

# SHEFFIELD CITY COUNCIL

## Licensing Sub-Committee

### Meeting held 21 June 2017

**PRESENT:** Councillors Josie Paszek (Chair), Kieran Harpham, Adam Hurst and Cliff Woodcraft

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

1.1 There were no apologies for absence.

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

2.1 RESOLVED: That the public and press be excluded from the meeting before discussion takes place on item 6 on the grounds that, if the public and press were present during the transaction of such business, there would be a disclosure to them of exempt information as described in paragraphs 1 and 2 of Schedule 12A to the Local Government Act 1972, as amended.

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

3.1 There were no declarations of interest.

#### **4. LOCAL GOVERNMENT ACT 2003 - TWISTED BURGER COMPANY, 267 FULWOOD ROAD, SHEFFIELD S10 3BD**

4.1 An application for the variation of a premises licence at Twisted Burger Company Limited, 267 Fulwood Road, Sheffield S10 3BD, had been received and subsequently withdrawn from consideration as the objection to the application had been resolved after the agenda for the meeting had been published.

#### **5. LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 2003 - STREET TRADING HOT FOOD AND DRINK - MOBILE**

5.1 The Chief Licensing Officer submitted a report to consider an application, under the Local Government (Miscellaneous Provisions) Act 1982, for the grant of a Mobile Street Trading Consent to trade at various locations in Sheffield (Ref No.74/17).

5.2 Present at the meeting were Iqbal Khan (applicant), Clive Stephenson (Licensing Strategy and Policy Officer), Samantha Bond (Legal Adviser to the Sub-Committee) and Jennie Skiba (Democratic Services).

5.3 Samantha Bond outlined the procedure which would be followed during the hearing.

5.4 Clive Stephenson presented the report and it was noted that the application had been referred to the Sub-Committee because Licensing Officers do not have

delegated powers to approve the application as it does not meet the criteria as set out in the Street Trading Policy.

- 5.5 Iqbal Khan stated that he had held a licence in 2014 to serve hot food and drinks in an area similar to that applied for now. Mr. Khan said that he had had to give his round up in 2015 to look after a sick relative who had subsequently passed away in October 2016 and he had not worked since that time. In hindsight, Mr. Khan accepted that he should have checked the licence conditions before purchasing a new vehicle, but because he had previously held a similar licence, he did not think that there would be a problem.
- 5.6 Members expressed their concerns about a gas bottle being inside the vehicle whilst Mr. Khan was driving around and requested that a copy of the previous licence be produced. Clive Stephenson contacted the Licensing Service and the licence was sent by email and circulated to Members.
- 5.7 In response to questions from Members of the Sub-Committee, Mr. Khan stated that it was his intention to visit garages, small businesses, office blocks etc. at lunchtimes offering a range of hot and cold food. He said that the food would be cooked fresh each morning at home and then it would be kept warm on two small gas rings in the custom-made van he had bought. Regarding the question whether it would breach health and safety regulations by driving around with a gas bottle in the vehicle, Mr. Khan informed Members that the van was purpose built for this purpose.
- 5.8 Clive Stephenson outlined the options open to the Sub-Committee.
- 5.9 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.
- 5.10 Samantha Bond reported orally, giving legal advice on various aspects of the application.
- 5.11 At this stage in the proceedings, the meeting was re-opened to the public and press and attendees.
- 5.12 RESOLVED: That following consideration of the information contained in the report now submitted, including the representations now made, the application for a Mobile Street Trading Consent to trade at various locations in Sheffield (Ref No. 74/17) be granted as applied for, subject to:-
- (a) a gas safety certificate being obtained for the catering unit;
  - (b) a current food hygiene certificate for the address of the food preparation kitchen being obtained;

- (c) the vehicle being inspected and deemed health and safety compliant by an officer of the Council's Health and Safety Service and a notice confirming such inspection being produced to the Licensing Service; and
- (d) if any other person is to drive or operate the vehicle, the applicant must supply a relevant certificate of insurance for the vehicle covering that person to drive.

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

After consideration of this item, Councillor Cliff Woodcraft left the meeting and Councillor Adam Hurst entered the room.

## **6. HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING - INDIVIDUAL CASE**

- 6.1 The Chief Licensing Officer submitted details in respect of a case relating to hackney carriage and private hire licensing.
- 6.2 The licence holder in Case No. 73/17 attended the hearing with a representative and they both addressed the Sub-Committee.
- 6.3 **RESOLVED:** That the case now submitted be determined as follows:-

<u>Case No.</u>	<u>Licence Type</u>	<u>Decision</u>
73/17	Renewal of a Private Hire Vehicle Licence	Grant the licence until the 30 <sup>th</sup> September, 2017, to give the licence holder enough time to take delivery of a new vehicle.