



Licensing and Appeals Sub Committee Hearing Panel

Date: Monday, 25 March 2019

Time: 10.30 am, or at the rise of the Licensing Sub
Committee Hearing Panel.

Venue: Council Antechamber - Level 2, Town Hall Extension

Everyone is welcome to attend this committee meeting.

Access to the Council Antechamber

Public access to the Council Antechamber is on Level 2 of the Town Hall Extension, using the lift or stairs in the lobby of the Mount Street entrance to the Extension. That lobby can also be reached from the St. Peter's Square entrance and from Library Walk.

There is no public access from the Lloyd Street entrances of the Extension.

Membership of the Licensing and Appeals Sub Committee Hearing Panel

Councillors – Stone (Chair), Madeleine Monaghan and Reid

Agenda

1. Urgent Business

To consider any items which the Chair has agreed to have submitted as urgent.

2. Appeals

To consider any appeals from the public against refusal to allow inspection of background documents and/or the inclusion of items in the confidential part of the agenda.

3. Interests

To allow Members an opportunity to [a] declare any personal, prejudicial or disclosable pecuniary interests they might have in any items which appear on this agenda; and [b] record any items from which they are precluded from voting as a result of Council Tax/Council rent arrears; [c] the existence and nature of party whipping arrangements in respect of any item to be considered at this meeting. Members with a personal interest should declare that at the start of the item under consideration. If Members also have a prejudicial or disclosable pecuniary interest they must withdraw from the meeting during the consideration of the item.

4. Exclusion of the Public

The officers consider that the following item or items contains exempt information as provided for in the Local Government Access to Information Act and that the public interest in maintaining the exemption outweighs the public interest in disclosing the information. The Executive is recommended to agree the necessary resolutions excluding the public from the meeting during consideration of these items. At the time this agenda is published no representations have been that this part of the meeting should be open to the public.

5. Application for a Street Trading Consent for Gemma Gill, Layby next to cemetery entrance on Nell Lane.

The report of the Head of Planning, Building Control and Licensing is attached.

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Information about the Committee

The Licensing and Appeals Committee fulfills the functions of the Licensing Authority in relation to the licensing of taxi drivers.

A procedure has been agreed which governs how the Panel will consider such applications.

Decisions made by the Panel will be under delegated authority and will not require to be referred to the Council for approval. Meetings are controlled by the Chair, who is responsible for seeing that the business on the agenda is dealt with properly.

Copies of the agenda are published on the Council's website. Some additional copies are available at the meeting from the Governance Support Officer.

The Council is concerned to ensure that its meetings are as open as possible and confidential business is kept to the strict minimum. When confidential items are involved these are considered at the end of the meeting at which point members of the public are asked to leave.

Smoking is not allowed in Council buildings.

Joanne Roney OBE
Chief Executive
Level 3, Town Hall Extension,
Albert Square,
Manchester, M60 2LA

Further Information

For help, advice and information about this meeting please contact the Committee Officer:

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Tel: 0161 234 3043
Email: b.morgan@manchester.gov.uk

This agenda was issued on **Friday, 15 March 2019** by the Governance and Scrutiny Support Unit, Manchester City Council, Level 3, Town Hall Extension (Mount Street Elevation), Manchester M60 2LA.

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Manchester City Council Report for Resolution

Report to: Licensing and Appeals Sub-Committee – 25 March 2019

Subject: Application for a Street Trading Consent

Report of: Head of Planning, Building Control and Licensing

Summary

The Licensing and Appeals Committee approved the Street Trading Policy without modification on 28 November 2011. The policy included the provision that Street Trading Licence and Consent applications, which attract objections, shall be considered by a Licensing and Appeals Sub-Committee.

Appeals from this Sub-Committee in relation to Street Trading Consent applications will be considered by the full Licensing and Appeals Committee.

Appeals in relation to Street Trading Licence applications will be considered by Manchester Magistrates Court, as provided by Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982.

Recommendations

That the Sub-Committee consider the application for a Street Trading Consent, having regard to the information contained within the report, any information provided at the hearing.

Wards Affected:

Chorlton Park

Contact Officers:

Name:	Julie Roscoe	Fraser Swift
Position:	Head of Planning, Building Control and Licensing	Principal Licensing Officer (Premises)
Email:	j.roscoe@manchester.gov.uk	f.swift@manchester.gov.uk
Telephone:	0161 234 4552	0161 234 1176

Background documents (available for public inspection):

- Local Government (Miscellaneous Provisions) Act 1982 (Schedule 4)
- Statement of Policy and Guidelines Relating to the Relevance of Convictions for Street Trading Licence and Consent Applications (effective from 9 May 2012)

1 Introduction

- 1.1 The Sub-Committee are requested to consider the application made by Ms Gemma Gill for a street trading consent. This application for a street trading consent has been brought before the Sub-Committee for consideration because the application has attracted objections. Details of the objection(s) received are given in section (2c) below.
- 1.2 The application is in relation to a stall located in the layby next to the cemetery entrance on Nell Lane. This area is not currently designated as a prohibited street in relation to street trading, nor is it licence street and an application for a street trading consent can therefore be considered.
- 1.3 The legislation provides a right of appeal to the Magistrates Court in respect of a decision by the Council not to grant or to refuse to renew a street trading licence.
- 1.4 The legislation does not provide for a statutory right of appeal to the Magistrates Court in respect of any decision made in relation to a street trading consent. Any appeal therefore can be made to the full Licensing and Appeals Committee.

2 Application for a Street Trading Consent

- 2.1 On 22/01/2019 Ms Gemma Gill submitted an application for a street trading consent. The application is attached at Appendix 1. The location map and photograph are attached at Appendix 2.
- 2.2 The requested trading hours for this application are:

Mon to Fri 8.30am to 4.30pm
Sat 9am to 5pm
Sun 9am to 2pm.
- 2.3 The requested goods for this application are:

Flowers, wreaths, small plants, graveside candles
- 2.4 The applicant shall be trading from:

Stall

3 Objections

- 3.1 The Licensing Unit has received an objection from the following –

Designer Flowers by Rodgers Ltd
- 3.2 All objections are included in their original form in Appendix 3
- 3.3 The main points of all objections are summarised as follows –

Designer Flowers by Rodgers object to the application being granted on the grounds that:

- A further trader would impact on their business, both at the shop and at the stall which is situated further along in the same layby;
- Similar products are available at a number of outlets in the vicinity;
- A further stall would exacerbate existing congestion and obstruction in the area.

4 Legal Considerations

4.1 This section relates to legislation and other legal issues, which shall be taken into consideration by the Sub-Committee when making their decision.

Decision

4.2 The decision maker will make their decision in accordance with the rules of natural justice, ensuring that the hearing is fair to all parties and that there is no bias, perception or pre-determination.

Human Rights Act

4.3 Article 1 of Protocol 1 of the European Convention of Human Rights confers on individuals (and companies) the Right to Peaceful Enjoyment of their Possessions and the Protection of Property.

4.4 A Licence is a possession.

4.5 No one can be deprived of their property or have controls put on his/her property except where the action is permitted by law and justifiable in the public or general interest.

4.6 When considering matters relating to the grant, revocation, renewal or refusal of licences and the placing of conditions on licences, the Sub-Committee must consider whether the decision affects an individual, group or company's Human Rights as set out in the Convention and if it does, whether the interference with those rights is permissible by reason of the justifications set out in the Convention. In addition, consideration must be given to whether the interference is proportionate to the general purpose.

The conduct of the hearing

4.7 Manchester City Council will determine the conduct of the hearing. The decision maker should be able to adjourn the hearing if, in his/her opinion, he/she considers that it is appropriate to do so. In deciding whether to adjourn the hearing, and if so for how long, the decision maker's overriding objective should be that the applicant is made fully aware of any objections or other relevant information in relation to his application and that he has a proper opportunity to prepare and present his case.

The right to legal representation

- 4.8 A person is entitled to have legal representation or be accompanied by a legal advisor or friend.

The decision and the reasons for it

- 4.9 Reasons for a decision should be given either at the hearing or as soon as practicable after the hearing.

Manchester City Council Act 2010

- 4.10 The Manchester City Council Act extends the definition of street trading to include:

- (a) The supplying of or offering to supply any service in a street for gain or reward.
- (b) Services can now be included in any application for a street trading authorisation

Crime and Disorder Act 1998 Section 17

- 4.11 The contents of this report have been considered in the context of the requirements placed on the Council by Section 17 of the Crime and Disorder Act 1998, namely, the duty on the Council to exercise its functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its area. It is not considered that the contents of this report have any such effect.

Relevant extract from Local Government (Miscellaneous Provisions) Act 1982 (Schedule 4)

- 7(1) An application for a street trading consent or the renewal of such a consent shall be made in writing to the district council.
- (2) Subject to sub-paragraph (3) below, the council may grant a consent if they think fit.
- (3) A street trading consent shall not be granted —
- (a) to a person under the age of 17 years; or
 - (b) for any trading in a highway to which a control order under section 7 of the Local Government (Miscellaneous Provisions) Act 1976 is in force, other than trading to which the control order does not apply.
- (4) When granting or renewing a street trading consent the council may attach such conditions to it as they consider reasonably necessary.
- (5) Without prejudice to the generality of sub-paragraph (4) above, the conditions that may be attached to a street trading consent by virtue of that sub-paragraph include conditions to prevent —
- (a) obstruction of the street or danger to persons using it; or

- (b) nuisance or annoyance (whether to persons using the street or otherwise).
- (6) The council may at any time vary the conditions of a street trading consent.
- (7) Subject to sub-paragraph (8) below, the holder of a street trading consent shall not trade in a consent street from a van or other vehicle or from a stall, barrow or cart.
- (8) The council may include in a street trading consent permission for its holder to trade in a consent street—
 - (a) from a stationary van, cart, barrow or other vehicle; or
 - (b) from a portable stall.
- (9) If they include such a permission, they may make the consent subject to conditions —
 - (a) as to where the holder of the street trading consent may trade by virtue of the permission; and
 - (b) as to the times between which or periods for which he may so trade.
- (10) A street trading consent may be granted for any period not exceeding 12 months but may be revoked at any time.
- (11) The holder of a street trading consent may at any time surrender his consent to the council and it shall then cease to be valid.

Other Legal Implications

4.12 At the time of writing there are no issues that the City Council Solicitor considers need to be brought to the specific attention of the Sub-Committee, other than those highlighted in the report. Any issues that subsequently arise will be brought to the attention of the Sub-Committee at the hearing.

5 Recommendations

5.1 The Sub-Committee is requested to consider the application for the grant of the street trading consent, having regard to the information contained within the report and any information provided at the hearing, with regard to the options below:

5.2 The Council may grant the consent if they see fit. When granting the consent:

- (a) it may be granted for a period not exceeding 12 months; and
- (b) such conditions may be attached to it as the Council considers reasonably necessary; including any conditions to prevent obstruction of the street or

danger to persons using it, or nuisance or annoyance (whether to persons using the street or otherwise).

5.3 The Council may refuse the application.



MANCHESTER
CITY COUNCIL

Premises Licensing Team

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premises.licensing@manchester.gov.uk

Level 1 Town Hall Extension, Albert

Square, PO Box 532, M60 2LA

Local Government (Miscellaneous Provisions) Act 1982
Application for a new Street Trading Licence or Consent or
to renew an existing Street Trading Licence or Consent

- Please complete all sections of the form.
- All applicants must sign and date the form.
- Submit the application to the Licensing Business Unit at the above address.
- If you are applying to renew an existing licence or consent but want to change the location, the trading hours or the type of goods being sold, you may need to make a new application – please contact the Licensing Business Unit for advice before submitting the application.

SECTION A

Please indicate the type of application you want to make by ticking the appropriate box below -

I want to apply for a new street trading licence:	<input type="checkbox"/>
I want to apply for a new street trading consent:	<input checked="" type="checkbox"/>
I want to renew an existing street trading licence:	<input type="checkbox"/>
I want to renew an existing street trading consent:	<input type="checkbox"/>
Current licence/consent number:	

SECTION B - PERSONAL DETAILS – 1st Applicant

Surname	GILL		
First Name(s)	GEMMA SAMANTHA		
Home Address	[REDACTED]		
	Postcode	[REDACTED]	
Date of Birth	[REDACTED]	National Insurance No.	[REDACTED]
Home Telephone No.	[REDACTED]	Mobile Telephone No.	[REDACTED]
Email address	[REDACTED]		
Has the above applicant ever been refused a Street Trading Licence or Consent by this or any other local authority?	Yes	<input type="checkbox"/>	No <input checked="" type="checkbox"/>
	If yes, give dates and details below		

SECTION C - PERSONAL DETAILS – 2nd Applicant (if applicable)

Surname			
First Name(s)			
Home Address			
	Postcode		
Date of Birth		National Insurance No.	
Home Telephone No.		Mobile Telephone No.	
Email address			
Has the above applicant ever been refused a Street Trading Licence or Consent by this or any other local authority?	Yes <input type="checkbox"/>	No <input type="checkbox"/>	If yes, give dates and details below

If there are more than 2 applicants please use a separate sheet.

SECTION D - TRADING DETAILS

Trading Name (if applicable):	
Street name and precise location on the street where trading will take place (fixed location trading): Please describe exactly where on the street the trading unit is located; e.g. 'on the corner of...', 'next door to...', 'adjacent to...' etc. You may want to include a map to illustrate the location.	Nell lane, in the lay by lane, where the cars park to go into the (cemetery) Cemetery, next to the main gates
Streets where trading will take place (mobile trading): Please list all streets where you wish to trade. Use a separate sheet if necessary. If renewing a licence or consent, and the streets in which you trade have not changed, just state 'same as last year', and add any additional streets. Use a separate sheet if necessary.	
Do you wish to trade all year round?	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
If 'No', please state what times of year you wish to trade (e.g. Christmas or over Bank Holiday weekends etc):	

SECTION E - TRADING DAYS & TIMES (state the times you wish to trade each day)

Day	Times			
	AM		PM	
	Start	Finish	Start	Finish
Example:				
Monday	0800	1200	1300	1500
			1900	2100
Monday	08.30	16.30		
Tuesday	08.30	16.30		
Wednesday	08.30	16.30		
Thursday	08.30	16.30		
Friday	08.30	16.30		
Saturday	09.00	17.00		
Sunday	09.00	14.00		

SECTION F - GOODS TO BE SOLD (Please give details of all items to be sold)

Example: Confectionary	sweets, crisps, chocolate
Ice Cream	
Confectionary	
Fresh Fruit/Vegetables	
Flowers	flowers for grave side, wreaths at xmas time
Hot Drinks	
Cold Drinks	
Wet and Dry Fish	
Seafood	
Cold Food	
Hot Food	Tick all boxes that apply Baked Potatoes <input type="checkbox"/> Fish/Chips <input type="checkbox"/> Kebabs <input type="checkbox"/> Curry <input type="checkbox"/> Burgers <input type="checkbox"/> Hot Dogs <input type="checkbox"/> Kebabs <input type="checkbox"/> Fried Chicken <input type="checkbox"/> Crepes/Pancakes/Doughnuts etc <input type="checkbox"/> Sausages/bacon/eggs etc <input type="checkbox"/> Other (please state below) <input type="checkbox"/>
Other - please specify	Small plants, flowers, wreaths, graveside candles +

SECTION G - DETAILS OF FOOD BUSINESS REGISTRATION

Please Note: To store, prepare, distribute or sell food on any premises the business should be registered with the local authority where the trading unit is usually kept.

Do you intend to trade in any food items?

Yes ☐ No ☒

If yes, please give details of the local authority where the business is registered:

Local Authority Name:

Local Authority Address:

N/A

Registration Reference:

Date first Registered:

SECTION H - TRADING UNIT DETAILS – please submit 3 x photographs with your application showing the front, rear and side views of the trading unit. *Note for existing traders:* photographs are not required if you are renewing a licence or consent and the appearance of the trading unit has not changed in any way.

Type of trading unit:

Mobile Catering Unit ☐
Ice Cream Van ☐
Stall ☐
Barrow ☐
Cart ☒
Other (please state) ☐

Vehicle Registration (if applicable):

N/A

Colour(s) of trading unit:

white, Victorian style cart, transformed into a flower stand.

Trading unit measurements:

Height: 2.1 mtrs 206 cms
Width: _____ mtrs 59 cms
Length: _____ mtrs 142 cms

SECTION I – ASSISTANT DETAILS (all assistants must wear a badge issued by the Licensing Premises Team; there is an additional charge of £11 per badge and the applicant must include a passport-sized photograph of each assistant with this application)

Important note for existing traders – if assistants already have a badge issued by the Licensing Premises Team there is no need to apply for a new one when renewing the licence or consent. Please complete the details below and indicate whether a badge is required or not.

Do you intend to engage assistants?

Yes ☐ No ☒

If yes, please state how many:

This section continued over the page

Please supply full details of all assistants:	
Full Name: Address: Post Code: Date of Birth: Badge Required: Yes <input type="checkbox"/> No <input type="checkbox"/>	Full Name: Address: Post Code: Date of Birth: Badge Required: Yes <input type="checkbox"/> No <input type="checkbox"/>
Full Name: Address: Post Code: Date of Birth: Badge Required: Yes <input type="checkbox"/> No <input type="checkbox"/>	Full Name: Address: Post Code: Date of Birth: Badge Required: Yes <input type="checkbox"/> No <input type="checkbox"/>

If there are more than 4 assistants please use a separate sheet.

SECTION J - PUBLIC LIABILITY INSURANCE

Do you have public liability insurance?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
If yes, please provide details of the policy:	will buy insurance as soon as I need it
Insurance company:	I have had insurance in the past. I just don't
Policy number:	want to pay for it now, incase I don't get
Period of cover:	the street trading and I waste my money.
Amount of cover (£m):	but can buy as soon as I need to.

Important note: a street trading licence or consent will not be granted unless the operator has adequate public liability insurance.

Please ensure you have read and understood the guidance notes. Before you submit your application, tick the following boxes to ensure you have all the necessary documents. Any omissions will result in the return and delay of your application.

	Please tick
A completed and signed application form:	<input checked="" type="checkbox"/>
The relevant application fee (£720 for a street trading licence or £420 for a street trading consent):	<input checked="" type="checkbox"/>
An additional fee of £11 for each assistant named in the application (where a badge is required):	<input checked="" type="checkbox"/>
A statutory declaration from each applicant in relation to any unspent criminal convictions:	<input checked="" type="checkbox"/>

A full list of every street in which you intend to trade (for ice cream or other mobile trading applications):	<input type="checkbox"/> N/A
A passport-sized photograph of each applicant for the licence and of each assistant named in the application (where a badge is required):	<input checked="" type="checkbox"/>
Three colour photographs of the trading unit illustrating the front, rear and side views of the unit:	<input checked="" type="checkbox"/>
Written permission from the landowner (only applicable where the location is private land):	<input type="checkbox"/> N/A
Written details of the proposed arrangements for the storage, collection, removal and disposal of refuse:	<input checked="" type="checkbox"/>
<p>The following documents do not need to be submitted with an application for a new licence or consent but must be submitted and verified prior to the licence or consent being granted.</p> <p>These items <u>must</u> be submitted with an application to <u>renew</u> an existing licence or consent:</p>	
A copy of the certificate of insurance covering third party and public liability risks:	<input checked="" type="checkbox"/>
Written permissions/certificates relating to advertisements, power source or generator (where applicable):	<input type="checkbox"/> N/A
A copy of the food business registration certificate, where applicable. Please note; registration is with the local authority where the trading unit is usually kept:	<input type="checkbox"/> N/A

Please ensure you have read and understood the guidance notes particularly with regard to prohibited streets - applications for licences and consents in prohibited streets cannot be accepted.

Refuse disposal;- My flowers are delivered from Holland in buckets, after use they collect them, the flower stems and dead stock, I compost them, any other refuse I will dispose of at the tip and send in the receipts. I will store and refuse at my home address prior to taking to the tip.

Declaration and signature(s):

Please note, it is a criminal offence, for which you may be prosecuted, if you knowingly make a false statement or omit any information from this application.

I declare that to the best of my knowledge and belief, the answers given herein are true. I understand that if I knowingly or recklessly make a false statement or omit any material particular, I shall be guilty of an offence, which is punishable by a fine.

The information I have provided will be held by the Council on computerised and manual files (some data will be made available on a public register as required by relevant legislation). The data may also be disclosed to other departments within the Council or other organisations, but only in order to ensure compliance with relevant legislation or for identification purposes or to prevent or detect fraud or a crime. Manchester City Council is a registered Data Controller in accordance with the Data Protection Act 1998.

Signature of 1st applicant: [REDACTED]

Full Name: [REDACTED]

Date: 8/1/2019

Signature of 2nd applicant:

Full Name:

Date:

Signature of 3rd applicant:

Full Name:

Date:

Notes

1. A licence or consent can be held by more than one person providing that person has a business interest and authority to manage the street trading site. Joint licence or consent holders shall be equally responsible for any breach of terms of conditions of a Street Trading Licence or Consent.
2. Applicants must be over the age of 17 years.



CONSENT NO: 225250

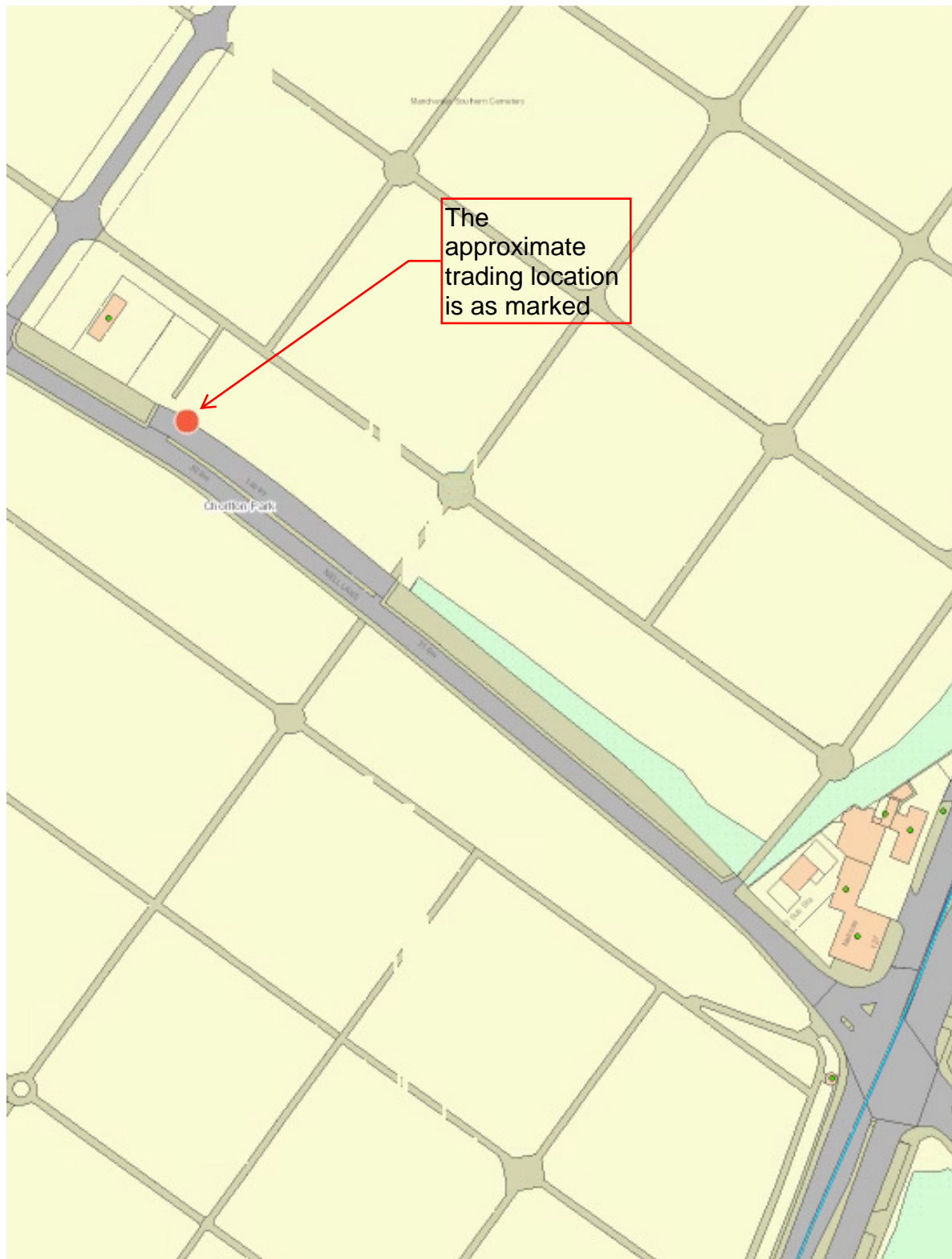
TRADER NAME: Gemma Gill

LOCATION: Layby next to cemetery entrance on Nell Lane

By virtue of paragraph(s) 3 of Part 1 of Schedule 12A
of the Local Government Act 1972.

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Ms Gemma Gill
Layby next to Southern Cemetery entrance, Nell Lane

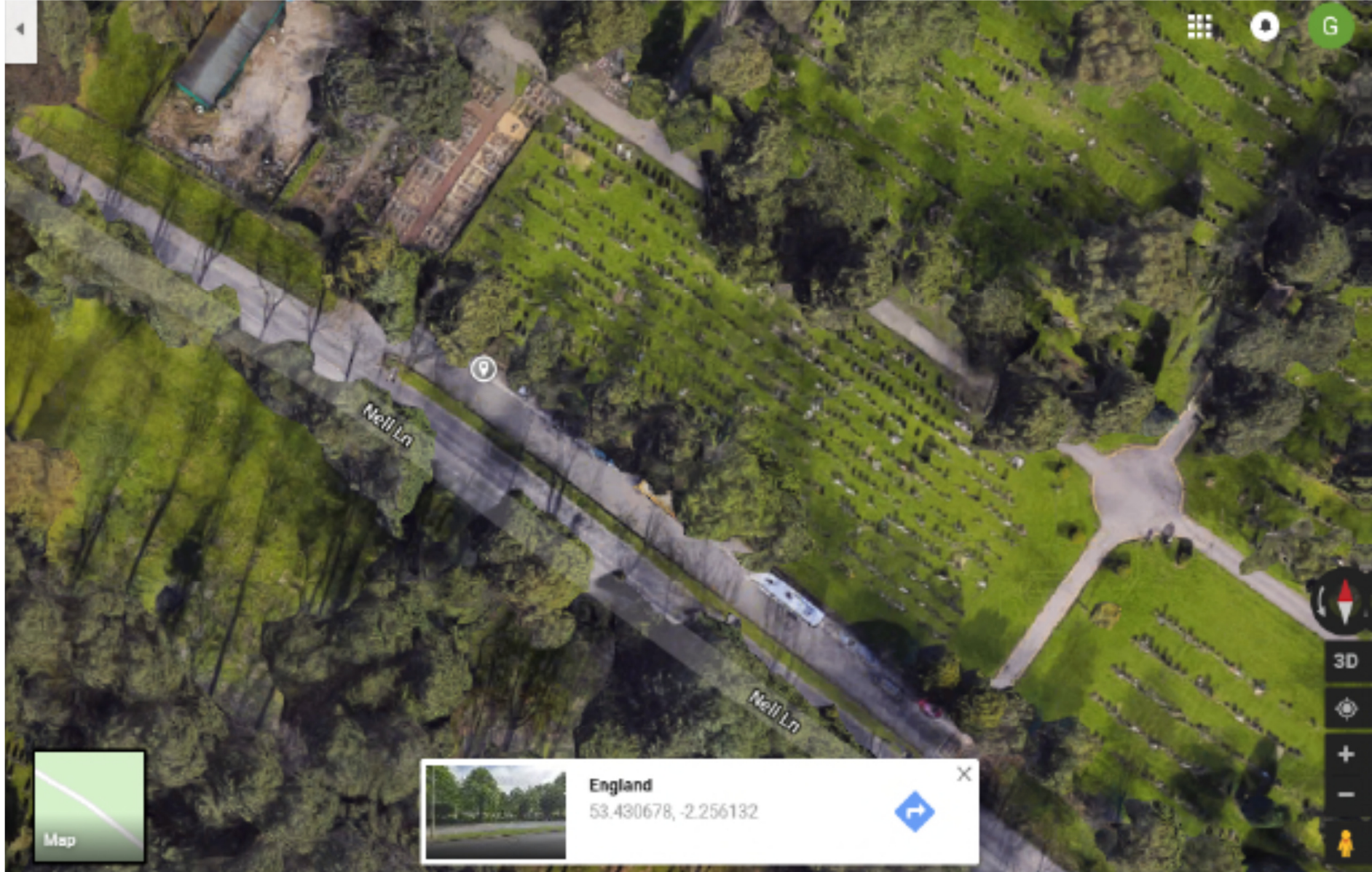
Premises Licensing
Manchester City Council

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Survey100019568.



PREMISE NAME:	Ms Gemma Gill
PREMISE ADDRESS:	Layby next to Southern Cemetery entrance, Nell Lane
WARD:	Chorlton Park
HEARING DATE:	25/03/2019

Plan of proposed location as submitted by applicant:



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Dear Sirs

Many thanks for the notification that you have received an application for a street trading license in the layby next to the cemetery entrance on Nell Lane. It is with great concern we reply as you will be aware we already have a current trading licence for this area to trade at weekends. We have held this licence for many years (approximately around 25 years) since when you first set up the area now a layby for parking for visitors to the cemetery.

When the layby was first set up on Nell Lane we found our trade at the shop on the corner Princess Road /Nell Lane was dramatically affected as it was far easier for Cemetery visitors to park further down Nell Lane in your new layby than around our shop at the corner of Nell Lane and Princess Rd. At that time you allowed a street trader to trade there . This dramatically affected our business. We appealed to you and your department suggested as it was affecting our business that we applied for a licence also to trade. Eventually you consented to this for weekends and bank holidays only. We have held this license ever since.

We would respectfully suggest that your licensing committee take this letter not purely as an objection but more as a constructive observation on behalf of a long standing family business, that has over the years provided employment to many Manchester people and in addition paid considerable business rates into the City's funds.

For a number of years from first running a stall at this location trading was at a reasonable level and both the other trader and ourselves enjoyed reasonable trading. From around 10years ago this trade(sales of flowers for the cemetery) decreased considerably as we believed supermarkets were making buying flowers more of a convenience when doing weekly shopping and it was obvious(from seeing supermarket packed flowers being carried into the cemetery that more and more people were not relying on buying nearby). A few years ago (around 5 years) the other trader approached us to take over his pitch as he was finding it totally unprofitable. Of course, we were also finding it less and less profitable but carried on trading as previously stated because of the parking problems around our shop. By then we had established a few regular clients(mainly older people who perhaps would not have walked all the way down Nell Lane to our premises if they had parked in the layby).

However in the last year or so, the Cemetery have allowed visitors to take their cars directly into the cemetery grounds at weekends thus bypassing ourselves in many cases. Perhaps more importantly and especially at Christmas Time, and around Mothers Day & Fathers day the layby becomes overfull and Nell Lane becomes almost totally blocked by cars, and by adding another trader actually on the car park area will create even more congestion, where as our stall is situated on the grass verge next to the gate not creating any obstructions . The general traffic along Nell Lane is continually getting heavier and heavier and with all the new apartments on Nell Lane and the large new school now on the Didsbury Point site being built, and

the continuing expansion of the Loretto school, Nell Lane is almost impossible to pass through and will only get worse. A suggestion would be to expand the car park area on Nell Lane replacing the wide grass verge that is almost as wide as the current layby on Nell Lane.(we appreciate this is not within the remit of the Licensing Committee, but could be looked into)

Since cars have been allowed into the cemetery our cemetery trade both at the shop and also on our licenced stall has continually gone down . We are aware retail in general is now more difficult but to reintroduce more traders in this area around the Cemetery , when there is ample flower selling offerings from full rate paying businesses, such as the florist on Nell Lane opp. the Southern Hotel, a supermarket on corner of Mauldeth Road and Barlow Moor Road and a florist opposite main gates on Barlow Moor Road., would appear to be overkill and no one will benefit.(Apart from The Council with another licence fee.)

You may not be aware as to the history of our trading in Nell Lane. Way back in 1911 my grandparents bought a considerable amount of the land down Nell Lane for a market garden and nursery where they produced many horticultural products and traded and lived in a cottage (on a site near the layby) In 1960s the Manchester Council compulsory bought the land from my father for extra cemetery land with very low compensation with great upset and impact on the growing side of the business, then later the Council built the housing estate next to Lorreto School, so it was not all used for cemetery land. Since then over the years our family feel that the Council have hindered our business rather than supported us and this yet again appears to be the case.

In conclusion we object for a further trader to trade from the area of the car park layby where we trade from as firstly we believe the current level of trade would definitely not sustain a further trader and it would be not only unfair to our stall and our nearby shop, but also to a number of other local business rate paying florists on Barlow Moor Road (Collins opp. main gate) and also another florists on Nell Lane (opposite Southern Hotel).I am sure the applicant would object if we set up a stall near to their florist premises.

As the viability of trading is continually decreasing, we feel it would not be fair firstly to ourselves but also to a new trader to set up and further obstruct parking in the layby. May we suggest the best outcome from all angles, such as street trading, car parking and accessing Nell Lane that you designate Nell Lane as a **NON** allowable street area for street trading. That of course would mean we would not be allowed to continue a license for our stall, but in the interest non conflict in the future we would agree to this course of action.

We would be only too pleased to further consult with your committee but would appreciate a date avoiding dates around 14th February and ideally after 29th March as these periods of Valentines Day and Mothers day are the two trading periods essential to a progressive florist.

We thank you in advance for your consideration of all aspects of our concerns.

Yours faithfully

(information redacted)

Director- Designer Flowers by Rodgers Ltd.

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By virtue of paragraph(s) 3 of Part 1 of Schedule 12A
of the Local Government Act 1972.

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