

Licensing and Appeals Sub Committee Hearing Panel

Minutes of the meeting held on Tuesday, 25 January 2022

Present: Councillor Ludford (Chair) – in the Chair

Councillors: Hassan and Hughes

LACHP/20/13. 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/20/14. Application for a Street Trader Consent - Wrays, Layby outside Alexandra park Gates, Near to Quinney Crescent, Manchester

The Hearing Panel considered a report from the Director of Planning, Building Control and Licensing.

A Licensing Officer introduced the report, listing proposed trading hours and refreshments to be sold. A total of 3 objections had been received from LOOH, the Parks team and a resident. These objections centred around noise emanation, detracting of visual aspects of Alexandra Park and the similar offer of the Café inside Alexandra Park. 2 late objections had been received and the Hearing Panel asked if the applicants had received these. They had not and requested that the Hearing Panel do not take account of them due to them being late. The Hearing Panel accepted this request.

The applicants addressed the Hearing Panel, listing the refreshments they planned to sell, outlining the difference between their outlet and the Café located inside the Park. They informed the Hearing Panel of the work they have done in their community over a number of years, including in Alexandra Park. The applicants outlined their experience in hospitality, explaining their trade was not just about serving people but engagement with the local community. The applicants addressed concerns about noise emanation from their Street Trading Vehicle. They stated that they have acquired an expensive generator which would be quieter than a standard generator.

The Hearing Panel sought clarity on the application stating that limited alcohol would be sold, the number of food items listed and asked the Licensing Officer about permission. The applicants informed them that they would not be selling alcohol, and the number of food items would not be on offer every day. The Licensing Officer informed the Panel that permission for the applicants vehicle is inherent if the

consent is granted. LOOH asked for further information on noise management. The applicant's stated they are known across the community so they will be able to manage any noise being made by customers.

LOOH addressed the Hearing Panel with their objections. Their concerns centred on the noise from the generator, and the limit to the car park intended for the park caused by their vehicle and customers. They stated that the noise from extra vehicles would cause a nuisance for park users and residents, who the closest of are only 5 metres away. LOOH also had concerns about the hours of operation requested.

The applicants raised questions to LOOH about noise, similar establishments and other events. LOOH stated that temporary events, whilst approved, still create noise complaints but are at least temporary. Whilst they have not received complaints about similar establishments in the area, LOOH said they must treat each individually and they believed this would create more traffic in the area and thus further noise nuisance.

The Panel sought to establish if the measurement of 5 metres from the closest residential property was accurate. LOOH stated that even if the establishment moved slightly further away, they do not believe this would make a difference to the noise emanation.

A member of the Parks team then addressed the Hearing Panel. They stated that the Café within Alexandra Park already has a similar offer to the application, and raised concerns about their ability to keep trading if this is approved. It was expressed that the Café also does lots of work for the community and a loss of revenue could impact on these aims. The objector from the Parks team explained that Alexandra Park had been awarded Green Flag Status and was concerned that this could be lost due to a trading vehicle being positioned at an entranceway. They also had concerns about an increase in litter from the Street Trader, something which has already increased as a problem throughout the pandemic.

The applicants sought further information on which entrance has Green Flag Status, whether other vendors impact this and the Cafes trading times. LOOH explained that all entrances to the park have Green Flag Status and vendors outside the park have no agreement with them and are not a permanent fixture. LOOH stated the opening hours of the Café vary throughout the year in relation with dawn and dusk times.

The applicants summed up their case by stating they are willing to work with objectors to find a solution that works for all. They informed the Hearing Panel that they are flexible with their opening hours.

In their deliberations, the Hearing Panel noted the objections raised. However, they acknowledged that the Street Trader was offering products that could not be bought at other vendors in the area. The Hearing Panel shared concerns about the Café and its viability with a new Premises nearby. For that reason, the Hearing Panel amended the hours of operation for this application and requested that the applicants work closely with the Café and park, attempting to offer different products. The Hearing Panel were also satisfied that these amended hours and specialist generator meant that noise nuisance would not be an issue.

Decision

To grant Street Trading consent with amended operating hours of 2.00pm to 8.00pm.