Agenda Item 5



SHEFFIELD CITY COUNCIL Committee Report

Report of: Chief Licensing Officer, Head of Licensing

Date: Tuesday 5th July 2022 at 10.30am

Subject: Street Trading:

Application to renew a Schools (Ice Cream) Street Trading

Consent

Author of Report: Shimla Finch

Summary: To consider an application to renew a Schools (Ice Cream)

Street Trading consent at Birley Primary Academy,

Thornbridge Avenue, Sheffield

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: 103/22

LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982 SCHOOLS (ICE CREAM) STREET TRADING – Paul Grayson

1.0 PURPOSE OF REPORT

1.1 To consider an application to renew a Schools (Ice Cream) Street Trading Consent to trade at Birley Primary Academy, Thornbridge Avenue, Sheffield.

2.0 INTRODUCTION

- 2.1 The Council as a Licensing Authority have power under the provision of the 1982 Act to regulate Street Trading in the City.
- 2.2 A Street Trading Consent is required to trade on any Street (which includes roads, footways, forecourts, or other areas to which the public have access) within the Sheffield City Boundary.
- 2.3 The Licensing Committee at it's meeting of 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 - (c) all previous designations in relation to street trading will be rescinded as a result of the designation set out above.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 Mr Paul Grayson who submitted a renewal application of a Schools (Ice Cream) Street Trading Consent on the 9th of June 2022. A copy of the application is attached at Appendix 'A' with pictures of the site occupied.
- 3.2 The application was circulated in the usual manner to South Yorkshire Police, South Yorkshire Fire and Rescue, Highways and Planning and no comments have been received from them.
- 3.3 The applicant has also consulted with the Head Teacher of the school in regards to renewing his street trading consent.

4.0 REASONS FOR REFERRAL

- 4.1 Three objections (attached at Appendix 'B') have been received against the renewal application for this consent by the following parties:
 - Headteacher of Birley Primary Academy
 - MP Clive Betts
 - South Yorkshire Police Lauren Spacie
- 4.2 These objections relate to issues of congestion, parking, and the safety of the pupils at busy times. All three objections refer to an incident which occurred on the 10th March 2022 where a pupil walked around the van to cross the road and was hit by a car.
- 4.3 This incident was investigated by our Licensing Enforcement Officer, and discussions were held with both the primary and secondary school, Sheffield City Council's Parking Services and South Yorkshire Police.
- 4.4 The investigation showed that the ice cream trader had been parked legally at the time of the incident. CCTV footage of the incident has been viewed by authorities, and both the schools and South Yorkshire Police believe that the incident would not have occurred if the ice cream van was parked in a different location as it reduced visibility for anyone crossing the road. As this is a legal parking space without any road traffic regulations in place, this could be a problem for any larger vehicles parked there. This issue has been shared with the Highways Department and Traffic Regulation Services of Sheffield City Council to seek their views on whether further considerations should be made to parking in this area to reduce any risks, we are yet to receive a response from Traffic Regulation Services.
- 4.5 Licensing Enforcement Officers have been in discussion with the applicant Mr Grayson and have met onsite to discuss the issues outlined above and the objections received against his application. He has worked closely with our officers to find an alternative location near to where he is currently trading, with various areas around the current site being viewed, Officers have confirmed that there is currently no other suitable site around the school due to existing parking restrictions. Appendix 'C' of this reaggerals maps showing the current parking

restrictions in the area and photos of Mr Grayson's current trading location and the immediate vicinity when carrying out these site visits.

- 4.6 As the objections are unresolved, the renewal application has been referred to the Licensing Sub-Committee for determination. Members are advised to consider all documentation and to refer to the Street trading policy, in particular to paragraph 2.8 in regard to factors around 'public safety/highway' in considering an application.
- 4.7 The applicant, and the objectors to the application have been invited to attend the Licensing Sub-Committee meeting. Copies of the invites are attached at Appendix 'D'. The Licensing Enforcement Officer who investigated the complaint has also been invited should there be any questions from Members.
- 4.8 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 The fees for a school's (ice cream) street trading consent is currently fixed and is payable on application. Therefore there are no financial implications arising from this report.

6.0 RECOMMENDATIONS

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

7.0 OPTIONS OPEN TO THE COMMITTEE

- 7.1 To grant the renewal for a School's (Ice Cream) Street Trading Consent.
- 7.2 To grant the renewal application with amendments.
- 7.3 To defer the matter for further consideration.
- 7.4 To refuse the renewal application.

Steve Lonnia Head of Licensing

5th July 2022

APPENDIX 'A'

Renewal Application and site location

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)

М.	THE APPLICANT(5)		
		1st Applicant (Mr/Mrs/Miss/other)	2 nd Applicant (Mr/Mrs/Miss/other)
Q1	Full name(s)of the applicant	PAUL GRASOW	
Q2	Applicant(s) permanent private address		
Q3	Date of birth		
Q4	Nationality and place of birth		
Q5	National Insurance No.		
Q6	Do you have the legal right to work and live in the UK?	YES / N O - Details:	YES / NO Details:
Q7	Have you ever been refused a street trading consent in this or any other area?	YES / NO Details: いり	YES / NO Details:
Q8	Telephone No		
Q9	Email address		
Q10	Current ice cream mobile consent number		
Q10			

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

Q11	Name	PAUL GRAYSON
Q12	Registered address	
Q13	Registered number	CKOSUTZ
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	Consent number	
Q18	Description of vehicle to be used	FORD TRAWSIT
Q19	Registration number	6,08 452
Q20	Date of first registration	03108
Q21	Last MOT and service	03/02/2022
Q22	Size of vehicle	Height:
		Width:
		Length:
Q23	Items to be sold	ICE CREAM LOCKIES CAMS POP
Q24	Does the vehicle meet the quality criteria? Your vehicle will be inspected	
	prior to granting a consent.	

D. THE SCHOOL

Q25	Name and address of school where you wish to trade:	BIALBY PRIMARY ACROSMY THORNSRIDGE AUG SHEEFICLD SR 3 HO
Q26	Location of pitch: (include site plan)	THORWERING AUG SIZZAD

E. CONVICTIONS / CAUTIONS

Q27	a criminal offer or elsewhere? If the answer is	e applicants ever bace, whether in the see yelease give furious convictions	United Kingdom	Applicant 1 Yes [Applicant 2 Yes [
	Date of		1		Contonos
	Conviction	Court of Conviction	Nature of Offe	nce	Sentence
	Applicant 1				
	Applicant 2				

F. CHECK LIST

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

(tick if enclosed with this application)

Certificate of insurance in respect of the vehicle / unit	5
Appropriate vehicle test	V.,
Public liability insurance (minimum of £2,000,000)	1
Written confirmation that the vehicle meets the Council's food safety standards	V
Waste management contract	'
Declare that you have registered as a food business	V.
Head teacher's written consent (on letter-headed paper) E MHLL ATTACHED	/

G. DECLARATION

warning Page 16 Paragraph 10(3) of Schedule 4 to the Local Government (Miscellaneous Provisions) Act 1982 gives the following warning:-

"Anyperson who, in connection with an applicationfora 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."

1 / We,

- declare that all the information I have given in this application is complete and correct:
- declare that I am over 17 years of age (in cases of individual applicants)
- declare I understand and will comply with the Sheffield City Council Street Trading Consent Conditions;
- undertake to pay Sheffield City Council the relevant consent fee in advance whether demanded or not;
- understand that consents are not transferable;
- understand that the Local Authority reserve the right to make further enquiries with South Yorkshire Police as a result of this application as they may consider desirable; and

understand that giving false information is an offence and may result in prosecution and /
or a street trading consent being refused or revoked:

Applicant 1
Signature:
Print name: PALC GRAYSON
Date: 27/04/2022
Capacity:

ICE CREAM VAN

FRESTI:

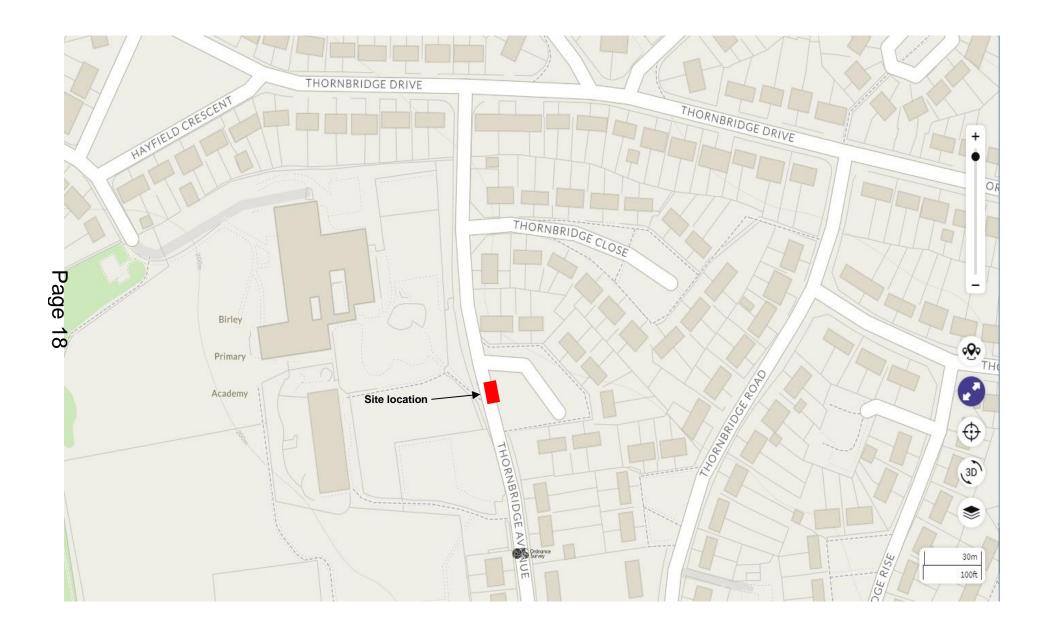
To: enquiries@birley.primaryacademy.co.uk

Date: Wednesday, 27 April 2022, 11:07 BST

Good morning

I am emailing you for consent from the head teacher to park outside your school in a safe place allocated by the council thank you

p grayson









APPENDIX 'B' Objections

Birley Primary Academy Objection

From: Dawn Mcaughey
Sent: 04 May 2022 08:13

To: Stephen Lonnia (CEX)

Subject: Licensing objection

Good morning Stephen,

I was wondering if you could forward on my email to Claire Bower as I don't have her email address regarding an ice cream van trading outside Birley Primary Academy?

I have been contacted directly by Mr Paul Grayson in order for me to grant permission for him to continue to trade outside Birley Primary Academy.

I have objected to this in the past and I do wish to raise an objection again due to the difficulties this location continues to cause in terms of the amount of parking at the school at home time (we are a 3 form entry, very large Primary School with nearly 600 children) the congestion around the area and the safety implications for pupils - it adds greatly to congestion on what is already a very busy road. Recently a pupil went behind the van and got knocked down by a car. This was all reported to the Licensing Committe. It is a huge concern for myself as I am sure you will appreciate.

I hope you will take my objection into account. There may be a more convenient and appropriate location for the ice cream van, but where he currently parks is not appropriate in my opinion.

Many thanks
Dawn McAughey

Dawn McAughey Headteacher Birley Primary Academy



Clive Betts MP Objection

From: Clive Betts MP Sent: 21 April 2022 09:02

To: Stephen Lonnia (CEX)

Cc: Bryan Lodge < >; Denise Fox <

Subject: (Case Ref: ZA21484) from Clive Betts MP/Birley Primary School/Ice Cream Van

Dear Stephen

I understand that the licence for the ice cream van to sell ice cream outside Birley School on Birley Lane has now run its term and will have to be renewed for the trade to continue.

I wish to object to this because of the difficulties this location causes in terms of the amount of parking at the school at leaving times, the congestion around the area and the safety implications for pupils. I understand recently a pupil went behind the van and got knocked down and clearly this is a matter of concern both to myself and I understand to the school as well.

I hope you will take this objection into account. Maybe there is a more convenient and appropriate location for the ice cream van but this does not seem at all the right place for it to operate.

Yours Sincerely

CLIVE BETTS

Clive Betts MP Sheffield South East

South Yorkshire Police Objection

----Original Message-----

From: LAUREN SPACIE < southyorks.pnn.police.uk>

Sent: 30 March 2022 11:24 To: Emma Rhodes-Evans (CEX)

Subject: RE: Incident outside Birley Primary Academy, S12 - Thursday 10th March 2022 -

Incident Ref:56410032022

Hi Emma,

As per our phone call conversation, I can clarify the following -

I attended the Road Traffic Collison on the 10th March 2022 outside Birley Academy. The driver during this incident was not at fault. From speaking to witnesses and reviewing CCTV at the scene, it is clear and evident that the child runs in front of the ice cream van, into the road into the path of the vehicle.

Teachers at the school stated there concerns over the location of the ice cream van. I also have the same concern as I am of the opinion is it in a dangerous place. Albeit the Van is not parked on double yellow lines, the vehicle causes children to congregate and causes reduced visibility on the pavement when crossing the road. I spoke to the owner of the van who was quite dismissive of what had occurred, which also concerned me.

I think the van would be better situation further up the road, in order to prevent any further incidents.

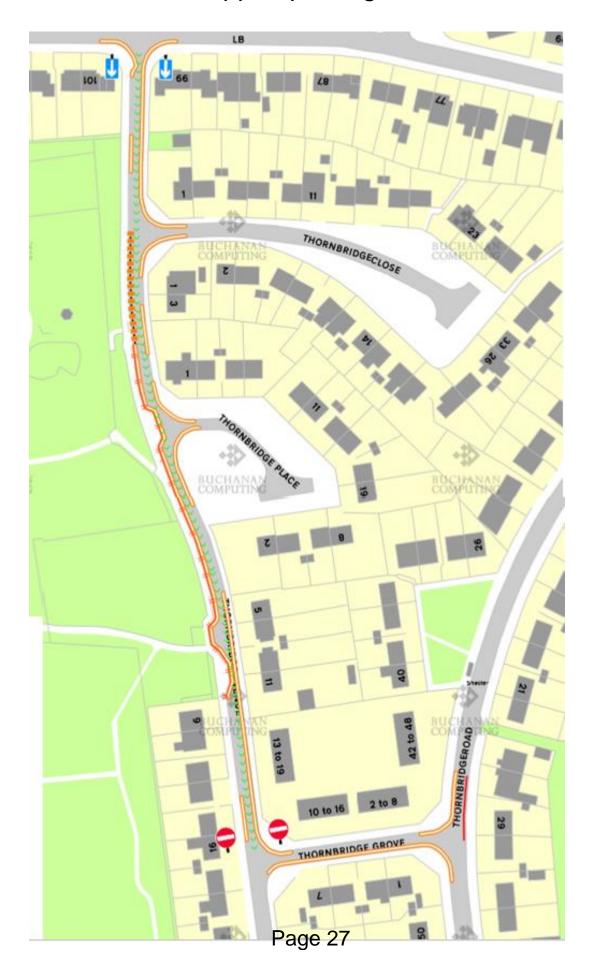
Please let me know if you need any further clarification on the matter.

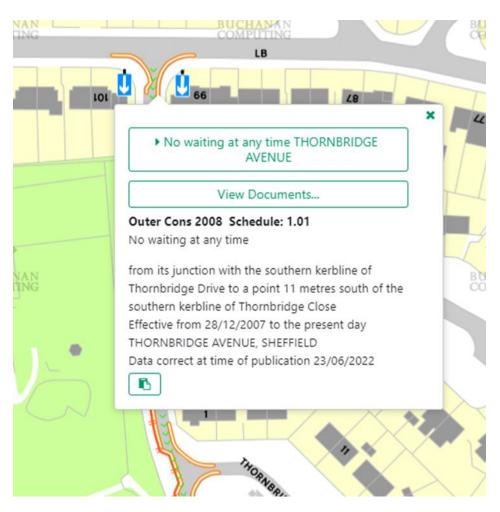
Kind regards, Lauren

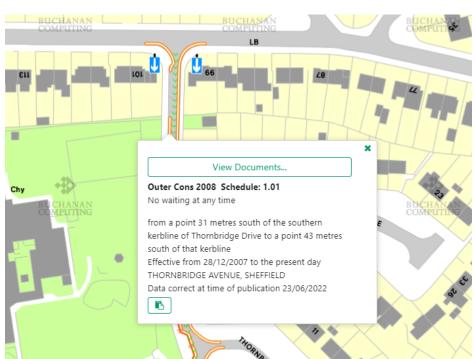
APPENDIX 'C'

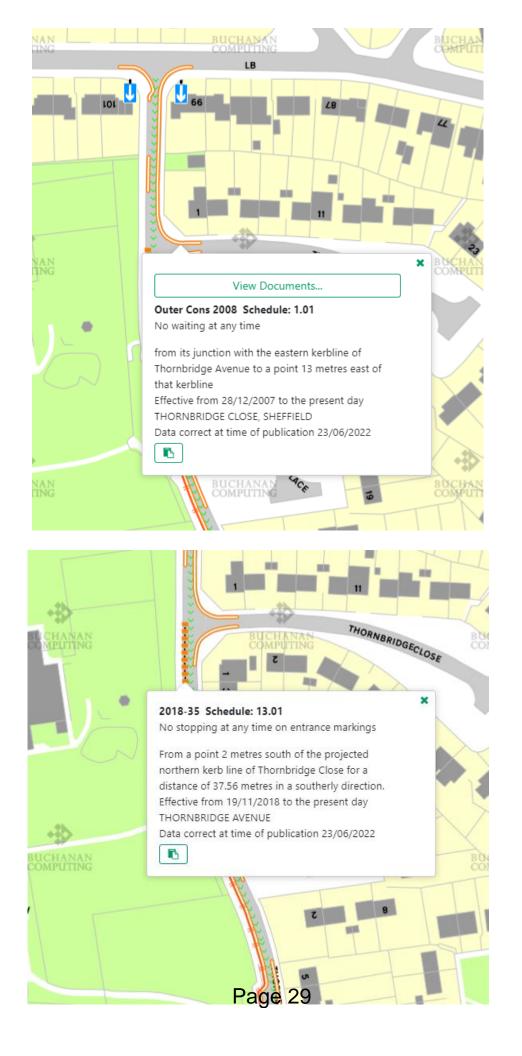
Current location, parking restrictions and the immediate vicinity

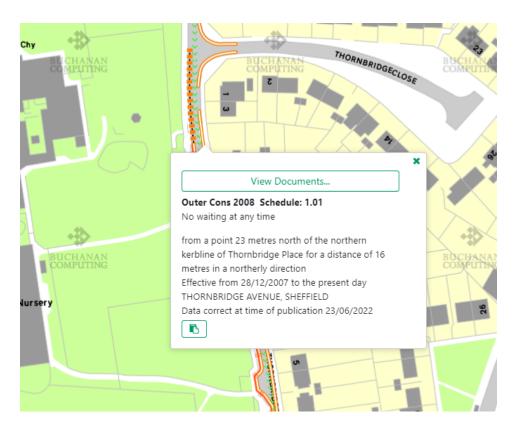
Mapped parking restrictions of area

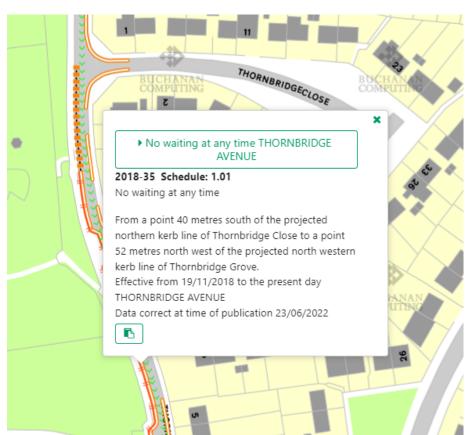












Current location





Immediate vicinity









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APPENDIX 'D'

Hearing Notices and Procedure

LOCAL GOVERNMENT MISCELLANEOUS PROVISIONS ACT 1982

Street Trading – Schools (Ice Cream) Street Trading Consent – Birley Primary Academy

IMPORTANT: NOTIFICATION OF A COMMITTEE MEETING

To: Mr Paul Grayson

Sent via email:

LEGISLATION: Local Government (Miscellaneous Provisions) Act 1982

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

Academy

I refer to the above and the application to renew a street trading consent.

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

The Committee has indicated that it expects applicants, interested parties and any objectors to attend the meeting on Tuesday 5th July 2022 in a Committee Room of the Town Hall, Sheffield, S1 2HH (Pinstone Street entrance) and you are invited to attend at 10.30 am.

PLEASE NOTE:

I would be grateful if you could confirm that you will be attending the meeting via email to licensingservice@sheffield.gov.uk as soon as possible.

Date 20th June 2022

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

LOCAL GOVERNMENT MISCELLANEOUS PROVISIONS ACT 1982

Street Trading – Schools (Ice Cream) Street Trading Consent – Birley Primary Academy

IMPORTANT: NOTIFICATION OF A COMMITTEE MEETING

To: Ms Dawn McAughey

Headteacher

Birley Primary Academy

Sent via email:

LEGISLATION: Local Government (Miscellaneous Provisions) Act 1982

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

Academy

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Steve Lonnia

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Date 20th June 2022

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LOCAL GOVERNMENT MISCELLANEOUS PROVISIONS ACT 1982

Street Trading – Schools (Ice Cream) Street Trading Consent – Birley Primary Academy

IMPORTANT: NOTIFICATION OF A COMMITTEE MEETING

To: Clive Betts MP

Sent via email:

LEGISLATION: Local Government (Miscellaneous Provisions) Act 1982

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

Academy

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PLEASE NOTE:

I would be grateful if you could confirm that you will be attending the meeting by telephoning the Licensing Office on 0114 2734264.

Steve Lonnia

Chief Licensing Officer

Head of Licensing

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Date 20th June 2022

Licensing Service, Business Strategy and Regulation, Block C Staniforth Road Depot, Staniforth Road, Sheffield, S9 3HD Telephone 0114 2734264

LOCAL GOVERNMENT MISCELLANEOUS PROVISIONS ACT 1982

Street Trading – Schools (Ice Cream) Street Trading Consent – Birley Primary Academy

IMPORTANT: NOTIFICATION OF A COMMITTEE MEETING

To: Ms Lauren Spacie
South Yorkshire Police

Sent via email:

LEGISLATION: Local Government (Miscellaneous Provisions) Act 1982

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

Academy

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Date 21st June 2022

Steve Lonnia

Chief Licensing Officer

Head of Licensing

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Licensing Service, Business Strategy and Regulation, Block C Staniforth Road Depot, Staniforth Road, Sheffield, S9 3HD Telephone 0114 2734264

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.
 - (I) 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 Stoee β Prading Consent.

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