

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

### **Minutes of the meeting held on Monday, 13 May 2024**

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

**Councillors:** Evans and Grimshaw

#### **LACHP/24/53. 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/24/54. Application for Street Traders Licence - Greek Gyros Time, car park adjacent to 31 Thomas Street, Manchester, M20 2LA**

The Hearing Panel considered a report from the Director of Planning, Building Control and Licensing in respect of the above application. The written papers and oral representations of the parties who attended the hearing were also considered, as well as the relevant legislation. The Chair used the agreed procedure to conduct the hearing.

The Licensing Officer informed the panel that the applicant held a licence for this location until 11.00pm Thursday to Saturday. The applicant sought to increase those hours on the same days until 2.00am. One objection had been received from Licensing Out of Hours.

The applicant's agent addressed the Hearing Panel, noting that the applicant sought to amend condition 33 to allow for trade to take place when other vehicles are parked on the car park and add a further condition that allowed the trailer to remain on-site on Thursday and Friday night. The applicant sought to increase the hours of trading to 2.00am from the current 11.00pm. The applicant had provided a litter policy and External Management policy. The applicant uses identifiable packaging. The trailer is situated on a private car park that can only be used by the owner of the land and the applicant. The applicant sought extended hours due to having to turn away potential customers at their current closing time. The applicant's agent addressed the representation received from Licensing Out of Hours, highlighting how the applicant does or would deal with the issues raised. They felt that the LOOH representation was not reflective of the evidence before the panel. The agent stated that the application would not undermine any of the four aims of the street trader policy.

Questions were asked of the applicant by LOOH and the panel, uncovering further information. This related to breaches of the current licence, how queues would be managed, the position of the trailer in the car park and how many spaces there were in the car park.

LOOH addressed the panel, raising several concerns. They appreciated that the applicant had amended the application but still felt that post-11pm operating was inappropriate for the area. They felt that noise and litter would both be an issue. LOOH believed that there were sufficient establishments offering similar types of food in the area. They had concerns that there had been breaches of the current licence.

LOOH summed up their case by stating that they believed their representation to remain valid, even considering the amended application. They felt it inappropriate to grant the licence.

The Licensing Officer summed up by stating that the Council's Street Trading Policy set out what the panel should consider and provided grounds for refusal if required.

The applicant's agent summed up by stating that this was a much-reduced application that simply sought a variation to what is currently held. They noted that only LOOH had objected but the application had been advertised as required. They felt there was sufficient evidence to grant the Licence and that the applicant had been honest about any breaches of the current licence, which were simply mistakes.

In reaching its decision the Panel considered the Local Government Miscellaneous Provisions Act 1982 Schedule 4 and The Manchester City Council's Street Trading Policy. The panel considered the positioning of the trailer and felt the only way to trade safely for those using the public highway was for the trailer to be positioned at the back of the car park against the wall, opening out to the car park for customers to queue. The panel were not satisfied that it was safe for vehicles, other than the trailer and the applicant's, to be using the car park at the same time as trading was taking place. Issues relating to noise were not relevant to an application for a Street Trading Licence as it did not relate to any of the statutory grounds for refusal. The panel noted that those concerns would be a consideration during a Late-Night Refreshment application, that would be required to allow the applicant to trade.

## **Decision**

To grant the application as amended, with the following hours and conditions:

Thursday to Saturday – 10.30am to 2.00am.

Conditions to be consistent with the existing Licence, save for:

Condition 33 to be amended to read *“Trading can only take place when no other vehicles are parked on the land save for the traders own vehicle.”*

Condition 34 to be added to read *“The trading unit is permitted to remain on the land from Thursday and Friday night.”*

The location of the trading unit must also be positioned with the back of the unit against the white wall, approximately 1 metre from the building line.