



TAXI AND GENERAL SUB COMMITTEE

MINUTES OF THE DIGITAL MEETING HELD VIA MICROSOFT TEAMS ON FRIDAY,
27TH NOVEMBER 2020 AT 10.00 AM

PRESENT

Councillors:

Mrs D. Price (Acting Chair), D. Cushing, W. Williams

Together with:

L. Morgan (Licensing Manager), K. Hopkins (Senior Licensing Officer) and T. Rawson (Solicitor), R. Barrett (Committee Services Officer)

Representing Local Residents

Mr T. Martin and Mrs K. Martin, Mr S. Platt

Representing the Applicant

Ms G. Evans (by telephone)

INTRODUCTION AND RECORDING ARRANGEMENTS

Due to technical difficulties, the meeting start was delayed to 10.35am.

The Chair welcomed all those in attendance and introductions were made. The Chair reminded those present that the meeting was being recorded and would be made available following the meeting via the Council's website – [Click Here to View Part 1](#) [Click Here to View Part 2](#).

1 APOLOGIES FOR ABSENCE

There were no apologies for absence received.

2 DECLARATIONS OF INTEREST

There were no declarations of interest made at the beginning or during the course of the meeting.

3 LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982 - APPLICATION FOR STREET TRADING CONSENT

The Legal Advisor to the Sub Committee outlined the procedure for the meeting, including the order of representations and the opportunities for all parties to ask questions.

Mr Lee Morgan (Licensing Manager) presented the report and outlined the application submitted by Ms Gemma Evans for the renewal of a street trading consent for a catering trailer providing hot and cold food and drink, located at The Bungalow Club, Llywnon Street, Oakdale, NP12 0NF. The application sought consent to operate between the hours of 8.30am to 10pm Monday to Friday, 9am to 10pm Saturday and 10am to 10pm Sunday, which was a significant increase upon previous trading times authorised under the consent.

It was noted that during the 14-day consultation period, representations were received from two local residents in objection to the application. Full details were appended to the Officer's report. There were no adverse comments received from other appropriate bodies (e.g. Environmental Health and Highways) in relation to the application for renewal.

Attention was drawn to the determination process as set out in the Street Trading Policy and to the way in which the Sub Committee would deal with the application. Members were referred to the recommendation set out in the Licensing Manager's report, which recommended the grant of the Street Trading consent, subject to the original trading hours of 8.30am - 2.30pm Monday to Friday, 10am – 2pm on Saturday and 11.00am – 3pm on Sunday, following the concerns raised in respect of prevention of public nuisance and public safety.

It was also noted that that determination of the matter rests with the Taxi and General Sub Committee and that there are no further rights of appeal.

All parties present were afforded the opportunity to ask questions of the Licensing Manager, who responded to queries from the Sub Committee and the residents present on the contents of his report.

Representations were then invited from the applicant, Ms Gemma Evans, who summarised her application and explained that the extended hours had been applied for to give her business flexibility to cater for special events hosted by the neighbouring Bungalow Club, such as Halloween and Christmas. She emphasised the responsible nature of her business and was sorry to learn of the objections received.

All parties present were afforded the opportunity to ask questions, and Ms Evans responded to questions from the Sub Committee, the Legal Advisor and the local residents on the specifics of the application.

Representations were then invited from Mr and Mrs Martin (local residents) who addressed the Sub Committee and outlined their objections to the application. They made reference to existing public disorder, noise and light disturbance from patrons of the adjacent premises which was impacting on the enjoyment of their evenings, together with strong food smells emanating from the trailer and the road safety hazards caused by customers in their vehicles reversing from the premises car park into the main road. They feared that any extension to the existing hours could exacerbate these problems and cited the potential impact on pedestrian safety around school closing times if these hours were granted.

All parties present were afforded the opportunity to ask questions, and Mr and Mrs Martin responded to questions from the Sub Committee and the Legal Advisor on the specifics of their objections and possible actions that could be undertaken to mediate their concerns.

Mr Platt (local resident) was then invited to address the Sub Committee and he summarised his objections to the application, which included concerns around foul language, littering and parking issues in the vicinity of the site. All parties present were afforded the opportunity to ask questions, and Mr Platt responded to questions from the Sub Committee on the specifics of his objection and possible actions that could be undertaken to mediate his concerns.

Ms Evans (the applicant) was then invited to respond to the points raised by the local residents. She explained that in relation to parking concerns, the car park is already occupied before she opens up the trailer and so is unrelated to her business. She also outlined the steps she had undertaken to minimise disturbance (such as displaying signage to remind customers to be mindful of local residents) but emphasised that the issues raised are out of her control.

All parties were afforded the opportunity to sum up before the Taxi and General Sub Committee retired to make its decision. The Licensing Manager, local residents and Mrs Evans summarised their representations to the Sub Committee.

The Sub Committee retired at 11.50 a.m. to make its decision and reconvened at 12.42 p.m.

Following consideration of the application for the renewal of a Street Trading consent for a catering trailer providing hot and cold food and drink, located at The Bungalow Club, Llywnon Street, Oakdale, and having regard to the Licensing Manager's report and all the representations made, the Taxi and General Sub Committee unanimously RESOLVED that the application be granted, subject to the hours of 8.30am-2.30pm Monday to Friday, 10am-2pm on Saturday and 11.00am-3pm on Sunday.

In making their decision, the Sub Committee formed the view that the location of the burger van within the carpark of a licenced premises meant that there was an increased risk of nuisance being caused to neighbouring residents during the longer trading hours sought, particular into the evening hours when there was a risk that people affected by alcohol, and or general members of the public, would congregate in the open air to use the burger van. The Sub-Committee gave significant consideration to the location of the burger van and its proximity to residential dwellings, and were of the view that whilst the location was suitable for the hours of the previous licence, it is not suitable for the longer hours of trade being sought by Ms Evans. The Sub-Committee decided not to allow longer hours on condition that the same be limited to certain instances/occasions/ or numerical limits.

The Sub-Committee found on balance that Ms Evans' submissions and evidence on when and how often she would seek to trade into the night was too uncertain to ensure the Sub Committee could confidently grant the hours requested and be assured that the policy objectives that protect neighbouring residents would be met. It was emphasised that this is not a criticism of Ms Evans but is a reflection of the uncertainty around this area of her business, largely beyond her current control. The Sub-Committee took the view that there is sufficient scope within the policy for Ms Evans to apply for a variation to her licence at the relevant time in the future. If such application was made, then residents would have the further opportunity to raise contemporaneous objections to any such application. On balance, the Sub-Committee accepted the concerns raised by the residents in regard to the longer business hours to be valid and significant when all circumstances were taken into account.

The applicant was reminded that there is no right of appeal of the Sub Committee's decision.

The Chair thanked all parties for their attendance and for their patience during the proceedings and the meeting closed at 12.45 pm.