

# SHEFFIELD CITY COUNCIL

## Licensing Sub-Committee

### Meeting held 10 November 2015

**PRESENT:** Councillors David Barker (Chair), Josie Paszek and Anne Murphy

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

1.1 An apology for absence was received from Councillor Denise Reaney.

#### **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 5 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 IN 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 Static Street Trading Consent in the City Centre (Fargate) (Ref No.80/15).

4.2 Present at the meeting were Michael Desmond (Applicant), Georgina Hollis (Licensing Enforcement and Technical Officer), Marie-Claire Frankie (Solicitor to the Sub-Committee) and John Turner (Democratic Services).

4.3 The Chair 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 comments had been made by the City Centre Management Team in relation to an agreed specific location on Fargate, and these were attached at Appendix "B" to the report.

4.5 Michael Desmond stated that his business plan was to sell competitively priced, high quality flowers in the City Centre from a static pitch on Fargate, from a bespoke tricycle. The unit would be highly attractive and eye-catchingly painted in primary colours, and would conform to all size requirements. The unit, which had zero carbon emissions, would bring colour, vibrancy and an international, cosmopolitan flavour to the City Centre. It would be called Monet's Garden, having a picture of water lilies on one side. Mr. Desmond stated that he would be

specifically targeting Chinese residents who, he believed added a great deal to the City's economy, and would be dedicating two shelves on the unit to the Chinese arrangements, and would include the words "The Little Chinese Garden", in Mandarin. Mr. Desmond made reference to the fact that he planned to keep his mobile trading consent, and would visit Hallamshire and Weston Park hospitals on his way into the pitch on Fargate, if granted.

- 4.6 In response to questions from Members of the Sub-Committee and Georgina Hollis, Mr. Desmond stated that he planned to commence trading on Fargate with immediate effect, although he was aware that there may be an issue in terms of his trading location at the present time as a result of the Christmas Market on Fargate. With regard to his mobile operation, he stated that he would be able to sell flowers on certain wards at the Hallamshire Hospital, and that flowers were allowed in private rooms at Weston Park hospital. He planned to use his Pedlar's Licence on one day a week, and would pay for mobile consent in respect of the other areas he planned trading in.
- 4.7 Georgina Hollis reported on the options open to the Sub-Committee.
- 4.8 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.
- 4.9 Marie-Claire Frankie reported orally, giving legal advice on various aspects of the application.
- 4.10 At this stage in the proceedings, the meeting was re-opened to the public and press and attendees.
- 4.11 RESOLVED: That, following consideration of the information contained in the report now submitted, and the representations now made, the application for a Static Street Trading Consent in the City Centre (Ref No.80/15), be granted, subject to agreement, with the City Centre Management Team, of a suitable location on Fargate, with particular regard being given to the Christmas Market.

## **5. HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING - INDIVIDUAL CASES**

- 5.1 The Chief Licensing Officer submitted details in respect of a case relating to hackney carriage and private hire licensing.
- 5.2 The applicant in Case No. 81/15 attended the hearing and addressed the Sub-Committee.
- 5.3 RESOLVED: That the case now submitted be determined as follows:-

<u>Case No.</u>	<u>Licence Type</u>	<u>Decision</u>
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81/15	Application to renew a Hackney Carriage Vehicle Licence	Grant a licence for a period of 12 months, subject to the vehicle being presented for three tests during that 12 month period, on the grounds that the Sub-Committee considers that there are exceptional circumstances in the case, specifically relating to the service history and excellent condition of the vehicle, to warrant a departure from the current policy relating to the age limit of vehicles.
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