



SHEFFIELD CITY COUNCIL Committee Report

Report of: Chief Licensing Officer, Head of Licensing

Date: 30th October 2012 at 10:00am

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

Author of Report: Kathy Stockdale - 2037752

Summary: To consider the revocation of a Street Trading Consent

Recommendations: That Members note the contents 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: 81/12

LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982

STREET TRADING

CONSENT SITE – Hillsborough Park

1.0 PURPOSE OF REPORT

- 1.1 To consider the revocation of a street trading consent.

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 - (c) all previous designations in relation to street trading will be rescinded as a result of the designation set out above.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 Street Trading Consent may only be granted for a maximum period of twelve months.

- 2.5 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 CONSENT

- 3.1 Mr Mark Kempton holds a street trading consent to trade in Hillsborough Park.

4.0 REASONS FOR REFERRAL

- 4.1 After falling in arrears with payments to the Parks and Countryside Service, Mr Kempton informed them that he will no longer be trading there from the end of September.
- 4.2 Mr Kempton is still in possession of a valid street trading consent for the site.

5.0 BACKGROUND

- 5.1 Mr Kempton submitted an application for a static street trading consent on 23rd September 2011.
- 5.2 The consent was granted on 16th December, 2011, a copy of which is attached at Appendix 'A' along with a copy of the conditions
- 5.3 Mr Kempton's quarterly fee of £25.00 was due on 31st August, 2012 and is still outstanding.
- 5.4 A copy of a letter from Diane Cheetham, Business Management Officer, Culture and Environment, sent to Mr Kempton confirming the termination of his licence to trade in Hillsborough Park, is attached to the report at Appendix 'B'.
- 5.5 Mr Kempton and Ms Cheetham have been invited to attend the Licensing Committee hearing. Copies of the invites are attached at Appendix 'C'.
- 5.6 A copy of the hearing procedure is attached at Appendix 'D'.

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 revoke the Street Trading Consent.
- 8.2 To defer the matter for further consideration.

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

5th October 2012

③

APPENDIX 'A'

SHEFFIELD CITY COUNCIL

STATIC STREET TRADING CONSENT

Local Government (Miscellaneous Provisions) Act 1982

The Sheffield City Council HEREBY GRANT CONSENT to:

Consent Holder: **Mr Mark Kempton**

Consent No: **180/ST**

Consent site (location): **Hillborough Park
Site A (Duck Pond) - Marquee
Site B (Footpath) - Marquee**

Permitted days: **Site B Monday to Sunday
Site A At all Sheffield Wednesday 1st Team Home Fixtures,
Friendly's & Internationals**

Permitted hours: **Site B - 07:00 - 19:00.
Site A - As Hours above**

Goods sold: **Hot and Cold Drinks and Confectionary**

Issue date: **16 December 2011**

Valid from: **1 December 2011**

Expiry date: **30 November 2012**

THIS CONSENT is granted subject to the conditions set out in the attached document and shall continue in force until the above expiry date unless previously revoked or surrendered.

Signed: Steve Lonnia
**Steve Lonnia
Chief Licensing Officer
Head of Licensing**

PLEASE NOTE: This consent permits the holder to trade only at the site stated above



SHEFFIELD CITY COUNCIL STATIC STREET TRADING CONSENT – CERTIFICATE

Local Government (Miscellaneous Provisions) Act 1982

Consent No:	180/ST	Expires:	30 November 2012
Name:	Mr Mark Kempton	Goods Sold:	Hot and Cold Drinks and Confectionary
Consent Site:	Hillborough Park (see reverse for plan) Site B Footpath Site A Duck Pond		
Permitted Days:	Monday to Sunday (Site A & B)	Permitted Hours:	07:00 - 19:00
Signed	<i>Steve Lonnia</i> Steve Lonnia Chief Licensing Officer Head of Licensing	Dated:	16 December 2011



(5)

SHEFFIELD CITY COUNCIL**LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982****Street Trading Consent Conditions**

1. This consent enables the holder to trade in Sheffield from the area and between those times detailed in this consent only (if any).
2. The consent holder shall at all times have a copy of this consent available for inspection on request to any Police Officer or duly authorised officer of the Council.
3. A certificate will be issued along with the consent which must be clearly displayed on the vehicle or stall.
4. The consent holder shall only trade from the size and type of vehicle / stall / trailer specified in this consent.
5. The consent holder shall only trade from the site specified in this consent.
6. Any consent issued by the Licensing General Section does not permit the holder to trade within "The City Centre Management Team Boundary" (see attached plan) unless specifically stated.
7. Mobile consent holders are not permitted to remain static for more than 15 minutes, and cannot return to the same site for one hour.
8. Mobile consent holders are not permitted to trade within a 100 metre radius of any static traders, trading in similar goods / articles.
9. Any consent issued for a mobile street trader (i.e. City Wide) does not permit the holder to trade within an 800 metres radius of the Sheffield Arena, Don Valley Stadium, Sheffield Wednesday and Sheffield United Stadiums on any event / match day (see attached plan) for four hours previous, during and one hour after any event.
10. The consent holder will only employ persons that are suitably qualified in food hygiene to assist him (unless trading in non food articles / goods).
11. The consent holder shall not permit any person under the age of 17 to engage in Street Trading.
12. The consent holder shall not use or permit anyone to use this consent to trade from anywhere other than the site detailed within this consent.
13. The consent holder shall ensure that any person who is working on the vehicle, stall or designated area has obtained the relevant authorisation and is wearing the Identity badge issued to them by the Council (this includes the consent holder and any other person who is assisting the consent holder in trading).

14. The consent holder shall ensure that the Council (Licensing General Section) are informed immediately of any new assistants that are employed in working the vehicle or stall or designated area.
15. The consent holder shall take all reasonable steps to ensure public safety; in particular, any vehicle or trailer used to assist in street trading shall be maintained in a safe condition and be tested / serviced annually.
16. The consent holder shall ensure that no waste liquids (including grease) of any description are deposited on to the site, highway or into rainwater gullies / drains serving the site. All liquids must be removed from the site and disposed of in a proper manner.
17. The consent holder shall take all reasonable steps to;
 - Prevent accumulation of litter dirt, and / or grease in or close to the site;
 - Remove and properly dispose of any such litter, etc which does accumulate.See www.netregs.gov.uk or contact Environmental Protection on 0114 2037411 for more information on Trade Waste Disposal.
18. The consent holder shall at all times observe proper food safety and hygiene standards and shall make appropriate use of any equipment provided for this purpose.
19. The consent holder shall ensure that a current price list of articles sold is always prominently displayed on the vehicle or stall.
20. No freestanding advertisements such as 'A' boards or signs attached to street furniture will be permitted.
21. The consent holder shall comply with any reasonable request and / or instruction given to him / her by a Police Officer or duly authorised Officer of the Council.
22. The consent holder shall not use or permit to be used any electrical or electronic equipment (for example, Televisions or radio receivers) in such a manner as to cause a disturbance and or nuisance.
23. The consent holder shall not obstruct the highway / footpath in which the site is situated or cause danger to persons using the highway / footpath.
24. The consent holder shall not cause nuisance or annoyance whether to persons using the street or otherwise.
25. The consent holder shall be responsible for and reimburse the Council in respect of, any damage he / she causes to the highway / footpath or any fittings or fixtures on it.
26. The consent holder shall at all times obey all road traffic regulations in force in the consent area.
27. There shall be no alteration in the design / construction / appearance of the vehicle or stall without the written permission of the Council having been obtained.

28. There shall be no change in the range of articles sold without the written permission of the Council having been obtained.
29. The consent holder shall at all times have available for inspection an up to date and valid Certificate of Insurance (Vehicle and Public Liability) – the level of Public Liability Cover shall be a minimum of £1,000,000.
30. The Council reserve the right, should the need arise from time to time, to direct that the consent holder shall not trade;
- from the whole or any part of the site;
 - during certain times from the site;
- and the consent holder shall comply with that instruction.
31. In the event that the Council give a direction to cease trading from the whole of the site, the City Council shall deduct from the next fee instalment due, a sum proportional to the trading time lost. For the purposes of this calculation it shall be deemed that trading takes place on 7 days a week.
32. This consent will expire on the date given on the face of this consent, and the Council are under no obligation to renew such consent.
33. Consent fees where previously agreed are payable quarterly in advance of the period to which they relate.

PLEASE NOTE, for the purposes of these conditions the “Council” shall be defined as the Licensing Service.

**Stephen Lonnia
Chief Licensing Officer
Head of Licensing Services**

If you require any further information in relation to the above conditions, please contact;

The Licensing Service
Development Services
Town Hall
SHEFFIELD
S1 2HH

Tel: 0114 273 4264 / 273 4880
Fax: 0114 273 5410 / 273 5003

Visit our website: www.sheffield.gov.uk or email us: general.licensing@sheffield.gov.uk

The Licensing General Section are open from 9:00am to 5:00pm Monday to Friday.

APPENDIX 'B'

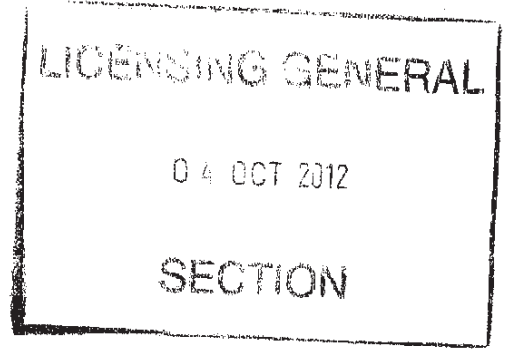
CULTURE AND ENVIRONMENT

Policy and Projects

Director of Culture and Environment: Paul Billington

Meersbrook Park, Brook Road, Sheffield S8 9FL
Tel: 0114 273 6185 Fax: 0114 255 2375
e-mail: diane.cheeetham@sheffield.gov.uk

Your Ref:
Our Ref: DC/TH
Date: 27th September 2012



Mr Mark Kempton

[Redacted]

[Redacted]

Sheffield

[Redacted]

Dear Mark

CATERING UNIT IN HILLSBOROUGH PARK

I am writing to confirm the termination of your licence to trade in Hillsborough Park. As from 1st October 2012, you will no longer be allowed, or have permission from Parks and Countryside Service, to set up your catering unit.

Could you please ensure you return all keys/alarm fobs that have been allocated to you for use during your licence period.

As previously mentioned, you are still liable for all outstanding amounts on your account, and I would appreciate you giving this your immediate attention.

I would also like to thank you for the service you have given during your time in Hillsborough Park, I know from the compliment slips you gave me that it was a popular addition to the park.

If you require anything further, please do not hesitate to contact me.

Yours sincerely

Diane Cheeetham
Business Management Officer

cc Steve Lonnia - Head of Licencing
Andrew Phillips - Parks and Countryside
Andrew Beevers - Parks and Countryside

"We aim to ensure that you fully understand the contents of this correspondence. We welcome any feedback you may have on how we can improve our communication with you".

Large print versions of this letter are available
by telephoning (0114) 273 6185

APPENDIX 'C'

SHEFFIELD CITY COUNCIL

LOCAL GOVERNMENT MISCELLANEOUS PROVISIONS ACT 1982 Street Trading – Hillsborough Park

IMPORTANT: NOTIFICATION OF A COMMITTEE HEARING

To: **Mr M Kempton**



LEGISLATION: Local Government (Miscellaneous Provisions) Act 1982

LICENCE TYPE: Street Trading Consent

I refer to the above and your consent for a street trading consent in Hillsborough Park. The Parks and Countryside Service have terminated their permission for you to trade in the park.

This matter has been referred to the Licensing Committee of Sheffield City Council for consideration. Full details will be provided in the report to the Committee which has been attached to this notice. The Licensing Committee has the authority to decide what action to take in relation to this matter.

The Committee has indicated that it expects you to attend the meeting.

The meeting will take place on **Tuesday, 30th October, 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 Office on 0114 2037752.

Steve Lonnia
.....

Date: 9th October 2012

Steve Lonnia
Chief Licensing Officer
Head of Licensing

IMPORTANT: A DECISION IS LIKELY TO BE MADE ON THIS ISSUE WHETHER YOU MAKE REPRESENTATION OR NOT.

Licensing Service, Business Strategy and Regulation, Block C Staniforth Road Depot, Staniforth Road, Sheffield, S9 3HD
Telephone 0114 2037752

The Licensing Service is open from 9.00am to 5.00pm, Monday to Friday

SHEFFIELD CITY COUNCIL

LOCAL GOVERNMENT MISCELLANEOUS PROVISIONS ACT 1982 Street Trading – Hillsborough Park

IMPORTANT: NOTIFICATION OF A COMMITTEE HEARING

To: Diane Cheetham, Business Management Officer
Parks and Countryside

LEGISLATION: Local Government (Miscellaneous Provisions) Act 1982

LICENCE TYPE: Street Trading Consent

I refer to the above and a consent for a street trading consent in Hillsborough Park, held by Mark Kempton. The Parks and Countryside Service have terminated their permission for Mr Kempton to trade in the park.

This matter has been referred to the Licensing Committee of Sheffield City Council for consideration. 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 this matter.

The Committee has indicated that it would like you to attend the meeting.

The meeting will take place on **Tuesday, 30th October, 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 Office on 0114 2037752.



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

Date: 9th October 2012

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APPENDIX 'D'

16
STREET TRADING CONSENT APPLICATION

SUB-COMMITTEE HEARING PROCEDURE

This procedure has been drawn up to assist those parties attending Street Trading Consent Committee hearings.

1. The Chair of the Licensing Committee will introduce the Committee and ask officers to introduce themselves.
2. The Chair will ask the applicants and interested parties to formally introduce themselves.
3. The Solicitor to the Committee will outline the procedure to be followed at the hearing.
4. Hearing Procedure:-
 - (a) The Licensing Officer will introduce the report.
 - (b) Questions concerning the report can be asked both by Members and the applicant.
 - (c) The applicant/consent holder (or his/her nominated representative) will then be asked to:-
 - (i) detail the application;
 - (ii) provide clarification on the application and respond to the representations made.
 - (d) The Chair of the Licensing Committee will invite Members of the Sub-Committee and all other parties present to put any relevant questions to the applicant and/or his/her representative.
 - (e) Consultees / interested parties will be invited to present their representations or elect a spokesperson (which may be a Councillor) to speak on their behalf. New representations must not be raised.
 - (f) The Chair of the Licensing Committee will invite Members of the Sub-Committee and all other parties present to put any relevant questions to the consultees / interested parties.
 - (g) The consultees / interested parties will be invited to sum up. A maximum of 5 minutes will be allowed.
 - (h) The applicant will be invited to sum up. A maximum of 5 minutes will be allowed.
 - (i) The Licensing Officer will then detail the options.
 - (j) There will then be a private session for Members to take legal advice and consider the application.
 - (k) Once a decision has been reached, all parties will be invited to return. The Sub-Committee's decision and reasons will be announced by the Chair.
 - (l) The Sub-Committee's decision will be confirmed in writing to the applicant and those parties who made representations.

- NB:
- 1) At any time in the Licensing Process Members of the Committee may request legal advice from the Solicitor to the Committee. This advice may be given in open session or in private.
 - 2) The Committee Hearing will be held in public unless and in accordance with the Regulations the Committee determine that the public should be excluded.

There is no right of appeal against the Council's decision to refuse to grant or revoke a Street Trading Consent.

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