

## **Licensing and Appeals Sub Committee Hearing Panel**

### **Minutes of the meeting held on Monday, 9 May 2022**

**Present:** Councillor Andrews – in the Chair

**Councillors:** Hassan and Reid

#### **LACHP/20/69. Exclusion of the Public**

##### **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/20/70. Application for a Street Trader consent - Desi Junction, Car park of Worldwide Foods, Crescent Road, M8 9JX**

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

A Licensing Officer introduced the report, listing proposed trading hours and refreshments to be sold. A total of 2 objections had been received from LOOH and the North Neighbourhood Team. These objections centred around the number of nearby establishments offering similar products, noise emanation, and the possible increase of litter in the area. The Licensing Officer noted that the Planning department had advised that the unit to which this application relates is unauthorised in planning terms and currently subject to enforcement proceedings.

The applicant then addressed the Hearing Panel, informing them that they had updated their menu to mainly sell healthy food. They noted that was not on offer at other takeaways in the area. In addressing litter concerns, the applicant stated they would have their own disposable bins at their stall. At this point, the applicant provided the Hearing Panel with a copy of the updated menu and a map showing where they would be located. The applicant stated that they had chosen the back of the carpark to ease concerns about traffic congestion around their site as they felt near the main road would have been too busy. The applicant did acknowledge that they would not offer a set menu. The applicant stated they would be happy to liaise with LOOH regarding their trading hours.

In questioning, the Panel sought to establish further information on why the applicant had chosen Manchester when they live in a different place and if they had planning permission as referenced by the Licensing Officer. The applicant stated that they had seen a gap in the market in this area and that's why they had chosen here. The applicant then informed the Panel that they had spoken to the Planning department and had been informed they did not require planning permission if they were to move the trailer at night. They had not decided what to do yet but would seek this permission if required.

LOOH then addressed the Hearing Panel, noting that the area applied for is a busy area with high footfall and already has numerous food outlets and takeaways in the vicinity. LOOH listed the original foods the applicant had requested to sell, however did acknowledge that the applicant had suggested this would be different should they receive consent. The car park applied for has two other street traders, meaning if consent was granted, there would have been three vendors within 50 metres in a confined area. LOOH were concerned about the number of food and drink provisions already in the area, referencing Section 3.1.2 of the Statement of Policy which states that if there are enough traders trading in the street from shops or otherwise in the good which the applicant desires to trade, this is a consideration for refusal.

The applicant questioned whether LOOH were aware that one of the street traders referenced had not traded for around 6 months. LOOH stated that until they surrender their licence, this is irrelevant as they could return at any point.

LOOH at this point sought clarity regarding if the applicant had a waste contract in place. They stated they had it in writing that they would be authorised to use the bins of Worldwide Foods.

In summing up, LOOH stated that there are already enough similar outlets in the area. They acknowledged the change to the menu but were concerned that there are already three street traders in the area.

The Licensing Officer summed up by stating that the Panel should consider the application in relation to the Street Trading policy.

In their deliberations, the Hearing Panel noted that the applicant had altered their menu as to ensure they would not be providing the same items as others in the area.

## **Decision**

To approve the consent for Street Trading, subject to opening hours of 11.00 to 22.00 and the revised menu.

### **LACHP/20/71. Application for a Street Trader consent - Coops, Sickle Street, Manchester**

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

A Licensing Officer introduced the report, listing proposed trading hours and refreshments to be sold. The Licensing Officer noted that Sickle Street is temporarily closed until 31 August 2022. They informed the Hearing Panel that one objection had been received from LOOH, with the main concern being that the plan is not clear for where the stall will be located. The Licensing Officer also noted that there is adequate provision of the goods applied for in the area already.

The applicant's representative sought clarity about when Sickle Street would re-open. The Licensing Officer re-iterated that this would be 31 August 2022.

The applicant's representative informed the Hearing Panel that they had attended in place of the applicant to help them as they are currently going through a difficult time. The representative stated their name would go on the License and they would assist in paying for it.

LOOH addressed the Hearing Panel, stating that the applicant had previously applied in 2020 and LOOH had also objected to this on the same grounds of where the stall would be located. Sickle Street is only 3 metres wide and the original application had a 2-metre stall going across, leaving only 1 metre for pedestrians. Originally, a 1 metre width stall was agreed with the applicant. LOOH had concerns that this application intended to do the same as the original had. LOOH informed the Hearing Panel that footfall on Sickle Street is expected to increase due to new flats and this stall would become a disturbance. The original application included fruit and vegetable sales, which assisted in the agreement, but this application does not contain that. LOOH felt that there is not enough space on Sickle Street for a Street Trader to not cause an undue disturbance to users of the street. LOOH had concerns regarding waste disposal as the application stated that collections would be from Market Street, something LOOH felt could cause an obstruction.

In summing up, the Licensing Officer stated that the Hearing Panel should consider the application in relation to Street Trader policy.

In their deliberations, the Hearing Panel considered the statement from LOOH to be satisfactory. They agreed that there was insufficient space to trade on Sickle Street without causing an undue disturbance to street users. The Hearing Panel also agreed that there is sufficient provision of similar goods in the area.

### **Decision**

To refuse to grant Street Trading consent.