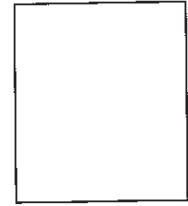




SHEFFIELD CITY COUNCIL Committee Report



Report of: Chief Licensing Officer, Head of Licensing

Date: 5th December 2013

Subject: Street Trading
City Centre Small Trading Stalls

Author of Report: Andy Ruston – 203 7752

Summary: To consider an application for a street trading consent to trade in the city centre.

Recommendations: That Members consider the application submitted alongside the Council's "City Centre Street Trading - Small Trading Stalls" qualitative criteria, the street trading policy.

That Members consider all the information provided by the applicants both in their written application and in person at the meeting.

Background Papers:

Category of Report: OPEN

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

Ref: 64/13

LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982

Street Trading – City Centre Small Trading Stalls

1.0 PURPOSE OF REPORT

1.1 To consider an application for a street trading consent to trade in the city centre.

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 - (c) all previous designations in relation to street trading will be rescinded as a result of the designation set out above.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

2.6 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.

2.7 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 has been removed and is not presently being enforced.

3.0 CITY CENTRE STREET TRADING

- 3.1 Working in partnership with the City Centre Management Team and Planning, Licensing presented a report to Committee in August 2011 to encourage more local businesses to trade in the city centre whilst also controlling the type and thereby controlling the quality that is on offer.
- 3.2 This is to encourage more local businesses to trade in the city centre and to offer a more continental style of trading in certain areas of the city centre
- 3.3 There is no constraint on the type of goods that can be sold. However, we would like to encourage more traditional goods that would give a more continental style to the City Centre.
- 3.4 A City Centre Qualitative Criteria for Small Trading Stalls was approved to meet these requirements (attached at Appendix 'A').
- 3.5 The fee for consent has been set at £498.50 per quarter (£1,994 per annum) to trade seven days a week between 7am and 7pm.

4.0 THE APPLICATION

- 4.1 An application has been submitted by Rosita Hunt to trade at Devonshire Green to sell Ice Cream and frozen confectionary. A copy of the application is attached at Appendix 'B'. Members should note that the attached application was placed before the Licensing Sub Committee on 15th October 2013 following objection and comments to the application, which were received from City Centre Management Team, Development Services, Planning and the Highways Department. Prior to the hearing on 15th October 2013, Mrs Hunt provided photographs of the vehicle to be used if the consent was granted and the vehicle was a trailer and not a motorised vehicle. Following the aforementioned admission, the Licensing Sub Committee resolved "That the application for a street trading consent to trade in the city centre (Ref. 60/13) be deferred to a future meeting to allow further consideration to be given to the suitability of the vehicle now mentioned by the applicant". Details of the vehicle have been circulated to South Yorkshire Police, South Yorkshire Fire and Rescue, Highways, Planning Department and the City Centre Management Team for comment.
- 4.2 A number of pitches have been allocated for city centre street trading at a previous meeting, therefore, the location of the remaining pitches are:
- Barkers Pool (One application pending)
 - Sheaf Street;
 - Tudor Square; and
 - Devonshire Green (A separate consent was granted on 19th November 2013)

Members should note that at the Licensing Sub Committee hearing held on 19th November 2013, it was resolved that a separate application to street trade on Devonshire Green, be granted. The specific location of the aforementioned consent site will be agreed in conjunction with the City Centre Management Team and Planning Department.

- 4.3 The specific location of the site will be agreed in conjunction with the City Centre Management Team and Planning Department.

5.0 REASONS FOR REFERRAL

- 5.1 The Licensing Authority has received objections and comments following the circulation of the further details of the vehicle provided by Mrs Hunt. As referred to above the Licensing Sub Committee at the hearing on 15th October 2013 resolved "That the application for a street trading consent to trade in the city centre (Ref. 60/13) be deferred to a future meeting to allow further consideration to be given to the suitability of the vehicle now mentioned by the applicant".
- 5.2 Each application must be determined on its own individual merits and has therefore been referred to the Licensing Committee.

6.0 BACKGROUND

- 6.1 Mrs Hunts initial application was circulated in the usual manner to South Yorkshire Police, South Yorkshire Fire and Rescue, Highways, Planning Department and the City Centre Management Team.
- 6.2 During the consultation of the initial application comments and an objection were received from the following:

Development Services	Appendix 'C'
City Centre Management Team	Appendix 'D'
Highways Department	Appendix 'E'

During the further consideration of the trailer referred to by Mrs Hunt at the hearing on 15th October 2013 comment and objection were received from the following:

City Centre Management Team	Appendix 'F'
Highways Department	Appendix 'G'

- 6.3 The objections and comments received refer to factors specified in Part 3 section 3.1 and Appendix '6' (city centre qualitative criteria) of Sheffield's Street Trading Policy when considering applications for grant or renewal.
- 6.4 Members are also to refer to section 2.8 of the policy in consideration of the objection and comments and in particular to the following bullet points under that section:
- **Public Safety / Highway**
 - (a) Whether the street trading activity represents or is likely to represent a substantial risk to the public from the point of view of obstruction, fire hazard, unhygienic conditions or danger that may occur when a trader is accessing the site;
 - (b) Whether there is sufficient space in the street for the applicant to engage in the trade in which he/she is proposing without causing undue interference or inconvenience to other persons using the street;
 - (c) Whether the street trading activity may damage the structure or surface of the street;

(d) Whether the location and operating times will be such that the highway can be maintained and that there are no dangers to those who have a right to use the highway and no obstruction for emergency services.

- **Appearance of the unit**

(a) Whether the unit is of a smart appearance and meet the specific qualitative criteria.

(b) Whether the appearance of the trading unit or structure is compatible with the character of the area in which it is proposed to be situated.

- **Environmental credentials**

(a) Whether there is a negative impact of the proposed operation on the local environment including street surfaces and materials, power supply, carbon footprint, supply chain, packaging, waste minimisation, waste disposal and waste created by customers. Mitigating measures to minimise the environmental impact of the proposed operation will be taken into account.

- **Objections**

(a) Take into account any objections made about the application or Consent holder from interested parties.

6.5 The applicant has been invited to attend the Licensing Committee hearing to present their case. A copy of the invite is attached at Appendix 'H'.

6.6 Planning and City Centre Management been invited to attend the meeting for further clarification. Copies of the invites are attached at Appendix 'I'.

6.7 A copy of the hearing procedure is attached at Appendix 'J'.

7.0 FINANCIAL IMPLICATIONS

7.1 If Members are minded to refuse this application, there are no financial implications for the Council arising from this report.

7.2 If Members grant the application, the Licensing Authority will be required to increase the fees to enable it to recover the reasonable costs of the Council as the fee set for city centre consents are based on small stalls.

7.3 Members should also note that if any application is referred to the High Court significant legal costs are likely to be incurred. There is no hold over budget within Licensing to cover such costs.

8.0 RECOMMENDATIONS

- 8.1 That Members consider the application submitted alongside the Council's "City Centre Street Trading - Small Trading Stalls" qualitative criteria, the street trading policy and comments submitted by Development Services (Planning) City Centre Management Team and the Highways Department.
- 8.2 That Members consider all the information provided by the applicant both in their written application and in person at the hearing.

9.0 OPTIONS OPEN TO THE COMMITTEE

- 9.1 To grant the consent in the terms requested.
- 9.2 To grant the consent at an alternative location.
- 9.3 To defer the matter for further consideration.
- 9.4 To refuse the street trading application.

Steve Lonnia
Chief Licensing Officer & Head of Licensing
Business Strategy and Regulation, Place Portfolio
Block C Staniforth Road Depot
Staniforth Road, Sheffield S9 3HD

27th November 2013

APPENDIX A

Sheffield City Council
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 location.
- Flame retardant 'skirts' are to be used if necessary, so as to obscure the frame, gas bottle etc. They should be designed to 'unify' the barrow/handcart.
- All equipment, tools, gas bottles etc. must be self contained within the stall/handcart etc.
- Bright colours and a sense of fun are encouraged.
- Finished in flame retardant paint.
- A colour photograph or scale illustration of the proposed handcart must be submitted to the Licensing Service as part of the application process.
- No barrow/handcart should have a frontage greater than 3.0 metres or a width greater than 2.0metre.
- Roofs should be no more than 2.5m above ground level.
- Pitched and curved roofs are encouraged.
- Canopies should be high quality with a feeling of 'permanence'. These could be manufactured from either stretched canvas, or woven material, opaque or light metal materials. Clear plastic awning and extensions to the canopy will not be acceptable.
- Canopies must be maintained and cleaned to a high standard.
- Food traders must ensure that any stall design satisfies the requirement of food safely legislation. Staff must be adequately trained in good hygiene (Basic Food Hygiene Certificate and regular on going training) and records of training must be made available on request.
- Best practise of food hygiene must be adopted by the operator. This covers:
 - Personal hygiene
 - Hand washing
 - Ill health
 - Prevention of contamination
 - Temperature control
 - Temperature monitoring
 - Cleaning
 - Storage and stock rotation
 - Procedures in the event of freezer breakdown
 - Site cleanliness
 - Waste disposal
 - Pest control
 - Quality control
 - First aid facilities

Food traders must have a minimum food hygiene rating score of 3.



APPENDIX B

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).

LICENSING

20 MAR 2013

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	ROBITA HUNT	
Q2	Applicant(s) permanent private address	[REDACTED] SHEFFIELD 52 5TG	
Q3	Date of birth	17/7/40	
Q4	Nationality and place of birth	BRITISH	
Q5	National Insurance No.	[REDACTED]	
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	[REDACTED]	
Q9	Email address		

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

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. THE UNIT / VEHICLE

Q16	Description of unit / vehicle to be used	ICE CREAM TRAILER
Q17	Registration number (if applicable)	Y654 A00 ⁸⁸ KCA 9A0B
Q18	Date of first registration (if applicable)	09/12/2004.
Q19	Last MOT and service (if applicable)	
Q20	Size of vehicle	Height: 8ft. Width: 6ft 3ins. Length: 10ft.
Q21	Does the vehicle meet the qualitative criteria? Your vehicle will be inspected prior to granting a consent.	YES

D. TRADING DETAILS

Q22	Details of site to be occupied	DEVONSHIRE GREEN
Q23	Location of pitch: (include site plan to scale)	



Q24	Is this private land?	NO
Q25	If private, who owns the land and have you obtained consent from them to use the land to trade?	
Q26	Items to be sold	ICE CREAM + FROZEN CONFECTIONERY
Q27	Specify days of trade	MON - SUNDAY
Q28	Specify times of trade (use 24 hours clock e.g. 10:00 to 16:00 hours)	1100-1900 HOURS
Q29	Highways comments attached?	AWAITING REPLY
Q30	Planning comments attached?	AWAITING REPLY

E. CONVICTIONS / CAUTIONS

Q31	Have any of the applicants ever been convicted of a criminal offence, whether in the United Kingdom or elsewhere?	Applicant 1 Yes [] No [<input checked="" type="checkbox"/>]	
	If the answer is Yes please give full details below:	Applicant 2 Yes [] No []	
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)

Appropriate fee (if short term) or 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)	
Two colour (recent and identical) passport size photographs signed and dated on the reverse as a true likeness.	<input checked="" type="checkbox"/>
If trading from private land, written confirmation from the landowner	
Ordnance survey map of at least 1:1250 scale clearly identify the proposed trading position. An additional map to scale showing its proximity to other similar retail outlets within an 800 metre radius.	<input checked="" type="checkbox"/>
Photographs of the vehicle / unit showing front, side and rear.	<input checked="" type="checkbox"/>
Confirmation in writing that you have consulted with the Highways Department	
Confirmation in writing that you have consulted with the Planning Department	
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.	<input checked="" type="checkbox"/>
Confirmation that your vehicle meets the quality criteria	<input checked="" type="checkbox"/>
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)

The remaining quarterly fee or full annual fee.	
Certificate of insurance in respect of the vehicle / unit	Expired 20th April 13
Appropriate vehicle test	Report 7/1/13
Public liability insurance (minimum of £2,000,000)	<input checked="" type="checkbox"/>
Written confirmation that the vehicle meets the Council's food safety standards	<input checked="" type="checkbox"/>
Waste management contract	<input checked="" type="checkbox"/>
Declare that you have registered as a food business	<input checked="" type="checkbox"/>

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."

- Motorised vehicles (ie carts/barrows) are encouraged in pedestrian areas. For example shopping areas like Woodseats, Hillsborough, etc.
- Motorised vehicles should not be of an age of 5 years or over.
- Mobile trading vans must have a side hatch to serve customers.
- The unit / vehicle must be clearly identifiable as a trader.

Environmental Health considerations of the unit design:

For Enclosed Food units:

- The internal arrangements must be such that:
 - There is suitable and sufficient hand washing facilities with hot water;
 - The work surfaces are impervious to water and readily cleansable;
 - There is sufficient compliant temperature controlled food storage facilities appropriate to the business;
 - The gas and electrical installations are certificated and deemed to be safe by a competent and suitably qualified engineer; any gas store cupboard should be outside of the food area;
- The external arrangements must be that the mobile is sufficiently weather and pest proof so as to not risk the contamination of the food.

For Market-Stall or Street-Barrow type food units:

- The stall must be covered to prevent the risk of matter falling on to the food;
- The work surfaces likely to be in contact with the food must be impervious to water and readily cleansable;
- Any intrinsic storage food area must be able to be secured against the intrusion by pests;
- If temperature controlled food is to be stored on the mobile, the storage facility shall be capable of maintaining the food in a legally compliant manner;
- That there are adequate hand washing facilities.

Food Hygiene record (for all food stalls) - all food regulations have been adhered to:

- The applicant will need to demonstrate that:
 - they have registered with their home Local Authority;
 - all food handlers have received adequate food safety training appropriate to their job role;
 - the food business has a legally compliant Food Safety Management System (e.g. Safer Food, Better Business);

- o if there is a history of non-compliance, it has been addressed and accepted by the Food Safety Enforcing Officer, or that the food business is in the process of addressing the issues and the Food Safety Officer does not consider the defect too severe so as to prohibit the food business from trading; and
- o their business has a food hygiene rating score of at least 3.

DRESS

- Trader and their assistants must be identifiable (i.e wear a uniform).
- The style of dress worn by stall operators should be chosen to complement the style and period of the unit.
- Over clothing must always be smart and clean. Operators of food stalls should ensure that sufficient changes of clothes are provided so as to enable personnel to always wear over clothing, which is clean.
- Personal cleanliness is also important and persons employed at food stalls are required to have good personal hygiene.

GENERAL

- Vehicles used to tow trailers must be parked legally at all times.
- 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.
- The goods complement and do not conflict with the goods sold by other retailers within their proposed area(s).

The criteria above are intended to guide applicants for street trading consents as to the type of stall and dress, which the Council is looking to promote as a means of regulating the street trading.

It is not intended to exclude any design that does not fall within the examples given.

**CITY WIDE STREET TRADING
QUALITY SPECIFICATION**
(This specification does not include the city centre)

UNIT DESIGN

- Good display is an important part of the selling process and top quality presentation encourages purchase and benefits the retailers' reputation.
- It is in the best interest of traders to produce a high quality design both internally and externally in their unit.
- The function of the unit is to identify the trader and add vitality and colour to the immediate area, and reflect the quality, cleanliness in their operation. The unit must contribute to the appearance of the area for good or bad, so design matters to everyone who uses the street, as well as the operator.
- Stalls must enhance the visual appearance of the street rather than detract from it and be constructed in a suitable style and of appropriate materials.

Examples of acceptable designs include:

- Modern, simple, functional stalls with umbrellas, canopies or striped awnings.
- Traditional or 'period' type handcarts, barrows or tricycles.
- The stall design should be fully accessible for all customers.
- The outside of the unit will be limited to the name of the stall, the type of product sold and a simple price list. Ad hoc pictures and advertiser's slogans should be avoided, as should untidy handwritten signs.
- 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.
- 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.
- The general design of the unit must meet the requirements of the Council for the location and proposed hours or days of trading. A photograph of the actual unit or proposed model must be submitted on application.
- Bright colours and a sense of fun are encouraged.
- Pitched and curved roofs are encouraged.
- Canopies must be maintained and cleaned.
- No expenditure on units or equipment should be made until the Council has granted consent and the unit design has been approved.
- The internal layout of the unit must be clean and to a high standard.

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: * [Redacted] Print name: * ROSITA HUNT. Date: * 9/5/13. Capacity:	Applicant 2 Signature: Print name: Date: Capacity:
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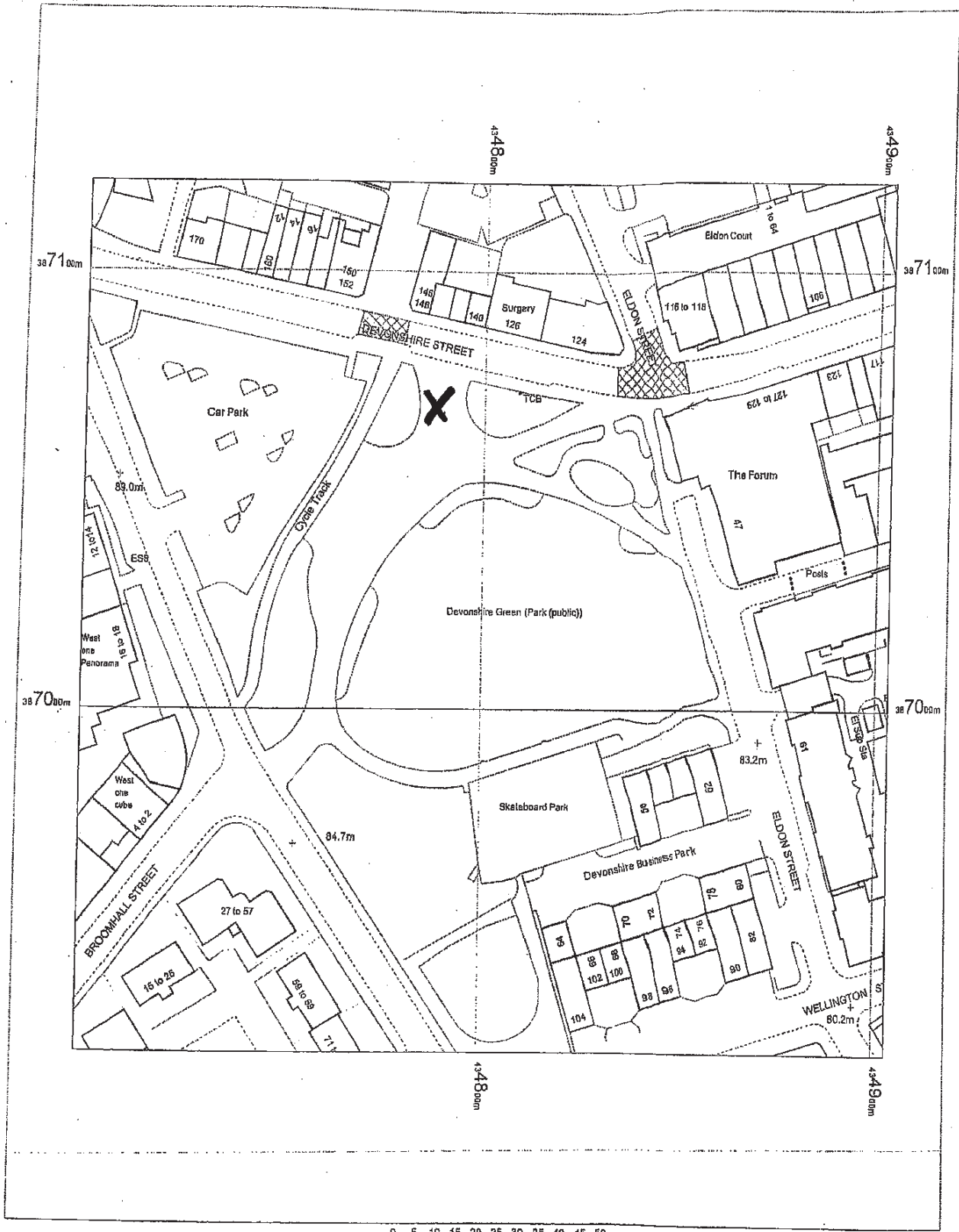
Please read these notes before completing the application form.

- (a) 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.
- (b) None of the information which you supply on (or with) this form will be treated as confidential except where it relates to convictions.
- (c) 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:

**Licensing Service,
Block C, Staniforth Road Depot
Staniforth Road
Sheffield
S9 3HD**

The Service is open from 9am to 5pm, Monday to Friday. Telephone (0114) 203 7752.



X = GRANELLISS



DEVONSHIRE GREEN
SHEFFIELD

OS Mastermap
08 March 2013, ID: BW1-00213458
www.blackwellmapping.co.uk
1:1250 scale print at A4, Centre: 434803 E, 387020 N
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BLACKWELL'S
www.blackwellmapping.co.uk
TEL: 0114 266 7658
maps.sheffield@blackwell.co.uk



APPENDIX C

Memorandum - Sheffield City Council
Place

Regeneration & Development Services

From: Lucy Bond
Development Management

To: Licensing Service
Staniforth Road Depot

Tel: 34556
Email: lucy.bond@sheffield.gov.uk

Date 16 August 2013

Our Ref:

FAO Ann Siddall - Licensing Officer

Licensed Premises: Mobile Catering Van – static location (Rosita Hunt)

Address: Devonshire Green

I refer to your consultation received by e-mail on 13 August, regarding the above application.

Having considered the application I am of the opinion that the application fails to meet the qualitative criteria that have been agreed by the city council for static street trading pitches in the city centre.

The application involves a large motorised vehicle rather than a small hand cart (maximum dimensions 3m x 2m x 2.5m high).

Devonshire Green is an important city centre open space with a variety of activities and whilst the provision of an ice cream vendor would be acceptable in principle, this would need to be on the basis of a hand cart.

It is not actually physically possible to access this site by vehicles as there are bollards which deliberately prevent this and are part of the original design of the space.

On the basis that this proposal fails to meet the agreed qualitative criteria and on the basis that motorised vehicles cannot actually access this space the proposal should be resisted.

I suggest that you advise the applicant to reconsider their proposal and come up with an alternative solution of a handcart, with which they could then access the space.

David Caulfield
Head of Planning

APPENDIX D

Siddall Ann (CEX)

From: Gill David
Sent: 27 August 2013 10:26
To: Siddall Ann (CEX)
Cc: Eyre Richard; Biggin Guy; Wagstaff Natasha; Cassin Kath; Gower Angela
Subject: RE: Send data from MFP-07052602.13/08/2013.16:55

Ann,

Please find below our comments from City Centre Management re: Mrs Rosita Hunt (Granelli Bros Ice Cream) Devonshire Green :

1. We have a similar concession in Peace Gardens and feel that we should be insisting on the same standard of provision. ie Purpose built high quality trailer unit. No vehicle remaining on-site. Images of the proposed unit should be supplied and agreed upon prior to any Lease being granted.
2. We would need to be able to take back the site for events and markets throughout the year. Typically this could be in excess of 20 days per year considering event build and get out days.
3. The applicant should not be granted sole ice cream trading rights for Devonshire Green.
4. Vehicular access onto site is via the removable bollards off Fitzwilliam Street. Any bollard losses, bollard damages or damages to Devonshire Green due to unauthorised access through unlocked bollards, would have to be paid for by the applicant. Whilst the unit on Peace Gardens remains over-night on site, Devonshire Green would not be as safe, so would recommend daily delivery of unit to site. We could not accept any liability for the safety of the unit.
5. Vehicle movement on site would need to be restricted, with no movement between 10.00 - 18.00hrs daily.
6. The costs of providing a dedicated electricity and water supply to the unit, along with on-going usage costs, would be the responsibility of the applicant.
7. Applicant to ensure adequate waste receptacles available for customers. All trade waste to be removed from site by the applicant on a daily basis. No build up of waste permitted.
8. The exact location of the unit to be agreed between CCMT and the applicant. Temporary relocation may be required to accommodate events or works.
8. In addition to any fees paid to Licencing for this concession, City Centre Management would require a Property Lease Fee for use of this site. (Currently £3K per annum on Peace Gardens)

Regards

Dave Gill
Operations Manager
City Centre Management
Town Hall
Sheffield
S1 2HH
Tel. 0114 2736227
Mob. 07909 913 623

Original Message

APPENDIX E

Siddall Ann (CEX)

From: Turner Paul (DEL-H/Way Regs)
Sent: 14 August 2013 12:53
To: Siddall Ann (CEX)
Cc: highways@sheffield.gov.uk; Bond Lucy; City Centre Management Team; Cooper Steve (DEL); planning@sheffield.gov.uk
Subject: RE: Send data from MFP-07052602 13/08/2013 16:55
Attachments: Dev St Trading.png

Ann

The location marked on the application plan, which is part of Devonshire Green, is not Public Highway.

If the proposal is for an Ice Cream Trailer as per the application then from a Highway Authority view we would have no objection to the proposal provided that the trader always operated from the location indicated.

However, consideration would be need to be given regarding how the site can be safely accessed with the towing vehicle and/or trailer - especially since the adjacent carriageway has 'Pay and Display' parking bays, bollards and street furniture which would limit access from Devonshire Street.

I attach a Street View of the location.

Regards, Paul.

Paul Turner
Highway Licences
2-10 Carbrook Hall Road
Sheffield
S9 2DB
Tel : 0114 2736137
Fax 0114 2736210

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

From: Siddall Ann (CEX)
Sent: 13 August 2013 17:15
To: Bond Lucy; City Centre Management Team; Cooper Steve (DEL);
highways@sheffield.gov.uk; planning@sheffield.gov.uk; Police; South Yorkshire Fire
Subject: FW: Send data from MFP-07052602 13/08/2013 16:55

Good Afternoon

Mrs Rosita Hunt (Granelli Bros Ice Cream) would like to trade with a motorised vehicle near Devonshire Green.

APPENDIX F

Ruston Andy (CEX)

From: Cooper Steve (DEL)
Sent: 06 November 2013 08:03
To: Ruston Andy (CEX)
Cc: Finch Shimla (CEX); Gill David
Subject: RE: Street Trading - Devonshire Green

Hello Andy,
Yes same comments apply with addition that the unit cannot be left on site overnight and no towing vehicles to be left on site.
Reghards
Steve

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

From: Ruston Andy (CEX)
Sent: 05 November 2013 13:27
To: Cooper Steve (DEL)
Cc: Finch Shimla (CEX)
Subject: RE: Street Trading - Devonshire Green

Dear Steve,

Thank you for the below comment. Is the below also the case with regards to the application made by Rosita Hunt.

Thanks
Andy.

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

From: Cooper Steve (DEL)
Sent: 05 November 2013 09:18
To: Ruston Andy (CEX)
Cc: Bond Lucy; Finch Shimla (CEX)
Subject: RE: Street Trading - Devonshire Green

Hello Andy,
Richard has passed this across to me, I have had a chat with Dave Gill who manages Dev Green and we attach the following comments.

1. We have a similar concession in Peace Gardens and feel that we should be insisting on the same standard of provision for any public realm site. ie Purpose built high quality unit, Images provided of the proposed unit are not to the desired standard in our opinion [REDACTED]
2. We would need to be able to take back the site for events and markets throughout the year. Typically this could be in excess of 20 days per year considering event build and get out days, the applicant may approach market/event organisers to be a part of their event.
3. The applicant should not be granted sole trading rights for Devonshire Green.
4. Vehicular access onto site is via the removable bollards off Fitzwilliam Street. Any bollard losses, bollard damages or damages to Devonshire Green due to unauthorised access through

unlocked bollards, would have to be paid for by the applicant. Whilst the unit on Peace Gardens remains over-night on site, Devonshire Green would not be as safe, so would recommend daily delivery of unit to site. We could not accept any liability for the safety of the unit.

5. Vehicle movement on site would need to be restricted, with no movement between 10.00 - 18.00hrs daily.

6. The costs of providing a dedicated electricity and water supply to the unit, along with on-going usage costs, would be the responsibility of the applicant.

7. Applicant to ensure adequate waste receptacles available for customers. All trade waste to be removed from site by the applicant on a daily basis. No build up of waste permitted.

8. The exact location of the unit to be agreed between CCMT and the applicant. Temporary relocation may be required to accommodate events or works.

8. In addition to any fees paid to Licencing for this concession, City Centre Management would require a Property Lease Fee for use of this site. (Currently £3K per annum on Peace Gardens)

Regards
Steve

Steve Cooper
City Centre Resources Manager
City Centre Management Team
Room LG39
Town Hall
Pinstone Street
Sheffield
01142736832/07971750722

www.sheffield.gov.uk/citycentre

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<http://www.facebook.com/SheffieldCityCentre> <https://mobile.twitter.com/sheffcitycentre>

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

From: Ruston Andy (CEX)

Sent: 04 November 2013 12:18

To: Bond Lucy; planningdc@sheffield.gov.uk; highways@sheffield.gov.uk; dgill@syfire.org.uk;

Eyre Richard

Cc: Finch Shimla (CEX)

Subject: FW: Street Trading - Devonshire Green



APPENDIX G

Rosita Hunt.

Ruston Andy (CEX)

From: highways@sheffield.gov.uk
Sent: 05 November 2013 11:12
To: Ruston Andy (CEX)
Subject: RE: Mrs Rosita Hunt- Street Trading application - Devonshire Green.

Andy

I have no further comments to add to my e-mail of 16th October which stated:- "Since I made previous comments regarding Devonshire Green trading I have found out that the Devonshire Green area can be accessed from the bottom of the green and not over the pavement of Devonshire Street. Provided that safe access can be made then there are no Highway objections to this proposal".

Regards

Paul Turner
Highway Licences
2-10 Carbrook Hall Road
Sheffield
S9 2DB

Tel 0114 2736137
Fax 0114 2736210

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

From: Ruston Andy (CEX)
Sent: 04 November 2013 11:49
To: highways@sheffield.gov.uk
Subject: FW: Mrs Rosita Hunt- Street Trading application - Devonshire Green.

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

From: Ruston Andy (CEX)
Sent: 04 November 2013 11:45
To: Bond Lucy; Eyre Richard; planningdc@sheffield.gov.uk; 'Sheffield.Liquor-Licensing@southyorks.pnn.police.uk'; 'dgill@syfire.org.uk'
Cc: Finch Shimla (CEX)
Subject: FW: Mrs Rosita Hunt- Street Trading application - Devonshire Green.

Dear all,

Following on from my below email. I note that you have not made any further comment to the attached trailer unit proposed by Rosita Hunt at the Licensing Committee hearing on 15.10.13 and therefore at this stage I am considering issuing the consent to include the usage of the attached vehicle, without placing this matter back before the Licensing Committee. However I have spoken with Shimla Finch, Principal Licensing Officer, following which I would be grateful if you could provide comment in relation to as to whether you are satisfied with the attached vehicle and

whether the consent should be granted. I would be grateful if you could provide comment by no later than 6.11.13.

Regards
Andy Ruston
Senior Licensing Officer
Business Strategy and Regulation
Place Portfolio
Block C, Staniforth Road Depot, Staniforth

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

From: Ruston Andy (CEX)
Sent: 29 October 2013 09:06
To: Bond Lucy; Eyre Richard; planningdc@sheffield.gov.uk; Sheffield.Liquor-Licensing@southyorks.pnn.police.uk; dgill@syfire.org.uk
Cc: Finch Shimla (CEX)
Subject: FW: Mrs Rosita Hunt- Street Trading application - Devonshire Green.

Dear all,

Further to my email below I wondered if you have any comment with regards to the suitability of the vehicle proposed by Mrs Hunt.

Thanks
Andy.

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

From: Ruston Andy (CEX)
Sent: 16 October 2013 14:17
To: Bond Lucy; Eyre Richard; planningdc@sheffield.gov.uk; highways@sheffield.gov.uk; sheffield.liquorlicensing@southyorks.pnn.police.uk; dgill@syfire.org.uk
Subject: Mrs Rosita Hunt- Street Trading application - Devonshire Green.

Dear all,

I refer to the above and the application for a street trading consent made by Rosita Hunt, which was placed before the Licensing Committee of the Council at the hearing on 15.10.13. Prior to the hearing Mrs Hunt provided further details of the vehicle to be used should the consent be granted and it is now the case that the vehicle will be a trailer rather than a motorised vehicle. Following this admission the Licensing Committee decided to defer the determination of the application to allow further consideration to be given to the suitability of the trailer with regards to the qualitative criteria etc. I have attached a photograph of the vehicle provided by Mrs Hunt at the hearing and ask that you consider the suitability of the vehicle and provide comment to me if any, by no later than the 29.10.13.

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

APPENDIX H



SHEFFIELD CITY COUNCIL

LOCAL GOVERNMENT MISCELLANEOUS PROVISIONS ACT 1982
Street Trading – Street Trading Consent Static– Rosita Hunt, Devonshire Green.
IMPORTANT: NOTIFICATION OF A COMMITTEE HEARING

To: Rosita Hunt

LEGISLATION: Local Government (Miscellaneous Provisions) Act 1982

LICENCE TYPE: Street Trading Consent – Devonshire Green.

I refer to the above and an application for the grant of a Static 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 and objectors to attend the meeting.

The hearing in respect of the application will take place on 5th **December 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: 25th November 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

APPENDIX I



SHEFFIELD CITY COUNCIL

LOCAL GOVERNMENT MISCELLANEOUS PROVISIONS ACT 1982
Street Trading – Street Trading Consent Static– Rosita Hunt, Devonshire Green.
IMPORTANT: NOTIFICATION OF A COMMITTEE HEARING

To: Lucy Bond, Development Services.

LEGISLATION: Local Government (Miscellaneous Provisions) Act 1982

LICENCE TYPE: Street Trading Consent – Devonshire Green.

I refer to the above and an application for the grant of a Static 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.

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Telephone 0114 2037752

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SHEFFIELD CITY COUNCIL

LOCAL GOVERNMENT MISCELLANEOUS PROVISIONS ACT 1982
Street Trading – Street Trading Consent Static– Rosita Hunt, Devonshire Green.
IMPORTANT: NOTIFICATION OF A COMMITTEE HEARING

To: City Centre Management Team

LEGISLATION: Local Government (Miscellaneous Provisions) Act 1982

LICENCE TYPE: Street Trading Consent – Devonshire Green.

I refer to the above and an application for the grant of a Static 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.

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Chief Licensing Officer
Head of Licensing

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Telephone 0114 2037752

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APPENDIX J



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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