

**SHEFFIELD CITY COUNCIL**

**Licensing Sub-Committee**

**Meeting held 24 July 2012**

**PRESENT:** Councillors John Robson (Chair), David Barker and Ian Saunders

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**1. APOLOGIES FOR ABSENCE**

1.1 No apologies for absence were received. Councillor Geoff Smith 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**

4.1 The Chief Licensing Officer submitted a report to consider an application for the renewal of a Street Trading Consent at Bramall Lane Football Ground, John Street, Sheffield (Consent No. 57/FS).

4.2 Present at the meeting were Roger Stone and Linda Stone (Applicants), Ian Boyne (Objector), Andy Ruston (Licensing Officer), Marie-Claire Frankie (Solicitor to the Sub-Committee) and John Turner (Democratic Services).

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 representations had been received from Ian Boyne, the letting agent for the premises next to the trading site.

4.5 In response to questions regarding the report, it was confirmed that the precise location of the trading site was on the corner of John Street and Shoreham Street, and that trading on the site would only take place during the football season, which ran from August to May the following year.

4.6 Roger Stone stated that he had traded in this area for 37 years, previously trading on the opposite side of John Street, and moving to the present site a few years ago. He parked the van up just before the road closes on match days, and the Police had no complaints about him doing this. He uses a silent generator, which had been purchased at considerable cost, which he argued cannot be heard by the occupier of the flat, which is located a few yards away from the van,

and which is owned by the objector. Photographs showing the location of the van and its proximity to the shop premises and flat above were circulated at the hearing. The woman in the flat above the shop premises works in the shop, which sells sandwiches. She has never complained about the operation of the van to the applicant and he considers that they have a good relationship. He stated that when he finished trading, he would clear up any rubbish up to 100 yards down the road on John Street, as well as clearing rubbish from outside the shop premises. He had good relationships with the Council's Licensing and Highways Services, as well as the Police, and had never received any complaints about their operation from any of these authorities.

- 4.7 In response to questions from Members of, and the Solicitor to, the Sub-Committee, Mr Stone stated that he would set up for trading at around 11.30 am and leave by 5.45 pm. He had traded at this particular location for two football seasons. The shop premises next to the trading site was originally an off licence, but it closed and re-opened around two years ago as a sandwich shop. As part of regular enforcement exercises on match days, Licensing Officers had visited the van to inspect the generator, and had not deemed it a noise nuisance.
- 4.8 Ian Boyne, on behalf of the tenants of the shop and the tenant of the flat above, stated that the van was parked on double-yellow lines, often before the road had been closed, and caused serious obstructions to the junction of Shoreham Street and John Street. The unit was powered by a free-standing generator, which was positioned at the rear of the unit, and very close to the shop premises. The generator was very noisy and the strong fumes were easily detectable in both the shop and the flat. He stressed that he had no objection to the principle of the van, but was of the opinion that the van should be sited at a more appropriate location.
- 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 The Solicitor to the Sub-Committee 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 the application to renew the Street Trading Consent on the site at Bramall Lane Football Ground, John Street, Sheffield (Consent No. 57/FS), be granted.