



TAXI AND GENERAL SUB COMMITTEE

MINUTES OF THE MEETING HELD AT PENALLTA HOUSE, YSTRAD MYNACH ON
THURSDAY, 13TH FEBRUARY 2020 AT 10.00 AM

PRESENT

Councillors:

Ms J. Gale, R. Whiting and W. Williams

Together with:

L. Morgan (Licensing Manager), P. Smith (Licensing Officer), T. Rawson (Solicitor),
R. Barrett (Committee Services Officer)

Representing Appropriate Bodies (CCBC Highways)

R. Hurn (Assistant Engineer)

Representing the Applicant

Miss A. Alosery (Applicant), Mr I. Hussain (Site Landlord)

1 ELECTION OF CHAIR

The Sub Committee were advised of the unavailability of both the Chair and Vice-Chair for this meeting, and the need to elect a Member to preside as acting Chair. The Sub Committee unanimously voted to elect Councillor Ross Whiting to preside as Chair for the duration of the meeting.

2 TO RECEIVE APOLOGIES FOR ABSENCE.

An apology for absence was received from Dean Smith (Principal Engineer – Traffic Management)

3 DECLARATIONS OF INTEREST.

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

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

The Acting Chair welcomed all those in attendance and introductions were made.

Mr Lee Morgan (Licensing Manager) referred to the apology for absence received from the Principal Engineer and explained that arrangements had been made for a colleague from

the Highways Team (Rachel Hurn) to attend in his place, as Highways were the key consultee in response to the application. He requested that a short adjournment be granted to 10.30 a.m. to allow Ms Hurn sufficient time to arrive for the meeting.

All parties were in agreement with the request and the meeting adjourned at 10.05 a.m.

The meeting reconvened at 10.30 a.m. and Ms Hurn (Assistant Engineer) was introduced to Members.

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 Miss Anneke Alosery for the grant of a Street Trading consent for a catering trailer located at the Old Telephone Exchange, Bridge Street, Abercarn, NP11 4SE, between the hours of 7am to 7pm for the provision of hot food, hot beverages and soft drinks.

The Sub Committee were referred to the representations received from Highways as an appropriate body, who had expressed concerns around public safety due to the lack of parking provision in the vicinity of the site and the potential for unlawful parking and traffic obstruction in the area. Members noted the aerial and street view of the premises as set out in the meeting papers, with colour copies tabled at the meeting.

No other adverse comments were received from other appropriate bodies during the 14 day period; however Environmental Health were unable to make observations on the application as there was no catering unit to inspect at the time of application.

The Sub Committee were referred to the information supplied by Miss Alosery in support of the application as set out in the meeting papers. As part of her appeal, the applicant had supplied a short video file showing traffic movement and parked vehicles in the vicinity of the traffic lights at Bridge Street, which was then played to the Sub Committee by the Licensing Manager.

Members were referred to the Council's Street Trading Policy as set out in the agenda papers, and in particular paragraph 15.2 (c) which states that *"the location of the proposed street trading activity should not present a substantial risk to the public in terms of road safety, obstruction and fire hazard"*.

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 directed to the recommendation set out in the Licensing Manager's report, which recommended the refusal of the application for the Street Trading consent, following the concerns raised in respect of public safety. However, the Sub Committee were reminded that this was purely a recommendation and that they should take into account all the information before them when making their decision.

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. In response to a Member's query, the applicant confirmed that the entrance on the other side of the road leads to the yard for a builders merchant, and that the pavement also runs along that side of the road (and not the side of the road next to the premises).

A Member asked if Licensing could provide a definition or examples of "substantial risk". The Licensing Manager explained that the only concerns received had been from

Highways regarding the potential impact on public safety if the application were to be granted, but that there was nothing in the policy to define “substantial risk”. The Sub Committee sought further information on how applications can be assessed as presenting a “substantial risk” and the Licensing Manager explained that this is based on the level/types of concerns received from consultees.

Representations were then invited from Highways as the Appropriate Body.

Ms Rachel Hurn (Assistant Engineer) referred to the representation from her colleague (Dean Smith) as set out in the meeting papers and explained that she fully agreed with his assessment of the situation. Members were advised that there is no parking at the site and that it is located within the confines of a traffic light control junction, so is likely to create parking issues. She explained that the Council already receive complaints about problem parking from a nearby premises and that granting the application would most likely exacerbate the existing situation. She also explained that the traffic lights are motion controlled and so this may cause the signalling system to become more irregular and create traffic build-ups if extra vehicle movement is detected in the area.

All parties were afforded the opportunity to ask questions, and in a response to a query on how the traffic lights detect car movement, Ms Hurn explained that induction loops are built into the road which activate when they sense a vehicle and send a signal to the lights. If vehicles are parked in the loop area for an extended length of time, this will cut out the signal and the lights will run on fixed time, meaning that they become less efficient and could lead to a build up of traffic. In addition, a parked vehicle outside the proposed street trading location could prevent the free-flow of traffic and cause obstruction, particularly as it is also on a bus route. Ms Hurn also confirmed that the traffic lights are on a 3-way junction that was installed several years due to a new housing development in the area and the need to improve visibility for traffic emerging from a blind corner.

Ms Hurn was asked how Highways define substantial risk, and she explained that street trading applications are assessed by a suitably qualified member of staff. In this particular instance, the risk would be on the basis that there could be a certain volume of customers arriving by car and parking up to collect their food.

Representations were then invited from the applicant, Miss Anneke Alosery.

Miss Alosery addressed the Sub Committee and was supported in her representations by the site landlord, Mr Imrhan Hussain.

Miss Alosery replayed the video clip shown earlier to the Sub Committee and explained that there would be nowhere for customers to park outside the site in any event, particularly given the traffic queuing up from the lights which would block the entrance to the premises. Additionally, there is a lamppost just off the entrance which would impede any attempts to park at the site.

The applicant explained that the sole intention of her catering unit is to attract customers on foot from neighbouring businesses and factories, as there are no other local facilities providing hot or cold food in the area.

Miss Alosery and Mr Hussain referred to a prevalence of parking problems and traffic issues already in existence along Bridge Street. By way of a Powerpoint presentation, the applicant presented a diary log of traffic movement along Bridge Street to illustrate these problems. This log included photographs of the Bridge Street area taken across 5 days selected at random and at various times of day, and highlighted numerous vehicle obstructions, hazards and risks in the area, together with damage caused to grass verges near the highway as a result of staff parking at neighbouring businesses. Particular reference was made to pavement parking attributed to one business, and obstructive

parking on the highway next to another local trader caused by visitors and trade deliveries to the premises.

Miss Alosery suggested that many of the issues referenced by Highways are being caused by existing businesses in the area, and explained that she was willing to put up signage (as illustrated in the report) to discourage similar inappropriate parking around her business. It was added that as many surrounding businesses have their own car parks, these staff would not need to travel to Miss Alosery's catering unit by car. Mr Hussain also highlighted the instances of pavement parking and illegal parking and stated that although there are parking enforcement officers who patrol the area, they are not tackling the established businesses who are causing the parking problems.

Mr Hussain explained that as site landlord, he would expect the no parking rule to be enforced, that the signage proposed by Miss Alosery will act as a deterrent, together with the use of CCTV, and that customers will come to understand that they are only able to access the site on foot.

In conclusion, Mr Hussain read out a summary of the observations set out in the Powerpoint presentation. He stated that the Highways Principal Engineer had not taken into consideration the on-going and current parking obstruction, various illegal parking, hazards around existing trading sites, pavement parking by local businesses and the other issues highlighted in the representation from the applicant. He asked that Highways reconsider their stance and take into account the written representations of the applicant, which included over 20 bullet points to correct the concerns around parking obstructions and current serious hazards. The Sub Committee were asked to note that Highways were the only Appropriate Body objecting to the application and that their reasons for concern were already in existence through other traders. It was also reiterated that the applicant would not tolerate parking outside the premises.

All parties were afforded the opportunity to ask questions. In response to queries from the Sub Committee on how the business would be advertised, Miss Alosery explained that she had already canvassed local businesses who agreed with the need for a food takeaway service in the area. It was explained that Miss Alosery would be delivering flyers to surrounding businesses to advertise her catering service but that she was not intending to advertise more widely, either near to the neighbouring bypass or through social media. Miss Alosery stated that she was willing to amend the name of her catering unit to "The Great Foodini Walk In & Go" to reflect the nature of the business, and explained that she would be offering a call and collect service, but would not tolerate illegal parking in any form.

The Licensing Manager asked why Miss Alosery had applied for a Street Trading Consent in that particular area and if amenities such as electric and water would be supplied. Miss Alosery explained that she had chosen the site as it is gated and would provide a secure location for the static trailer. Mr Hussain added that water and electrics would be supplied to the trailer and there would be no need for a generator.

The Licensing Manager asked if there was any particular reason why the trailer could not be located elsewhere or if Miss Alosery had approached neighbouring businesses to operate the unit from their car park. Miss Alosery confirmed that she hadn't done so but that this could be an option.

A Member referred to the no parking notices proposed by Miss Alosery and asked how she intended to deal with any instances of unauthorised parking. Miss Alosery explained that in these cases, she would go out and tackle the problem directly with the vehicle driver. The Legal Advisor to the Sub Committee suggested that there might be opportunity for cars to slip in and park up if the entrance is clear, and Miss Alosery stated that hopefully the cars would drive off elsewhere once they see the signage.

Ms Hurn asked about arrangements for deliveries to the catering unit. Miss Alosery explained that bollards would be in place in the day but that access would be made available for delivery drivers. Ms Hurn asked the Sub Committee to note that no pop-up signage is permitted on the highway as it is classed as an illegal obstruction. However, she confirmed that parking signage on fencing would be acceptable.

Ms Hurn referred to the parking issues highlighted by Miss Alosery and acknowledged the extent of illegal parking across the county borough. However, she explained that there were concerns that the particular siting of the trailer at the Old Telephone Exchange could lead to safety issues and exacerbate existing traffic problems.

All parties were then afforded the opportunity to sum up before the Taxi and General Sub Committee retired to make its decision.

The Licensing Manager highlighted the report recommendation and rationale and referred the Sub Committee to the considerations set out in the report requiring determination.

Ms Hurn reiterated her view that the granting of the application would place additional strain on existing traffic and parking problems in the area, due to the nature of the business.

Mr Hussain refuted the view of Highways that the granting of the Street Trading Consent would add to the problems in the area. He stated that there was a need for the Council to address existing issues, and there would be no impact on public safety as there is no need for pedestrians to walk on the left-hand side of the road.

The Sub Committee retired at 11.46 a.m. to make its decision and reconvened at 12.34 p.m.

Following consideration of the application for a Street Trading consent for a catering trailer located at The Old Telephone Exchange, Bridge Street, Abercarn, and having regard to the Licensing Manager's report and all the representations made, the Taxi and General Sub Committee, by a majority decision of 2-1, RESOLVED that the application be refused.

In making their decision, the majority of the Sub Committee were satisfied that there would be a substantial risk to the public via obstruction of the highway if the site were approved. It was accepted by all parties that the area in which the site is located suffers from poor parking practices of vehicle operators using the highway.

Whilst the Sub Committee accepted that the applicant's intention would be to seek walking trade from surrounding businesses, the majority determined that the frequency of customers driving to and parking to use the food van would largely be outside of the applicant's control. The majority accepted that the "run in run out" nature of the intended catering business would make it more probable that customers would park inappropriately.

The Sub Committee considered the particular traffic conditions at the site and took into account the fact that the highway is used regularly by public buses and comprises a 3-junction roadway controlled by traffic lights to regulate a narrow stretch of highway under a railway bridge that comprises a blind corner.

The majority of the Committee were of the view that even sporadic or infrequent inappropriate parking of customers of the van had significant potential to interfere with the flow of traffic that is currently highly regulated due to the inherent difficulties with such section of highway. It was noted however that the Committee Member against refusal was not satisfied that the influx from this business would pose substantial risk.

The applicant was reminded that there is no further right of appeal and that written

confirmation of the decision would be sent out following the meeting.

The Acting Chair thanked all parties for their attendance and the meeting closed at 12.37 pm.