

SHEFFIELD CITY COUNCIL

Licensing Sub-Committee

Meeting held 7 March 2019

PRESENT: Councillors David Barker (Chair), Mike Levery and Joe Otten

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1. APOLOGIES FOR ABSENCE

1.1 An apology for absence was received from Councillor Jack Clarkson.

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 - SCHOOLS (ICE CREAM) STREET TRADING CONSENT - BIRLEY PRIMARY ACADEMY, THORNBRIDGE AVENUE

4.1 The Chief Licensing Officer submitted a report to consider an application, under the Local Government (Miscellaneous Provisions) Act 1982, for the variation of a Schools (Ice Cream) Street Trading Consent to trade at Birley Primary School, Thornbridge Avenue, Sheffield, S12 3AB (Ref. No.12/19).

4.2 Present at the meeting were Paul Grayson (Applicant), Councillor Neale Gibson (on behalf of the Applicant), Councillor Denise Fox (on behalf of the Objector), Jayne Gough (Licensing Strategy and Policy Officer), Samantha Bond (Legal Adviser to the Sub-Committee) and Jennie Skiba (Democratic Services).

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

4.4 Jayne Gough presented the report to the Sub-Committee and indicated that the application had been referred to the Sub-Committee on the grounds that the trading hours being applied for were outside the current street trading policy. It was noted that the application had been circulated to the Responsible Authorities and no objections had been received. However, a series of complaints had been received from a local resident since May 2018, copies of which had been included in the agenda circulated prior to the meeting. Ms. Gough confirmed that the complaints had been fully investigated by Enforcement Officers and no breaches of the licence had been found.

4.5 Paul Grayson stated that the reason he had applied for the variation to his Street Trading Consent was due to the fact that the end of school time had changed from

3.00 p.m. to 2.45 p.m. and he would lose business through customers having to wait for an extra 15 minutes. He said that the queues outside his van are always lengthy, he is very popular with the parents and children, had received no complaints about himself or the products he sells, nor has the Headteacher at Birley School raised any objections to him parking outside the school. Councillor Neale Gibson stated that Mr. Grayson had received a substantial amount of harassment from the complainant, who has been asked to stop using social media to make her complaints.

- 4.6 In response to questions from Members of the Sub-Committee, Paul Grayson stated that he had been selling ice cream for around 27 years, at various different locations, across the City, and had experienced very few problems. He explained that although he made his application to vary the licence in September, 2018, it had been necessary to postpone the application due to the engine needing replacing twice, after the first replacement engine had failed.
- 4.7 Jayne Gough outlined 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 Samantha Bond 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, the application to vary the Schools (Ice Cream) Street Trading Consent at the times requested, to trade at Birley Primary School, Thornbridge Avenue, Sheffield, S12 3AB (Ref. No.12/19), be granted.

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