



SHEFFIELD CITY COUNCIL Committee Report

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Report of: Chief Licensing Officer, Head of Licensing

Date: 24th July 2012

Subject: Local Government (Miscellaneous Provisions) Act 1982 – Street Trading

Author of Report: Andy Ruston - 2037751

Summary: To consider an application for the renewal of a Street Trading Consent.

Recommendations: That members note the content of the report and any further information supplied.

Background Papers: Attached to this report

Category of Report: Open

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

REF No: 54/12

LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982

STREET TRADING

CONSENT SITE – Bramall Lane Football Ground – John Street – 57/FS.

1.0 PURPOSE OF REPORT

1.1 To consider an application for the renewal of a consent to street trade.

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 - (c) all previous designations in relation to street trading will be rescinded as a result of the designation set out above.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 a consent. An applicant may, however apply for judicial review of the councils decision.

3.0 THE APPLICATION

3.1 The applicant is Mrs Linda and Mr Roger Stone and a copy of the application is attached at Appendix 'A'.

3.2 The application is to sell hot and cold food and hot and cold drinks during Sheffield United 1st team home fixtures, friendly's and internationals.

3.3 The applicant trades from a site on John Street. A copy of the location of the site is attached at Appendix 'B'.

4.0 REASONS FOR REFERRAL

4.1 An objection to the application has been received from Mr Ian Boyne, who is the letting agent for the premises located at 108 Charlotte Road, Sheffield, S1 4TL.

5.0 BACKGROUND

5.1 The objector, Mr Ian Boyne, wrote to the Licensing Service on 14th October 2011 and 19th January 2012, to register his concern in relation to the street trading consent. A copy of the letters are attached to the report at Appendix 'C'.

5.2 The Licensing Service wrote to Mr Ian Boyne on 27th January 2012 in response to his letters of 14th October 2011 and 19th January 2012. A copy of the letter sent by the Licensing Service is attached to the report at Appendix 'D'.

5.3 Mr Ian Boyne again wrote to the Licensing Service on 7th February 2012, requesting that his concerns be put before the Licensing Committee of the Council prior to the renewal of the consent. A copy of the letter is attached to the report at Appendix 'E'.

5.4 The Licensing Service wrote to Mr Ian Boyne on 9th February 2012, to inform him that the renewal of the street trading consent would be placed before the Licensing Committee of the Council for determination. A copy of the letter is attached to the report at Appendix 'F'.

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

5.6 A copy of the hearing procedure is attached at Appendix 'H'.

6.0 FINANCIAL IMPLICATIONS

6.1 There are no financial implications for the Council arising from this report.

7.0 RECOMMENDATIONS

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

8.0 OPTIONS OPEN TO THE COMMITTEE

8.1 To grant the application to renew the Street Trading Consent.

8.2 To defer the matter for further consideration.

8.3 To refuse to grant the application to renew the Street Trading Consent.

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

16th July 2012

④

APPENDIX A

(5)

16655
25/5/12

SHEFFIELD CITY COUNCIL

Application for Renewal of a Consent to Street Trader

FOOTBALL

WARNING

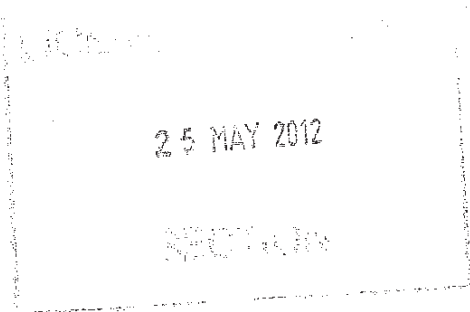
Paragraph 10(3) of Schedule 4 to the Local Government (Miscellaneous Provisions) Act 1982 gives the following warning:-

"Any person who, in connection with an application ... for 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."

EXPIRY DATE OF CONSENT: 31st May 2012

NAME AND ADDRESS OF APPLICANT:

Mrs Linda and Mr Roger Stone
459 Halifax Road
Grenoside
S35 8PB



Existing Consent Number: 57/FS
JOHN STREET

Details of vehicle (if appropriate), proposed to be used:

- I (a) declare that the information I have given in this application is complete and correct, and that I have read the attached notes.
- (b) undertake to pay the Sheffield City Council the consent fee of £ 493 per annum before the due date.
- (c) undertake to comply with the Sheffield City Council Street Trading Consent Conditions;
- (d) enclose a current certificate of insurance in respect of the vehicle (if appropriate).
- (e) enclose a current M.O.T certificate for vehicle used (if appropriate).
- (f) enclose a current certificate of insurance for Public Liability, (the level of cover shall be a minimum of £1,000,000).
- (g) enclose evidence in writing that the vehicle meets the food safety standards
- (h) I declare that I have not been convicted of any offences since my last application to trade from this site.

Signed.....⁽⁶⁾ L. S. R. P. Date 25/May/12.....

NOTES

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) This form should be completed and returned to the

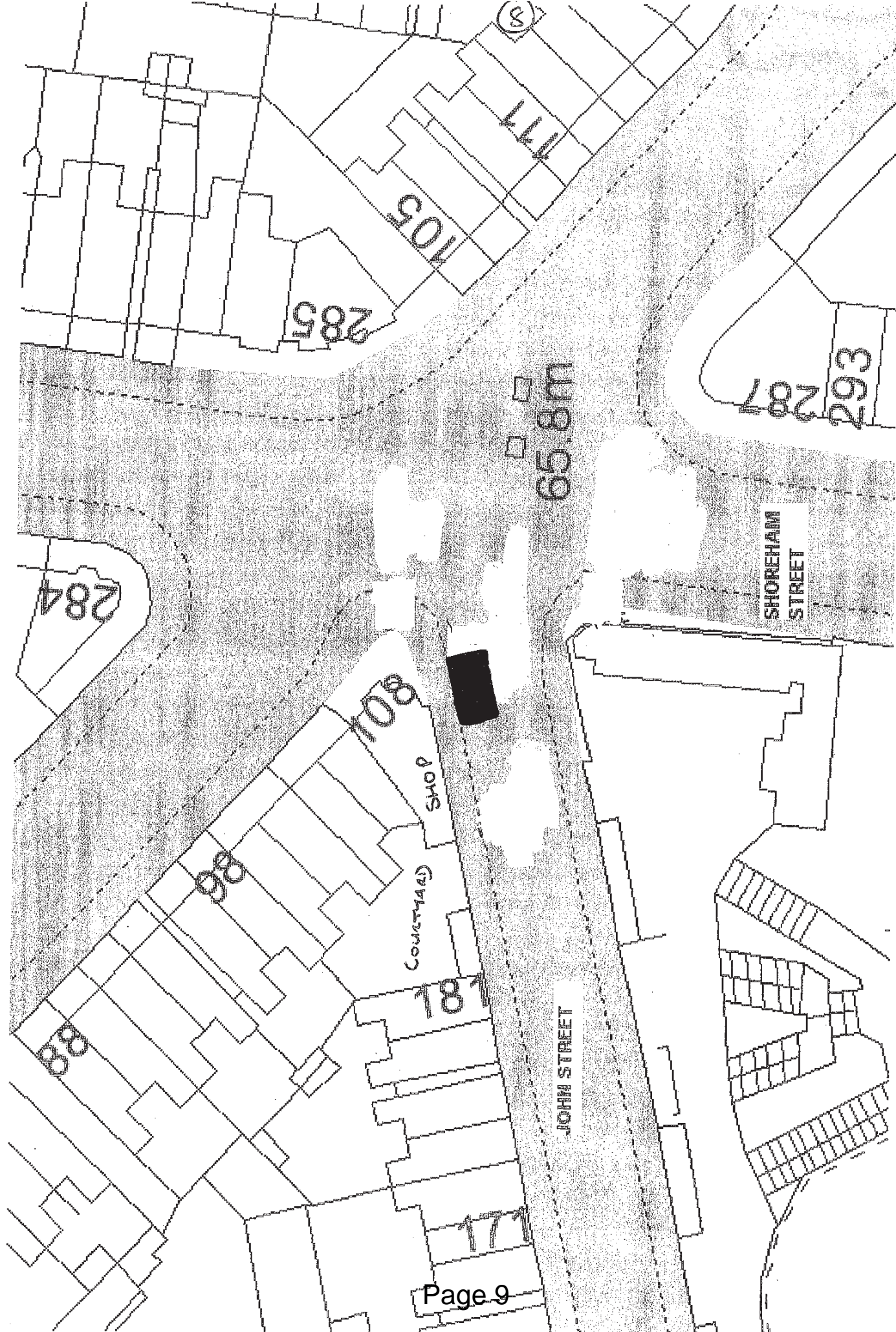
**The Licensing Service
Block C, Staniforth Road Depot
Staniforth Road
Sheffield
S9 3HD**

The Service is open from 9am to 5.00pm Monday to Friday
Telephone (0114) 2037752

- (d) This form must be accompanied by:
 - Certificate of Insurance in respect of the vehicle;
 - Public Liability;
 - Appropriate Test Certificate; and
 - the fee indicated on the form.
- (e) The Council is not obliged to issue a consent to any person; you will be notified of the result of this application, as soon as possible.

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APPENDIX B



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APPENDIX C

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IAN BOYNE F.R.I.C.S. M.C.I.O.B.

CHARTERED SURVEYOR



Sheffield City Council,
Licensing Officer,
Room G37,
Town Hall,
Pinstone Street,
S1 2HH.

Our Ref IB/JLB.
19th January 2012.

F.A.O. Shimia Rani

Dear Shimia,

Re:- 108 Charlotte Road – Shop & Flat above
Sheffield S1 4TL

I refer to my letter dated 14th October 2011, copy attached, which to date remains unanswered.

Unfortunately the problem has not changed and whilst it may not be important to your department it is very important to the tenants of the shop and flat to resolve this issue.

In view of the time elapsed (over 3 months) i would appreciate your comments as soon as possible.

Yours Faithfully,

Ian Boyne



COPY



Sheffield City Council,
Licensing Officer,
Room G37,
Town Hall,
Pinstone Street,
S1 2HH.

Our Ref IB/JLB.
14th October 2011.

F.A.O. Shimia Rani

Dear Shimia,

Re:- 108 Charlotte Road – Shop & Flat above
Sheffield S1 4TL

I am the letting agent for this property and write to express my concern about the complaints made by the tenants of the shop and flat, relating to the siting of a mobile hot food take away unit parked within a few yards of this property.

The complaints can be summarised as follows:-

- A) The unit is parked at the Shoreham Street end of John Street on double yellow lines every match day. The road is closed for part of this time, however prior to the road closure the unit is towed into position well before the road is closed and causes serious obstructions to the junction.
- B) The mobile unit is powered by a free standing generator, positioned at the rear of the unit, even closer to the property. The generator is very noisy and the strong fumes are easily detectable in both the shop and the flat.
- C) Over a period of several hours, whilst the unit is being used, the combined fumes and cooking smells make living in the flat impossible.

I am sure you will be able to check if this unit can park in this position and conforms with your stringent standards.

However it seems rather unreasonable that this unit can just park with no regards to either the road safety aspect or the impact on the adjacent residents. It seems even more unreasonable that the unit can then be towed away and the local residents are just left with the mess.

Whilst I appreciate this take away unit does provide a service and an income to the local authority, a site away from a busy road junction and occupied property would surely be more appropriate.

Awaiting your comments in due course.

Yours Faithfully,

Ian Boyne

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APPENDIX D



Licensing Services
Town Hall, Pinstone Street, Sheffield, S1 2HH
Tel:0114 2037752 Fax:0114 2734510
E-mail: general.licensing@sheffield.gov.uk
Website: www.sheffield.gov.uk
Date Friday 27th January 2012

Mr Ian Boyne



Reference:Lic/243/SR

Dear Mr Boyne

Local Government (Miscellaneous Provisions) Act 1982 - Street Trading
Re: 108 Charlotte Road, Sheffield, S1 4TL – Shop and Flat above

I refer to the above and your letters dated 14th October 2011 and 19th January 2012 and apologise in the late reply.

Since receiving your letter I have been in regular correspondence with the shop owner Mr Bingham regarding his trading and the street trader you refer to outside the premises.

I can confirm that the trader outside the premises holds a valid street trading consent issued by Sheffield City Council. The trader was relocated to this position following consultation with the following authorities: Highways Department; South Yorkshire Police; Planning Department, and South Yorkshire Fire and Rescue Service.

The application was placed before our Licensing Committee for determination which included comments from the Highways Department which allocated this site as the most appropriate. Please note, the double yellow parking restrictions which were to be introduced as part of the ongoing scheme for this junction was also taken into consideration at the Licensing Committee hearing. The application and site location was subsequently granted to trade 'four hours prior, during and up to one hour after each fixture' at all Sheffield United 1st team home fixtures, friendly's and internationals. The consent was issued as from the 26th August 2010 and since that date no complaints or issues had been made.

Your complaint also refers to the standing generator positioned at the rear of the unit which is causing noise and fumes, our Licensing Officers regularly undertake enforcement exercises on match days and will visit the unit to see if it is causing a nuisance and whether it can be repositioned.

Officers will also ensure that the conditions attached to their consents regarding litter are being complied with, should any of the conditions be breached, the consent holders will be formally notified and appropriate action will be taken.

I trust the above information is of assistance. Should your tenants continue to experience further nuisance I would be grateful if you can forward this in writing detailing the nuisance and the consent will be placed before our Licensing Committee for determination for the next renewal date which is the 31st May 2012.

Please do not hesitate to contact me should you wish to discuss any of the above matters further.

Yours sincerely



Miss Shimla Rani
Principal Licensing Officer

Enquiries to: **Licensing Service on 0114 2037752**

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APPENDIX E

(16)



IAN BOYNE F.R.I.C.S. M.C.I.O.B.

CHARTERED SURVEYOR



Sheffield City Council,
Licensing Services,
Town Hall,
Pinstone Street,
Sheffield S1 2HH.

Our Ref IB/JLB.
7th February 2012.

Dear Shimla,

Re:- 108 Charlotte Road – Shop & Flat above
Sheffield S1 4TL

Thank you for your letter ref Lic/243/SR dated 27th January 2012.

Whilst i appreciate approval has been given to the mobile hot food take away unit to operate in this location, the underlying problem remains. The nuisance is caused by allowing the mobile unit to park too close to a residential property and the smells from the cooking and the generator can easily be detected in the flat.

It would appear very little can be done at this moment in time and i find this very disappointing. However i would strongly request my comments are placed before the licensing committee before 31st May 2012 to avoid further consent being granted to this street trader in this location.

Yours faithfully,


Ian Boyne

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APPENDIX F

Licensing Services
Business Strategy & Regulation
Place Portfolio
Block C Staniforth Road Depot
Staniforth Road
Sheffield
S9 3GZ

Tel: 0114 2037752 Fax: 0114 2734510
E-mail: general.licensing@sheffield.gov.uk
Website: www.sheffield.gov.uk
Date 9th February 2012

Mr Ian Boyne



Your Ref: IB/JLB
Our Reference: Lic/243/JG

Dear Mr Boyne

Local Government (Miscellaneous Provisions) Act 1982 - Street Trading
Re: 108 Charlotte Road, Sheffield, S1 4TL – Shop and Flat above

I refer to the above and acknowledge receipt of your letter dated 7th February 2012.

As a result of your ongoing issues with the Street Trader outside of your premises, I would like to advise you that the Football Street Trading Consent renewal will be placed before our Licensing Committee for determination for the next renewal date which is the 31st May 2012.

You will be advised of the date of the hearing nearer the time, with an invitation for you to attend.

Please do not hesitate to contact me should you wish to discuss any of the above matters further.

Yours sincerely

Miss Jayne Gough
Licensing Officer

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APPENDIX G

SHEFFIELD CITY COUNCIL

LOCAL GOVERNMENT MISCELLANEOUS PROVISIONS ACT 1982
Street Trading – Sheffield United Football Club – John Street.

IMPORTANT: NOTIFICATION OF A COMMITTEE HEARING

To: Mrs Linda and Mr Roger Stone
459 Halifax Road
Grenoside
Sheffield
S35 8PB.

LEGISLATION: Local Government (Miscellaneous Provisions) Act 1982

LICENCE TYPE: Street Trading Consent

I refer to the above and your application for the renewal of your street trading consent.

This matter has been referred to the Licensing Committee of Sheffield City Council for determination. Full details will be provided in the report to the Committee which will be sent to you in due course. The Licensing Committee has the authority to decide what action to take in relation to each application.

The committee has indicated that it expects applicants to attend the meeting.

The meeting will take place on **24th July, 2012** 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 Service on 0114 2037751.

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

Date:

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

SHEFFIELD CITY COUNCIL

LOCAL GOVERNMENT MISCELLANEOUS PROVISIONS ACT 1982
Street Trading – Sheffield United Football Club – John Street

IMPORTANT: NOTIFICATION OF A COMMITTEE HEARING

To: Mr Ian Boyne



LEGISLATION: Local Government (Miscellaneous Provisions) Act 1982

LICENCE TYPE: Street Trading Consent

I refer to the above and the application for the renewal of the street trading consent to which you have made an objection to.

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 interested parties to attend the meeting.

The meeting will take place on 24th **July 2012** 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 Service on 0114 2037752.

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

Date:

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 H

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.