

SHEFFIELD CITY COUNCIL

Licensing Sub-Committee

Meeting held 3 October 2017

PRESENT: Councillors David Barker (Chair), Andy Bainbridge and Andy Nash

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1. APOLOGIES FOR ABSENCE

1.1 No apologies for absence were received. Councillor Cliff Woodcraft attended the meeting as a reserve Member, but was not required to stay.

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 4 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. HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING - INDIVIDUAL CASE

4.1 The Chief Licensing Officer submitted details in respect of a case relating to hackney carriage and private hire licensing (Case No. 121/17). The licence holder attended the hearing with a representative, and family members, and they all addressed the Sub-Committee

4.2 RESOLVED: That the case now submitted be determined as follows:-

<u>Case No.</u>	<u>Licence Type</u>	<u>Decision</u>
121/17	Review of a Hackney Carriage and Private Hire Driver's Licence	In the light of the representations now made, the licence holder be issued with a written warning with regard to his future conduct, to remain live for the term of his current licence.

(At this stage in the proceedings, the meeting was re-opened to the public and press.)

5. LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982 - SCHOOLS (ICE CREAM) STREET TRADING CONSENT

- 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 Schools (Ice Cream) Street Trading Consent to trade at Birley Community Primary School, Thornbridge Avenue (Ref No. 122/17).
- 5.2 Present at the meeting were Paul Grayson (Applicant), Jayne Gough (Licensing Strategy and Policy Officer), Samantha Bond (Legal Adviser to the Sub-Committee) and John Turner (Democratic Services).
- 5.3 Samantha Bond outlined the procedure which would be followed during the hearing.
- 5.4 Jayne Gough presented the report to the Sub-Committee, and it was noted that an objection to the application had been received from the Head Teacher of Birley Community Primary School, and was attached at Appendix 'C' to the report. The Head Teacher had been invited to the meeting, but was not present.
- 5.5 Paul Grayson stated that a friend of his had traded at this location for a number of years, and had not experienced any problems. Since commencing trading at the site in March 2017, Mr Grayson stated that he had experienced a number of problems, mainly with regard to local residents and school representatives in connection with traffic issues and pupil safety, respectively. Mr Grayson stated that he had been selling ice cream for around 27 years, at various different locations across the City, and had experienced very few problems. He stressed that no objections had been received from the responsible authorities, including Highways and Planning, who had visited the site. Mr Grayson also made reference to a petition he had organised, which contained 1,186 signatures, expressing support for him to operate at this location.
- 5.6 In response to questions from Members of, and the Legal Adviser to, the Sub-Committee, Mr Grayson stated that he had started a petition from the ice cream van, but following advice to publicise his operation on social media, a considerable amount of interest had been generated. He stated that, in addition to the one formal objection to the application, from the Head Teacher of the School, he had also received adverse comments from residents on Thornbridge Avenue, regarding increased traffic congestion and problems with pupils hanging around on the pavement outside their properties. Mr Grayson stated that he had spoken to someone he believed was the Head Teacher of the School, and recalled that person indicating that, whilst she was not willing to offer her consent in respect of the application, she was not opposed to the principle of him trading at the location. He added that he was surprised to see that the Head Teacher had formally objected to the application. He stated that he wasn't trading outside other schools in the City at the present time on the basis that he wanted to follow proper procedures, and apply for a licence to allow him to trade at this specific location. On those occasions he had been forced to park further away from the school, business had not been as profitable, resulting in him losing considerable amounts of money every day. He stated that the resident who had complained

direct to him had a long-standing issue in terms of people parking near his house. Mr Grayson stated that there were no major traffic problems, at or around, the location where he wished to park as it was a one-way system, and there were double-yellow lines on large sections of the road. He commented that, as with other schools in the City, there were problems in terms of parents parking to drop off or pick up their children from the school, with some parents parking on grass verges. Mr Grayson indicated that he would often get up early, and drive his car to the site in order to reserve a space, then move the car and drive the ice cream van into the space later in the day. As well as there being no major traffic problems at the location, Mr Grayson stated that, in his opinion, there were no major concerns in terms of the safety of the school pupils. He stated that his usual trading hours were 15:00 to 20:00 hours during the winter and 12:00 to 20:00 hours in the summer.

- 5.7 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.
- 5.8 Samantha Bond reported orally, giving legal advice on various aspects of the application.
- 5.9 At this stage in the proceedings, the meeting was re-opened to the public and press and attendees.
- 5.10 RESOLVED: That, in the light of the information contained in the report now submitted, and the representations now made, approval be given for the grant of a Schools (Ice Cream) Street Trading Consent at Birley Community Primary School, Thornbridge Avenue (Ref No. 122/17), for a period of 12 months, subject to the ice cream van not causing an obstruction to traffic and/or endangering public safety.

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

6. LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982 - CITY CENTRE STREET TRADING CONSENT

- 6.1 The Chief Licensing Officer submitted a report to consider an application, under the Local Government (Miscellaneous Provisions) Act 1982, for the grant of a City Centre Street Trading Consent for Fargate (Ref No. 123/17).
- 6.2 Present at the meeting were Adi Sela (Applicant), Jayne Gough (Licensing Strategy and Policy Officer), Samantha Bond (Legal Adviser to the Sub-Committee) and John Turner (Democratic Services).
- 6.3 Samantha Bond outlined the procedure which would be followed during the

hearing.

- 6.4 Jayne Gough presented the report to the Sub-Committee, and it was noted that the applicant was requesting the grant of a Street Trading Consent on Fargate, which would be outside the agreed policy on numbers of consents in that area.
- 6.5 Mr Sela stated that he had noticed that there was no-one trading on Fargate at the present time and that, with regard to the food he was planning to sell, namely vegan, there were only two vegetarian restaurants/cafes currently operating in the City Centre. He stated that his business would be called 'No Meat Today', and he would be selling quality vegan burgers and sausages, at a reasonable price. Mr Sela stated that he had 15 years of experience of working with some of the best restaurants world-wide, and had recently attained the Level 3 Food Hygiene Rating.
- 6.6 In response to questions from Members of, and the Legal Adviser to, the Sub-Committee, Mr Sela stated that he would be using a high quality liquid propane gas griddle, as recommended by the National Catering Association (NCA), with the gas bottle being placed inside the end box of the trade unit. Mr Sela had worked closely with the NCA in connection with health and safety requirements regarding his business. In terms of the position with regard to consent to trade on Fargate, which had been explained to him, Mr Sela stated that, although he had looked at Tudor Square, at which a consent was available, he did not consider this as a viable option in light of the low footfall. He stated that his proposed trading hours would be from 10:00 to 18:00 hours, and that if consent was granted, he would be able to commence trading within three weeks. In terms of his vision, Mr Sela stated that he had been born and raised in Israel, where there was a huge demand for vegan food, and he wanted an opportunity to offer high quality, vegan food, at a reasonable price, in Sheffield.
- 6.7 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.
- 6.8 Samantha Bond reported orally, giving legal advice on various aspects of the application.
- 6.9 At this stage in the proceedings, the meeting was re-opened to the public and press and attendees.
- 6.10 RESOLVED: That, in light of the information contained in the report now submitted, and the representations now made, approval be given for the grant of a City Centre Street Trading Consent, at a suitable location in the City Centre area (Ref No. 123/17), to be agreed by the applicant and the City Centre Management Team, before 31st December 2017.

(The full reasons for the Sub-Committee's decision will be included in the written

Notice of Determination.)