

Licensing and Appeals Sub Committee Hearing Panel

Minutes of the meeting held on Monday, 10 January 2022

Present: Councillor Jeavons – in the Chair

Councillors: Andrews and Evans

LACHP/20/1. 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/20/2. Application for a Street Trader Consent - Eatonmore, Corner of Wilmslow Road & Old Hall Lane, Rusholme, Manchester

The Hearing Panel considered a report from the Director of Planning, Building Control and Licensing. The Principal Licensing Officer introduced the report and highlighted that application had subsequently revised trading hours to 08.00 – 16.00 Monday to Friday during University of Manchester terms time only. This had been circulated after the original papers for the meeting had been circulated. All parties confirmed receipt of the supplementary submission.

A total of 12 objections had been received from community groups and residents. These objections centred around the application not being in line with the Council's wider policy framework and the location of the site falling close to Fallowfield's Cumulative Impact policy area. Objectors concerns centred around an increase litter issues in the area, the exacerbation of rodent issues, obstruction of the pavement and its proximity to a busy junction. Proximity to the local educational establishments (including local secondary schools) was also cited. The objectors referred to the number of similar establishments in the area.

The Applicant addressed the Hearing Panel, confirming the amendments in trading hours outlined by the Licensing Officer. He stated his intention was to offer healthy vegetarian foods, with refreshments targeted users of the nearby gym as well as local residents. He asserted that there was no intention to actively encourage school children to use the establishment. A contract with Biffa was in place to remove waste on a weekly basis, plus an arrangement with a landlord to store waste off-site until the collection day. The Applicant informed the Hearing Panel that they would utilise branded biodegradable containers for all refreshments. The Applicant acknowledged concerns over highway and public safety, noting however that clear road markings, good lighting and ample pedestrian crossings were in place in the area.

In reviewing the amended application, the Panel noted that no sample menu had been provided.

Objectors concerns centred around further changes to operating hours, what actions could be utilised to deter school pupils from the unit, and concerns over the site of the trading unit in respect of public safety in view of the busy highway. Objectors also sought to establish staff training for staff and volunteers. The Principal Licensing Officer provided assurance on the process to facilitate a change in operating hours. The Applicant advised that the trading unit would be removed each day and reiterated that the refreshments offer would be restricted to healthy eating options in light of the target market of patrons of the gym. Objectors raised a further concern about the biodegradable food containers cited in the application and referred to recent studies which indicated which questioned the extent to which it was biodegradable. They also referred to an overabundance of takeaways in the area offering similar refreshments

The Panel asked questions about the location of the site (including contingency planning for the site not being available on the day), the refreshments offer and the Applicants level of previous experience. The Panel noted that there was sufficient space for the trading unit as well as other parked vehicles. The Applicant stated an intention not to offer sugary / fizzy drinks. He referred to having worked in the hospitality sector in the past but was not an experienced Street Trader.

In reaching its decision, the Hearing Panel considered the written papers, oral representations of all parties as well as the relevant legislation and guidance.

The Panel was satisfied that Cumulative Impact policy did not apply to this application. However, the Hearing Panel shared concerns over highway and public safety, noting that those concerns had also been actively acknowledged by the applicant. Concerns regarding the increase in litter that the trader could create, were also shared by the Panel though they acknowledged the Applicant had taken all necessary steps they could to dispose of their waste appropriately. Therefore after careful consideration, the Panel refused the application.

Decision

To refuse the application for Street Trading Consent on the grounds of highway and public safety, noting that the area was well serviced already by other food outlets selling similar products.