

# SHEFFIELD CITY COUNCIL

## Licensing Sub-Committee

### Meeting held 17 December 2019

**PRESENT:** Councillors Andy Bainbridge (Chair), Adam Hurst and Bob Pullin

.....

#### **1. APOLOGIES FOR ABSENCE**

- 1.1 An apology for absence was received from Councillor Dawn Dale. Councillor Adam Hurst attended the meeting in her 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. LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1972 - STREET TRADING - STATIC STREET TRADING CONSENTS - BOTANICAL GARDENS, CLARKEHOUSE ROAD**

- 4.1 The Chief Licensing Officer submitted reports to consider the renewal of two Static Street Trading Consents outside Botanical Gardens, Clarkehouse Road, following the implementation of a new Traffic Regulation Order at the current consent site.

- 4.2 Present at the meeting were Andrew Cuneo and Inglana Saqlani (Consent Holders), Peter Devoti, Zoe Devoti and Mrs. Heath (Consent Holders), Ben Brailsford (Parking Services Manager), Matthew Lowe (Engineer, Strategic Traffic and Infrastructure), Simon Botterill (Transport Projects Service Manager), 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 informed the Sub-Committee that the site was shared, on different days, by Mr. and Mrs. Cuneo and Mrs Heath and Mrs Vilela and she asked the consent holders whether they were happy for both cases to be heard at the same time, to which they confirmed they were. Ms. Gough presented the reports to the Sub-Committee.

- 4.5 At the meeting of this case held on 14<sup>th</sup> October, 2019, Mr. Cuneo had said that his family had sold ice cream in the city for 150 years and on the site in question for the past 50 years, 18 of those years with a consent to trade and he was well known in the area and had regular customers. He said that one day in May, 2019

he had parked as normal at the site and had received a parking ticket. Although he parked on double yellow lines, he had always been allowed to park at the site by the Licensing Service, and he contacted them to enquire why he should be issued with a parking ticket now. The Licensing Service said they would contact the Highways Department and contact him again. Jayne Gough, on behalf of the Licensing Service had stated at the meeting, that the Service had been unaware of the proposed Traffic Regulation Order (TRO) until Mr. Cuneo had sent the parking ticket to them. Mr. Cuneo said that ice cream pitches were built up over the years and there wasn't anywhere else within the area to move to, so if a compromise could not be reached, there was a threat to the livelihood not only to himself but also to the other consent holder. Jayne Gough stated that the Licensing Authority has no power to override a TRO but the Service would assist the consent holders in finding an alternative site if necessary. The decision taken at that meeting was to defer the matter, subject to a meeting being arranged between the consent holders and officers of the Licensing Service, the Highways Department, Parking Services and the Parks and Countryside Service for agreement to be reached in this case.

- 4.6 Andrew Cuneo said that he would prefer for the case to be deferred pending the outcome of the judicial review which had been undertaken in relation to this case. He reiterated the case regarding the double yellow lines and said that the Chief Licensing Officer had told him that the matter would be sorted out, and that two boxes would be painted on the road for the ice cream vans to park. He said that when the yellow lines were painted, all the relevant Council were aware of the situation and the parking tickets that were issued, had been quashed. Mr. Cuneo said that there had been no communication to himself or the other trader about the Traffic Regulation Order and he had been led to believe that the Licensing Section was unaware of it.
- 4.7 In response, Simon Botterill stated that in terms of Traffic Regulation Orders (TRO) being made, they are legal and enforceable. There were processes in place that so that when a TRO is made, Parking Services were informed so that parking restrictions were enforced and in this particular instance the restriction was "no parking, no waiting". As stated at the earlier meeting, the reason for the TRO was due to information received from South Yorkshire Police about the number of accidents to cyclists that had been reported.
- 4.8 In response, Mr. Cuneo stated that having traded in the area for the number of years that he has, he was aware of the roads where accidents happened, but Clarkehouse Road was not one of them. He added that all the arguments for both parties had been put before this Committee and he was prepared to wait for the High Court ruling.
- 4.9 Jayne Gough reported on the options available to the Sub-Committee.
- 4.10 **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.

- 4.11 Samantha Bond reported orally, giving legal advice on various aspects of the applications.
- 4.12 At this stage in the proceedings, the meeting was re-opened to the public and press and attendees.
- 4.13 RESOLVED: That, following consideration of the information contained in the reports now submitted, and the representations now made, the applications for the renewal of two Static Street Trading Consents for Botanical Gardens, Clarkehouse Road, Sheffield, be refused.

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

**5. LICENSING ACT 2003 - THE HAIRBAND, 625 ECCLESALL ROAD, SHEFFIELD S11 8PT**

- 5.1 The Chief Licensing Officer submitted a report to consider an application, made under Section 17 of the Licensing Act 2003, for the grant of a premises licence in respect of premises known as The Hairband, 625 Ecclesall Road, Sheffield S11 8PT (Case No.122/19).
- 5.2 Present at the meeting were Michael West (Objector), Stewart Gibson (Licence Agent), Wayne Cade (Director, The Hairband UK Limited, Applicant), Jayne Gough (Licensing Strategy and Policy Officer), Samantha Bond (legal adviser to the Sub-Committee) and Jennie Skiba (Democratic Services).
- 5.3 Samantha Bond outlined the procedure which would be followed during the hearing.
- 5.4 Jayne Gough presented the report to the Sub-Committee, and it was reported that representations had been received from seven local residents, and were attached at Appendix "B" to the report.
- 5.5 Michael West stated that he was representing the Botanical Gate Community Association, and his concern was that the staff employed at the premises, were not trained to serve or be responsible for the serving of alcohol. He said that staff could not be expected to control customers who might have drunk too much and possibly take their drinks outside the premises. Mr. West also said that he had safeguarding concerns as children may be present at times when alcohol was being served.
- 5.6 Stewart Gibson said that the hair salon has been there for over 40 years and the reason for the application is to enable alcohol to be sold as part of the hair treatment package for those who wish to buy it. He stated that it would not be the primary purpose of staff to serve alcohol, as with alcohol-led premises. It was envisaged that a glass of wine or prosecco, or occasionally a bottle of beer, may be offered to customers when they are in the chair waiting for their hair/beauty

treatment, in the same way they were offered tea or coffee. The price of the alcohol will be included in the treatment for which the customer has attended and they are unlikely to be given more than one drink as this would not be commercially viable. He stated that staff will be trained and retrained throughout the year and the owner, who will be the Personal Licence Holder and Designated Premises Supervisor, will be in the salon every day. Also, a member of staff will be trained to be a Personal Licence Holder in his absence. Mr. Gibson stated that the premises would be open later until 8.30pm on Tuesday, Wednesday and Thursday evenings, and therefore it was unlikely they would contribute to any noise nuisance or anti-social behaviour.

- 5.7 Jayne Gough outlined the options open to the Sub-Committee.
- 5.8 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.
- 5.9 Samantha Bond reported orally, giving legal advice on various aspects of the application.
- 5.10 At this stage in the proceedings, the meeting was re-opened to the public and press and attendees.
- 5.11 RESOLVED: That, in the light of the information contained in the report now submitted and the representations now made, the Sub-Committee agrees to grant a premises licence in respect of the premises known as The Hairband, 625 Ecclesall Road, Sheffield S11 8PT (Ref No.122/19).

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

## **6. LICENSING ACT 2003 - EARLY BAR, 96 CROOKES, SHEFFIELD S10 1UG**

- 6.1 It was noted that an application for the grant of a Premises Licence, made under Section 17 of the Licensing Act, 2003, in respect of the premises known as Early Bar, 96 Crookes, Sheffield, S10 1UG, had been received and subsequently withdrawn from consideration as the objection to the application had been resolved after the agenda for the meeting had been published.