

SHEFFIELD CITY COUNCIL

Licensing Sub-Committee

Meeting held 4 October 2012

PRESENT: Councillors John Robson (Chair), Neale Gibson and Philip Wood

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1. APOLOGIES FOR ABSENCE

1.1 There were no apologies for absence received. Councillor Vickie Priestley attended as reserve Member, but was not required to stay.

2. EXCLUSION OF PUBLIC AND PRESS

2.1 No items identified.

3. DECLARATIONS OF INTEREST

3.1 There were no declarations of interest.

4. LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982 - STREET TRADING CONSENT - RIBSTON ROAD, SHEFFIELD S9

4.1 The Chief Licensing Officer submitted a report to consider an application for the grant of a static street trading consent for the consent site of Ribston Road, Sheffield, S9.

4.2 Present at the meeting were Baseer Mohammed (applicant), Zia-Ul-Haq (cousin of applicant), Marie-Claire Frankie (Solicitor to the Sub-Committee), Kathy Stockdale (Senior Licensing Officer) and Gillian Capewell (Democratic Services).

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

4.4 The Senior Licensing Officer presented the report to the Sub-Committee and it was noted that representations had been received from local businesses, although none were in attendance at the meeting.

4.5 It was noted that there were currently no other static units in the area of Ribston Road, although a number of mobile traders did trade across the whole City (excluding the City Centre). It was noted that local businesses had objected to the application on the grounds that they might potentially lose business to the static unit, and that they felt there were already enough mobile traders working in the area.

4.6 Mr. Mohammed stated that he already traded in the area on a mobile consent, and that there was a great demand for his produce, which

was why he was now applying for static consent, in order to stay in the area for longer and sell his goods. He also delivered door to door and completed pre-arranged deliveries to customers where requested.

- 4.7 Mr. Mohammed particularly wanted to trade on a Friday in the area so that he could catch the captive audience of potential customers coming out of Friday prayers at the local mosque. He felt that staying in one location in this manner was more profitable than driving around with his mobile consent.
- 4.8 Mr. Mohammed confirmed that he sold fruit and vegetables and also cold canned drinks.
- 4.9 **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.
- 4.10 The Solicitor to the Sub-Committee reported orally, giving legal advice on various aspects of the application.
- 4.11 At this stage in the proceedings, the meeting was re-opened to the public and press and attendees.
- 4.12 Members asked the Senior Licensing Officer about the objections process which had led to this application being submitted to the Sub-Committee. It was confirmed that local businesses had objected to the application on the grounds of 'unfair competition' (as the static consents paid a much lower fee than the shops' rent) but that this criteria could not be used as a factor for Members to reject the application.
- 4.13 The Senior Licensing Officer replied that, although local businesses were consulted with, the grounds on which they had objected on could not be used as determining factors in rejecting the application.
- 4.14 The Senior Licensing Officer also clarified that although a mobile trading unit could not trade within 100 metres of a shop or business selling similar products, this rule did not apply to static units.
- 4.15 **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.
- 4.16 The Solicitor to the Sub-Committee reported orally, giving legal advice

on various aspects of the application.

- 4.17 At this stage in the proceedings, the meeting was re-opened to the public and press and attendees.
- 4.18 Members considered the Street Trading Consent Conditions issued by Sheffield City Council pursuant to the Local Government Miscellaneous Provisions Act 1982, and found there to be no part of the conditions on which they could refuse the application, based on the comments made from local businesses.
- 4.19 **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.
- 4.20 The Solicitor to the Sub-Committee reported orally, giving legal advice on various aspects of the application.
- 4.21 At this stage in the proceedings, the meeting was re-opened to the public and press and attendees.
- 4.22 **RESOLVED:** That the Sub-Committee agrees to grant the application for a static street trading consent for the consent site of Ribston Road, Sheffield, S9, subject to the production of an up to date Public Liability Insurance certificate by the applicant, and in keeping with the times and days in the application now submitted.