

SHEFFIELD CITY COUNCIL

Licensing Sub-Committee

Meeting held 11 April 2013

PRESENT: Councillors John Robson (Chair), Nikki Bond and Philip Wood

.....

1. APOLOGIES FOR ABSENCE

1.1 There were no apologies for absence.

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 - LION'S LAIR, 31 BURGESS STREET, SHEFFIELD S1 2HF

4.1 The Chief Licensing Officer submitted a report to consider an application to vary a Premises Licence, made under Section 34 of the Licensing Act 2003, in respect of premises known as Lion's Lair, 31 Burgess Street, Sheffield S1 2HF.

4.2 Present at the meeting were Councillor Jillian Creasy (on behalf of Linda Cooley, Local Resident), Patrick Carroll (Local Resident), Louise Slater (Solicitor to the Sub-Committee), Matt Proctor (Senior Licensing Officer) and Jennie Skiba (Democratic Services). The applicant did not attend the hearing.

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

4.4 Matt Proctor presented the report to the Sub-Committee and it was noted that representations had been received from local residents and were attached at Appendices "C", "D" and "E" to the report. Mr. Proctor added that agreement had been reached prior to the hearing between the applicant and the Environmental Protection Service on the representations which had been submitted by that Service (at Appendix F to the report).

4.5 The Chair of the Sub-Committee referred to the Conditions which had been agreed between the applicant and the Environmental Protection Service and stated that there were discrepancies which needed to be addressed and it was, therefore, suggested that the hearing be adjourned and the applicant and the Environmental Protection Service be asked to attend the reconvened meeting.

4.6 Councillor Jillian Creasy asked if there were any legal reasons why the hearing

could not go ahead in the absence of the two parties and Patrick Carroll said that it had been difficult for him to be able to attend the hearing and he felt aggrieved that the meeting was being adjourned to the benefit of the applicant.

- 4.7 The Chair assured Councillor Creasy and Patrick Carroll that the adjournment was not for the benefit of the applicant as questions needed to be asked and a re-arranged date would be agreed between Matt Proctor and Patrick Carroll.
- 4.8 RESOLVED: That the hearing be adjourned to a future date to enable the applicant and the Environmental Protection Service to attend.

5. LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982 - STREET TRADING CONSENT - WALKLEY PRIMARY SCHOOL

- 5.1 The Chief Licensing Officer submitted a report to consider an application for a school street trading consent at Walkley Primary School.
- 5.2 Present at the meeting were Ronald Wareham (Applicant), Louise Slater (Solicitor to the Sub-Committee), Andy Ruston (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 Andy Ruston presented the report to the Sub-Committee, outlining the reasons for referring the application to the Sub-Committee.
- 5.5 Ronald Wareham addressed the Sub-Committee and requested that consideration be given to his application even though he does not meet the current Street Trading Policy, in that he does not intend to apply for a city-wide ice cream mobile street trading consent and his vehicle is 21 years old and therefore does not comply with the City Wide Street Trading Quality Specification referred to in the Policy, which was agreed at a meeting of the Licensing Committee on 8th November, 2012. An amendment to the policy under delegated powers was suggested by the Chief Licensing Officer to set an age limit of 10 years from first registration for ice cream vans. Mr. Wareham stated that he did not intend to trade city-wide but only to park outside Walkley Primary School for approximately 20 minutes each day during term time, weather permitting. He said that his vehicle held a current MOT certificate and fell within the health and safety criteria for such vehicles. He also informed the Sub-Committee that he currently holds a static street trading consent at Rivelin Valley.
- 5.6 In response to questions from Members of the Sub-Committee, Mr. Wareham stated that he had not been aware of the consultation with regard to the Street Trading Policy, and that it was not his intention to travel around the City, but would just park at the School. He felt that because he pays £1,000 site fees at Rivelin, he would be in a better position to park at the School and just pay a low fee of £37. He said that it would not be viable for him to pay the higher city-wide fee of £236 as he had a part-time job and would not trade for enough hours to cover the costs.

- 5.7 Mr. Wareham told the Sub-Committee that he would reach retirement age in 18 months' time but did not intend to give up work and that to buy a new ice cream van would cost in the region of £60,000.
- 5.8 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.
- 5.9 The Solicitor to the Sub-Committee reported orally, giving legal advice on various aspects of the application.
- 5.10 At this stage in the proceedings, the meeting was re-opened to the public and press and attendees.
- 5.11 RESOLVED: That the application now submitted for a school street trading consent at Walkley Primary School be granted subject to:-
- (a) the outcome of the Ice Cream Traders Review of the Street Trading Policy; and
 - (b) the payment of the city wide mobile consent fee of £236 and the pitch fee of £37 being received.

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