

Licensing Sub-Committee

Meeting held 11 December 2012

PRESENT: Councillors John Robson (Chair), Jillian Creasy and Geoff Smith

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1. APOLOGIES FOR ABSENCE

1.1 There were no apologies for absence received. Councillor Clive Skelton attended the meeting as a reserve Member, but was not required to stay.

2. EXCLUSION OF PUBLIC AND PRESS

2.1 **RESOLVED:** That the public and press be excluded from the meeting before discussion takes place on agenda 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 - APPLICATION FOR A STREET TRADING CONSENT

4.1 The Chief Licensing Officer submitted a report to consider an application for a Street Trading Consent for a small trading stall in the City Centre (Ref No. 87/12).

4.2 Present at the meeting were Andy Ruston (Licensing Officer), Marie-Claire Frankie (Solicitor to the Sub-Committee), John Turner (Democratic Services), Steve Cooper (City Centre Management Team) and Julie Heneghan (Highways). The applicant did not attend the meeting and as it was the second hearing to which he had been invited, the application was considered in his absence.

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

4.4 Andy Ruston presented the report to the Sub-Committee and it was noted that comments on the application had been received from the Council's Highways Service, Development Services and City Centre Management Team, and were attached at Appendix 'C' to the report.

4.5 Julie Heneghan stated that there was no suitable site on Sheaf Street to locate a trading stall on the grounds that there was insufficient highway to site such a stall, and the siting of a stall would limit the available footpath, which already had a heavy footfall. There was also nowhere for vehicles to pull in terms of transporting the stall to and from the site and in terms of deliveries. She concluded by stating

that there were no highway issues in terms of trading at the bottom of Fargate, other than referring to the traffic restrictions, which would require any vehicle delivering the stall to be removed from Fargate before 10.00 am and after 6.30 pm in terms of taking the stall away.

- 4.6 Steve Cooper stated that the City Centre Management Team had serious concerns, mainly relating to the poor quality of the trading stall, which would be in stark contrast to other quality street furniture in the City Centre, and which fell well short of the Council's qualitative criteria for small trading stalls in the City Centre.
- 4.7 The comments from Development Services also focused on the poor design of the trading stall, and did not meet the well established qualitative criteria that had been adopted for the City Centre.
- 4.8 **RESOLVED:** That the attendees involved in the application for a Street Trading Consent 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 The Solicitor to the Sub-Committee 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 attendees.
- 4.11 **RESOLVED:** That the application for a Street Trading Consent (Ref No. 87/12) be not granted on the grounds that the proposed trading stall does not meet the Council's qualitative criteria relating to small trading stalls in the City Centre.