

# SHEFFIELD CITY COUNCIL

## Licensing Sub-Committee

### Meeting held 18 April 2017

**PRESENT:** Councillors David Barker (Chair), Andy Bainbridge and Vickie Priestley

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#### **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 Councillor Andy Bainbridge declared an interest in item 6 on the agenda – Licensing Act 2003: Ramos (Takeaway), 6 Church Street, Sheffield S35 9WE – (item 5 of these minutes) as he was a Local Ward Councillor for the area. In view of the fact that one of the objectors to the application was a fellow Ward Councillor, Councillor Bainbridge stated that he would not participate in the consideration of the application.

#### **4. LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982 - STREET TRADING - STATIC STREET TRADING CONSENT - TINSLEY GREEN SCHOOL**

4.1 The Chief Licensing Officer submitted a report to consider an application, under the Local Government (Miscellaneous Provisions) Act 1982, for the grant of a Static Street Trading Consent to trade at Tinsley Green School.

4.2 Present at the meeting were Peter Devoti (Applicant), Zoe Devoti (Applicant's wife) Clive Stephenson (Licensing Strategy and Policy Officer), Marie-Claire Frankie (Solicitor to the Sub-Committee), Samantha Bond (Professional Officer) and Jennie Skiba (Democratic Services).

4.3 Samantha Bond outlined the procedure which would be followed during the hearing.

4.4 Clive Stephenson presented the report to the Sub-Committee and it was noted that an objection to the application had been received from Tinsley Green School and was attached at Appendix "B" to the report. Tinsley Green School had been invited, but had not sent a representative to attend the hearing.

4.5 Peter Devoti stated that he had traded in the Tinsley area for 40 years and had always parked his vehicles safely, he had never received a parking ticket and that the only complaint he had received had been two or three years ago from a former

Headteacher at Tinsley School. He added that he had always parked considerately and would never put the life of anyone at risk and that there was never an issue of children being put at risk by standing in the road. Mrs. Devoti added that her husband would park the ice cream van outside the school at 2.30 p.m. and would not leave until the school had cleared. She added that all the company's vehicles complied with all health and safety regulations.

4.6 In response to questions from Members of the Sub-Committee, Zoe Devoti stated that she had tried to make contact with the Headteacher at the School, which was a new-build school and had opened in September, 2016, but unfortunately had had no response. She added that the infant and junior schools had merged and had re-opened last September and was situate within Tinsley Park, making it further away from the road.

4.7 Clive Stephenson reported on the options open to the Sub-Committee.

4.8 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.

4.9 Marie-Claire Frankie reported orally, giving legal advice on various aspects of the application.

4.10 At this stage in the proceedings, the meeting was re-opened to the public and press and attendees.

4.11 RESOLVED: That, following consideration of the information contained in the report now submitted and the representations now made, the application for a Static Street Trading Consent at Tinsley School off Norborough Road, Sheffield (Case. No.45/17), be granted.

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

**5. LICENSING ACT 2003 - RAMOS (TAKEAWAY), 6 CHURCH STREET, SHEFFIELD S35 9WE**

5.1 The Sub-Committee's attention was drawn to the fact that due to Councillor Andy Bainbridge having declared an interest in this item of business and deciding not to participate in the consideration of the application, the meeting was inquorate. This was explained to the applicant who was informed that a new hearing date would be set and he would be notified of this as soon as possible.

**6. LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982 - STREET TRADING - HOT FOOD & DRINK - FARGATE**

- 6.1 The Chief Licensing Officer submitted a report to consider an application, under the Local Government (Miscellaneous Provisions) Act 1982, for the grant of a Static Street Trading Consent to trade at Fargate, Sheffield (Case No.47/17).
- 6.2 Present at the meeting were Hristo Hristov and Zima Simeonova (Applicants), Clive Stephenson (Licensing Strategy and Policy Officer), Samantha Bond (Professional Officer) and Jennie Skiba (Democratic Services).
- 6.3 Samantha Bond outlined the procedure which would be followed during the hearing.
- 6.4 Clive Stephenson presented the report to the Sub-Committee and it was noted that an objection to the application had been received from the Manager of a local business and was attached at Appendix "B" to the report. The Manager had been invited but did not attend the hearing.
- 6.5 Zima Simeonova stated that she and her husband already traded on Tudor Square and wanted to transfer to Fargate as they felt that they would attract more customers. She added that the food they served was traditional Balkan food and that they would not take away any custom from the objector's business. Mrs. Simeonova also stated that due to operating from Tudor Square, when any festivals or events were held in the city centre, they were not allowed to trade, meaning that although they paid an annual fee, they could not trade every week.
- 6.6 In response to questions from Members of the Sub-Committee, Ms. Simeonova stated that they have received favourable comments from regular clientele built up whilst trading at Tudor Square and would be able to establish their business more by bringing something different to Fargate on the site where the Hot Sausage Company used to be.
- 6.7 Clive Stephenson reported on the options open to the Sub-Committee.
- 6.8 **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.
- 6.9 Samantha Bond reported orally, giving legal advice on various aspects of the application.
- 6.10 At this stage in the proceedings, the meeting was re-opened to the public and press and attendees.
- 6.11 **RESOLVED:** That, following consideration of the information contained in the report now submitted and the representations now made, the application for a Static Street Trading Consent in Fargate, Sheffield (Case. No.47/17), be granted.

(The full reasons for the Sub-Committee's decision will be included in the written

Notice of Determination.)

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