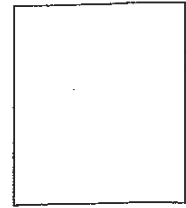




## SHEFFIELD CITY COUNCIL Committee Report



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**Report of:** Chief Licensing Officer, Head of Licensing

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**Date:** 11<sup>th</sup> April 2013

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**Subject:** Local Government (Miscellaneous Provisions Act) 1982

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**Author of Report:** Andy Ruston - 2037751

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**Summary:** Application for a school street trading consent

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

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**Background Papers:** Attached to this report

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**Category of Report:** Open

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**REPORT OF THE CHIEF LICENSING OFFICER,**  
**HEAD OF LICENSING TO THE LICENSING SUB COMMITTEE**  
**REF No: 26/13**

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

**STREET TRADING – Application for a school street trading consent.**

**CONSENT SITE – Walkley Primary School.**

**1.0 PURPOSE OF REPORT**

1.1 To consider an application for the grant of a consent to street trade at a school.

**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 29<sup>th</sup> 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 1<sup>st</sup> 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 1<sup>st</sup> 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 Ronald Wareham and a copy of the application is attached at Appendix 'A'.
- 3.2 The application is to sell Ice Cream and Confectionary.
- 3.3 The application is to trade from a site outside Walkley Primary School. A copy of the location of the site is attached at Appendix 'B'.
- 3.4 A copy of the Council's City Wide Street Trading Quality Specification is attached at Appendix 'C'.

### **4.0 REASONS FOR REFERRAL**

- 4.1 The Licensing Service carried out consultation in 2012, which included consulting existing street trading consent holders with regards to a new Street Trading Policy for the Sheffield area. Following consultation, the proposed policy was presented at a policy meeting on 8<sup>th</sup> November 2012, where the policy was approved. The Policy sets out Sheffield City Councils framework for the management of street trading in the City of Sheffield. The policy document will guide the Licensing Authority when it considers applications for street trading consents. The policy will also inform applicants of the parameters in which the Authority will make decisions and how their needs will be addressed. A copy of the Street Trading Policy can be downloaded via the following link <https://www.sheffield.gov.uk/business-economy/licensing/general-licensing/retail/street-trading.html>.
- 4.2 The above referred to Street Trading Policy specifies at paragraph 3.5.2 that "To be eligible to apply for a school street trading consent, you must hold an ice cream mobile street trading consent". This is because all relevant checks are made to ensure that they have met the Qualitative Criteria and ensures that the applicant is suitable to apply. Therefore the fee for a school street trading consent is at such a low fee. Mr Wareham has requested that consideration be given to his application even though he does not meet the current Street Trading Policy, in that he does not intend to apply for an ice cream mobile street trading consent. The Street Trading Policy also dictates at Appendix 7, City Wide Street Trading Quality Specification that "Motorised vehicles should not be of an age of 5 years or over" Mr Wareham has also requested that consideration be given to the vehicle that he will be using under the consent and whether the vehicle is suitable even though the vehicle is older than 5 years old and does not comply with the City Wide Street Trading Quality Specification referred to in the Street Trading Policy.

The Chief Licensing Officer having considered comments received by the trade regarding the age of the vehicle for ice cream traders feels that an amendment to the policy under delegated powers to set an age limit of ten years for ice cream vans only from date of first registration would be beneficial. Licensees will be given twelve months to meet the criteria

## **5.0 BACKGROUND**

- 5.1 Ronald Wareham submitted an application for a school street trading consent on 19<sup>th</sup> March 2013. Mr Wareham currently does not meet the criteria set out in the above referred to Street Trading Policy, in relation to the requirement to obtain an ice cream mobile street trading consent and the requirement for his vehicle to not be of an age of 5 years or over
- 5.2 Mr Wareham has confirmed that he would like the Licensing Committee to give consideration to his application and as to whether he should meet the criteria set out in the Street Trading Policy.
- 5.3 The applicant has been invited to attend the Licensing Committee hearing. A Copy of the invite is attached at Appendix 'D'.
- 5.4 A copy of the hearing procedure is attached at Appendix 'E'.

## **6.0 FINANCIAL IMPLICATIONS**

- 6.1 If a school street trading consent is granted without the requirement of an ice cream mobile consent the Licensing Service will not recover its costs for administrating and enforcing the terms and conditions of that consent. If members are minded to grant the school street trading consent without an ice cream mobile consent, the Licensing Committee will be required to set a fee to ensure the Licensing Service recovers its reasonable costs.

## **7.0 RECOMMENDATIONS**

- 7.1 That Members consider all the relevant information available and any representations that may be made.
- 7.2 That members accept the new ten year age limit for ice cream vans with 12 months to meet this criteria.
- 7.3 That if members agree to grant the school street trading consent without an ice cream mobile consent, that the fee be set at that of an ice cream mobile consent , which is £236 to allow costs to be recovered.

## **8.0 OPTIONS OPEN TO THE COMMITTEE**

- 8.1 To grant the application for a School Street Trading Consent.
- 8.2 To grant the application in conjunction with the recommendations as set out in paragraph 7.2 and 7.3 above.
- 8.3 To defer the matter for further consideration.
- 8.4 To refuse to grant the application for a School Street Trading Consent.

Steve Lonnia  
Chief Licensing Officer, Head of Licensing  
Staniforth Road Depot

# APPENDIX A

Rec 24628

Licensing Service  
Sheffield City Council,  
Block C, Staniforth Road Depot  
Staniforth Road,  
Sheffield, S9 3HD.  
Tel:0114 2037752 Fax:0114 2734510  
E-mail: [general.licensing@sheffield.gov.uk](mailto:general.licensing@sheffield.gov.uk)  
Website: [www.sheffield.gov.uk](http://www.sheffield.gov.uk)  
Date 28<sup>th</sup> January 2013



Mr Ronald Wareham  
[Redacted]  
Sheffield  
[Redacted]

Reference: LIC/243/streettrading

Dear Sir

**Local Government (Miscellaneous Provisions) Act 1982**  
**Street Trading – Schools – Ice cream**  
**Walkley Primary School**

I refer to the above and your current consent for a school street trading which is due to expire on the 31<sup>st</sup> March 2013.

The Licensing Service consulted with you regards changes to street trading in Sheffield with a new policy, application documents and fees.

The consultation was presented at a policy meeting on the 8<sup>th</sup> November 2012 where it was approved with minor amendments.

School street trading consents are now only permitted if you hold an ice cream mobile consent.

Should you wish to apply for an ice cream street trading consent, you must do so within the new terms and conditions of the policy. The policy can be viewed on our website at [www.sheffield.gov.uk/licensing](http://www.sheffield.gov.uk/licensing) under the heading of street trading or at our Licensing reception at Staniforth Road Depot.

As the Authority will be assessing your application under the new policy, you will be required to submit the following:

- A completed application form.
- The fee of £37.
- 3 colour photographs of the vehicle to be used showing front, back and side.
- Details of the proposed site, including an ordnance survey based map of at least 1:1250 scale (a google map will not be sufficient) clearly identify the proposed trading position. Plans can be obtained from the Licensing Service at a cost of £12 (inc VAT).
- Two (recent and identical) passport size photographs signed and dated on the reverse as a true likeness
- Current passport of the applicant(s).
- Current drivers licence of the applicant(s).



# 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 <sup>st</sup> Applicant (Mr/Mrs/Miss/other)	2 <sup>nd</sup> Applicant (Mr/Mrs/Miss/other)
Q1	Full name(s) of the applicant	RONALD WAREHAM	
Q2	Applicant(s) permanent private address	[REDACTED] SHEFFIELD [REDACTED]	
Q3	Date of birth	22/11/49	
Q4	Nationality and place of birth	BRITISH SHEFFIELD	
Q5	National Insurance No.	[REDACTED]	
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	[REDACTED]	
Q9	Email address	—	
Q10	Current ice cream mobile consent number	C12/ST	

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

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	FORD TRANSIT
Q18	Registration number	G181 KWT
Q19	Date of first registration	20/12/89
Q20	Last MOT and service	24/8/2012.
Q21	Size of vehicle	Height: 8 FT Width: 10 FT Length: 20 FT
Q22	Items to be sold	ICE CREAM & CONFECTIONARY
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:	WALKLEY PRIMARY SCHOOL
Q25	Location of pitch: (include site plan)	BURNABY CRESCENT



## E. CONVICTIONS / CAUTIONS

Q26	Have any of the applicants ever been convicted of a criminal offence, whether in the United Kingdom or elsewhere?	<b>Applicant 1</b> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>		
	If the answer is Yes please give full details below:	<b>Applicant 2</b> Yes <input type="checkbox"/> No <input type="checkbox"/>		
<b>Details of previous convictions and/or cautions</b>				
	<b>Date of Conviction</b>	<b>Court of Conviction</b>	<b>Nature of Offence</b>	<b>Sentence</b>
	<b>Applicant 1</b>			
	<b>Applicant 2</b>			

## F. CHECK LIST

The following documents must be attached with this application:

(tick)

The appropriate fee	<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 type="checkbox"/>
Two colour (recent and identical) passport size photographs signed and dated on the reverse as a true likeness.	<input checked="" type="checkbox"/>
Head Teachers written consent	<input checked="" type="checkbox"/>
If trading from private land, written confirmation from the landowner	<input type="checkbox"/>
Ordnance survey map of at least 1:1250 scale clearly identify the proposed trading position	<input checked="" type="checkbox"/>
Photographs of the vehicle / unit showing front, side and rear.	<input checked="" type="checkbox"/>
Details of any food hygiene qualifications	<input checked="" type="checkbox"/>
Confirmation that the business has a food hygiene score rating of 3 or more.	<input type="checkbox"/>
Ensure your vehicle meets the qualitative criteria	<input type="checkbox"/>
Any further information you may wish to submit in support of your application	<input type="checkbox"/>



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	
Appropriate vehicle test	
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	

## G. DECLARATION

### WARNING

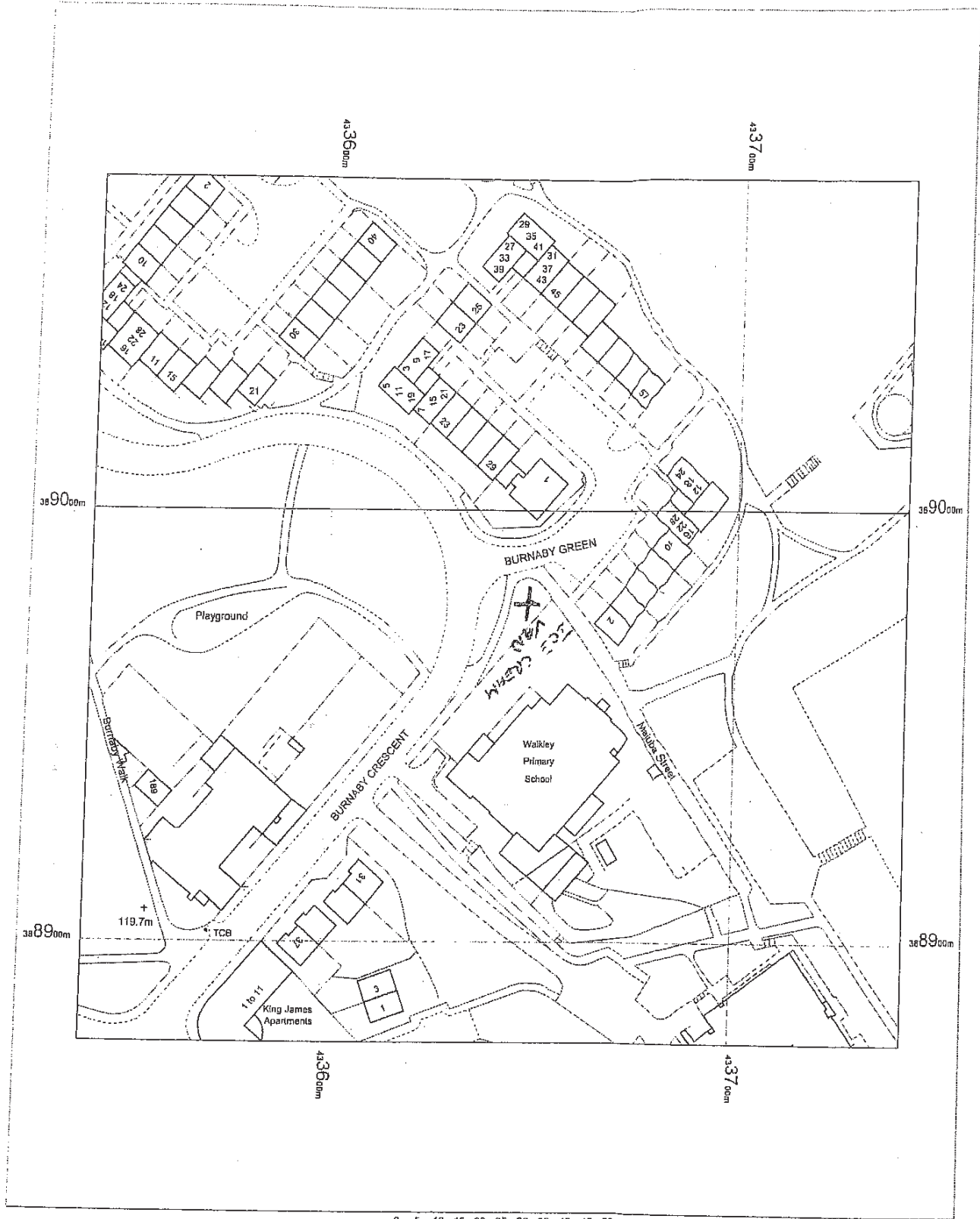
Paragraph 10(3) of Schedule 4 to the Local Government (Miscellaneous Provisions) Act 1982 gives the following warning:-

"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><b>Applicant 1</b></p> <p>Signature: <u>R. Wareham</u></p> <p>Print name: <u>RONALD WAREHAM</u></p> <p>Date: <u>30/1/2013</u></p> <p>Capacity: <u>OWNER DRIVER</u></p>
<p><b>Applicant 2</b></p> <p>Signature: .....</p> <p>Print name: .....</p> <p>Date: .....</p> <p>Capacity: .....</p>



**BURNABY CRESCENT**  
**S6 2TS**

OS Mastermap  
 01 February 2013, ID: BW1-00204862  
[www.blackwellmapping.co.uk](http://www.blackwellmapping.co.uk)  
 1:1250 scale print at A4, Centre: 433643 E, 388976 N  
 ©Crown Copyright. Licence no. 100041040



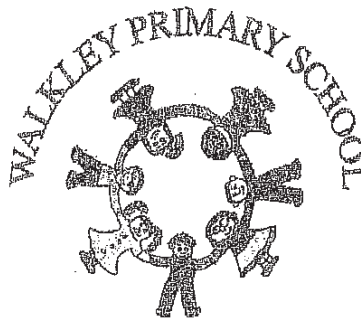
**BLACKWELL'S**  
[www.blackwellmapping.co.uk](http://www.blackwellmapping.co.uk)  
 TEL: 0114 268 7658  
[maps.sheffield@blackwell.co.uk](mailto:maps.sheffield@blackwell.co.uk)

10

Walkley Primary School  
Burnaby Crescent  
Sheffield S6 2RZ

Tel: 0114 2340550  
Fax: 0114 2310553  
Email: [enquiries@walkley.sheffield.sch.uk](mailto:enquiries@walkley.sheffield.sch.uk)  
Web: <http://www.walkleyprimaryschool.org.uk>

Lead Headteacher: Val Sian  
Deputy Head: Sally Whaley



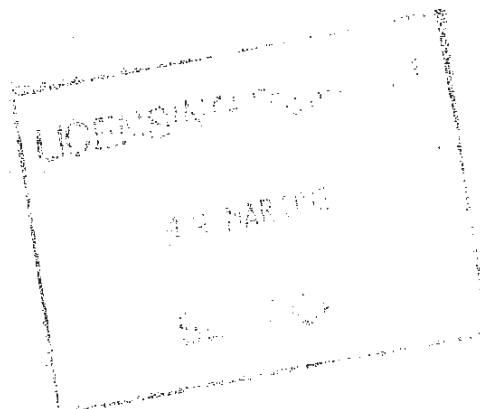
4<sup>th</sup> March 2013

Please accept this letter as confirmation that there are no objections from Mrs V Sian of Walkley Primary School with regards to Mr R Wareham selling ice cream from where the school wall ends on Burnaby Green.

Kind regard

A handwritten signature in black ink, appearing to read 'G. Matthews', written in a cursive style.

Gill Matthews







**The Distance Learning Organisation for Health Issues**

Healthy Distance Limited certifies that

**ronald wareham**

Has successfully completed the test associated with the

**Basic Food Hygiene Course**

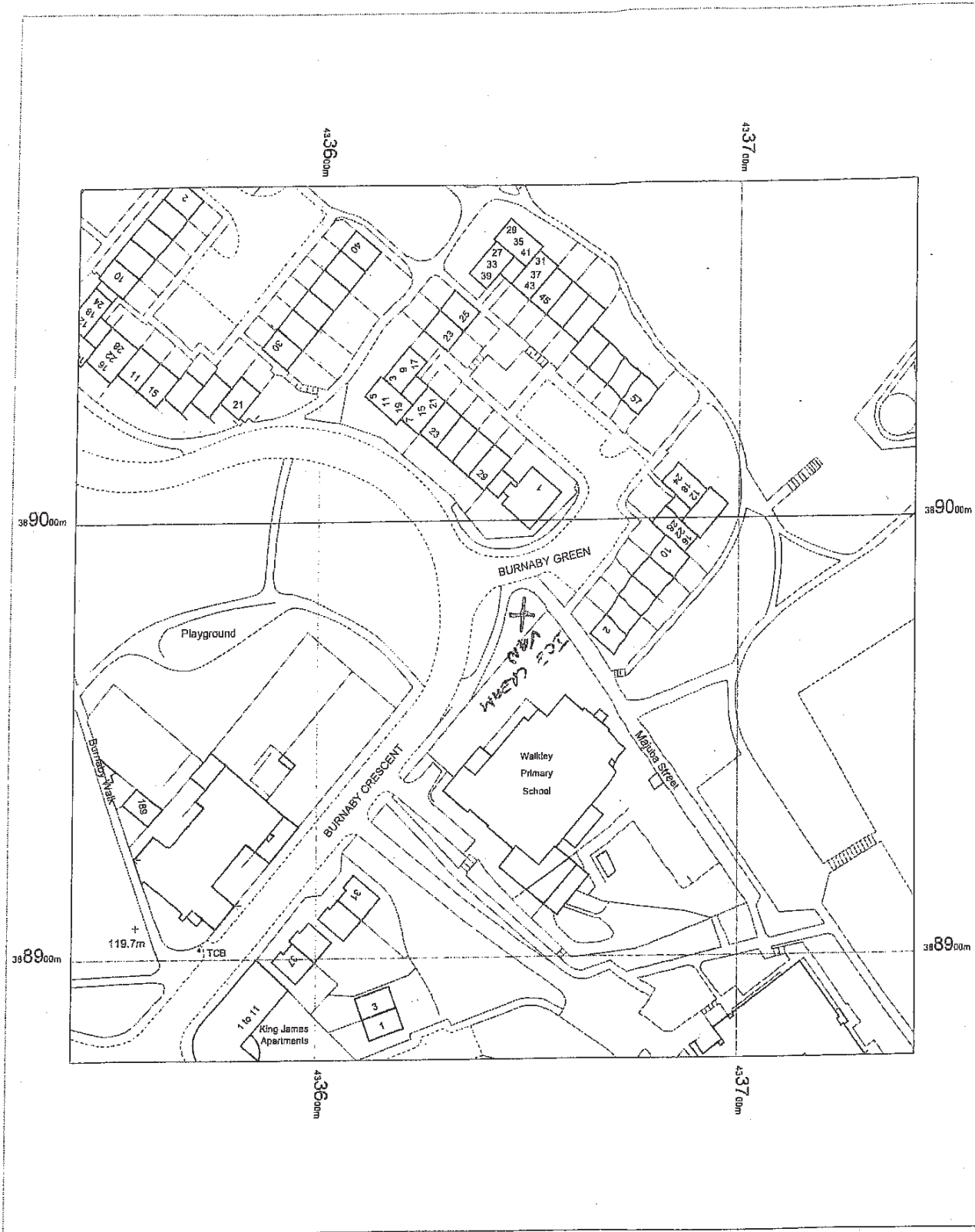
An online training course set at Level 1 as defined in  
The Industry Guides to Good Hygiene Practice

Issued by Healthy Distance Limited Dated: 10th April 2006

# APPENDIX B







**BURNABY CRESCENT  
S6 2TS**

OS Mastermap  
01 February 2013, ID: BW1-00204862  
www.blackwellmapping.co.uk

1:1250 scale print at A4, Centre: 433643 E, 388976 N

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**BLACKWELL'S**  
www.blackwellmapping.co.uk

TEL: 0114 268 7658  
maps.sheffield@blackwell.co.uk



# APPENDIX C

**CITY WIDE STREET TRADING  
QUALITY SPECIFICATION**  
(This specification does not include the city centre)

**UNIT DESIGN**

- Good display is an important part of the selling process and top quality presentation encourages purchase and benefits the retailers' reputation.
- It is in the best interest of traders to produce a high quality design both internally and externally in their unit.
- The function of the unit is to identify the trader and add vitality and colour to the immediate area, and reflect the quality, cleanliness in their operation. The unit must contribute to the appearance of the area for good or bad, so design matters to everyone who uses the street, as well as the operator.
- Stalls must enhance the visual appearance of the street rather than detract from it and be constructed in a suitable style and of appropriate materials.

Examples of acceptable designs include:

- Modern, simple, functional stalls with umbrellas, canopies or striped awnings.
- Traditional or 'period' type handcarts, barrows or tricycles.
- The stall design should be fully accessible for all customers.
- The outside of the unit will be limited to the name of the stall, the type of product sold and a simple price list. Ad hoc pictures and advertiser's slogans should be avoided, as should untidy handwritten signs.
- Advertisements on stalls will not be permitted except by permission of the Council in writing and subject to further conditions. The Council shall be the sole judge of what is an acceptable advertisement.
- Sign writing and scrollwork must be finished to a standard acceptable to the City Council.
- The unit must be visually acceptable to the City Council.
- The general design of the unit must meet the requirements of the Council for the location and proposed hours or days of trading. A photograph of the actual unit or proposed model must be submitted on application.
- Bright colours and a sense of fun are encouraged.
- Pitched and curved roofs are encouraged.
- Canopies must be maintained and cleaned.
- No expenditure on units or equipment should be made until the Council has granted consent and the unit design has been approved.

- The internal layout of the unit must be clean and to a high standard.
- Non-motorised vehicles (ie carts/barrows) are encouraged in pedestrian areas. For example shopping areas like Woodseats, Hillsborough, etc.
- Motorised vehicles should not be of an age of 5 years or over.
- Mobile trading vans must have a side hatch to serve customers.
- The unit / vehicle must be clearly identifiable as a trader.

**Environmental Health considerations of the unit design:**

**For Enclosed Food units:**

- The internal arrangements must be such that:
  - There is suitable and sufficient hand washing facilities with hot water;
  - The work surfaces are impervious to water and readily cleansable;
  - There is sufficient compliant temperature controlled food storage facilities appropriate to the business;
  - The gas and electrical installations are certificated and deemed to be safe by a competent and suitably qualified engineer; any gas store cupboard should be outside of the food area;
- The external arrangements must be that the mobile is sufficiently weather and pest proof so as to not risk the contamination of the food.

**For Market-Stall or Street-Barrow type food units:**

- The stall must be covered to prevent the risk of matter falling on to the food;
- The work surfaces likely to be in contact with the food must be impervious to water and readily cleansable;
- Any intrinsic storage food area must be able to be secured against the intrusion by pests;
- If temperature controlled food is to be stored on the mobile, the storage facility shall be capable of maintaining the food in a legally compliant manner;
- That there are adequate hand washing facilities.

**Food Hygiene record (for all food stalls) - all food regulations have been adhered to:**

- The applicant will need to demonstrate that:

- they have registered with their home Local Authority;
- all food handlers have received adequate food safety training appropriate to their job role;
- the food business has a legally compliant Food Safety Management System (e.g. Safer Food, Better Business);
- if there is a history of non-compliance, it has been addressed and accepted by the Food Safety Enforcing Officer, or that the food business is in the process of addressing the issues and the Food Safety Officer does not consider the defect too severe so as to prohibit the food business from trading; and
- their business has a food hygiene rating score of at least 3.

### **DRESS**

- Trader and their assistants must be identifiable (i.e wear a uniform).
- The style of dress worn by stall operators should be chosen to complement the style and period of the unit.
- Over clothing must always be smart and clean. Operators of food stalls should ensure that sufficient changes of clothes are provided so as to enable personnel to always wear over clothing, which is clean.
- Personal cleanliness is also important and persons employed at food stalls are required to have good personal hygiene.

### **GENERAL**

- Vehicles used to tow trailers must be parked legally at all times.
- The Council will reserve the right to not renew any consent where it considers the product/s offered by the operator are not in keeping with the requirements of the site.
- The goods complement and do not conflict with the goods sold by other retailers within their proposed area(s).

**The criteria above are intended to guide applicants for street trading consents as to the type of stall and dress, which the Council is looking to promote as a means of regulating the street trading.**

**It is not intended to exclude any design that does not fall within the examples given.**

# APPENDIX D

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[REDACTED]

**SHEFFIELD CITY COUNCIL**

**LOCAL GOVERNMENT MISCELLANEOUS PROVISIONS ACT 1982**  
**Street Trading – Walkley Primary School**

**IMPORTANT: NOTIFICATION OF A COMMITTEE HEARING**

To: Mr Ronald Wareham

[REDACTED]  
Sheffield  
[REDACTED]

**LEGISLATION:** Local Government (Miscellaneous Provisions) Act 1982

**LICENCE TYPE:** Street Trading Consent

I refer to the above and your application for the grant of 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 to attend the meeting.**

The meeting will take place on 11th April 2013 in a Committee Room of the Town Hall, Sheffield (Pinstone Street entrance) and you are invited to attend at 11:00 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: 28th March 2013

**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 E





# 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.**

