

Licensing and Appeals Sub Committee Hearing Panel

Minutes of the meeting held on Monday, 1 August 2022

Present: Councillor Andrews – in the Chair

Councillors: Andrews and Flanagan

LACHP/20/102. 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/20/103. Application for Street Trader Consent - Hipster Burgers, Long Millgate, (adjacent to end wall of Victoria Station and metrolink railings), Manchester

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

A Licensing Officer introduced the report, stating that this was an application for the renewal of Street Trader Licence to continue to operate Monday to Sunday, from 06.00 to 00.00. The Licensing Officer listed the refreshments sold from the unit and stated that Street Trader consent had been held since March 2018. Two objections had been received and in summary they related to the unit not being in-keeping with the Grade 2 listed Victoria Station, attracting litter and smells emitted from the unit and not being an in appropriate an place at appropriate times. The Licensing Officer then referred to the Licensing Policy.

The applicant's legal agent clarified that the licence was first granted in March 2017, rather than 2018 as suggested by the Licensing Officer.

The Panel questioned if any reports of obstruction had been received in relation to this unit. The Licensing Officer was unaware of any and stated that LOOH had not made a representation either.

The applicant's agent then addressed the Hearing Panel, firstly informing them of the applicant's experience within the industry. The applicant's agent quoted excerpts from the Decision Notice provided when the licence was first granted in March 2017. This related to a previous panel's belief that the unit would not be an obstruction at Victoria Station. A condition of the Street Trader's licence relates to waste management, something the applicant had adhered to according to their agent, going

against the objections regarding litter. The applicant's agent referred to photographs they had submitted showing cracks in the pavements near to the unit. They felt that those cracks could not be attributed to the applicant. Street Trader licence was renewed in 2018 and 2019 with no objections but was contested in 2020 by another Street Trader in the area with a vested interest. The applicant's agent stated that objectors had referenced fumes and odours, but the unit has extractor fans and the applicant had not received any complaints relating to either of them. The applicant had previously sought a Premises Licence for late night refreshments which received no objections and was granted in November 2021. The applicant's agent did not believe that the unit was an obstruction to the entrance and exit of Victoria Station. The applicant's agent felt that the panel had received objections due to plans for a new bar in the Station and stated that was not a ground for refusal.

The panel stated that they do not believe the objectors had suggested the cracks in the pavement were the fault of the applicant. The panel sought clarity on if anything had changed recently to lead to objectors suggesting there was bad smells coming from the unit, waste management, what the applicant would do if an obstruction was created and if they had been approached by objector regarding the new bar. The applicant stated that they are using the same products and still have extractors installed so nothing had changed that could lead to reports of bad smells. In terms of waste, there are two bins in front of the unit and the applicant cleans the area every night. They had not received any complaints regarding waste, and it is collected every night. In the event of an obstruction, the applicant suggested they would divert their queue in a different direction. The applicant had not been approached regarding the new bar.

An objector addressed the panel, stating that their organisation has experience of working with Network Rail and Local Authority's regarding improving the public space outside of train stations. Their focus is on the sustainability of historic stations, both economically and ecologically. They felt that the bar would contribute income that would assist the development of Victoria Station. The objector felt that the public space at the entrance to Victoria Station was not well utilised, and this unit added to the problems. They noted that the entrance to the station has two large public bins yet still has a litter problem. They felt the entrance to the station did not give people the welcome they should receive into the city.

The applicant's agent clarified that the bins referred to were not those from the unit. The objector confirmed that to be the case.

The panel felt that the objectors' issues lay more with Manchester City Council, Network Rail and Metrolink and asked why they believe the Street Trader to be an issue. The objector stated that they had to start somewhere, and this could be a part of a joint level of responsibility. The panel sought clarity on if the objector agreed that there was no evidence of the unit contributing to litter issues and if they were prepared to work with the applicant regarding the new bar. The objector agreed there was no evidence suggesting that the unit contributed to litter problems in the area and they would support working with the applicant on how the space is used at that entrance to Victoria Station.

The objector summed up by stating that they felt this was an issue of how the city was perceived upon people's entry.

The Licensing Officer summed up by referring to the Street Trader policy

The applicant's agent summed up by stating that the mandatory grounds for refusal do not apply to this application. They stated that discretionary grounds for refusal had not been considered as applying previously and nothing had changed with this application, therefore they did not apply this time. The applicant's agent stated that objectors had referenced fumes and bad smells but had supplied no evidence to support this.

In their deliberations, the Hearing Panel considered all written and oral representations they had received. The Panel also considered the Council's Street Trading policy and the grounds under Local Government (Miscellaneous Provisions) Act 1982 Schedule 4 on which they may refuse an application for a licence none of which they found applied to this renewal application. They noted the objector's concerns, however were satisfied that the applicant had been operating since 2017 in a professional manner and had fully complied with their Licensing conditions.

Decision

To grant the renewal of the Street Trader Licence with the current conditions.