

SHEFFIELD CITY COUNCIL

Licensing Sub-Committee

Meeting held 28 May 2019

PRESENT: Councillors Andy Bainbridge (Chair), Ruth Mersereau and Cliff Woodcraft

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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 - STREET TRADING - STATIC STREET TRADING CONSENT - RUSTLINGS ROAD

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 Rustlings Road (Case No. 51/19).

4.2 Present at the meeting were Andrew Cuneo (Applicant), Samantha Bond (Legal Adviser to the Sub-Committee) and John Turner (Democratic Services).

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

4.4 Samantha Bond, in the absence of an officer from the Licensing Service, presented the report, and it was noted that an objection to the application had been received from a local resident, and was attached at Appendix 'B' to the report. The local resident had been invited to the meeting, but was not in attendance.

4.5 Andrew Cuneo stated that he had one permanent trading site in Endcliffe Park, and that this application was similar to a previous application in respect of the site on the Hunters Bar roundabout, as in he would only be trading from the site on those days when it was particularly busy in the Park. He stated that on certain days of the year, particularly during the summer months, there was an increased

demand on those days when it was particularly busy. He stressed that he would not be trading at this location every day. Mr Cuneo stated that all his trading vans were either Euro 4, 5 or 6 compliant in terms of CO2 emissions. He stated that he used the newest and cleanest vans in the City, and that CO2 emission levels were negligible. In terms of road safety, Mr Cuneo stated that he assumed that any young children wanting an ice cream would be accompanied by an adult. He also stated that, given that there could be three vans trading in the immediate area, they were not expecting long queues.

- 4.6 In response to questions from Members of, and the Legal Adviser to, the Sub-Committee, Mr Cuneo stated that whilst some of the ice cream was kept frozen using battery power, with the battery having been charged the previous night, there was a need to keep the van's engine running in order to maintain the soft ice cream at the correct consistency. He stressed however, that given the current strict conditions regarding CO2 emissions, he did not consider this to be an issue. With regard to the errors on the application form, which had been completed by Mr Cuneo's partner, he confirmed that he did have the legal right to work and live in the UK and that he had never been refused a Street Trading Consent in this or any other area. Mr Cuneo also confirmed that he would park the van on the road, where there were currently no restrictions, and not on the pavement. He confirmed that the van to be used at this location was Euro 4 compliant, and that given the very stringent tests when taken for its MOT, he stated that the engine emissions were very low. Whilst he could not predict the exact number of days the van would trade at this location, on the basis that this would depend on demand on any given day, Mr Cuneo confirmed that he would not be trading from this van every day. He did not consider that having the van at this particular location would create any additional road safety concerns. Mr Cuneo stated that, whilst there would always be a small number of people who complained about applications such as this, he had not received any major complaints during his many years in the business, and would always try very hard to keep everyone happy. The intention was to trade at the location on Rustlings Road, in between its junctions with Peveril Road and Ranby Road, near to the entrance to Endcliffe Park. Mr Cuneo concluded by stating that if there was no suitable and/or safe space to trade from, he would not trade on that day.
- 4.7 Samantha Bond reported on the options available 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, following consideration 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 Rustlings Road (Case No. 51/19) be granted.

(NOTE: Councillor Ruth Mersereau abstained from making a decision on the application, and asked for this to be recorded.)

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