

SHEFFIELD CITY COUNCIL

Licensing Sub-Committee

Meeting held 26 March 2013

PRESENT: Councillors Clive Skelton (Deputy Chair), David Barker and Ian Saunders

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1. APOLOGIES FOR ABSENCE

1.1 An apology for absence was received from the Chair (Councillor John Robson). Councillor Philip Wood attended the meeting as a reserve Member, but was not required to stay.

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. LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982 - STREET TRADING CONSENT SITE - LIVESEY STREET

4.1 The Chief Licensing Officer submitted a report to consider an application under the Local Government (Miscellaneous Provisions) Act 1982, for a Static Street Trading Consent for a site on Livesey Street (Ref No. 19/13).

4.2 Present at the meeting were Andrew and Shelly Roberts (Applicants), Russell Price (Objector), Andy Ruston (Senior Licensing Officer), Kavita Ladva (Solicitor to the Sub-Committee) and John Turner (Democratic Services).

4.3 Kavita Ladva 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 an objection to the application had been received from Russell Price, and was attached at Appendix 'D' to the report.

4.5 Shelley Roberts stated that, at the time they had submitted the application, the objector was not operating from his unit, which had been due to the length of time it had taken to sort the application. She stressed that they had invested considerable time and money into the business and were relying on the business to support them and their four children. Regarding Mr Price's concerns relating to the potential adverse effect on his business, which was situated on the other side of a dual carriageway, Mrs Roberts stated that there were a number of other areas in the City where a number of traders worked within close proximity of each other, and this encouraged healthy competition. She considered that, as Mr Price's unit

was situated on the other side of the dual carriageway, it was not likely that there would be too much of a problem in terms of competition.

- 4.6 In response to questions raised by Members of, and the Solicitor to, the Sub-Committee, the applicants confirmed the precise location of theirs and the objector's trading unit, and indicated that they had chosen this particular site on the basis that there was a college and a number of businesses in the area, as well as it being close to their home. They confirmed that they were selling hot and cold sandwiches, hot and cold drinks and confectionary, and that their planned trading hours were 08:00 to 14:30 hours, Monday to Friday. Mr Roberts confirmed that he would not be applying for an Assistant's Licence as they were applying for a dual consent.
- 4.7 Russell Price stated that he had only been operating from his site for seven weeks, and had therefore not been aware of the applicants' plans. As he was in the early stages of building up his customer base, he was concerned that if there were other similar trading units in the area, this could have a serious impact on his business. He did not consider there to be sufficient custom in the area to support two similar businesses located so close. He also made reference to the number of other fast food outlets within the location, indicating that a further similar business would make it harder for him to establish himself in the area.
- 4.8 In response to questions from Members of the Sub-Committee, Mr Price confirmed that his trading unit was located within the B&Q car park, on the other side of Penistone Road. He planned to sell hot food and hot and cold drinks, and planned to trade from 08:00 hours to 15:00 hours, Monday to Sunday. In terms of how well his business was doing, he stated that whilst he had only been operating for seven weeks, he had a number of regular customers, but trade was strongly governed by the weather, which had not been very good during the last few months.
- 4.9 **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.
- 4.10 Kavita Ladva reported orally, giving legal advice on various aspects of the application.
- 4.11 At this stage in the proceedings, the meeting was re-opened to the public and press and attendees.
- 4.12 **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 for a site at Livesey Street (Ref No. 19/13) be granted.

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