

# SHEFFIELD CITY COUNCIL

## Licensing Sub-Committee (Regulatory)

### Meeting held 16 August 2022

**PRESENT:** Councillors David Barker (Chair), Abdul Khayum and George Lindars-Hammond

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

1.1 No apologies for absence were received.

#### **2. EXCLUSION OF PUBLIC AND PRESS**

2.1 RESOLVED: That the public and press be excluded from the meeting before discussion takes place on item 6 on the agenda (item 5 of these minutes) 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.

#### **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**

4.1 The Chief Licensing Officer submitted a report to consider an application, under the Local Government (Miscellaneous Provisions) Act 1982, to renew a Schools (Ice Cream) Street Trading Consent to trade at Birley Primary School, Thornbridge Avenue, Sheffield, S12 3AB (Ref. No.103/22).

4.2 Present at the meeting were Paul Grayson (Applicant), Councillor Neale Gibson (on behalf of the Applicant), Emma Rhodes-Evans (Licensing Enforcement and Technical 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 Emma Rhodes-Evans presented the report to the Sub-Committee stating that the applicant had submitted a renewal application of a Schools (Ice Cream) Street Trading Consent on 9<sup>th</sup> May, 2022 which had been circulated to the relevant

Responsible Authorities and the Headteacher of the School. Ms. Rhodes-Evans stated that three objections had been received against the renewal application and these were attached at Appendix "B" to the report.

- 4.5 Neale Gibson, on behalf of the applicant, referred to a petition that had been sent to Licensing Services signed by local residents and the parents of the child involved in a road traffic accident, who had run in front of the parked ice cream van and was in collision with a car. He said the petition contained 160 signatures, asking that the applicant be allowed to continue to park outside the school. Mr. Gibson referred to the objections that had been received stating that the applicant's vehicle added to the congestion around the area and the safety of pupils leaving school. He refuted this, stating that Thornbridge Road was a one-way street with double yellow lines on the opposite side of the road to where the applicant parked. Mr. Gibson referred to the photograph on page 21 of the report, which showed that drivers of oncoming vehicles should clearly be able to see customers at the ice cream van and be aware of pedestrians on the footpath on that side of the road. He said that the road led into a housing estate and felt that if it were considered that a crossing be laid outside the school, the Highways Department would have installed one. The applicant, Mr. Grayson, said that the mum of the child involved in the accident had approached him stating that he was in no way responsible for the accident, that her son had been playing and had run out into the road and she felt that the accident was her fault, not his.
- 4.6 In response to questions from Members of the Sub-Committee, Paul Grayson said that he had traded outside the school for the past six or seven years and prior to that, another vendor had traded there for more than 30 years without complaint. He said that if he didn't park where he did on a daily basis, another vehicle, either car or large van, would park there. Paul Grayson said that once served, his customers would walk along the same side of the road to the nearby estate or to catch a bus. Neale Gibson said that there wasn't a better place to park as there were a number of cul-de-sacs further along Thornbridge Road and people only travelled along the road to access either the school or the estate. He said that the headteacher of the school had previously objected to an ice cream van being parked outside the school and continued to do so on the grounds that it added to the congestion on a very busy road, but as can be seen from the number of emails included within the report and comments on social media, local residents very much supported the ice cream van being parked on Thornbridge Road. Neale Gibson said that the police had visited the area twice to see if there was a better place for the vehicle to park but hadn't identified a more suitable location.
- 4.7 In summary, Neale Gibson said that there was strong support from the community as they considered Paul Grayson to be an asset to the area. He said there had been an ice cream van situated outside the school for almost 40 years and there had been no objections from South Yorkshire Police or the Highways Department. He said that the road traffic accident had been a one-off incident which could in no way be attributed to Mr. Grayson.
- 4.8 At this point in the proceedings, Emma Rhodes-Evans outlined the options available to the Sub-Committee.

- 4.9 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.
- 4.10 Samantha Bond reported orally, giving legal advice on various aspects of the application.
- 4.11 At this stage in the proceedings, the meeting was re-opened to the public and press and attendees.
- 4.12 RESOLVED: That in the light of the information contained in the report now submitted, and the representations now made, (a) approval be given for the grant of a Schools (Ice Cream) Street Trading Consent at Birley Community Primary School, Thornbridge Avenue, Sheffield S12 3AB (Ref No. 103/22), as applied for and (b) in recognition of the road safety concerns that have been raised by the objectors, requests the Highways Service to assess the road.

## **5. HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING - INDIVIDUAL CASES**

- 5.1 The Chief Licensing Officer submitted details in respect of two cases relating to hackney carriage and private hire licensing.
- 5.2 The applicant in Case No.117/22 attended the hearing and addressed the Sub-Committee.
- 5.3 The applicant in Case No.118/22 attended the hearing and addressed the Sub-Committee.
- 5.4 RESOLVED: That, after consideration of the information contained in the case papers, and the information now reported and, where relevant, circulated either prior to the meeting, but after publication of the agenda, or at the meeting, the cases now submitted be determined as follows:-

<u>Case No.</u>	<u>Licence Type</u>	<u>Decision</u>
117/22	Application to Extend a Private Hire Vehicle Licence	Extend the licence for 12 months as applied for, on the grounds that the applicant has provided sufficient evidence to convince the Sub-Committee that there are exceptional reasons to deviate from the current policy on the age limit of vehicles.
118/22	Application for the renewal of a Hackney Carriage and Private	Grant a licence for 12 months as applied for, but the applicant be issued with a written warning with regard to his

Hire Driver's Licence future conduct, with such warning to remain live for the term of the licence.