn McAughey  
Headteacher  
Birley Primary Academy

Email: [dawnmcaughey@birleyprimaryacademy.co.uk](mailto:dawnmcaughey@birleyprimaryacademy.co.uk)

**LEGISLATION:** Local Government (Miscellaneous Provisions) Act 1982

**LICENCE TYPE:** Schools (Ice Cream) Street Trading Consent – Birley Community Primary

I refer to the above and your recent objection to the application for the grant of a street trading consent.

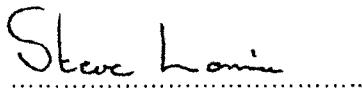
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# Appendix E

## Hearing Procedure

### 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**

