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For all enquiries relating to this agenda please contact Rebecca Barrett
(Tel: 01443 864245 Email: barrerm@caerphilly.gov.uk)

Date: 9th July 2021

Dear Sir/Madam,

A digital meeting of the **Taxi and General Sub Committee** will be held via Microsoft Teams on **Thursday, 15th July, 2021 at 11.00 am** or immediately following the Taxi and General Sub Committee meeting at 10.00 a.m. (whichever is the later) to consider the matters contained in the following agenda. You are welcome to use Welsh at the meeting, a minimum notice period of 3 working days is required should you wish to do so.

This meeting will be recorded and made available to view via the Council's website, except for discussions involving confidential or exempt items. Therefore the images/audio of those individuals speaking will be publicly available to all via the recording on the Council website at www.caerphilly.gov.uk

Yours faithfully,

A handwritten signature in black ink, appearing to read 'Chrissy'.

Christina Harrhy
CHIEF EXECUTIVE

A G E N D A

	Pages
1 To receive apologies for absence.	
2 Declarations of Interest.	

A greener place Man gwyrddach



Councillors and Officers are reminded of their personal responsibility to declare any personal and/or prejudicial interest(s) in respect of any item of business on this agenda in accordance with the Local Government Act 2000, the Council's Constitution and Code of Conduct for both Councillors and Officers.

To receive and consider the following report:-

- 3 Local Government (Miscellaneous Provisions) Act 1982 - Application for Street Trading Consent. 1 - 14

Circulation:

Councillors J. Simmonds (Chair), M. Davies and J.E. Roberts

And Appropriate Officers

HOW WE WILL USE YOUR INFORMATION

Those individuals that attend committee meetings to speak/give evidence will be named in the minutes of that meeting, sometimes this will include their place of employment or business and opinions expressed. Minutes of Meetings including details of speakers will be publicly available to all via the Council website at www.caerphilly.gov.uk. except for discussions involving confidential or exempt items.

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TAXI AND GENERAL SUB COMMITTEE – 15TH JULY 2021

SUBJECT: LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982 – APPLICATION FOR STREET TRADING CONSENT

REPORT BY: CORPORATE DIRECTOR, ECONOMY AND ENVIRONMENT

1. PURPOSE OF REPORT

- 1.1 Caerphilly County Borough Council adopted Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982 to control street trading for the whole of its area by way of designating all streets as consent streets for street trading purposes.
- 1.2 A Street Trading policy was adopted and introduced in January 2011. The policy sets out the determination process and fitness criteria for both new and renewal applications and existing consent holders, where relevant representations have been received, the application will be referred to the Taxi and General Sub Committee for determination.

2. SUMMARY

- 2.1 To consider an application from Rachel Warry trading as Supreme Snacks for the grant of a Street Trading consent for a catering trailer located at rear carpark of The Station Inn, Nantgarw Road, Caerphilly, CF83 1AQ - Monday to Sunday between the hours of 8am to 10pm.

3. RECOMMENDATIONS

- 3.1 That the application for the Street Trading consent be granted as applied for.

4. REASONS FOR THE RECOMMENDATIONS

- 4.1 No representations in respect of the Street Trading Consent application have been received from appropriate bodies, including environmental health team during the consultation process. It is believed that there are sufficient safeguards within the street trading policy and other legislative requirements to afford protection of local residents.

5. THE REPORT

- 5.1 All applications for Street Trading Consents in the borough are subject to a 14 day consultation process with appropriate bodies as detailed in the councils Street Trading Policy which include Gwent Police, Highways, Property Services, Environmental Health, Social Services, Waste management.

As part of the application process the applicant is also required to post a notice advertising their intention to apply for a street trading consent in order that local residents have an opportunity to comment upon the same.

A copy of the Street Trading Policy is available via the council's website [Street Trading Policy - CCBC Website](#)

- 5.2 An application for a street trading consent was submitted by Rachel Warry trading as Supreme Snacks on the 14th June 2021, for the location at the car park rear of the Station Inn, Caerphilly, CF83 1AQ. The applicant has indicated that the consent is sought for the purpose of providing hot and cold food and drinks Monday to Sunday between the hours of 8am to 10pm via a catering trailer.
- 5.3 Members will note that Paragraph 18.1 of the council's street trading policy which states '*Where officers have considered an application and have received substantiated relevant objections and are minded to refuse an application, arrangements will be made for the application to be considered by the relevant Committee and the applicant and all parties making objections, will be notified in writing of the date, time and place where the application will be heard.*'

In respect of this application relevant objections have been received by the licensing department from local residents. Whilst not being minded to make an officer recommendation to refuse this application, in the interests of fairness to all parties the applicant and residents should have the ability to address members of the sub-committee in respect of the application for street trading consent.

- 5.4 Concern was expressed by the local residents and representations were received detailing the lack parking provision in the vicinity of the site and the potential for noise, smell and rubbish pollution from the catering van. The representations have been submitted by two residents as set out in **Appendix 1 & 2.**
- 5.5 There were no adverse comments from appropriate bodies during the 14day consultation period.
- 5.6 An aerial, street view map of the proposed street trading consent location are reproduced for Members information as **Appendix 3 & 4.**

Photographs provided by the applicant of the site location are reproduced as **Appendix 5.**

- 5.7 Resident A has expressed concerns and has indicated that others residing at three other specified locations in the street previously had secured a longstanding relationship to park their vehicles on the land likely to be occupied by the catering trailer. It appears parking is the primary concern despite references to noise, smell and rubbish.

Reference is made to entertainment and patron noise concerns arising from the beer garden area of the licensed premises, however this does not appear to be reflected in complaints to the Public Protection Team, having reviewed records held. The

premises licence for this premises would allow patrons to be on the premises until 23.30 hours Sunday to Wednesday and until 00.30 hours Thursday to Saturday. However, the beer garden would have to be vacated by 23.00hours.

Resident A in summing up indicates that whilst she would like to support the application but that there were too many negatives, however in summing up suggests mitigation in relation to parking provision.

- 5.8 Resident B expresses existing problems with smell from an existing wood yard and refers to concerns regarding further smell and noise from the catering trailer.
- 5.9 The applicant has been informed of the objections to their application for the grant of a street trading consent at the time of preparing this report, the applicant wishes to pursue the granting of the consent for the area referred to above.
- 5.10 As detailed above there were no representations from any of the appropriate bodies including environmental health. Conditions of the Street Trading Consent also require the consent holder to provide adequate waste receptacles and remove litter and trade waste from the site and within the vicinity on a daily basis.

Protection is afforded to residents in respect of noise, pollution and smell by virtue of the Environmental Protection Act 1990 where such matters can be evidenced appropriately.

Furthermore, there is provision within the street trading policy at paragraphs 25.1 and 25.2 to review the suitability of street trading consents where there are substantiated grounds.

- 5.11 Members are asked to consider its Street Trading Policy, in particular Paragraph 15.2b in relation to Prevention of Public Nuisance which states '*Prevention of nuisance: The street trading activity shall not present any likelihood of nuisance from noise, light, smells, litter or fumes to households and businesses in the vicinity of the proposed street trading site. Observations from Environmental Health officers will be taken into particular consideration.*' In this instance, no concerns have been raised by Environmental Health during the consultation process.
- 5.12 Members will note Paragraph 18.5 of the Street Trading Policy which details that the Committee will always determine applications by:
- a. Considering each case on its merits.
 - b. Using this policy to assess applications.
 - c. Dealing with the hearing in a balanced and impartial manner.
 - d. Ensuring that the rules of natural justice are applied.
 - e. Giving all parties sufficient opportunity to present their case, ask questions and provide information for consideration in support of their application or objection.

5.13 **Conclusion**

Members will note that determination of this issue rests with the Taxi and General Sub-Committee and that there are no further rights of appeal and that the Committee's decision is final.

6. **ASSUMPTIONS**

- 6.1 No assumptions have been made in the preparation of this report.

7. SUMMARY OF INTEGRATED IMPACT ASSESSMENT

7.1 Not applicable.

8. FINANCIAL IMPLICATIONS

8.1 None.

9. PERSONNEL IMPLICATIONS

9.1 There are no personnel implications.

10. CONSULTATIONS

10.1 This report has been sent to the Consultees listed below.

11. STATUTORY POWER

11.1 Local Government (Miscellaneous Provisions) Act 1982

Author: Lee Morgan Licensing Manager

Consultees: Legal Services

Background Papers:

[Caerphilly CBC Street Trading Policy](#)

Appendices:

Appendix 1 Resident Representation
Appendix 2 Resident Representation
Appendix 3 Aerial location map
Appendix 4 Street View location
Appendix 5 Photographs of proposed consent location

Dear Sir or Madam

I am writing in regards to the application to site a permanent Burger Van outside the Station Inn, Nantgarw Road, Caerphilly. As a resident within 100m of the premises I have concerns regarding the application.

I only found out about this application today, no attempts have been made to consult residents.

My concerns are:

Parking- residents at ***, **, myself (***) and *** Nantgarw Road have had a long standing agreement (20 years+) with previous landlords and owners of the pub that we can use their car park. I understand from my neighbours although no one has approached me personally that this will no longer be the case.

As there are double yellow lines outside the properties on my section of the road and despite repeated requests, the Highways department of Caerphilly council have failed to make the rear access lane safe and fit for parking cars, this means we will lose our only means of parking our vehicles.

The double yellow lines are already routinely ignored by customers of the convenience store sited at 232 Nantgarw Road and I fear a takeaway sited next door will cause further issues. Customers of the shop also use the pub car park which will lead to further congestion of the main road if they are unable to continue to do so.

Noise nuisance: As residents we already put up with considerable noise on occasions emanating from the pub, both from loud music played in the beer garden and loud customers shouting and arguing into the night outside the premises and our houses and the occasional drunk who likes to bang on our windows as they pass. We make no complaints as we try to support a local business but I fear that there will be an increase in such noise if the buger van is permitted to trade until 10pm.

Pollution: Rubbish builds up on a regular basis due to the infrequent emptying of the sole bin outside the shop, any increase in disposable food packaging will further blight the street.

Smell: The smell of food cooking outside for 14 hours a day will no doubt spread to nearby properties. I don't think it's acceptable to expect residents to accept this as we have already been made to accept the smoke pollution and smell from the biomass burner installed in the Wood supply premises behind our properties which was granted planning permission retrospectively despite residents' complaints about the effect on our health. It is already the case that we have to keep our windows and doors shut due to the smell of burning wood and smoke and I feel that the addition of the smell produced by outdoor cooking and I'm assuming a generator will make the situation intolerable.

I feel that although I would like to support the decision to award a licence in principle, there are too many potential negatives to myself and my neighbours' households.

At the very least, if the licence is granted, mitigations need to be put in place to address the issues I have raised- in particular resident's parking. Making the rear lane a safe and secure residential parking area would have to be a priority of the Council as I fear we will have nowhere else to turn but to park on the double yellow lines on the main road.

Please keep me updated as to any decisions regarding this application.

Sincerely

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We the residents of Nantgarw Road From number's :- *** -***_ *** - *** - *** plus may others want to know why we were not in formed of the proposed Burger van in The Station Inn car park . You don't live with the dam smell & noise from the wood yard and now we will have to put up with even more noise & smell till 2200hrs please come and stay for a week to see if you would like it Quite a few of us are asthmatics and have other breathing problems it's clean air we need.not polluted from burgers & damp wood burning

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Over grow will be
cut back and area let washed

Burger van