

SHEFFIELD CITY COUNCIL

Licensing Sub-Committee

Meeting held 27 April 2017

PRESENT: Councillors David Barker (Chair), Andy Bainbridge and Anne Murphy

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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 - STATIC STREET TRADING CONSENT

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 for a site on Livesey Street (Ref No. 52/17).

4.2 Present at the meeting were Katie Birks (Applicant), Danielle Cockburn (Applicant's friend), Clive Stephenson (Licensing Strategy and Policy Officer), Marie-Claire Frankie (Solicitor to the Sub-Committee) and John Turner (Democratic Services).

4.3 Marie-Claire Frankie 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 Estates and Services, Sheffield College, and was attached at Appendix 'B' to the report. The Senior Administrator, Estates and Services, Sheffield College, had been invited to the meeting, but was not present.

4.5 Katie Birks stated that she did not consider that the objections from The Sheffield College were reasonable on the basis that, regarding the issue of litter, there were a number of restaurants and takeaways in close proximity to the trading site, and she believed that the majority of litter in the area was generated by such establishments. In terms of the issues regarding safety and safeguarding of the College pupils, Ms Birks considered that it was safer for the pupils to purchase food from her, as opposed to having to cross a busy main road to reach the other establishments.

- 4.6 In response to questions from Members of the Sub-Committee and Clive Stephenson, Ms Birks stated that, although she could not confirm for sure, she did not think there were any restrictions in terms of pupils leaving the College to purchase food or for any other reason on the basis that they were old enough to do so. Ms Birks confirmed there were a number of waste bins in the area, including a Council bin at the side of her trailer, two outside Hillsborough Fencing and two outside the College building. Ms Birks had just purchased the trailer from the previous occupant, and had received confirmation from Licensing Officers that the Service had not received any objections in connection with the previous owner trading at this site. This was the first time Ms Birks had run a business of this nature, and she confirmed that she would be willing, if necessary, to mark the bags she provided with a logo, if there were complaints of litter resulting from the operation of her business. Ms Birks believed the previous consent-holder traded from this site from March to November 2016, and that there had been no problems or complaints received in connection with such operation. She planned to trade from 07:00 hours to 14:30 hours, seven days a week.
- 4.7 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.
- 4.8 Marie-Claire Frankie reported orally, giving legal advice on various aspects of the application.
- 4.9 At this stage in the proceedings, the meeting was re-opened to the public and press and attendees.
- 4.10 RESOLVED: That, following consideration of the information contained in the report now submitted, including the representations now made, the application for a Static Street Trading Consent on Livesey Street be granted (Ref No. 52/17).

(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 - STATIC STREET TRADING CONSENT

- 5.1 The Chief Licensing Officer submitted a report to consider an application for the variation of a Static Street Trading Consent in the Peace Gardens, Sheffield 1 (Ref No. 53/17).
- 5.2 Present at the meeting were Inglana Saqladi (Applicant), Clive Stephenson (Licensing Strategy and Policy Officer), Marie-Claire Frankie (Solicitor to the Sub-Committee) and John Turner (Democratic Services).

- 5.3 Marie-Claire Frankie outlined the procedure which would be followed during the hearing.
- 5.4 Clive Stephenson presented the report to the Sub-Committee, and it was noted that the application had been referred to the Sub-Committee on the basis that it fell outside the Council's City Centre Qualitative Criteria (City Centre Street Trading – Small Trading Stalls). In response to a question from a member of the Sub-Committee, Mr Stephenson confirmed that details of the application had been referred to the relevant responsible authorities, including City Centre Management Team and Traffic, Transport and Parking Services, and who had not submitted any representations.
- 5.5 Inglana Saqladi stated that the reason for the application to vary the Static Street Trading Consent was due to her partner having to recover from a medical condition, resulting in him not being able to undertake any physical work, which meant he was not able to lift and fix the existing mobile trailer onto the car, to drive it on and off the site. They had recently purchased a new motorised ice cream van, which Ms Saqladi would be able to drive on and off the site. Ms Saqladi stated that permission for use of the new vehicle would only be for a short period, up to the time when her partner had recovered from his illness.
- 5.6 In response to questions from Members of, and the Solicitor to, the Sub-Committee, Ms Saqladi stated that the proposed trading times were from 11:00 hours to 17:30 hours, seven days a week. She stated that although there would be a requirement for the vehicle's engine to be running during trading, due to the vehicle's high specification, emissions would be kept to a minimum. Clive Stephenson confirmed that the vehicle would have to pass an MOT, which would include an emissions test. Ms Saqladi stated that they had been allowed to trade, using motorised vehicles, when special events had been held in the City Centre. She concluded by confirming that her partner's medical condition had been diagnosed on 21st March 2017, and that he had an appointment at hospital, for a MRI scan, around the middle of July 2017.
- 5.7 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.
- 5.8 Marie-Claire Frankie reported orally, giving legal advice on various aspects of the application.
- 5.9 At this stage in the proceedings, the meeting was re-opened to the public and press and attendees.
- 5.10 RESOLVED: That, following consideration of the information contained in the report now submitted, including the representations now made;
- (a) the application to vary the Static Street Trading Consent at a location in the Peace Gardens, Sheffield 1, be granted for a period of eight weeks (Ref No.

53/17); and

- (b) on receipt of confirmation of the applicant's medical condition, delegated authority be granted to the Chief Licensing Officer, in consultation with the Chair of the Sub-Committee, to extend the period of consent, if required, under the new conditions, for a further maximum period of eight weeks, subject to no objections being received from any of the responsible authorities.

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