

Licensing Sub-Committee

Meeting held 14 July 2015

**PRESENT:** Councillors David Barker (Chair), Josie Paszek and Denise Reaney

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**1. APOLOGIES FOR ABSENCE**

1.1 There were no apologies for absence.

**2. EXCLUSION OF PUBLIC AND PRESS**

2.1 No items were identified where resolutions may be moved to exclude the public and press.

**3. DECLARATIONS OF INTEREST**

3.1 Councillor Denise Reaney declared a personal interest in item 5 – Street Trading Consent – The Abbey Car Park, 944 Chesterfield Road, as the site is located within her Ward.

**4. LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982 - STREET TRADING - MOBILE STREET TRADING CONSENT WITHIN THE CITY CENTRE**

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 - Mobile Street Trading Consent within the City Centre (Ref No. 49/15).

4.2 Present at the hearing were Michael Desmond (applicant), Georgina Hollis and Martyn Wragg (Licensing Enforcement and Technical Officers), Paul Barber (Solicitor to the Sub-Committee) and Jennie Skiba (Democratic Services).

4.3 Paul Barber outlined the procedure which would be followed during the hearing.

4.4 Georgina Hollis presented the report to the Sub-Committee and it was noted that no objections had been received from any of the other Responsible Authorities, but comments had been made by the Highways Department and were attached at Appendix “B” to the report. An invitation to attend the hearing was attached at Appendix “C”.

4.5 Michael Desmond informed the Sub-Committee of his intention, if the application was granted, to purchase a tricycle similar to ones used in Amsterdam to trade as a mobile flower seller. He stated that the proposed tricycle was aesthetically designed and he intended to get it professionally painted and commented that the business would be an attribute to the City Centre, in that flowers make people feel good and that he is adhering to the Council’s policy of a cleaner, greener city by

not filling the City Centre with car fumes. He stated that he had done some market research into where and when would be best to make the business viable and was willing to adhere to any conditions imposed upon the licence.

- 4.6 In response to questions from Members of the Sub-Committee, Michael Desmond stated that he would never put himself or members of the public at risk by stopping anywhere other than the designated areas. He added that he had met with City Centre Management who advised him that, if he was on the highway in a busy area, he should get off the bike and push it and not encourage anyone passing-by to approach him. He stated that, at present, the design of the bike would make it easy for flowers to be stolen from him, but at the suggestion of a Member, he would obtain a cover to protect them whilst travelling. He further stated that, at present, until he knows whether this venture would be successful or not, it is his intention to trade on Mondays to Fridays only, but that in the future he may wish to apply for consent to trade at weekends.
- 4.7 Members raised concerns about the use of an umbrella during inclement weather and felt that this could be hazardous. Mr. Desmond stated that he had not thought about that and welcomed the issue raised by Members.
- 4.8 Georgina Hollis reported on the options open to the Sub-Committee.
- 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 Paul Barber 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 RESOLVED: That, following consideration of the information contained in the report now submitted, and the representations now made, the application for a mobile street trading consent within the City Centre (Ref No. 49/15), be granted, subject to conditions and a fee all to be determined by the Chief Licensing Officer and he be instructed to draw up a licence which specifies there be no obstruction to the public highway.
- 5. LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982 - STREET TRADING CONSENT - THE ABBEY CAR PARK, 944 CHESTERFIELD ROAD, SHEFFIELD**
- 5.1 The Chief Licensing Officer submitted a report to consider an application, under the Local Government (Miscellaneous Provisions) Act, 1982, for a Static Street Trading Consent at The Abbey Pub Car Park, Chesterfield Road, Sheffield S8 0SH (Ref No.50/15).

- 5.2 Present at the meeting were Michael Knights and John Gregory (Applicants), Derek Kershaw (friend of the Applicants), Georgina Hollis and Martyn Wragg (Licensing Enforcement and Technical Officers), Paul Barber (Solicitor to the Sub-Committee) and Jennie Skiba (Democratic Services).
- 5.3 Paul Barber outlined the procedure which would be followed during the meeting.
- 5.4 Georgina Hollis presented the report to the Sub-Committee and it was noted that representations had been received from Greenhill Neighbourhood Watch Group and one local resident and were attached at Appendix "C" to the report. Invitations to the applicants, interested parties and objectors were attached at Appendix "D". The objectors did not attend the meeting.
- 5.5 Michael Knights stated that he and his partner were very excited about this new business venture and were keen to get it up and running. He added that they had invested in the oven-fired pizza oven, which was environmentally friendly as it burns smokeless fuel and there was no odour emanating when cooking. He further stated that they had already been granted planning and licensing applications for trading at the Devonshire Arms, Dore Village and now wished to expand to the Abbey Pub. He added that it was their intention to create a different experience for families to enjoy.
- 5.6 In response to questions from Members of the Sub-Committee and officers, Michael Knights stated that the trailer and oven unit takes up approximately three car parking spaces, thereby leaving plenty of spaces in the pub car park. He added that it was intended to use the fridges inside the pub for the purpose of keeping the dough fresh and to use the play area belonging to the pub. He further added that they would also offer a take-away service, but did not envisage any problems with litter and were willing to clear the area if necessary. Mr. Knights went on to state that the brewery and landlord were willing for the business to operate from the premises as the set-up costs were quite expensive and it was hoped to develop the business further by offering "pizza parties" and "festivals". He added that the landlord hoped that the venture might bring in more custom for the pub itself.
- 5.7 John Gregory summed up the applicant's case by stating that they were not oblivious to the concerns of the objectors and they would try to ensure that there would be minimal impact on the local area. He added that the idea was an old fashioned method of preparing and serving food at an "old fashioned pub" and there has been a lot of support for the venture.
- 5.8 Georgina Hollis reported on 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 Paul Barber 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.
- 5.12 RESOLVED: That the Sub-Committee agrees to grant the application for a Static Street Trading Consent at the Abbey Pub Car Park, Chesterfield Road, Sheffield S8 0SH (Ref No. 50/15), in the terms now requested.

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