

# SHEFFIELD CITY COUNCIL

## Licensing Sub-Committee

### Meeting held 15 August 2013

**PRESENT:** Councillors Clive Skelton (Deputy Chair), David Barker, Stuart Wattam and Cliff Woodcraft

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

1.1 An apology for absence was received from the Chair (Councillor John Robson).

#### **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. LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982 - STREET TRADING - FOOTBALL - SHEFFIELD WEDNESDAY FOOTBALL CLUB - 111-113 LEPPINGS LANE**

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 Street Trading Consent (Football – Sheffield Wednesday Football Club – 111-113 Leppings Lane) (Case No. 48/13).

4.2 At the commencement of the hearing, the Deputy Chair advised that all parties had been invited to attend, and he stated that he would be exercising his discretion to vary the order and format of proceedings in the interests of affording the applicants a fair hearing and in order to take into account all relevant considerations. In this regard, the hearing was to be conducted in two parts. Part One would be open to the local business objectors, who would be invited to outline their objections, after which, such objections would be summarised and agreed by the objectors as a true record of their objections, and were provided to the applicants during Part Two of the hearing.

4.3 Present at Part One of the meeting were local business objectors, Andy Ruston (Senior Licensing Officer), Carolyn Forster (Solicitor to the Sub-Committee) and John Turner (Democratic Services).

- 4.4 Carolyn Forster outlined the procedure which would be followed during the hearing.
- 4.5 Andy Ruston presented the report to the Sub-Committee and it was noted that representations to the application had been received from local business objectors, and were attached at Appendix 'E' to the report.
- 4.6 The local business objectors made representations and responded to questions from Members of, and the Solicitor to, the Sub-Committee. The local business objectors, having delivered their objections in private session, agreed the summary of objections for placing before the applicants during Part Two of the hearing.
- 4.7 At this stage in the proceedings, the meeting was closed to the local business objectors and subsequently opened to the applicants and other objectors.
- 4.8 Present for Part Two of the hearing were the applicants, John Jefferson (Security Industry Association, in support of the applicants), South Yorkshire Police, represented by Inspector Neil Mutch and Police Community Support Supervisor (PCSS) Daran Hill, John Rutherford (Sheffield Wednesday Football Club Stadium Operations Manager, Objector), Steve Lonnia (Chair of Safety Advisory Group, Objector), Andy Ruston (Senior Licensing Officer), Carolyn Foster (Solicitor to the Sub-Committee) and John Turner (Democratic Services).
- 4.9 Carolyn Forster outlined the procedure which would be followed during the hearing, including details of the revised order and format as agreed by the Chair.
- 4.10 Andy Ruston presented the report to the Sub-Committee and it was noted that representations had been received from a further three groups/organisations, and were attached at Appendices "C", "D" and "F" to the report.
- 4.11 The applicants addressed the Sub-Committee, putting forward the reasons why they believed they should be granted the Street Trading Consent. They stated that in 25 years of trading, there had been no issues of concern known to them, including safety, personal conduct or disorder. They submitted that they were suitable applicants, and presented a petition to the Sub-Committee by way of support for their application. They also responded to questions from Members of, and the Solicitor to, the Sub-Committee, and the objectors.
- 4.12 The representative of the Safety Advisory Group addressed the Sub-Committee, stating the grounds of objection in relation to public safety and disorder, in so far as the siting of the applicants' unit presented a

risk on what is a major exit route and being an area difficult to manage. The objection being pursuant to a review of football consents where food was being sold contrary to the impetus to “get fans away”, that is managing crowds and public safety.

- 4.13 Inspector Neil Mutch, South Yorkshire Police, submitted that the subject application area presented one of the highest risk areas in terms of policing, particularly as fans from three stands discharged onto the apron area egress from the ground. It was submitted that whilst statistically, levels of disorder may not have been high, this was mainly due to the efforts to avoid such disorder. It was submitted that the subject application burger van delayed the removal of away fans from the immediate area, thus likely to represent a risk to the public in terms of public safety and public disorder.
- 4.14 The PCSS involved in match day operations addressed the Sub-Committee regarding his extensive involvement in his micro-management of the conflicting business and parking concerns raised with him, which had involved extensive operational resource time.
- 4.15 The South Yorkshire Police representatives also responded to questions from Members of, and the Solicitor to, the Sub-Committee, and the applicants.
- 4.16 John Rutherford endorsed to the Sub-Committee the objections in respect of the substantial risks to the public in terms of public safety and public disorder. In this regard, SWFC had invested in a “high tech” CCTV system following post match consultations with both the Police and the Safety Advisory Group, following incidents of disorder. Mr Rutherford responded to questions from Members of, and the Solicitor to, the Sub-Committee, and the applicants.
- 4.17 The summary of objections, as agreed by the local business objectors in Part One of the hearing, was provided to the applicants, affording the applicants the opportunity to address such objections, together with those of the objectors present.
- 4.18 The applicants summarised the application, responding to the oral representations made by objectors during Parts One and Two of the hearing process, together with the oral support of John Jefferson, acknowledging the pacifist demeanour of the applicants.
- 4.19 Andy Ruston reported on the options open to the Sub-Committee.
- 4.20 **RESOLVED:** That the 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.

- 4.21 Carolyn Forster reported orally, giving legal advice on various aspects of the application.
- 4.22 At this stage in the proceedings, the meeting was re-opened to the attendees.
- 4.23 The Deputy Chair advised that in reaching its decision, the Sub-Committee confirmed that the decision was not a reflection on the applicants' suitability to trade.
- 4.24 **RESOLVED:** That: (a) the application for a Street Trading Consent (Football – Sheffield Wednesday Football Club – 111-113 Leppings Lane) (Case No. 43/13) be refused on the grounds of:-
- (i) Public safety/highway in that the street trading activity represents, or is likely to represent, a substantial risk to the public from the point of view of obstruction pursuant to paragraphs 2.8, 2.8.1 and 2.8.2 (a) of the Sheffield City Council published Street Trading Policy; and
  - (ii) Public order in that the street trading activity represents, or is likely to represent, a risk to public order, and officers be instructed to find an agreed alternative site location, within the immediate vicinity of the Football Ground, for the applicants;
- (b) the designation in respect of a Street Trading Consent at Leppings Lane (Sheffield Wednesday Football Club) be removed; and
- (c) South Yorkshire Police and the Safety Advisory Group be requested to continue to liaise and reassess the dispersal plan for the football ground.

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