

Licensing and Appeals Sub Committee Hearing Panel

Minutes of the meeting held on Monday, 16 August 2021

Present: Councillor Evans – in the Chair

Councillors: Connolly and Jeavons

LACHP/20/94. Exclusion of the Public

A recommendation was made that the public be excluded during consideration of the following items of business.

Decision

To exclude the public during consideration of the following items which involved consideration of exempt information relating to the financial or business affairs of particular persons, and public interest in maintaining the exemption outweighed the public interest in disclosing the information.

LACHP/20/95. Application for a Street Trading Consent - Chinnywala, Longsight Business Park, Hamilton Road, M14 0PD

The Hearing Panel considered a report from the Director of Planning, Building Control and Licensing.

The Hearing Panel considered the written papers, oral representations of all parties as well as the relevant legislation and guidance.

A Licensing Officer gave context to the application, stating that the street trader was to be based in a kiosk on the business park car park selling crepes, pancakes, doughnuts and hot and cold drinks. The Licensing Officer explained that there were three objections. The two objections from a local business and a local resident were based on proximity to residents, noise and litter and LOOH had six of their seven conditions agreed with one outstanding whereby LOOH were requesting that collection of goods from the Kiosk would be from 17:00 to 21:00 and then delivery only from 21:00 to 23:00 which the applicant had not agreed to, wishing to allow both collections and deliveries to continue until 23:00.

The applicant did not attend but had a Local Ward Councillor addressed the Hearing Panel as their representative. The Ward Councillor stated that they lived nearby and had never been disturbed by the operations of this kiosk, stating that the business had been running for one year as they had been unaware of the requirement to apply for a licence. The Ward Councillor stated that the business was well managed with no traffic or litter concerns arising.

An officer from LOOH addressed the Hearing Panel and stated that they had concerns of customers remaining on the car park which LOOH felt could be a noise disturbance to residents due to engines revving/idling and car doors closing. LOOH

stated that they felt that ceasing collection from the business at 21:00 would help uphold the licensing objectives.

During questioning the LOOH officer confirmed that there had been no complaints from the previous running of this business.

During their deliberations, the Hearing Panel felt that the application could be granted as applied for, subject to the conditions agreed with LOOH.

Decision

To grant the street trader consent application as applied for subject to the conditions below:

1. Deliveries to the premises shall be conducted in a manner that will not cause a nuisance to the occupiers of any residential properties.
2. Delivery drivers shall collect and deliver orders in a manner that will not cause a nuisance to the occupiers of any residential properties.
3. A log shall be kept at the premises to record any issues of antisocial behaviour. The log shall record the date and time, issue and the name of the member of staff. The log will be available on request by the police or an authorised officer of Manchester City Council.
4. Signage requesting customers respect their neighbours by turning engines off and music down whilst waiting for collection. This should also be included on the email order confirmation
5. Speakers shall not be located/operated inside or outside the premises.
6. All takeaway packaging and wrappers shall clearly identify the premises, ie. by way of company logo or name.

The Hearing Panel also noted that the applicant has another street consent and there have been no issues raised as to its operation. They were also satisfied that any concerns as to waste disposal had been addressed.