

SHEFFIELD CITY COUNCIL

Licensing Sub-Committee

Meeting held 21 July 2020

(NOTE: This meeting was held as a remote meeting in accordance with the provisions of The Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020).

PRESENT: Councillors Andy Bainbridge (Chair), Douglas Johnson, Joe Otten and Josie Paszek

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1. APOLOGIES FOR ABSENCE

1.1 Councillor Douglas Johnson submitted an apology for his absence at the start of the meeting.

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 There were no declarations of interest.

4. LICENSING ACT 2003 - ADAM'S LOCAL LOWEDGES LTD, 32 LOWEDGES ROAD, SHEFFIELD, S8 7LB

4.1 The Chief Licensing Officer submitted a report to consider an application for the grant of a premises licence made under Section 17 of the Licensing Act, 2003, in respect of premises known as Adam's Local Lowedges Limited, 32 Lowedges Road, Sheffield S8 7LB (Case No. 53/20).

4.2 It was reported that the applicant had contacted Licensing Services to ask that the application be deferred, as his representative was unable to attend. The Sub-Committee agreed to defer the application until a later date.

(At this point in the proceedings, Councillor Douglas Johnson joined the meeting and Councillor Josie Paszek left the meeting.)

5. LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982 - STREET TRADING - CITY CENTRE STATIC STREET TRADING CONSENT

5.1 The Chief Licensing Officer submitted a report to consider an application for the grant of a Static Street Trading Consent for an Ice Cream Van at the top of Howard Street, City Centre (Ref No.58/20).

5.2 Present at the meeting were Zoe Devoti (on behalf of the applicants), Clive

Stephenson (Licensing Strategy and Policy Officer), Marie-Claire Frankie (Solicitor to the Sub-Committee) and Jennie Skiba (Democratic Services).

- 5.3 The Chair outlined the procedure which would be followed during the hearing.
- 5.4 Clive Stephenson presented the report and stated that an objection to the consent had been received from the City Centre Management Team and representations and supporting comments were attached at Appendix "B" to the report. He said that comments had also been received and circulated to Members of the Sub-Committee prior to the commencement of the meeting, from Parking Services and the Highways Service stating that the proposed site was within a pedestrianised area and that there was a Traffic Regulation Order (TRO) in place stating "No Waiting and Permit Holders Only" on vehicles in the area surrounding the proposed site.
- 5.5 Zoe Devoti referred to the motorised vehicle further down Howard Street and also to the two ice cream vans situated at the bottom of Fargate and at the top of the Peace Gardens and said that these were not parked on the highway and asked why parking an ice cream van at the top of Howard Street should be any different. She then referred to the fact that prior to 2017, there had been an "ice cream trailer" parked at the top of the Peace Gardens but had been replaced by an ice cream van. Mrs. Devoti was informed by Clive Stephenson that the trailer was replaced for a limited time under a specific exemption due to health reasons.
- 5.6 In response to questions from Members of the Sub-Committee, it was reported that there was a Traffic Regulation Order in place on Howard Street, so parking was not allowed. However, the Peace Gardens was a consent site.
- 5.7 Zoe Devoti said the application to park at the top of Howard Street was due to the fact that her family had lost consent to park outside the Botanical Gardens earlier this year following the imposition of a TRO, and due to this and the effects on their business of Covid 19, they were just trying to make a living and get back on their feet. She said that she thought the coffee van that already parked on Howard Street was motorised and coffee was served from the back of it, but couldn't be sure. Mrs Devoti asked the Sub-Committee how long the one way systems would be place that had been imposed due to Covid 19 restrictions.
- 5.8 Clive Stephenson reported on the options available 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 Marie-Claire Frankie reported orally, giving legal advice on various aspects of the application.
- 5.11 RESOLVED: That in light of the information contained in the report now submitted,

the additional information circulated prior to the meeting, together with the representations now made and the responses to the questions raised, (a) the application for the grant of a City Centre Static Street Trading Consent, for an ice cream van in the City Centre at the top of Howard Street (Ref No. 58/20), be refused and (b) the applicant be recommended to contact City Centre Management and Licensing Services to discuss where alternative pitches within the city centre were available.

(The decision of the Sub-Committee will be relayed to the applicant following the meeting and the full reasons for the Sub-Committee's decision will be included in the written Notice of Determination.)

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