



SHEFFIELD CITY COUNCIL Committee Report

Report of: Chief Licensing Officer, Head of Licensing

Date: Tuesday 10th November 2015 – 10am

Subject: Street Trading
Application for a Static Street Trading Consent – City Centre

Author of Report: Georgina Hollis

Summary: To consider an application for a Static Street Trading Consent for the 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: 80/15

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

**STREET TRADING – STATIC STREET TRADING CONSENT –
FARGATE, CITY CENTRE**

1.0 PURPOSE OF REPORT

- 1.1 To consider an application for the grant of a Static Street Trading consent for the City Centre.

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 - (c) all previous designations in relation to street trading will be rescinded as a result of the designation set out above.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

3.0 THE APPLICATION

3.1 The applicant is Mr Michael Desmond and a copy of the application and supporting documents are attached at Appendix 'A'.

3.2 The application was submitted on 25th September 2015.

3.3 The application is to sell flowers from a non-motorised tricycle on Fargate (in the pedestrianised area outside / near Marks & Spencer's) in the City Centre.

3.4 Mr Desmond has already been granted an application for a Mobile Street Trading Consent within the City Centre. This consent has been granted outside of the Street Trading Policy, however, Mr Desmond has decided that this type of consent is not fit for his trading purposes and therefore has submitted an application for a Static Consent.

3.5 The application was circulated for consultation, in the usual manner, to the City Centre Management Team, South Yorkshire Police, South Yorkshire Fire and Rescue, Highways and Planning on 25th September 2015.

3.6 No objections have been received by any of the Responsible Authorities. However, comments have been made by the City Centre Management Team in relation to agreeing specific locations on Fargate, copy of comments are attached at Appendix 'B'.

3.7 Members are to note that the specific location will be agreed in conjunction with the City Centre Management Team and Highways Department so as not to cause obstruction on the highway to other road users as well as to consider safety of the operator / applicant and consider any events that fall within the City Centre.

3.8 The applicant has been invited to attend the Licensing Committee hearing. Copies of the invites are attached at Appendix 'C'.

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

4.0 REASONS FOR REFERRAL

4.1 The application has been referred to the Licensing Sub-Committee for their consideration.

4.2 Currently our city centre policy (section 3) for street trading refers to only specific sites which have been agreed and allocated as suitable. This has been agreed in consultation with the City Centre Management Team and the Planning Department. Currently those site are:

- Top of Fargate – Currently allocated to a trader selling Hot Food

- Bottom of Fargate – Currently allocated to a trader selling Ice Cream
- Outside of Peace Gardens – Currently allocated to trader selling Ice Cream
- Howard Street – Currently allocated to trader selling Coffee
- Tudor Square – Currently allocated to trader selling Hot Food
- Barkers Pool – Currently allocated to trader in the evening selling Hot Food

4.3 Mr Desmond's application refers to a new location.

4.4 Members are also noted that any applications which fall within the city centre boundary, should also consider the City Centre Qualitative Criteria for Small Trading Stalls at page 38 of our Policy.

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

4.6 Members are to also note section 2.8 of Street Trading Policy when determining this application, in particular sections 2.8.2

- Public Safety / Highway sections (b) & (d)
- Appearance of the unit sections (a) & (b)
- Number of Street Trading Consents (a)

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 current fee for City Centre Street Trading is £1994.00 per annum, if granted payments can be made quarterly if agreed with the Authority.

5.3 The applicant has paid the £100 non-refundable application fee which will be deducted from the balance if this application for a static pitch were to be granted.

6.0 RECOMMENDATIONS

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

7.0 OPTIONS OPEN TO THE COMMITTEE

7.1 To grant the application for a Static Street Trading Consent within the City Centre.

7.2 To grant the application with amendments.

7.3 To defer the matter for further consideration.

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7.4 To refuse the grant of the Static Street Trading Consent within the City Centre.

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

10th November 2015

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Appendix A



**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)

		1st Applicant (Mr/Mrs/Miss/other)	2nd Applicant (Mr/Mrs/Miss/other)
Q1	Full name(s) of the applicant	Michael Desmond	
Q2	Applicant(s) permanent private address	15 A Victoria rd Sheffield S10 2D5	
Q3	Date of birth	30-12-53	
Q4	Nationality and place of birth	British STN York's	
Q5	National Insurance No.	JT 4038 05D	
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	0114 260 0829 67920223518	
Q9	Email address	Finbar.Desmond@ hotmail.com	

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. TRADING DETAILS

Q16	Trading Name (if applicable)	
Q17	Trading address (if different from above) Post Code	
Q18	Site to be occupied	Farquhar outside M+S middle of pedestrian precinct
Q19	Items to be sold (i.e. type of food, jewellery, paintings, etc)	Flower's
Q20	Please specify preferred days of trade:	Monday to Sunday.
Q21	Please specify preferred hours of trade:	9am to 7pm

D. THE UNIT

Q19	Type: eg barrow / cart, etc.	Bespoke Tricycle (Zero carbon emissions)
Q20	Size of unit	Height: 2.6 metres 2 metres Width: 85 cm Length: 2.6 m

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:	<table style="width: 100%; border: none;"> <tr> <td style="width: 60%;">Applicant 1</td> <td style="width: 20%;">Yes []</td> <td style="width: 20%;">No [<input checked="" type="checkbox"/>]</td> </tr> <tr> <td>Applicant 2</td> <td>Yes []</td> <td>No []</td> </tr> </table>	Applicant 1	Yes []	No [<input checked="" type="checkbox"/>]	Applicant 2	Yes []	No []						
Applicant 1	Yes []	No [<input checked="" type="checkbox"/>]												
Applicant 2	Yes []	No []												
Details of previous convictions and/or cautions														
<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 25%;">Date of Conviction</th> <th style="width: 25%;">Court of Conviction</th> <th style="width: 25%;">Nature of Offence</th> <th style="width: 25%;">Sentence</th> </tr> </thead> <tbody> <tr> <td style="height: 100px; vertical-align: top;">Applicant 1</td> <td></td> <td></td> <td></td> </tr> <tr> <td style="vertical-align: top;">Applicant 2</td> <td></td> <td></td> <td></td> </tr> </tbody> </table>			Date of Conviction	Court of Conviction	Nature of Offence	Sentence	Applicant 1				Applicant 2			
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	<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 type="checkbox"/>
If trading in food, confirmation that the business has a food hygiene score rating of 3 or more.	<input type="checkbox"/>
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.	
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	

The Licensing Committee – 22 September 2015

Sheffield City Council
Staniforth Road
SHEFFIELD

Proposals for static flower sales: (Zero Carbon Emissions)

Name of Company: Monet’s Garden

My proposal is as follows:

The business idea and its operations:

The business idea is to sell competitively-priced, high-quality flowers in Sheffield City Centre from a static pitch on Fargate from a bespoke tricycle, which will be highly attractive and eye-catchingly painted in primary colours and will conform to all size requirements. The unit will be called **Monet’s Garden**. Pictures of the tricycle enclosed.



The business plan has now evolved from the previous one into a static pitch proposal as the original is now not feasible with the onset of winter. The original plan envisioned my starting trading in spring, but I now find myself in a situation whereby winter trading as per the original plan would not be safe or practical for me.

I have studied the criteria for a static pitch in the city centre and my unit will bring colour, vibrancy, and an international, cosmopolitan flavour to the city centre. I shall be wearing a French-style blue and white pullover, a red kerchief and a pink beret. Everyone loved the Double Dutch Pancake Bar when I was running it and a lot of this was due to my gregarious personality. Having checked my demographics of the City Centre, I will pay particular attention to our Chinese residents, students and guests and part of the unit will be dedicated to seasonal Chinese flowers.

Here is an example of my research – <http://www.chinawhisper.com/top-10-flowers-in-chinese-culture/>

The Chinese people add a great deal to our city’s economy and I believe this would be a nice idea to make them feel at home. There are always many Chinese people on Fargate and I will dedicate two shelves to the Chinese arrangements and it will be written in Mandarin – **The Little Chinese Garden**.

Monet’s Garden will be the greenest, low carbon business, not just in the City centre but the whole city. No other trader whether mobile or static can say this with any conviction, as I shall be leaving my home in Broomhall with the tricycle and returning from Fargate with the tricycle. Any re-supplies needed in the day will be collected and delivered by bicycle. Once this unit is up and running, I will be buying a second tricycle. This will then bring in two full-time jobs, one a full-time florist, the other another flower-selling cyclist. Within a year’s time, we hope and believe that we will be manufacturing the tricycles and can create four full-time jobs in manufacturing. The manufacturing costs are being studied at the moment and we shall be seeking funding to allow us to start the manufacturing process next year.

I have extensive customer service experience, including a substantial period as a volunteer with Shelter Line in Sheffield. I also have experience of running a successful street trading business in Sheffield – The Double Dutch Pancake Bar.

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The buckets will be full of flowers when the tricycle is being used for sales and will look stunning. Should it be required, I am prepared to fill the unit with flowers and bring it for the Licensing Committee to see.

Measurements:

Length - 2.20m

Height - 1.8m

Width - 85cm

My colleague Barry, who met the Licensing Authorities on Friday, builds these racing cars,

also in the picture. We hope to be manufacturing the tricycles in the not too distant future.



The bucket at the front is sitting proud in this photo. It will be lower, in line with the others when in use. There will also be a rear view mirror on the tricycle. The seat on the tricycle will be higher when in use to give the rider better all-around vision.

I hope that the Committee can look upon this application favourably.

Yours sincerely
Michael Desmond

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Appendix B

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Hollis Georgina (CEX)

From: Turner Paul (DEL-H/Way Regs)
Sent: 28 September 2015 08:01
To: Hollis Georgina (CEX)
Cc: Saunders Ian (LAB-CLLR); City Centre Management Team; Cooper Steve (DEL); planningdc@sheffield.gov.uk; Sheffield.Liquor-Licensing@southyorks.pnn.police.uk; highways@sheffield.gov.uk; SYFIRE
Subject: RE: City Centre Street Trading Application - Mr Michael Desmond - Flowers, middle Fargate (pedestrianised area)

Georgina,

Please accept this e-mail as confirmation that there are no objections from a Highway Authority view.

Regards, Paul

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

paul.turner@sheffield.gov.uk

Tel 0114 2736137
Fax 0114 2736210

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

From: Hollis Georgina (CEX)
Sent: 25 September 2015 10:51
To: City Centre Management Team; Cooper Steve (DEL); planningdc@sheffield.gov.uk; Sheffield.Liquor-Licensing@southyorks.pnn.police.uk; highways@sheffield.gov.uk; SYFIRE; Turner Paul (DEL-H/Way Regs)
Cc: Saunders Ian (LAB-CLLR)
Subject: City Centre Street Trading Application - Mr Michael Desmond - Flowers, middle Fargate (pedestrianised area)

Please see attached application for a Static Street Trading consent to trade on Fargate on the pedestrianised area, nr Marks & Spencer's.

I shall be erecting notices on Fargate and in the area and as consulting with relevant businesses concerning the application.

Please can I have you comments before 23rd October 2015. This application will go to sub-licensing committee for their decision, any comments in support of or objections will be placed within the report.

If you have any queries in relation to the application, please feel free to call me.

CCMT Comments.
(Location to be agreed).

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Hollis Georgina (CEX)

From: Hollis Georgina (CEX)
Sent: 25 September 2015 11:17
To: Cooper Steve (DEL)
Subject: RE: City Centre Street Trading Application - Mr Michael Desmond - Flowers, middle Fargate (pedestrianised area)

Steve,

As long as you have no representations, I will arrange for all parties to meet on site at some point to locate a position, I will be in touch in the next few weeks.

Thank you for your comments.

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

From: Cooper Steve (DEL)
Sent: 25 September 2015 11:14
To: Hollis Georgina (CEX)
Subject: RE: City Centre Street Trading Application - Mr Michael Desmond - Flowers, middle Fargate (pedestrianised area)

Hi Georgina,

It's not a huge issue as his unit is relatively small we will just need to show him a spot, I'm happy to meet him on site at some point if that's easiest ?

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

From: Hollis Georgina (CEX)
Sent: 25 September 2015 11:11
To: Cooper Steve (DEL)
Subject: RE: City Centre Street Trading Application - Mr Michael Desmond - Flowers, middle Fargate (pedestrianised area)

Hi Steve,

Please can you tell me where would be acceptable? I am sure that Mr Desmond will be happy to look at another area if this is not suitable.

There is currently Hot Sausage Company at the top of Fargate and the Ice Cream Van at the bottom of Fargate.

Please call me if you need to discuss 36937

Regards

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

From: Cooper Steve (DEL)
Sent: 25 September 2015 11:00
To: Hollis Georgina (CEX)

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Hollis Georgina (CEX)

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Sent: 25 September 2015 11:11
To: Cooper Steve (DEL)
Subject: RE: City Centre Street Trading Application - Mr Michael Desmond - Flowers, middle Fargate (pedestrianised area)

Hi Steve,

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There is currently Hot Sausage Company at the top of Fargate and the Ice Cream Van at the bottom of Fargate.

Please call me if you need to discuss 36937

Regards

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

From: Cooper Steve (DEL)
Sent: 25 September 2015 11:00
To: Hollis Georgina (CEX)
Subject: RE: City Centre Street Trading Application - Mr Michael Desmond - Flowers, middle Fargate (pedestrianised area)

Hi Georgina,

The site outside M&S is one of our commercial consent sites so we will need to be involved in pinpointing an actual location where he can trade, the site for street trading that was agreed by a site visit with yourselves and planning is at the bottom of Fargate, are you proposing to change this?

Regards
Steve

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

From: Hollis Georgina (CEX)
Sent: 25 September 2015 10:51
To: City Centre Management Team; Cooper Steve (DEL); planningdc@sheffield.gov.uk; Sheffield.Liquor-Licensing@southyorks.pnn.police.uk; highways@sheffield.gov.uk; SYFIRE; Turner Paul (DEL-H/Way Regs)
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Please see attached application for a Static Street Trading consent to trade on Fargate on the pedestrianised area, nr Marks & Spencer's.

I shall be erecting notices on Fargate and in the area and as consulting with relevant businesses concerning the application.

(b)

Appendix C



SHEFFIELD CITY COUNCIL

LOCAL GOVERNMENT MISCELLANEOUS PROVISIONS ACT 1982

Street Trading – City Centre Static Street Trading application

IMPORTANT: NOTIFICATION OF A COMMITTEE MEETING

To: Mr Michael Desmond
15A Victoria Road
Sheffield
S10 2DJ

LEGISLATION: Local Government (Miscellaneous Provisions) Act 1982

LICENCE TYPE: Static Street Trading Consent (Fargate, City Centre)

I refer to the above and your application for a Static Street Trading Consent to operate on Fargate within Sheffield City Centre.

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

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

The meeting in respect of the application will take place on **Tuesday 10th November 2015** 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 or emailing licensing@sheffield.gov.uk

Steve Lonnia

Date: 27 October 2015.

.....
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 2734264.

The Licensing Service Reception is open from 10.00am to 4.00pm, Monday to Friday, telephone calls can be made from 08:00am and 5.00pm

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Appendix D

STREET TRADING CONSENT APPLICATION

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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.