

Licensing and Appeals Sub Committee Hearing Panel

Minutes of the meeting held on Wednesday, 27 September 2023

Present: Councillor Grimshaw – in the Chair

Councillors: Flanagan and Hewitson

LACHP/23/95. 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/23/96. Application for a Street Trader Consent - Kashmiri Chai, Worldwide Foods Car Park off Crescent Road, M8 9JX

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 Officer addressed the Hearing Panel and stated that this was an application for a street trader consent, initially from 10:00 to 23:00, 7 days a week but now revised and reduced to 10:00 to 19:00 Monday to Saturday and 10:00 to 18:00 on Sunday. The North Neighbourhood Team had objected on the grounds that there was not sufficient cleansing mentioned in the application, there had not been mention of how waste would be disposed of and no named assistants. The food and drink offer had also been scaled back to Chai and Samosas. The applicant was stating that he had permission from Worldwide Foods to use their electricity supply and waste disposal. The Licensing Officer concluded by stating that there had been an objection and added that a street trading application could be granted where appropriate but added that the policy states that the application should be refused where products are already available in the vicinity and where there are likely refuse issues.

The applicant addressed the Hearing Panel, stating that this was their only available work. The items for sale were unique to the area as there was not a large Kashmiri population nearby. The applicant had agreements from Worldwide Foods as stated earlier and for a small fridge in the unit.

In responding to questions, the applicant stated that:

- Other Kashmiri premises nearby were Cash and Carry establishments
- Worldwide Foods had a large commercial waste bin

- He could provide his own litter/waste bin but thought that Worldwide Foods would be responsible
- To his knowledge, there were no other premises selling pink Kashmiri chai in the vicinity
- There were other nearby sales of samosas but his had different ingredients
- Worldwide Foods staff regularly cleanse the car park area and he would look after the unit
- He would clean the footpath and use the Worldwide Foods waste bins
- The cabin is already in situ in a fixed position and cabled for electricity
- The previous owner fitted the electricity which the applicant had tested and could confirm that it was in working order
- This was also tested by the previous cabin owner
- There was a meter in the cabin
- The rental of the unit includes the electricity supply and the applicant could not name the supply company
- The meter in the unit might actually be a fuse box
- The Hearing Panel had concerns that the electricity supply might not have been carried out by the electric board and the applicant stated that the previous owner had letters/certificates in the cabin
- Worldwide Foods staff had dug up the car park and run the cable underground
- The applicant would get their own electrician to check the supply
- The applicant was also certain the supply was coming from Worldwide Foods
- Worldwide Foods owned the cabin

The North Neighbourhoods Team stated concerns that his predecessor had noticed Worldwide Foods using a standard extension cable from the shop to the cabin across the car park in the past and could not be certain that the same type of cabling had not been simply placed underground which was a concern.

The applicant stated that he works at Worldwide Foods when they fitted the underground cable and saw it being fitted. The applicant then stated that he would speak to the owner about having the supply checked.

The Chair stated that the application was before the Hearing Panel now and this evidence could not be sought for a later date.

The North Neighbourhoods Team addressed the Hearing Panel and stated that there was a likely impact on the area if this application was granted. The hours applied for could lead to public nuisance which would be in breach of the licensing conditions. There was already plenty of hot food and beverage available in the area and this was reason enough for a refusal. There was also no cleansing schedule or waste contract other than the use of Worldwide Foods waste bins. This may be too full for the cabin waste at certain times. The unit would require its own waste contract, electric board certificate and cleansing schedule before considering granting this application.

In responding to questions, North Neighbourhoods stated that:

- Their concern was that there was no responsibility on the applicant and it was not known how Worldwide Foods would cope with extra tasks associated with the running of the unit

- It was hard to enforce anything as it was not known who was causing waste in the area
- There were other food outlets in the area
- The Chair noted that the insurance policy included in the pack was for a private dwelling and the company would not be liable for claims arising out of use of any mobile catering unit
- The applicant stated that he had help when applying for insurance and stated that he was not knowledgeable in this area

North Neighbourhoods summed up, stating that if granted today, that would mean that there was an agreement on waste, cleansing, electricity supply and the unique quality of the products on sale. Also, the relationship and responsibilities between the applicant and Worldwide Foods would have to be cleared up.

The Licensing Officer summed up, stating that the policy noted that the Hearing Panel could grant if they saw fit to do so, they could attach conditions and should consider any objections.

The applicant summed up, stating that the products were unique and added that he previously had a shop and this was his only employment opportunity.

In their deliberations, the Hearing Panel considered the concerns around the electricity supply, uniqueness of product, cleansing and waste concerns. Further to this were cooking oil disposal which had not been mentioned and the insurance policy which appeared not to cover the activities applied for.

Decision

To refuse to grant the Street Trader Consent.