

SHEFFIELD CITY COUNCIL

Licensing Sub-Committee

Meeting held 25 March 2014

PRESENT: Councillors Clive Skelton (Chair), Nikki Bond and Adam Hurst

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1. APOLOGIES FOR ABSENCE

1.1 No apologies for absence were received.

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 -
MOBILE STREET TRADING CONSENT**

4.1 The Chief Licensing Officer submitted a report to review a Mobile Street Trading Consent (Ref.10/14) following several breaches of the conditions by the consent holder.

4.2 Present at the meeting were Nasar Ahmed (Consent Holder), Mr. Abdul (Consent Holder's Solicitor), Andy Ruston (Senior Licensing Officer), Kavita Ladva (Solicitor to the Sub-Committee) and Jennie Skiba (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 the consent holder had been observed breaching the conditions attached to his Mobile Street Trading Consent on three separate occasions. Copies of letters which had been sent to Mr. Ahmed were attached at Appendices "B" and "D". A report had also been received by the Licensing Service from a local shopkeeper who had observed Mr. Ahmed trading within the prohibited area and this was attached at Appendix "C" to the report. Andy Ruston went on to add that Mr. Ahmed had visited the Licensing Service offices and had signed a caution which was placed on his file and was attached at Appendix "E" to the report.

4.5 Mr. Abdul referred to the three separate occasions when his client had been observed breaching the conditions of his consent and stated that

on each occasion, when he had been requested to move he had done so immediately. Mr. Abdul stated that his client was not aware of how to measure the exact distance from static traders. He added that the business is his source of income and he has six dependents.

4.6 Andy Ruston then informed Mr. Ahmed and Mr. Abdul of how to check the distance and advised Mr. Ahmed that it was his responsibility to do so.

4.7 In response to questions from Members, Mr. Ahmed stated that he had read and understood the policy regarding mobile street trading and that in future he would only sell fruit and vegetables as detailed in the street trading consent.

4.8 Andy Ruston outlined the options open to the Sub-Committee.

4.9 RESOLVED: That the public and press and attendees involved in the review 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, in the light of the information contained in the report now submitted, and the representations now made, the Sub-Committee:-

(a) agreed that a final written warning be issued to the consent holder (Ref.10/14) and he be informed that any further breaches of the conditions would lead to an immediate revocation of the licence; and

(b) further agreed that the warning would remain for the duration of the licence.

5. LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982 - STATIC STREET TRADING CONSENT

5.1 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 Elmham Road, Sheffield (Ref. 11/14).

5.2 Present at the meeting were Nasar Ahmed (Applicant), Mr. Abdul (Applicant's Solicitor), Mr. Mahmood (Objector), Andy Ruston (Senior

Licensing Officer), Kavita Ladva (Solicitor to the Sub-Committee) and Jennie Skiba (Democratic Services).

- 5.3 Andy Ruston presented the report and it was noted that an objection to the application had been received from a local businessman and was attached at Appendix B to the report.
- 5.4 Mr. Abdul stated that the applicant had spoken to Andy Ruston when he had visited the offices of the Licensing Service and had been advised to apply for a static street trading consent, which, in Mr. Ruston's opinion, would be best suited to him.
- 5.5 Mr. Ahmed stated that as can be seen from the petition attached to the report, he was confident that with the static application his business would develop well as there was a demand for his produce. In response to questions from Members of the Sub-Committee, Mr. Ahmed reconfirmed the day and times of his trading as set out in his application and the produce he would be selling.
- 5.6 Mr Mahmood stated that he was the owner of the shop known as "High Hazels Store", at 373 Main Road and had been operating at the premises for the last four to five years. The shop was open 8.00 a.m. - 8.30 p.m., seven days a week. Mr. Mahmood referred to the items sold at the premises and the only vegetables sold there were potatoes, onions, tomatoes and cucumber. He claimed that the applicant parked his vehicle 100m away from his shop and had persistently failed to abide by his street trading conditions.
- 5.7 Mr Mahmood then referred to the photographic evidence contained within the report showing the applicant's breaches and he questioned the petition which did not refer to anything but merely consisted of signatures of people. Mr Mahmood feared that the applicant would increase his food stock and eventually his shop business would be significantly affected and would fold.
- 5.8 Andy Ruston outlined the options open to the Sub-Committee.
- 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 Kavita Ladva 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, in the light of the information contained in the report now submitted, and the representations now made, the application for a Static Street Trading Consent for a site on Elmham Road, Sheffield (Ref.11/14) be granted for the sale of fresh fruit and vegetables only between the hours of 3.00 p.m. and 6.00 p.m. on Fridays.