

SHEFFIELD CITY COUNCIL

Licensing Sub-Committee

Meeting held 13 June 2017

PRESENT: Councillors David Barker (Chair) and Adam Hurst

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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 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. HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING - INDIVIDUAL CASES

4.1 The Chief Licensing Officer submitted details in respect of three cases relating to hackney carriage and private hire licensing.

4.2 The licence holder in Case No. 64/17 did not attend the hearing.

4.3 The applicant in Case No. 65/17 attended the hearing with a representative and they both addressed the Sub-Committee.

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4.5 RESOLVED: That the cases now submitted be determined as follows:-

<u>Case No.</u>	<u>Licence Type</u>	<u>Decision</u>
64/17	Review of a Hackney Carriage and Private Hire Driver's Licence	Defer consideration of the case to allow the licence holder to obtain legal advice.
65/17	Application for a new Hackney Carriage and Private Hire Driver's Licence	Grant a licence for the shorter term of 12 months, in the light of the offences now reported and, on renewal, authority be given to grant the applicant a licence for the

remainder of the term requested, subject to there being no further cause for concern.

66/17	Application for a new Hackney Carriage and Private Hire Driver's Licence	Grant a licence for the shorter term of 12 months, in the light of the offences now reported and, on renewal, authority be given to grant the applicant a licence for the remainder of the term requested, subject to there being no further cause for concern.
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(At this point in the proceedings, the meeting was re-opened to the public and press).

5. LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982 - STREET TRADING - PAUL CHAFER

- 5.1 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 to trade at Windmill Hill School, Ash View, Chapeltown, Sheffield S35 1ZD.
- 5.2 Present at the meeting were Paul and Angela Chafer (Applicants), Clive Stephenson (Licensing Strategy and Policy Officer), Samantha Bond (Solicitor to the Sub-Committee) and Jennie Skiba (Democratic Services).
- 5.3 Samantha Bond outlined the procedure which would be followed during the hearing.
- 5.4 Clive Stephenson presented the report, and it was noted that objections had been received from a School Representative and was attached at Appendix "B". The objector had been invited to the meeting, but was not present.
- 5.5 Paul Chafer circulated to those present, a statement he had prepared which outlined his application to trade outside Windmill Hill School. The statement said that he had over 28 years' experience in the business of selling ice cream and held all the legal documentation needed to trading including street trading licence, public liability insurance, NVQ in catering, is CRB checked and holds a food hygiene certificate rating of 5. In all the years of trading, there has never been a complaint made against him and that children's safety is his highest priority. He added that, in his experience, parents liked to treat their children after school, often rewarding good behaviour in school. He felt that many parents preferred ice cream and lollies because they are a healthier option to alternatives such as sweets and crisps. Paul Chafer stated that he stocked a wide range of lollies containing no additives or preservatives and most containing a large percentage of fruit, giving parents a good choice of the healthier option. Mr. Chafer believed that if this matter were to be discussed with parents and the general public, their opinions were taken into account, that the majority would be in favour of the ice

cream van trading outside the school.

- 5.6 Mr. Chafer stated that the school had not offered any explanation as to why they objected to the ice cream van trading there, the only suggestion he could make was that he had heard that the school was selling lollies and sweets on Fridays themselves, which had been purchased as multipacks from a local supermarket.
- 5.7 Mr. Chafer raised some road safety issues regarding the risk of children crossing the road while they were in the vicinity of an ice cream van and in his opinion if vans were correctly parked outside a school, it had the effect of slowing traffic down by acting as a visual aid to drivers, increasing their awareness that children were in the vicinity and that "slow children crossing" signs were clearly marked on the van.
- 5.8 In response to questions from Members of the Sub-Committee, Mr. Chafer informed them that he had parked in the same space for the past 17 years, in one of two parking spaces. He added that when he heard about the objection from the school, he had tried on numerous occasions to contact them but had had no response.
- 5.9 Clive Stephenson outlined the options open to the Sub-Committee.
- 5.10 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.
- 5.11 Samantha Bond reported orally, giving legal advice on various aspects of the application.
- 5.12 At this stage in the proceedings, the meeting was re-opened to the public and press and attendees.
- 5.13 RESOLVED: That following consideration of the information contained in the report now submitted, including the representations now made, the application for a Static Street Trading Consent to trade outside Windmill Hill Primary School, Ash View, Chapeltown, Sheffield S35 1ZD (Ref No. 68/17) be granted as applied for.

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

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