

SHEFFIELD CITY COUNCIL

Licensing Sub-Committee

Meeting held 11 June 2013

PRESENT: Councillors Clive Skelton (Deputy Chair), David Barker and Neale Gibson

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1. APOLOGIES FOR ABSENCE

1.1 An apology for absence was received from the Chair (Councillor John Robson).

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 4 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 - STREET TRADING - MOBILE STREET TRADING FOR FRUIT/VEGETABLES AND OTHER TRADERS

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 Mobile Street Trading Consent (Fruit/Vegetables and Other Traders) (Case No. 34/13). The report indicated that consideration of the application had been deferred at a meeting of this Sub-Committee held on 23rd May 2013, at the request of the Chair, to enable the Police to attend and provide evidence relating to the case.

4.2 Present at the meeting were the Applicant, Benita Mumby (South Yorkshire Police Licensing, Objector), Andy Ruston (Senior Licensing Officer), Louise Slater (Solicitor to the Sub-Committee) and John Turner (Democratic Services).

4.3 Louise Slater 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 representations had been received from South Yorkshire Police, and were attached at Appendix 'B' to the report.

4.5 Benita Mumby reported on the representations made by South Yorkshire Police, referring specifically to the applicant's offences and convictions. She stated that, as well as the more recent convictions, the applicant also had other historical

convictions, which showed that he had a propensity for crime. The applicant had also failed to disclose any of these convictions on his application and for these reasons, the Police did not feel that he was a fit and proper person to hold a Mobile Street Trading Consent.

- 4.6 The applicant addressed the Sub-Committee, stating that he accepted that he had made mistakes in the past, which he regretted and for which he had paid for. He argued that such offences had not been taken into consideration as part of his application made last year. He stated that the nature of his most recent convictions would not affect his ability to run the business. The applicant also responded to a number of questions raised by Members of the Sub-Committee, Benita Mumby and Louise Slater.
- 4.7 Andy Ruston reported on the options open to the Sub-Committee.
- 4.8 RESOLVED: That the 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 Louise Slater 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 attendees
- 4.11 RESOLVED: That the application for the Mobile Street Trading Consent (Fruit/Vegetables and Other Traders) be rejected on the grounds of the representations now made, specifically the number and nature of the offences and convictions now reported, together with the responses to the questions raised (Case No. 34/13).