

Licensing and Appeals Sub Committee Hearing Panel

Minutes of the meeting held on Friday, 30 June 2023

Present: Councillor Grimshaw – in the Chair

Councillors: Evans and Riasat

LACHP/23/63. Interests

Councillor Grimshaw declared that they knew the applicant due to them being a constituent in his ward. Councillor Grimshaw stated that he had no pecuniary or personal interest in the application and sought approval from all parties that they were willing to continue.

All parties were content to proceed.

LACHP/23/64. 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/23/65. Application for a Street Trader Consent - Peppers, Junction with Briscoe Lane, Riverpark Road, Manchester

The Hearing Panel considered a report from the Director of Planning, Building Control and Licensing. The Hearing Panel also considered the written papers of the parties and the oral representations of the parties who attended as well as the relevant legislation.

The Licensing Unit officer addressed the Hearing Panel, noting this was an application for a new Street Trader Consent, with the proposed hours of Monday to Sunday 7.00 till 22.00. The Licensing Unit officer provided a summary of the intended refreshments to be sold from the trader. The applicant had previously held consent for the same site, however that expired in 2020 and a renewal was not given due to a mistake by the Licensing team. It was thought that the location was prohibited for Street Trader Consent but was later discovered to not be. The applicant had been compensated for this mistake. The Licensing Unit officer stated there was still issues with the proposed location relating to parking and access to the site. The application had attracted two objections, one from LOOH and one from a local resident. The Licensing Unit officer provided a summary of those to the panel.

The panel questioned if the Licensing Unit were aware of any complaints, if planning permission had been granted for the newly installed bike racks, if the site was recognised as a consented street and if the parking restrictions had been in place when the applicant was previously trading. The Licensing Unit was not aware of any complaints received regarding the trader when they previously held consent. The Licensing Unit only became aware of the installation of the bike rack after the application was made, they did not know if planning permission was required for this. The Licensing Unit did recognise this as a consented street and reiterated the applicant had been compensated for the mistake of refusing their application previously. The Licensing Unit believed the parking restrictions were there before consent was previously given.

The applicant then addressed the Hearing Panel, noting they had traded at the location for several years prior to the refusal of consent in 2020. They stated there had been no issues previously. In their experience, no one parked on the double yellow lines near the location as people would park on a street nearby. The applicant felt the pavement was wide enough for their vehicle, even with the added bike rack. The applicant would stop trading if roadworks were taking place in the area. The applicant would only trade until 22.00 when a concert is taking place at the Etihad stadium. The applicant stated that they do not trade that often.

The panel sought clarity on what the applicant meant by not trading that often, if anyone had contacted them regarding the added bike rack, the vehicle that would be used, if the bike rack when in use would cause issues for space and if their tow vehicle could be parked elsewhere when trading. The applicant referred to the fact that on most days they would only trade from 08.00 to 16.00. Having consent to 22.00 allows them to trade later for large events at the Etihad stadium. No one had contacted the applicant regarding the bike rack. The new vehicle was similar in size to the previous vehicle. The only reason for a new vehicle was that the applicant sold their original vehicle due to being denied consent previously. Pictures of the vehicle were provided to all parties at the hearing. The applicant felt that there was enough space for their vehicle to operate safely if the bike rack was in use. Their tow vehicle could be parked elsewhere when trading.

LOOH then addressed the Hearing Panel, noting that their representation was mainly made on the basis that this was a prohibited area. They had subsequently discovered it was not a prohibited area, and therefore that was omitted from their representation. Concerns remained for LOOH related to parking, the bike racks and access to the location.

The panel questioned if LOOH had been informed regarding the installation of the bike racks. LOOH confirmed they had not. It was raised by a panel member that this was a matter the Chair could investigate outside of the meeting with the Planning department as there had been a similar issue on a consented street in a different area of the city.

LOOH summed up their case by stating that their representation had amended significantly. However, concerns did remain regarding parking and site access.

The Licensing Unit Officer summed up by stating the panel should consider the application in regard to the objections received and the Council's Street Trading Policy.

In their deliberations, the Hearing Panel considered the Local Government (Miscellaneous Provisions) Act 1982 (Schedule 4) and its own Street Trading Policy, whilst noting both the written and oral representations received. The panel noted that there had been no complaints received during the time that the applicant had previously traded at the location. The panel accepted that there had been no change in the size of the vehicle used to trade. They also accepted that the parking restrictions had been there when previous consent was given.

Decision

To grant Street Trader Consent as applied for.