

Licensing and Appeals Sub Committee Hearing Panel

Minutes of the meeting held on Monday, 3 April 2023

Present: Councillor Connolly – in the Chair

Councillors: Flanagan and T Judge

LACHP/23/29. 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/23/30. Application for a Street Trading Consent - Vanoffee, To the front of all Saints Park (to the right of Couch Potato)

The Hearing Panel considered a report from the Director of Planning, Building Control and Licensing. The Hearing Panel also considered the written papers of the parties and the oral representations of the parties who attended as well as the relevant legislation.

The Licensing Unit Officer addressed the Hearing Panel, noting this application was for a new Street Trading Consent. The applicant requested trading hours of: Monday to Friday 7am to 3pm, and Saturday to Sunday 9.30am to 3pm. The applicant requested to trade items including Ice Cream, Coffee, Hot Chocolate, Cookies and Cooked Pastries. The Licensing Unit Officer noted that three objections to the application had been received and provided a summary of those objections.

The panel noted that in the objection summary, reference had been made to litter and health and safety concerns of getting the unit on and off the pavement. Questions were then raised regarding both issues. The Licensing Unit Officer stated it would not be their team that dealt with litter concerns but that there were standard conditions added to Street Trading Consent's relating to litter. They noted a panel had the powers to strengthen those conditions. In terms of any health and safety concerns, the Licensing Unit Officer accepted that other units had been trading from this location for a long time and that the issues brought by the bus and cycle lane were relatively new. They did note that other traders in this location had permission to keep their unit there when not trading.

The applicant attended the hearing and addressed the panel, noting that this was an application for a coffee van, utilising a converted ice cream van. Their focus for the application was on wellness and mental health and felt this would bring added social value to the business for the area. The applicant believed their food and drink offering

to differ from those already operating in this location. They noted that the van was a hybrid and therefore the engine would not be required when trading, with the business aiming for a fully electric van in the future. The applicant would use sustainable packaging.

A representative attended with the applicant, stating that there would be at least 2 people involved in moving the unit on and off the location at all times to alleviate any health and safety concerns.

LOOH questioned the applicant regarding how the applicant would move their unit safely and how they would manage queues. The applicant stated that there is CCTV on the van and a reversing alarm to assist with moving the unit. They noted the space applied for was roughly 6 to 7 metres and the unit was only 3.5 metres. There would always be two people present when moving the unit. In terms of queue management, the applicant felt that the pavement had good depth for this. They would utilise a pop-up stand at the end of the unit for customers to utilise items such as sugar, with a litter bin next to this. They stated that at busy times, they would utilise standard queue partitions to manage the space safely.

A representative of MMU questioned where the applicant would access the location from. They stated that they would be willing to access from wherever was the safest place.

LOOH addressed the panel, noting that their main objections related to access and public safety. There had been concerns regarding litter, but it was noted they had been addressed prior to the hearing.

The panel sought clarity on how the concerns relating to litter had been resolved. LOOH stated this was due to the use of identifiable packaging.

MMU's representative addressed the panel, stating that they felt the application was incompatible with the University's Public Realm Masterplan. They stated that the Public Realm Masterplan aimed to create an open and relaxing space for students and believed this application would restrict this. MMU felt the application would cause a public nuisance by restricting space on the pavement, that had previously been widened for pedestrian use. MMU believed health and safety concerns were apparent for the moving of the van on and off the pavement. MMU felt there was sufficient provision in the area and a further food outlet was not required.

The applicant questioned the programme schedule for work to begin on the Public Realm Masterplan. MMU noted that information could be found online but work would commence in the summer.

The panel questioned if, as part of the pedestrianisation in the Public Realm Masterplan, there would be limited vehicular access, particularly for those with disabilities. MMU confirmed there would be. The panel noted that the plans could not block existing traders, questioned if the telephone boxes would be removed and if the time concerns related to the afternoon rather than the morning. MMU accepted that they could not block existing traders but stated they would object to the renewal of their Street Trading Consent. MMU noted the telephone boxes would be removed,

with the panel noting that this reduced concerns related to queue management. MMU accepted that the closing time of the unit was the concern regarding health and safety.

Oxford Road Corridor's representative addressed the panel, not wanting to repeat what had been said by MMU. They noted that they had four main objections to the application. They were road safety, insufficient space, adequate provision in the area, and the significant investment in the area making the application not in-keeping with the area.

When invited to sum up, LOOH, MMU and Oxford Road Corridor had nothing to add.

The Licensing Unit Officer summed up by stating the panel should consider the application in regards to the objections received and the Council's Street Trading Policy.

The applicant summed up by noting they had put a lot of hard work and thought into their brand. They stated they were a Manchester business, with wellness a big part of their brand and felt this added social value to their application.

In their deliberations, the Hearing Panel considered the Local Government (Miscellaneous Provisions) Act 1982 (Schedule 4) and its own Street Trading Policy, whilst noting both the written and oral representations received. The panel accepted that the applicant had addressed objector concerns sufficiently. The panel accepted that the unit could safely mount and dismount the space, provided that there was a banks person there at all times to supervise. Whilst noting concerns relating to litter, the panel felt that could be alleviated by conditions requiring a daily litter pick and the use of identifiable packaging. The panel also accepted that the application offered items not widely available in the area.

Decision

To grant Street Trader Consent subject to the following conditions: -

- Daily litter pick must be carried out in the vicinity of the Mobile Unit on trading days.
- All packaging produced and used for the sale of goods must be identifiable as emanating from the business.
- A "Banks person" is required each trading day to supervise the manoeuvre of the Unit when it is entering and exiting the site.
- The Unit must be removed from the site, each day, outside of trading hours.

LACHP/23/31. Application for a Street Trading Consent - Wray's, Layby outside Alexandra park Gates, Near to Quinney Crescent/Princess Rd Manchester

The Hearing Panel considered a report from the Director of Planning, Building Control and Licensing. The Hearing Panel also considered the written papers of the parties and the oral representations of the parties who attended as well as the relevant legislation.

The Licensing Unit Officer addressed the Hearing Panel, noting this application was for a new Street Trading Consent due to the previous consent having expired. The hours applied for were the same as previous and the Licensing Unit Officer provided a summary of the refreshments applied for. It was noted that three objections had been received and a summary of those was provided.

The applicant addressed the Hearing Panel, stating that they had been trading from this location for a year. They noted an objection had been received from the operators of the café inside the park, who had been there for six months. The applicant informed the panel that they had worked around the cafés opening hours, not wanting to hinder another business. The applicant stated that they clean around their unit on arrival and when leaving, with the assistance of volunteer residents on occasion. They noted that their generator can emit noise when first turned on, but that noise reduces over time. They also felt that noise emanation was heavier from the nearby main road. The applicant stated they wanted to engage with nearby businesses. They felt that their business was closer to those on the nearby main road than those within the park. The applicant noted that the items they traded were different to those offered within the park.

The Licensing Unit Officer sought clarity on the position of their unit. The applicant stated they park their unit to the right of the park entrance and informed the panel that the image provided in the report was not accurate.

An objector from a local business questioned why the applicant had chosen the location. The applicant stated that they run a café in Fallowfield but built up a mobile unit during lockdown. They had researched different areas and settled on this location.

The panel raised concerns regarding the location, questioned what the applicant did if their parking space was taken and if the applicant considered working with MCC's events team when there are major events taking place at or around the park. The applicant noted that the location was what was previously applied for. They stated that if the space is taken, they would wait. However, usually the applicant would go to the park to check the space was available first as they lived close by. The applicant had previously worked with MCC's events team to find a safe location to trade when major events were taking place.

An objector from a local business addressed the panel, noting their concerns that theirs was a new business in the park that had only been operating for around five months. They were concerned that this application would detract from their business as it was located at a key entrance to the park.

The panel questioned the objector regarding the offering from each trader, and if when going through the tender process for the café, they had been aware of the applicant's unit outside the park. The objector accepted that some of the products offered by each trader were different. They stated they were not aware of the applicant's business when going through the tender process.

The objector had nothing to add when invited to sum up.

The Licensing Unit Officer summed up by stating the panel should consider the application in regards to the objections received and the Council's Street Trading Policy.

The applicant summed up by stating that they felt there was room in the area for all businesses. The applicant wanted to work with other operators in the area to find a solution that worked for everyone and allowed their businesses to add value to the area.

In their deliberations, the Hearing Panel considered the Local Government (Miscellaneous Provisions) Act 1982 (Schedule 4) and its own Street Trading Policy, whilst noting both the written and oral representations received.

Decision

To grant Street Trader Consent subject to the following conditions: -

- Daily litter pick must be carried out on trading days in the vicinity of the Mobile Unit, including within a reasonable distance inside the park itself.
- All packaging produced and used for the sale of goods must be identifiable as emanating from the business.
- The Unit is to be situated in a safe location either side of the park gates at the junction with Claremont Road.
- When major events are taking place at the Park the Applicant must enter into early discussions with MCC to ascertain a suitable location to carry out trading on such dates.