

Licensing and Appeals Sub Committee Hearing Panel

Minutes of the meeting held on Monday, 6 November 2023

Present: Councillor Connolly – in the Chair

Councillors: Andrews and Hilal

LACHP/23/116. 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/23/117. Application Street Trader Licence - Greek Gyros Time, Car Park next to Thomas Street, M4 1NA

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 noted that this was an application for a new Street Trader Licence, trading Thursday to Saturday at 10.30am till 11.00pm each day. The Licensing Officer informed the panel of the refreshments intended to be sold. It was stated that 6 objections had been received and a summary of them was provided. The Licensing Officer noted that two of the four principal aims of the Council's Street Trading Policy were relevant to the application and the objections received. Firstly, ensuring that street trading was properly regulated and only took place in appropriate locations, at appropriate times and in appropriate ways. Secondly, ensuring that trading would not cause an unreasonable disturbance to residents and businesses. The policy also provided reasons upon which applications for licences would usually be refused.

The applicant began their statement by addressing the objections received. They noted that litter would not be an issue as they already had bins and had a contract with a waste removal company. Concerns had been raised that customers would use seating from neighbouring businesses, but the applicant felt this not to be the case as their business model was that people would take their food away. The applicant had not realised that pest control was an issue in the area but felt that businesses should address their own concerns as their vehicle was not yet trading in the area. The applicant would hire a pest control team should any issues arise. The vehicle would only remain on site on trading days. To manage queues, the applicant intended to keep queues on the car park where the vehicle would be situated. When the car park

was full, there would be a sign that informed customers that there should be no queue past that point. The applicant did not believe that the food being cooked would emit a smell that was overpowering. In terms of nuisance, the applicant noted they would only be trading from 10.30am till 11.00pm, they did not believe nuisance would be a problem. However, the applicant was willing to hire an SIA trained member of staff if the panel had felt it necessary.

The panel questioned if the vehicle had washing facilities, if they would trade till 11.00pm or be packed away by 11.00pm, if the vehicle would remain on site from Thursday to Saturday, and what would happen if there were other vehicles in the car park. The vehicle had washing facilities for staff but not for the public. The applicant would ensure the last customer served was, at the latest, at 10.50pm to provide at least ten minutes to clean up. After serving the last customer, the vehicle had a shutter that could be closed. The vehicle would remain on site from Thursday to Saturday when it would then be removed. The applicant had spoken to the landowner and agreed that when the landowner had their car in the car park, they would not trade. The applicant would only trade when the car park was empty.

The Licensing Officer summed up by stating that the Council's policy in respect of Street Trading set out the considerations to be considered when determining street trading application. Under the relevant legislation, a licence may be granted if thought fit. When granting that licence, conditions may be attached to it.

The applicant had nothing to add when invited to sum up.

In their deliberations, the panel considered that the car park was small, and that the applicant had an agreement with the landowner not to use the site when a car was parked there.

Decision

To grant the Street Trading Licence as applied for, with an additional condition that the applicant only traded when no other vehicle was utilising the car park.