

# SHEFFIELD CITY COUNCIL

## Licensing Sub-Committee

### Meeting held 26 September 2013

**PRESENT:** Councillors Clive Skelton (Deputy Chair), Stuart Wattam and Joyce Wright

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#### **1. APOLOGIES FOR ABSENCE**

1.1 An apology for absence was received from the Chair (Councillor John Robson).

#### **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 - STATIC APPLICATION AND FOOTBALL APPLICATION - UNIT 2 CLAYWHEELS LANE**

4.1 The Chief Licensing Officer submitted a report to consider two applications, under the Local Government (Miscellaneous Provisions) Act 1982, for a static and football street trading consent to trade outside Unit 2 Claywheels Lane (Ref. No. 56/13).

4.2 Present at the meeting were Fay Mullen and Lynn Egley (Applicants), Lisa Cowlshaw, HR Manager, Fletchers Bakery (Objector), Andy Ruston (Senior Licensing Officer), Carolyn Forster (Solicitor to the Sub-Committee) and Jennie Skiba (Democratic Services).

4.3 Carolyn Forster 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 both applications had been received from a local business and were attached at Appendix "D" to the report.

4.5 Lisa Cowlshaw stated that her concerns were regarding the positioning of the hot and cold food van which was to be located directly opposite the main entrance to the Bakery. She added that on average between 60 and 90 HGV vehicles attended the site, meaning between 120 and 180 vehicular movements on and off site, on a daily basis, in addition to staff vehicles on and off site and felt that vehicles stopping next to the food van could potentially cause a major

obstruction and hinder the safe entry and exit on and off the site.

- 4.6 Lisa Cowlshaw referred to a friendly football match which had been held in the area during the summer and stated that football fans had congregated in the highway causing traffic problems and also tried entering the bakery premises to use toilets and extra security guards had been drafted in to secure the site.
- 4.7 Lisa Cowlshaw stated that the Company have a comprehensive system in place which checks that all products delivered to the site are allergen free and that weekly samples are taken checking for different bacteria which could put employees and customers at risk. She added that staff were required to wear site captive footwear on the shop floor, but not to be worn off-site.
- 4.8 In response to questions from Members of and the Solicitor to, the Sub-Committee, Lisa Cowlshaw said that at present staff had no reason to leave the premises and the siting of the van might encourage staff to take health and safety risks and breach Company policy.
- 4.9 Fay Mullen and Lynn Egley then put forward their case for the application and stated that they are former employees of the catering company who operate the canteen facility at Fletchers Bakery. Fay Mullen stated that she had been Canteen Manager and had brought the hygiene rating from Level 2 to Level 4 and was fully aware of food safety management and health and safety and would adhere to these high standards. She said that she fully intended to keep food allergens under control and welcomed staff from Fletchers Bakery to check the standards of the food van at any time. Fay and her partner wanted to provide a high quality service from their van to workforces at the various factory units on Claywheels Lane.
- 4.10 In response to questions from Members of the Sub-Committee, Fay Mullen stated that they were prepared to collect any rubbish from the surrounding area and would take advice from the Licensing Section as to where waste bins should be sited. She added that the entrance to the van would be positioned away from the highway so that customers would not be queuing in the highway and that, at present, the location of the van was outside an empty Unit, but if the Unit should become occupied, they would be prepared to move to another site along Claywheels Lane.
- 4.11 **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.

- 4.12 Carolyn Forster reported orally, giving legal advice on various aspects of the application.
- 4.13 At this stage in the proceedings, the meeting was re-opened to the public and press and attendees.
- 4.14 RESOLVED: That, following consideration of the information contained in the report now submitted, and the representations now made, the two applications for a static and football street trading consent to trade outside Unit 2 Claywheels Lane, Sheffield (Ref No.56/13) be granted.

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

## **5. LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982 - STREET TRADING - CITY CENTRE SMALL TRADING STALLS**

- 5.1 The Chief Licensing Officer submitted a report to consider an application, under the Local Government (Miscellaneous Provisions) Act 1982, for a street trading consent to trade in the city centre (Ref No.57/13).
- 5.2 Present at the meeting were Stephen Harrison (Applicant), Richard Eyre (Head of City Centre Management and Major Events), Paul Turner (Highway Licences and Regulation), Andy Ruston (Senior Licensing Officer), Carolyn Forster (Solicitor to the Sub-Committee) and Jennie Skiba (Democratic Services).
- 5.3 Carolyn Forster outlined the procedure which would be followed during the hearing.
- 5.4 Andy Ruston presented the report to the Sub-Committee and it was noted that objections to the application had been received from the Planning Service, the City Centre Management Team and the Highways Service and were attached at Appendices "C", "D" and "E" to the report. The representative from the Planning Service did not attend the hearing.
- 5.5 Richard Eyre stated that the application to site the mobile catering van in Barkers Pool fails to meet the qualitative criteria that have been agreed by the City Council for static street trading pitches in the City Centre. He added that Barkers Pool is an important city centre open space with a civic function, forming part of the award winning gold route and provides a backdrop to the City Hall which is a grade 2 listed building and he felt that the application, which involves a large motorised vehicle and is not of a high quality design, would be out of character with the surrounding area.
- 5.6 Paul Turner stated that there were no objections from a Highway Authority point of view provided that protective measures to the paving area are put in place and that drip trays are secured underneath the vehicle.
- 5.7 Stephen Harrison put forward his case, stating that he had founded the Snooker

Academy in the City and had worked with disadvantaged children. He had previously obtained funding from different areas of the City Council, i.e. Area Panels, Community Assembly but this funding had now ceased. He had then come up with the idea of having the motorised vehicle built and to operate a business from it to raise funds to carry on work within communities and also to raise awareness of the impact that diabetes can have on peoples' lives.

- 5.8 In response to questions from Members of the Sub-Committee, Stephen Harrison stated that he had done a lot of research into the disease and had the support of Diabetes UK and the local Sheffield Universities in his efforts to educate people to the dangers of the condition. He added that he was prepared to travel round the city wherever there was footfall so that his project could really take-off and, would also be prepared to site his vehicle on the Sheffield Hallam University concourse.
- 5.9. 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.
- 5.10 Carolyn Forster reported orally, giving legal advice on various aspects of the application.
- 5.11 At this stage in the proceedings, the meeting was re-opened to the public and press and attendees.
- 5.12 RESOLVED: That, following consideration of the information contained in the report now submitted, and the representations now made, the application for a street trading consent to trade in the city centre (Ref No.57/13), be deferred and the applicant be advised to amend his application to seek consent for a site in Devonshire Green.