

# SHEFFIELD CITY COUNCIL

## Licensing Sub-Committee

### Meeting held 31 January 2013

**PRESENT:** Councillors John Robson (Chair), Stuart Wattam, Philip Wood and George Lindars-Hammond

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#### **1. APOLOGIES FOR ABSENCE**

1.1 There were no apologies for absence received.

#### **2. EXCLUSION OF PUBLIC AND PRESS**

2.1 No items were identified where resolutions may be moved to exclude the public and press.

#### **3. DECLARATIONS OF INTEREST**

3.1 There were no declarations of interest.

#### **4. LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982 - STREET TRADING CONSENT - PORTOBELLO ROAD**

4.1 The Chief Licensing Officer submitted a report to consider an application under the Local Government (Miscellaneous Provisions) Act 1982, for a Street Trading Consent for a site on Portobello Road (Ref No. 7/13).

4.2 Present at the meeting were Shasha Wu (Applicant), Xingguang Liu (Applicant's husband), Paul Turner (Highway Licenses and Regulation, Objector), Elizabeth Taylor (University of Sheffield, representing the Objector), Kathy Stockdale (Senior Licensing Officer), Caroline Forster (Solicitor to the Sub-Committee) and John Turner (Democratic Services).

4.3 The Solicitor to the Sub-Committee outlined the procedure which would be followed during the hearing.

4.4 Kathy Stockdale presented the report to the Sub-Committee and it was noted that objections to the application had been received from the Council's Highways Service and the University of Sheffield, and were attached at Appendix 'C' to the report.

4.5 Xingguang Liu, representing the applicant, stated that his wife wished to sell Chinese fast food and soft drinks on the site on Portobello Road, specifically targeting Chinese students and residents. It was reported that their target market did not particularly like the Chinese food sold in Chinese restaurants and takeaways, and the food they

would be selling would be different to this. They would be using a small trailer, which was totally different to the trading unit shown in the report. Mr Liu referred to his wife's food hygiene certificates, and indicated that arrangements had been made for a company to collect and safely dispose of any waste oil.

- 4.6 In response to questions raised by Members of the Sub-Committee, Mr Liu stated that at the time of making the application, his wife was not sure what model of trading unit she was going to use, so they had simply downloaded some examples of trading units from the internet. He confirmed that his wife would be using a trailer which they were getting off someone who had now stopped street trading. There were plans to have one or two waste bins next to the trailer. He stated that the reason for choosing this particular site was that, as well as it being close to the University, there used to be a trader selling Japanese fast food, but he had now left. The trailer they planned to use would be initially transported to the site using a vehicle but, on the basis that they would not be able to transport it on and off site every day, it would be left on the site overnight. The planned trading hours were 10:00 hours to 15:30 hours, Monday to Friday. Mr Liu indicated that he was not aware of any parking restrictions on Portobello Road and was under the impression that, as there had been a previous trader on this site, this would not be an issue. The applicant planned to use portable gas bottles for heating and cooking, and car batteries for powering the fridge and lighting. They did not plan to use a generator due to potential noise nuisance. Mr Liu indicated, on a photograph circulated at the meeting, the precise location of where they planned to site the trailer. He stated that he did not envisage any problems as vehicles could only access the road from one end and only residents could park on the road. In terms of the security, it was stated that it would be secured overnight with nothing left in view, and the gas bottles would be stored in a box at the rear.
- 4.7 Paul Turner stated that, whilst there was restricted access to Portobello Road, with permanent bollards at its junction with Mappin Street, it was still classed as a public highway, with all vehicles having unrestricted access. As well as residents' parking, the road was also used for deliveries to the University of Sheffield Enterprise (USE) building. The Highways Service had concerns with regard to potential problems with customers blocking the footway, particularly for people with a disability or in a wheelchair. There were also concerns with regard to the trailer being left on the public highway overnight. Mr Turner also made reference to the fact that the proposed location of the trailer on Portobello Road was different to the location indicated when the application was made.
- 4.8 In response to questions from Members of the Sub-Committee and the applicant, Mr Turner stated that the City Council had given consideration to restricting access to Portobello Road at certain times during the day, but at the present time, it was accessible at one end

by vehicles, at all times. He confirmed that he was now clear where the applicant wished to locate the trailer and confirmed that, based on the dimensions of the trailer, there would only be approximately 2 foot 6 inch of footway remaining, which would mean that if there were customers queuing to purchase food, other people would be forced to walk on the carriageway. Even if there were not any people queuing at the trailer, wheelchair-users required a minimum of 1.2 metres of footway.

- 4.9 Elizabeth Taylor, representing Sarah Pates, University of Sheffield Enterprise, stated that the University considered that a street trading unit on Portobello Road would not be in keeping with the close proximity of St George's Churchyard, it would result in an increase in litter and encourage the unauthorised use of the University's commercial waste facilities and the trailer, if sited at the proposed location, would obscure the student cycle racks from the view of the security cameras. The proposed location of the trailer was also very close to the fire exit for the University of Sheffield Enterprise building. Ms Taylor also referred to the potential for an increase in theft or vandalism, particularly if the trailer was left on the footway overnight.
- 4.10 In response to questions from Members of the Sub-Committee and the applicant, Ms Taylor stated that she was not sure whether the University had objected to the application for the Street Trading Consent in respect of the Japanese fast food trader as she wasn't employed there at the time of that application. However, she stated that she would have made formal objections if she had been there at the time. The previous street trader had not been trading at the site since September 2012, following a number of thefts from the stall. She confirmed that the location of the previous trader's stall had caused problems in terms of the USE building's fire exit. Kathy Stockdale confirmed that the consent at this location had been renewable at the end of 2012, but the previous trader had not renewed the consent. Despite the applicant indicating that their trailer was considerably smaller than the previous trading stall, Ms Taylor stated that she would still have concerns regarding the size of the gap for people exiting the building, particularly if there were any wheelchair-users. Whilst there had not been any contact with the South Yorkshire Fire Service on this issue, she had raised her concerns with staff at the University who deal with fire safety issues.
- 4.11 **RESOLVED:** That the public and press and attendees involved in the application be excluded from the meeting before further discussion takes place on the grounds that, in view of the nature of the business to be transacted, if those persons were present, there would be a disclosure to them of exempt information as described in paragraph 5 of Schedule 12A to the Local Government Act 1972, as amended.
- 4.12 The Solicitor to the Sub-Committee reported orally, giving legal advice on various aspects of the application.

- 4.13 At this stage in the proceedings, the meeting was re-opened to the public and press and attendees.
- 4.14 **RESOLVED:** That the application for a Street Trading Consent (Ref No. 7/13) be not granted on the grounds that (a) there were no details regarding the design of the proposed trading unit to be used and (b) the Sub-Committee had concerns regarding (i) the safety and security implications of the trading unit being left on the footway overnight, (ii) the fire safety implications for students and employees at the University of Sheffield Enterprise building and (iii) the obstruction to the footway, particularly for wheelchair-users.

(The full reasons for the Sub-Committee's decision will be included in the written Notice of Determination.)