

SHEFFIELD CITY COUNCIL

Licensing Sub-Committee

Meeting held 15 May 2018

PRESENT: Councillors Josie Paszek (Chair), Andy Bainbridge and Lisa Banes

.....

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. STREET TRADING - SCHOOLS (ICE CREAM) TRADING CONSENT - BIRLEY COMMUNITY PRIMARY SCHOOL, THORNBRIDGE AVENUE, SHEFFIELD S12 4XF

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 Schools (Ice Cream) Street Trading Consent to trade at Birley Community Primary School, Thornbridge Avenue (Ref No.55/18).

4.2 Present at the meeting were Paul Grayson (Applicant), Councillor Neale Gibson (on behalf of the Applicant), Annemarie Reid (Objector), Clive Stephenson (Licensing Strategy and Policy Officer), Brendan Twomey (Legal Adviser to the Sub-Committee) and Jennie Skiba (Democratic Services).

4.3 Brendan Twomey 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 objections to the application had been received from the Headteacher of Birley Community Primary School and a local resident, and were attached at Appendix 'C' to the report. The Headteacher had been invited to the meeting, but was not present.

4.5 Neale Gibson advised the Sub-Committee that, although is a Councillor, he was representing Paul Grayson in his capacity as his accountant and considered that it was appropriate to declare that interest. Mr. Gibson read out a statement prepared by Paul Grayson

which stated that he had been selling ice cream for around 27 years, at various different location, across the City, and had experienced very few problems. He added that Mr. Grayson was a family man and that, if he lost his licence to trade, his family would be put under financial difficulties. Mr. Gibson further stated that the applicant did not obstruct any part of the highway outside the school or along the road. He stressed that no objections had been received from the Responsible Authorities, including the Licensing Service, who had visited the site. Mr. Gibson then submitted a petition which had been organised by Mr. Grayson containing 221 signatures, expressing support for him to operate at the location. He also produced a letter of support from the former Headteacher of the school where he had previously traded. Mr. Gibson referred to the allegations made by the member of the public stating that Mr. Grayson had intimidated her and had disclosed her address on Facebook, and stated that these were untrue.

- 4.6 In response to questions from Members of the Sub-Committee, Mr. Grayson stated that he occasionally parked up outside the school at 2.55 p.m., but did not start trading until after 3.00 p.m. In describing the area to Members, Mr. Grayson stated that the road was a straight, one-way road, and that he parked on the opposite side of the road away from the school gates and served to the left-hand side so that children were not stood in the road waiting to be served. He said that other people parked on double yellow lines but that he never illegally parked adding that during the day, he parked his car in the space intended for the ice cream van and then moved it so that he could move the van into the space. Mr. Grayson said that he didn't have a food safety rating but did have a good food handling certificate.
- 4.7 Annemarie Reid referred to her letter of complaint attached to the report and stated that, in her opinion, the applicant was not a fit and proper person to hold a licence to serve ice cream outside a school. She said that if on occasion she had parked her car where Mr. Grayson usually parks his van, he was very aggressive, used bad language against her and that many of the other parents were frightened of him due to his temper and abusive language. Mrs. Reid said that she had reported him to the police and could produce a crime incident number. She also stated that she had sent video evidence to the Licensing Service showing Mr. Grayson behaving badly and could have produced it at the hearing, but it wasn't possible, due to a lack of equipment, for the Sub-Committee to have properly viewed it. Mrs. Reid added that the Headteacher had stated that whilst she had had no objection to the previous ice cream seller trading outside the school, she did not want Mr. Grayson trading there.
- 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 Brendan Twomey 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, in the light of the information contained in the report now submitted, and the representations now made, approval be given for the grant of a Schools (Ice Cream) Street Trading Consent at Birley Community Primary School, Thornbridge Avenue (Ref No. 55/18), for a period of 12 months.

DRAFT