

SHEFFIELD CITY COUNCIL

Licensing Sub-Committee

Meeting held 29 November 2012

PRESENT: Councillors David Barker, Nikki Bond and Vickie Priestley

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1. APPOINTMENT OF CHAIR

1.1 RESOLVED: That, in the absence of the Chair and Deputy Chair, Councillor David Barker be appointed Chair of the meeting.

2. APOLOGIES FOR ABSENCE

2.1 There were no apologies for absence received from Members of the Committee. Councillor Jillian Creasy attended as reserve Member, but was not required to stay.

3. EXCLUSION OF PUBLIC AND PRESS

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

4. DECLARATIONS OF INTEREST

4.1 There were no declarations of interest on agenda items.

5. LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982 - STREET TRADING CONSENT SITE - OWLER LANE

5.1 The Chief Licensing Officer submitted a report to consider an application for a static Street Trading Consent on Owler Lane, Sheffield 4.

5.2 Present at the meeting were Rafa Rafaqat Khan (applicant), Rozina Raftar (applicant's wife), Jan Jude, Mohammed Waheed, Saheed Matlub, M. Saleem, Wahid Nazir and Aftab Ahmed (all objectors to the application), Marie-Claire Frankie (Solicitor to the Sub-Committee), Kathy Stockdale (Senior Licensing Officer) and Jennie Skiba (Democratic Services).

5.3 The Solicitor to the Sub-Committee outlined the procedure which would be followed during the hearing.

5.4 The Senior Licensing Officer presented the report to the Sub-Committee and it was noted that objections to the application had been received from a number of local businesses and were attached at Appendix G. Jan Jude of the Page Hall Medical Centre was amongst the objectors and she, along with representatives of those businesses, attended the meeting to put forward their representations.

5.5 Mrs. Raftar spoke on behalf of her husband and stated that Mr. Khan already

traded in the area on a mobile consent, and that there was a great demand for his produce, which was why he was now applying for static consent, in order to stay in the area for longer and sell his goods. Mrs. Raftar added that there had been no complaints from residents regarding litter, parking problems, blocking driveways or holding up emergency services. She went on to state that there was a gap in the market in the area for the type of products they were selling and they complied with regular health and safety checks from the local Authority.

- 5.6 Mohammed Waheed, Wahid Nazir and Aftab Ahmed, local businessmen, stated that a number of other small businesses as well as stores belonging to national supermarket chains had opened up in the area in the past few years and they were struggling to maintain their businesses. They also stated that the mobile traders had been seen to knock on doors to attract custom, thus taking away trade from themselves. Jan Jude of the Medical Centre stated that there were parking problems in the Centre's car park and that doctors could be restricted from accessing and exiting the car park in emergencies.
- 5.7 RESOLVED: That the public and press and attendees involved in the applications 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.
- 5.8 The Solicitor to the Sub-Committee reported orally, giving legal advice on various aspects of the application.
- 5.9 At this stage in the proceedings, the meeting was re-opened to the public and press and attendees.
- 5.10 RESOLVED: That, after careful consideration of the application now submitted in respect of land at Owler Lane, the Sub-Committee refuses to grant the static Street Trading Consent in the interests of public health, as the siting of the vehicle on the cul de sac would be detrimental to those accessing the local medical centre, which could compromise patient care, and furthermore, the van would not enhance the area and the goods being traded would conflict with goods sold by other nearby retailers.

6. LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982 - STREET TRADING CONSENT SITE - BAGLEY ROAD

- 6.1 The Chief Licensing Officer submitted a report to consider an application for a static Street Trading Consent on Bagley Road, Sheffield 4.
- 6.2 Present at the meeting were Muhammed Yasin (applicant), Tariq Mahmood (applicant's friend), Mohammed Waheed, Saheed Matlub, T. Mahmood, Wahid Nazir and Aftab Ahmed (all objectors to the application), Marie-Claire Frankie (Solicitor to the Sub-Committee), Kathy Stockdale (Senior Licensing Officer) and Jennie Skiba (Democratic Services).

- 6.3 The Solicitor to the Sub-Committee outlined the procedure which would be followed during the hearing.
- 6.4 The Senior Licensing Officer presented the report to the Sub-Committee and it was noted that objections to the application had been received from a number of local businesses and were attached at Appendix G. A representative from the local mosque was amongst the objectors and, along with representatives of those businesses, attended the meeting to put forward their representations.
- 6.5 Tariq Mahmood spoke on behalf of the applicant and stated that the applicant already operates in the area as a mobile trader, but felt that due to customer demand, he would apply for a static consent one day per week between the hours of 12.30 p.m. to 3.30 p.m. He stated that the site he was applying for was situated on a cul-de-sac, away from the main route to Meadowhall and his customers had asked him to return.
- 6.6 Mohammed Waheed, Wahid Nazir and Aftab Ahmed, local businessmen, felt that because of the intended hours of trading, there were serious health and safety issues as the intended location was only a few yards away from the zebra crossing regularly used by local schoolchildren at lunchtime and at the end of the school day. There were already a large number of similar businesses trading in the area and Mr. Yasin was taking away trade from them. They also had concerns regarding parking problems.
- 6.7 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.
- 6.8 The Solicitor to the Sub-Committee reported orally, giving legal advice on various aspects of the application.
- 6.9 At this stage in the proceedings, the meeting was re-opened to the public and press and attendees.
- 6.10 RESOLVED: That, after careful consideration of the application now submitted in respect of land at Bagley Road, the Sub-Committee refuses to grant the static Street Trading Consent in the interests of public health, as the siting of the vehicle on the proposed site would be detrimental to pedestrians using the local school and medical centre owing to the increase in traffic, and furthermore, the van would not enhance the area and the goods being traded would conflict with goods sold by other nearby retailers.

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