



Licensing and Appeals Sub Committee Hearing Panel

Date: Monday, 2 September 2019

Time: 10.00 am

Venue: Council Antechamber - Level 2, Town Hall Extension

Everyone is welcome to attend this committee meeting.

Access to the Council Antechamber

Public access to the Council Antechamber is on Level 2 of the Town Hall Extension, using the lift or stairs in the lobby of the Mount Street entrance to the Extension. That lobby can also be reached from the St. Peter's Square entrance and from Library Walk. **There is no public access from the Lloyd Street entrances of the Extension.**

Membership of the Licensing and Appeals Sub Committee Hearing Panel

Councillors - Jeavons, Lynch and Stone

Agenda

1. Urgent Business

To consider any items which the Chair has agreed to have submitted as urgent.

2. Appeals

To consider any appeals from the public against refusal to allow inspection of background documents and/or the inclusion of items in the confidential part of the agenda.

3. Interests

To allow Members an opportunity to [a] declare any personal, prejudicial or disclosable pecuniary interests they might have in any items which appear on this agenda; and [b] record any items from which they are precluded from voting as a result of Council Tax/Council rent arrears; [c] the existence and nature of party whipping arrangements in respect of any item to be considered at this meeting. Members with a personal interest should declare that at the start of the item under consideration. If Members also have a prejudicial or disclosable pecuniary interest they must withdraw from the meeting during the consideration of the item.

4. Exclusion of the Public

The officers consider that the following item or items contains exempt 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. The Committee is recommended to agree the necessary resolutions excluding the public from the meeting during consideration of these items. At the time this agenda is published no representations have been that this part of the meeting should be open to the public.

5. Application for a Street Trading Consent for SB Car Seat Covers Ltd

The report of the Director of Planning, Building Control and Licensing is enclosed.

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Information about the Committee

The Licensing and Appeals Committee fulfills the functions of the Licensing Authority in relation to the licensing of taxi drivers.

A procedure has been agreed which governs how the Panel will consider such applications.

Decisions made by the Panel will be under delegated authority and will not require to be referred to the Council for approval. Meetings are controlled by the Chair, who is responsible for seeing that the business on the agenda is dealt with properly.

Copies of the agenda are published on the Council's website. Some additional copies are available at the meeting from the Governance Support Officer.

The Council is concerned to ensure that its meetings are as open as possible and confidential business is kept to the strict minimum. When confidential items are involved these are considered at the end of the meeting at which point members of the public are asked to leave.

Smoking is not allowed in Council buildings.

Joanne Roney OBE
Chief Executive
Level 3, Town Hall Extension,
Albert Square,
Manchester, M60 2LA

Further Information

For help, advice and information about this meeting please contact the Committee Officer:

Andrew Woods
Tel: 0161 234 3011
Email: andrew.woods@manchester.gov.uk

This agenda was issued on **Thursday, 22 August 2019** by the Governance and Scrutiny Support Unit, Manchester City Council, Level 3, Town Hall Extension (Mount Street Elevation), Manchester M60 2LA

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**Manchester City Council
Report for Resolution**

Report to: Licensing & Appeals Sub-Committee – 2 September 2019

Subject: Application for a Street Trading Consent

Report of: Director of Planning, Building Control and Licensing

Summary

The Licensing & Appeals Committee approved the Street Trading Policy without modification on 28 November 2011. The policy included the provision that Street Trading Licence and Consent applications, which attract objections, shall be considered by a Licensing & Appeals Sub-Committee.

Appeals from this Sub-Committee in relation to Street Trading Consent applications will be considered by the full Licensing & Appeals Committee.

Appeals in relation to Street Trading Licence applications will be considered by Manchester Magistrates Court, as provided by Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982.

Recommendations

That the Sub-Committee consider the application for a street trading consent, having regard to the information contained within the report, any information provided at the hearing.

Wards Affected: Cheetham

Contact Officers:

Name:	Julie Roscoe	Fraser Swift
Position:	Head of Planning, Building Control and Licensing	Principal Licensing Officer (Premises)
Email:	j.roscoe@manchester.gov.uk	f.swift@manchester.gov.uk
Telephone:	0161 234 4552	0161 234 1176

Background documents (available for public inspection):

- Local Government (Miscellaneous Provisions) Act 1982 (Schedule 4)
- Statement of Policy and Guidelines Relating to the Relevance of Convictions for Street Trading Licence and Consent Applications (effective from 9 May 2012)

1 Introduction

- 1.1 The Sub-Committee are requested to consider the application made by Mr Depak Anand for a street trading consent. This application for a street trading consent has been brought before the Sub-Committee for consideration because the application has attracted an objection. Details of the objection received are given in section 3.3 below.
- 1.2 The application is for a stall proposed to be located in a private car park off Russell Street M8 8FJ. This area is not currently designated as a prohibited street in relation to street trading, nor is it a licence street and an application for a street trading consent can therefore be considered.
- 1.3 The legislation provides a right of appeal to the Magistrates Court in respect of a decision by the Council not to grant or to refuse to renew a street trading licence.
- 1.4 The legislation does not provide for a statutory right of appeal to the Magistrates Court in respect of any decision made in relation to a street trading consent. Any appeal therefore can be made to the full Licensing and Appeals Committee.

2 Application for a Street Trading Consent

- 2.1 On 02/07/2019 Mr Depak Anand submitted an application for a street trading consent, trading as SB Car Seat Covers Ltd. The application is attached at **Appendix 1**. The location map and photograph are attached at **Appendix 2**.
- 2.2 The requested trading hours for this application are: Sunday, 8am to 6pm.
- 2.3 The requested goods for this application are: Car seat covers and car mats.
- 2.4 The applicant shall be trading from: Stall

3 Objections

- 3.1 The Licensing Unit has received an objection from the following –
 - (a) North Neighbourhood Team
- 3.2 The objection is included in its original form in **Appendix 3**.
- 3.3 The main points of the objection are summarised as follows –
 - Concerns are raised about street parking and traffic congestion in the area where the stall would be located. Nearby streets nearby are narrow and an increase in traffic will increase congestion and potential illegal parking in the area.

- The Neighbourhood team already face a “significant challenge” with littering and fly-tipping in the area and would want reassurances from the trader that his business will not add to the existing problems.
- The Neighbourhood team question whether the stall is going to be installed and taken down each Sunday or kept on site as a permanent installation, and whether planning permission would be needed. Any permanent structure would be strongly objected to.

4 Legal Considerations

- 4.1 This section relates to legislation and other legal issues, which shall be taken into consideration by the Sub-Committee when making their decision.

Decision

- 4.2 The decision maker will make their decision in accordance with the rules of natural justice, ensuring that the hearing is fair to all parties and that there is no bias, perception or pre-determination.

Human Rights Act

- 4.3 Article 1 of Protocol 1 of the European Convention of Human Rights confers on individuals (and companies) the Right to Peaceful Enjoyment of their Possessions and the Protection of Property.
- 4.4 A Licence is a possession.
- 4.5 No one can be deprived of their property or have controls put on his/her property except where the action is permitted by law and justifiable in the public or general interest.
- 4.6 When considering matters relating to the grant, revocation, renewal or refusal of licences and the placing of conditions on licences, the Sub-Committee must consider whether the decision affects an individual, group or company’s Human Rights as set out in the Convention and if it does, whether the interference with those rights is permissible by reason of the justifications set out in the Convention. In addition consideration must be given to whether the interference is proportionate to the general purpose.

The conduct of the hearing

- 4.7 Manchester City Council will determine the conduct of the hearing. The decision maker should be able to adjourn the hearing if, in his/her opinion, he/she considers that it is appropriate to do so. In deciding whether to adjourn the hearing, and if so for how long, the decision maker’s overriding objective should be that the applicant is made fully aware of any objections or other relevant information in relation to his application and that he has a proper opportunity to prepare and present his case.

The right to legal representation

- 4.8 A person is entitled to have legal representation or be accompanied by a legal advisor or friend.

The decision and the reasons for it

- 4.9 Reasons for a decision should be given either at the hearing or as soon as practicable after the hearing.

Manchester City Council Act 2010

- 4.10 The Manchester City Council Act extends the definition of street trading to include:

- (a) The supplying of or offering to supply any service in a street for gain or reward.
- (b) Services can now be included in any application for a street trading authorisation

Crime and Disorder Act 1998 Section 17

- 4.11 The contents of this report have been considered in the context of the requirements placed on the Council by Section 17 of the Crime and Disorder Act 1998, namely, the duty on the Council to exercise its functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its area. It is not considered that the contents of this report have any such effect.

Relevant extract from Local Government (Miscellaneous Provisions) Act 1982 (Schedule 4)

- 7(1) An application for a street trading consent or the renewal of such a consent shall be made in writing to the district council.
- (2) Subject to sub-paragraph (3) below, the council may grant a consent if they think fit.
- (3) A street trading consent shall not be granted —
- (a) to a person under the age of 17 years; or
 - (b) for any trading in a highway to which a control order under section 7 of the Local Government (Miscellaneous Provisions) Act 1976 is in force, other than trading to which the control order does not apply.
- (4) When granting or renewing a street trading consent the council may attach such conditions to it as they consider reasonably necessary.
- (5) Without prejudice to the generality of sub-paragraph (4) above, the conditions that may be attached to a street trading consent by virtue of that sub-paragraph include conditions to prevent —
- (a) obstruction of the street or danger to persons using it; or
 - (b) nuisance or annoyance (whether to persons using the street or otherwise).
- (6) The council may at any time vary the conditions of a street trading consent.
- (7) Subject to sub-paragraph (8) below, the holder of a street trading consent

- shall not trade in a consent street from a van or other vehicle or from a stall, barrow or cart.
- (8) The council may include in a street trading consent permission for its holder to trade in a consent street—
- (a) from a stationary van, cart, barrow or other vehicle; or
- (b) from a portable stall.
- (9) If they include such a permission, they may make the consent subject to conditions —
- (a) as to where the holder of the street trading consent may trade by virtue of the permission; and
- (b) as to the times between which or periods for which he may so trade.
- (10) A street trading consent may be granted for any period not exceeding 12 months but may be revoked at any time.
- (11) The holder of a street trading consent may at any time surrender his consent to the council and it shall then cease to be valid.

Other Legal Implications

- 4.12 At the time of writing there are no issues that the City Council Solicitor considers need to be brought to the specific attention of the Sub-Committee, other than those highlighted in the report. Any issues that subsequently arise will be brought to the attention of the Sub-Committee at the hearing.

Recommendations

- 4.13 The Sub-Committee is requested to consider the application for the grant of the street trading consent, having regard to the information contained within the report and any information provided at the hearing, with regard to the options below:
- 4.14 The Council may grant the consent if they see fit. When granting the consent:
- (a) it may be granted for a period not exceeding 12 months; and
- (b) such conditions may be attached to it as the Council considers reasonably necessary; including any conditions to prevent obstruction of the street or danger to persons using it, or nuisance or annoyance (whether to persons using the street or otherwise).
- 4.15 The Council may refuse the application.

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By virtue of paragraph(s) 3 of Part 1 of Schedule 12A
of the Local Government Act 1972.

Document is Restricted

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MANCHESTER
CITY COUNCIL

Premises Licensing Team
Telephone: +44 (0)161 234 5004
premises.licensing@manchester.gov.uk
Level 1 Town Hall Extension, Albert Square, PO Box 532, M60 2LA

Local Government (Miscellaneous Provisions) Act 1982

Application for a new Street Trading Licence or Consent or to renew an existing Street Trading Licence or Consent

RECEIVED

21 JUN 2019

PREMISES TEAM

- Please complete all sections of the form.
- All applicants must sign and date the form.
- Submit the application to the Licensing Business Unit at the above address.
- If you are applying to renew an existing licence or consent but want to change the location, the trading hours or the type of goods being sold, you may need to make a new application – please contact the Licensing Business Unit for advice before submitting the application.

SECTION A

Please indicate the type of application you want to make by ticking the appropriate box below -	
I want to apply for a new street trading licence:	<input checked="" type="checkbox"/>
I want to apply for a new street trading consent:	<input type="checkbox"/>
I want to renew an existing street trading licence:	<input type="checkbox"/>
I want to renew an existing street trading consent:	<input type="checkbox"/>
Current licence/consent number:	

SECTION B - PERSONAL DETAILS – 1st Applicant

Surname	ANAND				
First Name(s)	DEEPAK KUMAR				
Home Address	[REDACTED]				
	Postcode	[REDACTED]			
Date of Birth	[REDACTED]	National Insurance No.	[REDACTED]		
Home Telephone No.	[REDACTED]	Mobile Telephone No.	[REDACTED]		
Email address					
Has the above applicant ever been refused a Street Trading Licence or Consent by this or any other local authority?	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	If yes, give dates and details below
		2019			

SECTION C - PERSONAL DETAILS – 2nd Applicant (if applicable)

Surname					
First Name(s)					
Home Address					
		Postcode			
Date of Birth		National Insurance No.			
Home Telephone No.		Mobile Telephone No.			
Email address					
Has the above applicant ever been refused a Street Trading Licence or Consent by this or any other local authority?	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	If yes, give dates and details below

If there are more than 2 applicants please use a separate sheet.

SECTION D - TRADING DETAILS

Trading Name (if applicable):	SB CAR SEAT COVERS LTD
Street name and <u>precise</u> location on the street where trading will take place (fixed location trading): Please describe exactly where on the street the trading unit is located; e.g. 'on the corner of...', 'next door to...', 'adjacent to...' etc. You may want to include a map to illustrate the location.	
Streets where trading will take place (mobile trading): Please list all streets where you wish to trade. Use a separate sheet if necessary. If renewing a licence or consent, and the streets in which you trade have not changed, just state 'same as last year', and add any additional streets. Use a separate sheet if necessary.	PRIVATE CAR PARK, OFF RUSSELL STREET, M8 8 FJ
Do you wish to trade all year round?	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
If 'No', please state what times of year you wish to trade (e.g. Christmas or over Bank Holiday weekends etc):	

SECTION E - TRADING DAYS & TIMES (state the times you wish to trade each day)

Day	Times			
	AM		PM	
	Start	Finish	Start	Finish
Example:				
Monday	0800	1200	1300	1500
Monday			1900	2100
Tuesday				
Wednesday				
Thursday				
Friday				
Saturday				
Sunday	8.00			6.00 PM

N/A

SECTION F - GOODS TO BE SOLD (Please give details of all items to be sold)

Example: Confectionary	sweets, crisps, chocolate
Ice Cream	
Confectionary	
Fresh Fruit/Vegetables	
Flowers	
Hot Drinks	
Cold Drinks	
Wet and Dry Fish	
Seafood	
Cold Food	
Hot Food	Tick all boxes that apply Baked Potatoes <input type="checkbox"/> Fish/Chips <input type="checkbox"/> Kebabs <input type="checkbox"/> Curry <input type="checkbox"/> Burgers <input type="checkbox"/> Hot Dogs <input type="checkbox"/> Kebabs <input type="checkbox"/> Fried Chicken <input type="checkbox"/> Crepes/Pancakes/Doughnuts etc <input type="checkbox"/> Sausages/bacon/eggs etc <input type="checkbox"/> Other (please state below) <input type="checkbox"/>
Other – please specify	CAR SEAT COVERS + CAR MATS

SECTION G - DETAILS OF FOOD BUSINESS REGISTRATION

Please Note: To store, prepare, distribute or sell food on any premises the business should be registered with the local authority where the trading unit is usually kept.	
Do you intend to trade in any food items?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
If yes, please give details of the local authority where the business is registered:	
Local Authority Name:	
Local Authority Address:	
Registration Reference:	
Date first Registered:	

SECTION H - TRADING UNIT DETAILS – please submit 3 x photographs with your application showing the front, rear and side views of the trading unit. *Note for existing traders:* photographs are not required if you are renewing a licence or consent and the appearance of the trading unit has not changed in any way.

Type of trading unit:	Mobile Catering Unit <input type="checkbox"/> Ice Cream Van <input type="checkbox"/> Stall <input checked="" type="checkbox"/> Barrow <input type="checkbox"/> Cart <input type="checkbox"/> Other (please state) <input type="checkbox"/>
Vehicle Registration (if applicable):	
Colour(s) of trading unit:	
Trading unit measurements:	Height: <u>2</u> mtrs <u>00</u> cms Width: <u>3</u> mtrs <u>00</u> cms Length: <u>7</u> mtrs <u>00</u> cms

This is the stall size applied for however the applicant has indicated that he would be willing to negotiate on reducing the stall size if this would be more acceptable

SECTION I – ASSISTANT DETAILS (all assistants must wear a badge issued by the Licensing Premises Team; there is an additional charge of £11 per badge and the applicant must include a passport-sized photograph of each assistant with this application)

Important note for existing traders – if assistants already have a badge issued by the Licensing Premises Team there is no need to apply for a new one when renewing the licence or consent. Please complete the details below and indicate whether a badge is required or not.	
Do you intend to engage assistants?	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
If yes, please state how many:	<u>One</u>

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A full list of every street in which you intend to trade (for ice cream or other mobile trading applications):	<input type="checkbox"/>
A passport-sized photograph of each applicant for the licence and of each assistant named in the application (where a badge is required):	<input checked="" type="checkbox"/>
Three colour photographs of the trading unit illustrating the front, rear and side views of the unit:	<input checked="" type="checkbox"/>
Written permission from the landowner (only applicable where the location is private land):	<input checked="" type="checkbox"/>
Written details of the proposed arrangements for the storage, collection, removal and disposal of refuse:	<input checked="" type="checkbox"/>
<p>The following documents do not need to be submitted with an application for a new licence or consent but must be submitted and verified prior to the licence or consent being granted.</p> <p>These items <u>must</u> be submitted with an application to <u>renew</u> an existing licence or consent:</p>	
A copy of the certificate of insurance covering third party and public liability risks:	<input checked="" type="checkbox"/>
Written permissions/certificates relating to advertisements, power source or generator (where applicable):	<input type="checkbox"/>
A copy of the food business registration certificate, where applicable. Please note; registration is with the local authority where the trading unit is usually kept:	<input type="checkbox"/>

Please ensure you have read and understood the guidance notes particularly with regard to prohibited streets - applications for licences and consents in prohibited streets cannot be accepted.

Declaration and signature(s):

Please note, it is a criminal offence, for which you may be prosecuted, if you knowingly make a false statement or omit any information from this application.

I declare that to the best of my knowledge and belief, the answers given herein are true. I understand that if I knowingly or recklessly make a false statement or omit any material particular, I shall be guilty of an offence, which is punishable by a fine.

The information I have provided will be held by the Council on computerised and manual files (some data will be made available on a public register as required by relevant legislation). The data may also be disclosed to other departments within the Council or other organisations, but only in order to ensure compliance with relevant legislation or for identification purposes or to prevent or detect fraud or a crime. Manchester City Council is a registered Data Controller in accordance with the Data Protection Act 1998.

Signature of 1st applicant: 

Full Name: D. K. ANAND Date: 20 - 6 - 19

Signature of 2nd applicant:

Full Name: Date:

Signature of 3rd applicant:

Full Name: Date:

Notes

1. A licence or consent can be held by more than one person providing that person has a business interest and authority to manage the street trading site. Joint licence or consent holders shall be equally responsible for any breach of terms of conditions of a Street Trading Licence or Consent.
2. Applicants must be over the age of 17 years.

SB Car Seat Covers Ltd
Unit 18
Hillgate Business Centre
Hindley Street
Stockport
SK1 3AU
0161 442 2121
Email : sales@seatcovers.org.uk

Manchester City Council
Regarding Street Trading Licence

Date : 20th June 2019

Dear Sir / Madam,

Please note the following :

1. We propose to set our stand in a private car park. The car park belongs to Mr Akil Khan.
2. The entrance to the car park is Russell Street, M8 8FJ
3. Reference to our rubbish, we will take this with us or leave it inside the landlords premises.
4. Customer access is via Russell Street into the car park.
5. Off loading and loading - This will be done inside the landlords car park.
6. Parking of our van during the day will be inside the landlords car park.

Best Regards,



Mr Depak Anand
Director

MR,

20-6-19



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Mr Depak Anand
Private car park off, Russell Street, Cheetham,
Manchester, M8 8FJ

The location of the land where Mr Anand
proposes to trade is as marked



PREMISE NAME: Mr Depak Anand

PREMISE ADDRESS: Private car park off, Russell Street, Cheetham, M8 8FJ

WARD: Cheetham

HEARING DATE: 02/09/2019

From: **Catherine Keane** <c.keane@manchester.gov.uk>
Date: Thu, 25 Jul 2019 at 14:41
Subject: Re: Application for a Street Trading Consent - SB Car Seat Covers Ltd, Private car park off Russell Street M8 8FJ. Ref 233811HH1
To: Premises Licensing <premises.licensing@manchester.gov.uk>

Dear Premises Licensing Team

I am writing with reference to the above street trader licence application for SB Car Seats Ltd within the car park of Russell Street, Cheetham. I have previously objected to an application for street trading by the applicant. I note changes have been made and revised submission to locate within the private car park at the side of Russell Street. However, I am still objecting to this application for the following reasons.

1. Parking and traffic

Concerns about street parking and traffic congestion in the vicinity of this location where the stall would be located. Russell Street and other side streets nearby are narrow and an increase in customers visiting the site will cause increase congestion. There may be further management required to address any parking issues to prevent any illegal parking on the corner of Russell Street, Waterloo Road and junction with Bury New Road.

2. Environmental issues

I note the applicant has put waste management in place. I want re-assurances that these measures will keep the area where the trading takes place does not cause further problems in the area. We already have a significant challenge with littering and flytipping in the area and an increased footfall in this area on Sundays will add further risk of the area being littered.

3. Planning regulations

Does the structure of the stall require any planning permission? Is the stall going to be installed and taken down each Sunday or kept on site as a permanent installation? I would strongly object to any structure being left in the car park as it would present further risk for the applicant and could be damaged, attract anti-social behaviour or rough sleeping.

Please contact me if you have any further enquiries on the above.

Many thanks

Cath

Cath Keane
Neighbourhood Team Lead
Cheetham, Crumpsall and Higher Blackley
North Neighbourhood Team
Neighbourhoods Directorate
Neighbourhoods and Strategic Development
Manchester City Council

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