

**SHEFFIELD CITY COUNCIL**

**Licensing Sub-Committee**

**Meeting held 31 August 2017**

**PRESENT:** Councillors David Barker (Chair), Dawn Dale and Cliff Woodcraft

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**1. APOLOGIES FOR ABSENCE**

1.1 No apologies for absence were received.

**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 (MISCELLANEOUS PROVISIONS) ACT 1982 - STREET TRADING - STATIC STREET TRADING CONSENT - FARGATE**

4.1 The Chief Licensing Officer submitted a report to consider an application, under the Local Government (Miscellaneous Provisions) Act 1982, for the grant of a Static Street Trading Consent for Fargate, Sheffield 1 (Ref No. 101/17).

4.2 Present at the meeting were Michael Desmond (Applicant), Clive Stephenson (Licensing Strategy and Policy Officer), Samantha Bond (Legal Adviser to the Sub-Committee) and Jennie Skiba (Democratic Services).

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

4.4 Clive Stephenson informed Members that the applicant had submitted an application for a Static Street Trading Consent at a pitch at the top of Fargate and also an application for a variation to the Consent he already holds half-way down Fargate, not at the Peace Gardens as indicated on the agenda. Members agreed to consider both applications at the same time. Clive Stephenson then gave a brief synopsis of both cases (Ref Nos.101/17 and 102/17).

4.5 Mr Stephenson clarified the position with regard to the three consent pitches on Fargate and informed Members that the current consent-holder of the pitch at the top of Fargate had not been trading on Fargate for some time, although this was not in breach of any conditions as their site fees had been paid up to date. He added that a consent-holder may surrender a consent at any time. The consent

period for the pitch at the top of Fargate was due to end in November 2017, with the final quarterly site fee due on 1<sup>st</sup> September 2017. If such fees were not paid in September, the Service would have to take action in relation to non-payment.

- 4.6 Michael Desmond stated that he had made enquiries of the Licensing Service regarding the pitch at the top of Fargate and had paid both consultancy and application fees to try and secure the pitch. He said that he would not have applied had he known that someone already held a consent to trade there. He believed that a genuine mistake had been made by the Service in giving him the wrong information. Mr. Desmond added that, as far as he was aware, the consent holder had not been trading on Fargate for several months, which was why he believed the pitch to be empty. Mr. Desmond stated that, following medical advice, it was no longer feasible for him to work in direct sunlight on Fargate, this being the reason to vary the consent to sell pancakes from a mobile catering unit, rather than flowers from his custom made bicycle. Mr. Desmond further stated that no-one else in the vicinity of Fargate sold pancakes so therefore he would pose no threat to any other business.
- 4.7 In response to questions from Members of the Sub-Committee, Mr. Desmond stated that he had been trading for 15 years and had researched the area and felt that his pancake business would add to the vibrancy of the area. He went on to state that he had always had a good working relationship with City Centre Management and if the application and/or variation was granted, he would contact them to establish where the pitch would be.
- 4.8 Clive Stephenson reported on the options open to the Sub-Committee, as set out in both reports.
- 4.9 RESOLVED: That the press and public and attendees involved in the hearing 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.
- 4.10 Samantha Bond reported orally, giving legal advice on various aspects of the applications.
- 4.11 At this stage in the proceedings, the meeting was re-opened to the attendees.
- 4.12 RESOLVED: That following consideration of the information contained in the reports now submitted, including the representations now made, the Sub-Committee agrees to:-
- (a) defer the application for the Static Street Trading Consent (Ref. No.101/17) until the 31<sup>st</sup> December, 2017, however, if by 31<sup>st</sup> December the spot is still unavailable, the application will be deemed refused; and
  - (b) grant the application to vary the Static Street Trading Consent (Ref. No.102/17) and request the applicant to consult with City Centre Management to determine the most suitable site to trade in the centre of

Fargate.

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

**5. LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982 - STREET TRADING - STATIC STREET TRADING CONSENT - PEACE GARDENS**

5.1 The application for the variation of a Static Street Trading Consent was considered with item 4 on the agenda.

**6. HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING - INDIVIDUAL CASES**

6.1 The Chief Licensing Officer submitted details in respect of one case relating to hackney carriage and private hire licensing.

6.2 The applicant in Case No. 95/17 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>
95/17	Application for a first Hackney Carriage and Private Hire Driver's Licence	Grant a licence for the term of three years as requested.

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