

Licensing and Appeals Sub Committee Hearing Panel

Minutes of the meeting held on Monday, 11 July 2022

Present: Councillor Andrews – in the Chair

Councillors: Connolly and Hewitson

LACHP/20/91. 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/20/92. Application for Street Trader Consent - Caramello, 10 Whitechapel Street, Manchester, M20 6UB

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

A Licensing Officer introduced the report, stating that this was an ice cream trader looking to trade 8 flavours of artisan home-made gelato across East and West Didsbury with hours as contained in the report. The previous application was stated as not granted and a standard condition would be implemented in that no trading would take place near schools and nurseries. A Local Ward Councillor and objector made reference to high levels of parking in the proposed trading areas, trading was close to schools in the application, other nearby vendors with similar offerings, parking and access issues and fumes. Street trading should only be allowed in appropriate places at appropriate times. The Licensing Officer then made reference to the Licensing Objectives.

The applicant addressed the Hearing Panel and stated that provision was in place regarding road safety with no suggestion that this application will make it worse.

The applicant made 4 main points to his representations:

- Road safety - that there would be sufficient space if parked properly as they would use a small wheel-base vehicle (dimensions supplied in the report).
- Loss of amenity – there would be no noise or fumes when parked as the vehicle does not need the engine running when vending.
- Already similar goods in the area – there were no other vendors selling freshly made ice cream.
- Obstructs traffic flow – parking bays would be used and there would be plenty of room due to the small size of the vehicle.

For the reasons outlined above, the applicant expressed that there should be no grounds for a refusal.

An objector addressed the Hearing Panel and state that their main objection is based on parking and trading in the vicinity of Didsbury Primary School and asked the Hearing Panel to consider that the school has three entrances, all on proposed street trading sites. The school is also based on Wilmslow Road (also a proposed trading site) which is a busy thoroughfare where parking would be an issue. A Local Ward Councillor has run a campaign to reduce parking on this road. The Objector stated that the hours of trading ties in with the school's closing time, adding that residents want to be able to park in their own locality and 1 parent has a disability with a wheelchair/car combination vehicle that requires extra space to operate. There are others with mobility issues in the area also and any parking issues could affect them greatly. The objector stated that they felt more reassured regarding the issues of fumes following the applicant's statement.

The applicant did not submit a question but noted their awareness that they were not able to trade in the vicinity of Didsbury Primary School at opening and closing time.

In summing up, the objector stated that his objection was now not as significant, that, as Chair of the Academy Trust for the school, he had a good relationship with the applicant and that he felt assured regarding the issue of fumes and engine noise.

The Chair had the objector confirm closing times for the school.

The Licensing Officer summed up by referring to the Street Trader policy regarding obstruction and danger to any people on the street.

In their deliberations, the Hearing Panel noted that the objector was now satisfied with the application having heard further details at the hearing and considered that only the closing times for the school coincided with the application and therefore amended trading times in the vicinity of Didsbury Primary School, omitting trading between 14:55 and 15:40.

Decision

To grant the application with the amended condition that trading in the vicinity of Didsbury Primary School cease between 14:55 and 15:40. Otherwise, trading hours are permitted from 11:00 to 18:00.