

Licensing and Appeals Committee

Minutes of the meeting held on 11 January 2016

Present

Councillor Longsdon (in the Chair)
Councillors Barrett, Evans, Grimshaw, Hughes, Loughman, Ludford, Monaghan and Stone.

Apologies

Councillors Austin, S. Judge and Royle.

LAP/16/1 Minutes

The minutes of the meeting on 30 November 2015 were submitted for consideration as a correct record.

Decision

To approve as a correct record the minutes of the meeting held on 30 November 2015.

LAP/16/2 Safety Advisory Group Annual Report

The Committee considered a report of the Head of Planning, Building Control and Licensing. This report provided an overview of the key issues considered by the Safety Advisory Group (SAG) in respect of football matches at the Etihad Stadium during the 2014/2015 football season.

The Principal Licensing Officer presented the report and provided a verbal update that the SAG were intending to increase their remit to include sporting and other events at the FC United Stadium in Broadhurst Park, Moston, and the National Speedway Stadium at Belle Vue.

The Committee expressed concern that a new Taxi Rank had been positioned on the access route for emergency vehicles and requested clarification as to the justification for this. The Head of Planning, Building Control and Licensing told the Committee that this was as a result of a Section 106 agreement that had been part of the original planning permission.

The Committee requested more detailed information about access and egress arrangements at the Stadium, and the process that had been followed to make the decision to site the new Taxi Rank in its current location. The Committee commented that the decision to site the Taxi rank at its current location could have been brought before the Committee before the final decision was made. The Committee asked that the locations of any taxi ranks or any other matter impacting on access/egress was considered at the SAGs

Decision

To note the report.

LAP/16/3 Update on ongoing work to address Pedlars

The Committee considered a report of the Director of Neighbourhoods. The report provided an overview of an initiative that had taken place between 25 July and 20 December 2015 to address illegal street trading and other street based activity on Market Street and the surrounding area.

This followed increasing concerns raised in early summer about the numbers of Pedlars on Market Street and the work initially instigated by the Pedlar Sub Group.

The Strategic Lead for Compliance and Community Safety presented the report to the Committee and said that this had been a 6 month initiative to address the problems of Pedlars in the City Centre. The Committee were told that although the situation was still not ideal, matters had improved considerably as a result of this initiative.

The Committee commented that while they had noted the initial improvements, the situation had deteriorated during December. The Strategic Lead for Compliance and Community Safety explained that this was as a result of pedlars coming to the City Centre from other locations, such as Blackpool, to take advantage of the trade available around the Christmas Markets. She confirmed that all the pedlars who travelled in had valid certificates.

The Committee were also told that there is no finite limit on the number of pedlar certificates that the various police forces can issue, as the certificates are designed to allow pedlars to trade as they travel around.

The Committee commented on the disparity between the police forces who issue the certificates and take the fee for that, and the Local Authorities who are expected to bear the financial burden of enforcement action. The Committee were told that Central Government is currently being lobbied on this issue, in an attempt to change the law on pedlars and how they are certified, as the law is outdated and no longer fit for purpose. In the interim it was acknowledged that communication between the Local Authority and the Police must be improved to prevent pedlars being re-certified when their certificates are revoked for breaching the terms of their certificates.

In the interim period, the Committee discussed whether the law could be used to the advantage of the City Council, for example preventing pedlars from trading if they are proven to have travelled to their place of trade other than on foot, which would be a contravention of the 1871 Pedlars Act. The Strategic Lead for Compliance and Community Safety agreed that this could be considered.

Decision

To note the report.

LAP/16/4 Exclusion of the public

The Committee considered a report of the Head of Planning, Building Control and Licensing.

The Committee considered that the following items of business contained confidential information as provided for in the Local Government Access to Information Act and that the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

Decision

To exclude the public.

LAP/16/5 Application for a New Private Hire Vehicle

The Committee considered the representation made by the applicant and also his trade representative. The Committee took into account the personal reasons for the applicant's requirement for a wheelchair accessible vehicle and also accepted that these vehicles may be more difficult to source than standard vehicles. The Committee also took account of the fact that the applicant had made a significant saving of £4000 on the price of this vehicle which was a significant factor in his reason for purchasing this vehicle.

In the circumstances the Committee considered that the vehicle could be resprayed in order to comply with the policy and in order to ensure that the vehicle is the same colour as other private hire vehicles licensed by Manchester City Council. If the vehicle was silver or white this would ensure that members of the public in Manchester would recognise the vehicle as a private hire vehicle licensed by the City Council and therefore public safety would be safeguarded.

The Committee also considered the provisions of the Equality Act and considered that there is currently provision for disabled residents who require a wheel chair accessible vehicle to have access to Hackney Carriages who will attend at their homes and some of the companies who provide this service work throughout the night.

Therefore in all the circumstances the Committee considered that the application for the vehicle in its present colour should be refused as they did not consider that there were sufficient exceptional circumstances to justify a departure from the policy.

Decision

To refuse to grant the application.