



SHEFFIELD CITY COUNCIL Committee Report

Report of: Chief Licensing Officer, Head of Licensing

Date: 13th June 2017

Subject: Street Trading
Application for a Schools Ice Cream Street Trading

Author of Report: Clive Stephenson

Summary: To consider an application for a School Street Trading consent at Windmill Hill Primary School, Ash View Chapeltown.

Background Papers: As attached

Category of Report: OPEN

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

REF No: 68/17

LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982

STREET TRADING – Paul Chafer

1.0 PURPOSE OF REPORT

1.1 To consider an application for the grant of a Static Street Trading consent to trade at Windmill Hill Primary School Ash View Chapeltown Sheffield.

2.0 INTRODUCTION

2.1 The Council as a Licensing Authority have power under the provision of the 1982 Act to regulate Street Trading in the City.

2.2 A Street Trading Consent is required to trade on any Street (which includes roads, footways, forecourts, or other areas to which the public have access) within the Sheffield City Boundary.

2.3 The Licensing Committee at it's meeting of 29th January 2002 passed the following resolution:

1. That under the provisions of schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982:

- (a) all streets (which includes roads, footways, forecourts or other areas to which the public have access) within the Sheffield City boundary, shall be designated consent streets and;
- (b) such street trading designation shall take effect as from the 1st April 2002; and
- (c) all previous designations in relation to street trading will be rescinded as a result of the designation set out above.

2. The effect of this resolution is that from 1st April 2002, it will be an offence to engage in street trading in any street or any other place identified in the above resolution without being authorised to do so by consent from the City Council.

2.4 A Local Authority may attach conditions to a Street Trading Consent. The conditions may include conditions to prevent obstruction of the street and danger to persons using the street or nuisance or annoyance.

2.5 A Street Trading Consent may only be granted for a maximum period of twelve months.

2.6 There is no appeal procedure against the refusal or revocation of any consent. An applicant may, however apply for judicial review of the Council's decision.

3.0 THE APPLICATION

3.1 The applicant is a Mr Andrew Chafer a copy of the application is attached at Appendix 'A'.

3.2 The application was submitted on 10th March 2017.

3.3 The application is to serve ice cream near the school entrance during school term times.

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 the Business Manager of the School.

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:-

- School Representative (Business Manager).

Copies of the representations are attached at Appendix 'B'

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

Public Safety Highway Section B

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

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

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

5.0 FINANCIAL IMPLICATIONS

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

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

6.0 RECOMMENDATIONS

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

7.0 OPTIONS OPEN TO THE COMMITTEE

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

7.2 To grant the application with amendments.

7.3 To defer the matter for further consideration.

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

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

13th June 2017.

Appendix A

Application and relevant documents

A1

Local Government (Miscellaneous Provisions) Act 1982

Application for a School 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 (school) street trading consent to sell ice cream (*delete as appropriate).

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	PAUL ANDREW CHAFER	
Q2	Applicant(s) permanent private address	██████████ SHEFFIELD ██████████	
Q3	Date of birth	25/9/67	
Q4	Nationality and place of birth	UK	
Q5	National Insurance No.	██████████	
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	██████████	
Q9	Email address	██	
Q10	Current ice cream mobile consent number	ST/SCH0016	

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

A2

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	Mercedes Sprinter Ice cream Van
Q18	Registration number	DK15 TSX
Q19	Date of first registration	25/3/2015
Q20	Last MOT and service	MOT NONE SERVICED JUNE 16
Q21	Size of vehicle	Height: 2.5 m Width: 1.92 m Length: 5.2 m
Q22	Items to be sold	Ice cream, lollies and slush drink
Q23	Does the vehicle meet the quality criteria? Your vehicle will be inspected prior to granting a consent.	YES

D. THE SCHOOL

Q24	Name and address of school where you wish to trade:	Windmillhill school
Q25	Location of pitch: (include site plan)	Ash View Ordnance Survey Map Held by council

A3

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 []	
	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
	Applicant 1		
	Applicant 2		

F. CHECK LIST

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

The appropriate fee	
Your current passport	/
Your current drivers licence	/
One other proof of identity, showing your name and current address (recent utility bill, bank statement etc)	(2)
Right to work documentation (if applicable)	
Two colour (recent and identical) passport size photographs signed and dated on the reverse as a true likeness.	(9)
Head Teachers written consent	
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	
Photographs of the vehicle / unit showing front, side and rear.	(1)
Details of any food hygiene qualifications	(3)
Confirmation that the business has a food hygiene score rating of 3 or more.	(4)
Ensure your vehicle meets the qualitative criteria	
Any further information you may wish to submit in support of your application	

A4

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 / unit	<input checked="" type="checkbox"/>
Appropriate vehicle test	<input type="checkbox"/> Not applicable
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 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."

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:

<p>Applicant 1</p> <p>Signature: <u>Paul Chaffer</u></p> <p>Print name: <u>PAUL CHAFFER</u></p> <p>Date: <u>10/3/17</u></p> <p>Capacity: <u>Owner</u></p>
<p>Applicant 2</p> <p>Signature:</p> <p>Print name:</p> <p>Date:</p> <p>Capacity:</p>

AS

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.
- (d) Any consent granted permits the consent holder to trade at the designated pitch:
Monday to Friday, 12 noon – 2:00pm and 3:00pm – 4.30 pm (term times only)

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 10am to 4pm, Monday to Friday. Telephone (0114) 2734264



A6

Registered Office
5 Old Broad Street
London EC2N 1AD
Registered in
England No 78950

CERTIFICATE OF EMPLOYERS' LIABILITY INSURANCE (a)

(Where required by regulation 5 of the Employers' Liability (Compulsory Insurance) Regulations 1998 (the Regulations), one or more copies of this certificate must be displayed at each place of business at which the policyholder employs persons covered by the policy)

POLICY No. AXALIAB1028

- 1. **NAME OF POLICYHOLDER:** Mr Paul Chafer
- 2. **DATE OF COMMENCEMENT OF INSURANCE POLICY** 02 April 2017
- 3. **DATE OF EXPIRY OF INSURANCE POLICY** 01 April 2018

We hereby certify that subject to paragraph 2 : -

1. the policy to which this certificate relates satisfies the requirements of the relevant law applicable in Great Britain **(b)** Northern Ireland, the Isle of Man, the Island of Guernsey, the Island of Jersey and the Island of Alderney; and

2. (a) the minimum amount of cover provided by this policy is no less than £5 million **(c)**

Signed on behalf of AXA Insurance UK plc
(Authorised Insurer)

Amanda Blanc
CEO - AXA Commercial Lines
& Personal Intermediary

Notes

- (a) *Where the employer is a company to which regulation 3(2) of the Regulations applies, the certificate shall state in a prominent place, either that the policy covers the holding company and all its subsidiaries, or that the policy covers the holding company and all its subsidiaries except any specifically excluded by name, or that the policy covers the holding company and only the named subsidiaries.*
- (b) *Specify applicable law as provided for in regulation 4(6) of the Regulations.*
- (c) *See regulation 3(1) of the Regulations and delete whichever of paragraphs 2(a) or 2(b) does not apply. Where 2(b) is applicable, specify the amount of cover provided by the relevant policy.*



A7

Agency Number

LS 0342830

Windscreen Excess

£100

CERTIFICATE OF MOTOR INSURANCE

This Certificate is not a statement of cover given by the Policy. For full details of the insurance cover, reference should be made to the Policy.

ADVICE TO THIRD PARTIES:

Nothing contained in this Certificate affects your right as a Third Party to make a claim.

Certificate Number: 6829585

1 **Registration Number of vehicle** DK15TSX

2 **Name of Policyholder** Mr P Chafer

3 **Effective date of the commencement of insurance for the purposes of the relevant law** 01 April 2017

4 **Date of expiry of insurance** 31 March 2018

5 **Persons of classes of persons entitled to drive**

The Policyholder
Any person authorised by the Policyholder provided that the person driving holds a licence to drive the vehicle or has held and is not disqualified for holding or obtaining such a licence

6 **Limitations as to use**

For social, domestic and pleasure purposes and in connection with the Policyholder's business.

Excluding

Use for racing, pace-making, speed testing, rallies, trials or competition, or use for hire or reward.

I hereby certify that the Policy to which the Certificate relates satisfies the requirements of the relevant law applicable in Great Britain, Northern Ireland, the Isle of Man, The Island of Guernsey, the Island of Jersey and the Island of Alderney

A. J. Blanc

Amanda Blanc
CEO - AXA Commercial Lines and Personal Intermediary
AXA Insurance UK plc
(Authorised Insurer)

European Cover

- The insurance evidenced by this Certificate of Motor Insurance extends to meet the compulsory legal minimum insurance for motor vehicles in any country that is a member of the European Union or any other country which has agreed to follow European Union Directives and is approved by the Commission of the European Union.
- El seguro constatado por el presente certificado de seguro de automoviles se prolonga hasta cumplir el seguro minimo legal y obligatorio para los automoviles en los paises miembros de la Comunidad Europea o cualquier otro pais que cumple los requisitos de la Directiva CE y es aprobado por el comision de la Comunidad Europea.
- Die durch diesen Versicherungsschein nachgewiesene Kraftfahrzeugversicherung entspricht der gesetzlich vorgeschriebenen Minimalversicherung fuer Kraftfahrzeuge innerhalb aller EU Mitgliedsstaaten, und allen Staaten die sich bereit erklart haben den Weisungen der EU zu folgen und somit von der EU Kommission anerkannt sind.
- Les garanties de cette attestation d'assurance automobile répondent au minimum légal requis par tout pays membre de l'Union Européenne, ou tout autre pays adhérent aux directives de l'Union Européenne et approuvé par la Commission Européenne.
- L'assicurazione comprovata da questo Certificato di Assicurazione Automobilistica si estende ad includere i minimi requisiti d'assicurazione automobilistica obbligatoria di ogni paese membro dell'Unione Europea o di ogni altro paese che ha deciso di seguire le Direttive dell'Unione Europea e che é approvato dalla Commissione dell'Unione Europea.

Appendix B

Objections. No.1

Fax: 0114 2570494

BI

On Thursday & Friday

Please contact my job share partner Julie Yates on [redacted]@sheffield.sch.uk

From: Val Lomas [redacted]@sheffield.sch.uk]

Sent: 20 March 2017 09:25

To: [redacted]

Cc: 'general.licensing@sheffield.gov.uk'; Grantham J

Subject: FW: Sheffield City council / trading license

Dear Mr Chafer

I am writing in response to your email dated 7 March 2017.

Unfortunately, we are no longer able to give permission for you to park and trade, outside our school.

Regards

Val Lomas

Business Manager Mon/Tues/Wed

Windmill Hill Primary School

Ash View

Chapelton

SHEFFIELD

S35 1ZD

Tel: [redacted]

Fax: [redacted]

On Thursday & Friday

Please contact my job share partner Julie Yates on [redacted]@sheffield.sch.uk

From: Enquiries Windmillhill [mailto:enquiries@windmillhill.sheffield.sch.uk]

Sent: 15 March 2017 15:30

To: vlomas@windmillhill.sheffield.sch.uk

Subject: Fwd: Sheffield City council / trading license

----- Forwarded message -----

From: Paul Chafer <[redacted]>

Date: 7 March 2017 at 13:29

Subject: Fwd: Sheffield City council / trading license

To: enquiries@windmillhill.sheffield.sch.uk, licensing@sheffield.gov.uk

Please refer to previous years emails below regarding trading license.

Regards

Paul Chafer

Appendix C

Invitation to attend

SHEFFIELD CITY COUNCIL

LOCAL GOVERNMENT MISCELLANEOUS PROVISIONS ACT 1982

Street Trading – Schools (ice cream) Street Trading application – Windmill Hill School

IMPORTANT: NOTIFICATION OF A COMMITTEE MEETING

To: Mr [REDACTED]
[REDACTED]
Sheffield
[REDACTED]

Email: [REDACTED]

LEGISLATION: Local Government (Miscellaneous Provisions) Act 1982

LICENCE TYPE: School Street Trading Consent – Windmill Hill.

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 13th June 2017** in a Committee Room of the Town Hall, Sheffield, S1 2HH (Pinstone Street entrance) and you are invited to attend at **12:00 pm**.

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 Lonnie

Date: 26th May 2017

.....
Steve Lonnie
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 taken from 09:00am to 5:00pm.

C2

SHEFFIELD CITY COUNCIL

LOCAL GOVERNMENT MISCELLANEOUS PROVISIONS ACT 1982

Street Trading – School Street Trading Application – Ash View Chapeltown IMPORTANT: NOTIFICATION OF A COMMITTEE MEETING

To: [REDACTED]
Business Manager
Windmill Hill Primary School
Ash View
Chapeltown
Sheffield
[REDACTED]

Email – [REDACTED]

LEGISLATION: Local Government (Miscellaneous Provisions) Act 1982

LICENCE TYPE: School Street Trading Consent – Ash View Chapeltown

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

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

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Appendix D

Hearing Procedure

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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