

MEETING OF THE LICENSING SUB-COMMITTEE

held 16th February 2012

PRESENT: Councillors John Campbell (Chair), Jenny Armstrong and Philip Wood

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1. WELCOME AND HOUSEKEEPING ARRANGEMENTS

- 1.1 The Chair welcomed attendees to the meeting and outlined basic housekeeping and fire safety arrangements.

2. APOLOGIES FOR ABSENCE

- 2.1 There were no apologies for absence received. Councillor Ian Saunders attended the meeting as reserve Member but was not required to stay.

3 EXCLUSION OF PUBLIC AND PRESS

- 3.1 **RESOLVED:** That the public and press be excluded from the meeting before discussion takes place on the item of business to be considered on the grounds that, if the public and press were present during the transaction of such business, there would be a disclosure to them of exempt information as described in paragraphs 1 and 2 of Schedule 12A to the Local Government Act 1972, as amended.

4. LICENSING ACT 2003: PERSONAL LICENCE APPLICATION

- 4.1 The Chief Licensing Officer submitted a report to consider an application for a Personal Licence made under Section 117 of the Licensing Act 2003.
- 4.2 Present at the meeting were Andy Ruston (Licensing Officer), Marie-Claire Frankie (Solicitor to the Sub-Committee), Gillian Capewell (Democratic Services), Andrea Marsden (South Yorkshire Police) and the Personal Licence applicant.
- 4.3 The Solicitor to the Sub-Committee outlined the procedure which would be followed during the hearing.
- 4.4 Andy Ruston presented the report to the Sub-Committee and it was noted that a representation had been received from South Yorkshire Police.
- 4.5 Andrea Marsden addressed the Sub-Committee, outlining the previous offence and conviction committed by the applicant, and concerns that the full rehabilitation period had not yet been completed.
- 4.6 The applicant then addressed the Sub-Committee, stating that she felt she had been sufficiently rehabilitated, that she deeply regretted the crime she had committed, and that she wished to progress in her current job by

gaining a Personal Licence. She added that the management at her current job were fully supportive of this progression, and that they were aware of her criminal record.

- 4.7 **RESOLVED:** That the attendees involved in the application for a personal licence 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 The Licensing Solicitor 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 attendees.
- 4.10 **RESOLVED:** That the application for the personal licence be granted in the terms now requested (case number 15/12).

5. **LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982**

5.1 **Oliver Coppard – Street Trading Consent (Mobile)**

5.2 The Chief Licensing Officer submitted a report to consider an application for a street trading consent to trade in the City Centre. Present at the meeting were Kathy Stockdale (Licensing Officer), Marie-Claire Frankie (Solicitor to the Sub-Committee) and Gillian Capewell (Democratic Services).

5.3 **RESOLVED:** That the application be deferred to allow the applicant the opportunity to attend the hearing.

5.4 **Abdul Latif – Street Trading Consent (Mobile)**

5.5 The Chief Licensing Officer submitted a report to consider a review of a Street Trading Consent (mobile). Present at the meeting were Kathy Stockdale (Licensing Officer), Marie-Claire Frankie (Solicitor to the Sub-Committee), Gillian Capewell (Democratic Services), Abdul Latif (licence holder), Shamsul Dayan (brother of Mr. Latif) and Councillor Robert Murphy (Local Councillor, Central Ward)

5.6 The Solicitor to the Sub-Committee outlined the procedure which would be followed during the hearing.

5.7 Kathy Stockdale presented the report to the Sub-Committee and it was noted concerns had been raised by Licensing Officers, Ward Councillors and local traders about the conduct of Mr. Latif with regard to his mobile street trading consent and operating conditions. Mr. Latif had previously received several verbal warnings and a formal caution which he had signed, having accepted that he was breaching his consent conditions, and the latest breach had meant he had been called to attend the Licensing Sub-

Committee.

- 5.8 Councillor Murphy addressed the Sub-Committee, commenting that he had received complaints from the traders around the Glover Road area of shops that Mr. Latif had been trading for much longer than the 15 minutes set out in his consent, and that as a consequence, the trade of the local shops was suffering. Complaints had also been received that Mr. Latif had been selling eggs, when his consent stated that he was only allowed to sell fruit and vegetables.
- 5.9 Councillor Murphy had conducted a visit to the area and had discovered that the vehicle which Mr. Latif traded from had been parked in one spot for over an hour, and that there were piles of empty boxes stacked on the pavement, which indicated that he had stayed in the one position a good time longer than the permitted 15 minutes.
- 5.10 Councillor Murphy added that Mr. Latif had been warned by Licensing Officers and also approached by local shopkeepers to point out that his conduct was inappropriate but that he had not heeded these warnings.
- 5.11 Mr. Latif then addressed the Sub-Committee, stating that since he had received the caution, he had had no complaints, and he had been abiding by his consent conditions. He stated that it was often difficult to move on after 15 minutes of trading, as a queue of potential customers had built up. He stated that he was trying to comply with his conditions but this was sometimes difficult.
- 5.12 He described a typical day at work, stating that he often took different routes and served different areas of the City. He added that he only sold fruit and vegetables and that he had never sold eggs. He also emphasised that he did not sell his wares near to shops, and he was aware that he had to keep a certain distance from shops selling similar products.
- 5.13 **RESOLVED:** That the public and press and attendees involved in the application for review 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.
- 5.14 The Licensing Solicitor reported orally, giving legal advice on various aspects of the application.
- 5.15 At this stage in the proceedings, the meeting was re-opened to the public and press and attendees.
- 5.16 **RESOLVED:** That the Street Trading Consent (mobile) held by Mr. Abdul Latif be revoked with immediate effect.

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