



TAXI AND GENERAL SUB COMMITTEE

MINUTES OF THE MEETING HELD VIA MICROSOFT TEAMS ON THURSDAY, 20TH
JANUARY 2022 AT 10:00 A.M

PRESENT

Councillor W. Williams – Vice-Chair Presiding

Councillors:

D.W.R. Preece

Together with:

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

Also Present:

Representing the Applicant

Ms C. Gregory (CC Tasties)

Representing Appropriate Bodies

D. Smith (CCBC Principal Engineer – Traffic Management)

Representing Local Businesses

Mr T. Davies (Noel's Meats), Mr S. Maskell (Stu's Plaice Fish Bar)

INTRODUCTION AND RECORDING ARRANGEMENTS

Due to technical difficulties, the meeting start was delayed to 10.25 a.m.

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](#)

1 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor P.J. Bevan due to connectivity issues. With the prior agreement of the applicant, the meeting proceeded with two Sub Committee Members.

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 - CC TASTIES, 2 GLAN Y AVON LANE, PENGAM

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.

Mrs Kathryn Hopkins (Senior Licensing Officer) presented the report and outlined the application submitted by Ms Cara Gregory (trading as CC Tasties) for the grant of a Street Trading Consent for a catering trailer located at 2 Glan y Avon Lane, Fleur De Lis, Pengam, NP12 3WA.

The Officer asked the Members to note a typographical error in the report, with the actual trading hours the applicant had sought consent for being Monday to Sunday between 07:30 to 16:00. Members were also advised that the applicant had submitted photographs in support of the application earlier that morning, which detailed the proposed location for the street trading catering trailer. These photographs had been emailed to Members and objectors, with the applicant present to answer any questions on these later in the meeting.

During the 14-day consultation period, representations were received from Caerphilly County Boroughs Highways Department in its capacity as an appropriate body, who objected to the application on the basis of concerns regarding public safety in relation to obstructive parking access for emergency vehicles and historic problems from unlawful parking within the area. Representations were also received from two local businesses in objection to the application, who raised concerns regarding potential detriment to the local community if the application were to be granted. Full details of the representations were appended to the Officer's report. Members were also referred to photographs of the proposed trading location as appended to the report. 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 refusal of the application, following concerns raised in respect of the promotion of public safety, protection of local amenity and prevention of public nuisance. Members were reminded that this was only a recommendation, and in reaching their decision they should take into account Paragraph 18.5 of the Council's Street Trading Policy as listed in Section 5.11 of the report. It was also noted that there were no further comments received from other consultees other than those mentioned in the report.

All parties present were afforded the opportunity to ask questions of the Senior Licensing Officer and none were received.

Representations were then invited from Highways as the Appropriate Body. Mr Dean Smith (CCBC Principal Engineer, Traffic Management) referred to his representation and shared a street view of Glan y Avon Lane for ease of reference. He stated there had been a longstanding concern with obstructive car parking on the lane in contravention of the double yellow lines at the location. These complaints were in relation to the former business owner (a car repair shop) that operated from this site. It was noted that the lane is the sole means of access to the local health centre, a nursing home and a number of residential and businesses properties. Previously there have been a number of complaints regarding obstructive parking that has impeded access for ambulances attending the nursing home and health centre, and Mr Smith believed that there was an increased likelihood of the street trading customers inappropriately using the health centre car park if the application were to be granted.

Members' attention was drawn to a serious vehicle collision involving a pedestrian in 2019 on Ford Road which was highlighted on the street view map directly adjacent to Glan Y Avon Lane. The Principal Engineer therefore advised the Members that the reason for the Highways objection to this application was due to the lack of parking in the immediate area to the proposed business which could cause a public safety issue.

All parties present were afforded the opportunity to ask questions of the Principal Engineer.

Mr Todd Rawson (Legal Advisor to the Sub Committee) sought clarification on whether the Principal Engineer had received the photographs submitted by the applicant on the day of the meeting circulated by the Licensing Manager to all parties, which outlined the street trading location and the proposed additional parking spaces that would be made available. Mr Smith confirmed he had received and considered the photographs but gave a detailed overview of his concerns around the lack of parking provision, combined with the potential for a high volume of vehicles in the lane and the likelihood of reverse driving manoeuvres in close proximity to a main junction. Mr Smith maintained that he could not support the application, as in his opinion, even with the additional spaces there was still not adequate parking for the nature of the intended business type.

In response to a Member's queries, Mr Smith explained that he was unable to confirm whether the parking arrangements at the site had contributed to the collision in 2019, and he also provided clarification on civil parking enforcement and the number of penalty notices issued around the site (10 since 2020)

Representations were then invited from the two local businesses who had submitted representations in objection to the application.

Mr T. Davies (representing a local business in the area) advised Members he had the same concerns as the Highways Department. He was concerned that the proposed street trading location would increase an already problematic parking situation within the village. He could not see the benefit to having yet another fast-food premises as there were already 8 such establishments located with Cefn Fforest village within close proximity to each other. He believed the safety concerns outweighed the need for this type of business.

There were no questions for Mr Davies and Mr Maskell (also representing a local business) was invited to make his representation. Mr Maskell explained that he shared many of the same concerns already raised relating to the increase in traffic and parking issues if the application were to be granted

There were no questions for Mr Maskell and the applicant (Ms Cara Gregory) was then invited to make her representations.

Ms Gregory advised the Sub Committee that with regards to the concerns around the parking issue, she intended to remove a large fence and create a further six parking spaces in the area proposed to site the catering trailer. She was also willing to put up signs to ask customers not to park on the yellow lines and park behind the Fleur De Lis Institute if there were no parking spaces available outside the trailer. She also added that other businesses in the area have customer parking behind their premises, but this is rarely used. Ms Gregory stated there has always been an issue with parking in the area, but that she would be the only business providing her customers with six car parking spaces.

All parties present were afforded the opportunity to ask questions of the applicant.

Mr Davies advised the Members that the car park behind the Fleur De Lis Institute is never used by customers. He queried how Ms Gregory would be able to encourage customers to use this car park when other local businesses had been unsuccessful in doing so. Ms Gregory explained she would add signage directing customers where to park and also ask her customers to move if they were parked inappropriately. Mr Davies reiterated his concerns that existing local businesses are already unable to encourage customers to park around the rear of premises and he remained unconvinced that Ms Gregory would be able to control where customers choose to park.

Mr Lee Morgan (Licensing Manager) asked Ms Gregory why she wished to use this particular location for a street trading consent. Ms Gregory explained she and her partner had

previously run the car repair business from this site, and therefore it was in her best interests financially to set up the catering trailer in this location.

Mr Morgan referred to the street view of the proposed location shared earlier in the meeting along with the photographs submitted by the applicant, and asked Ms Gregory if she accepted that the proposed location was within 30 meters of a junction, which is contrary to the Council's Street Trading Policy. Ms Gregory stated there were other businesses just as close to the junction as her proposed business. Mr Morgan advised all parties that as street trading is semi-permanent in nature then additional requirements are needed for a business of this type. Mr Morgan advised Ms Gregory that only the photographs she had submitted that day had been circulated to all interested parties and not her written submission which had accompanied the photographs. Therefore, he encouraged Ms Gregory to use the time to elaborate on anything further she wished to say in support of her application.

Ms Gregory reiterated her earlier representations, advising Members she would add extra car parking spaces and add signage on her property to ask customers to park appropriately and if required to move to the car park behind the Institute.

Mr Maskell sought clarification on how electricity and water would be provided to the catering trailer. Ms Gregory explained that this would be supplied from the existing garage and that she had the appropriate permissions in place to extend these utilities from the garage to catering trailer.

Mr Smith referred to the proposal by Ms Gregory to add signage around customer parking and highlighted that the Highways Department would not permit any signage being erected on a public highway, as only approved traffic signs are permitted. He was concerned that customers would have already parked and caused a possible obstruction before Ms Gregory could advise them where they are required to park. He also did not believe that customers would park any distance away in his experience with the nature of the business proposed. Ms Gregory responded to these concerns and reiterated that she would be providing more parking for her business than any other business on the High Street, and also that she would make every attempt to encourage customers to park in designated parking spaces.

In response to a Member's query, Mr Lee Morgan explained that in the case of Street Trading applications, only certain agencies (such as the Police and Highways) are designated as Appropriate Bodies and so other agencies such as the Fire Service and Ambulance Service would not be consultees. He added that it is also a matter for each Appropriate Body on whether they wish to comment or not on a specific application.

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

The Senior Licensing Officer asked the Sub Committee to refer to the Council's Street Trading Policy and all the information they had heard today when making their decision.

The Principal Engineer advised Members that having heard the representations from the applicant and their intention to create additional parking, this would still not alleviate the existing or potential additional parking issues and combined with the close proximity of the proposed location to the neighbouring junction, the Highways Department remained unable to support the application.

Both local business representatives summed up and reiterated the concerns of the Highways Department with regards to insufficient parking around the proposed street trading location.

The applicant reiterated to Members that she did not wish to cause parking issues and would do her best to alleviate any problems. She also stated that she wished to work closely with other local traders by using them as possible suppliers for her catering business and would therefore increase business in the area.

The Sub Committee retired at 11.15 a.m. to make its decision and reconvened at 11.43 a.m.

Following consideration of the application for the grant of a Street Trading Consent for a catering trailer located at 2 Glan Y Avon Lane, Fleur De Lis, Pengam NP12 3WA, and having regard for the Licensing Manager's report and all the representations made, the Taxi and General Sub Committee unanimously

RESOLVED that for the reasons set out at the meeting, the application for the Street Trading Consent be REFUSED.

In making their decision, the Sub Committee disregarded the information relating to the potential adverse economic impact on existing high street food businesses, which is not a relevant consideration under the Council's Street Trading Policy;

The Sub Committee gave significant weight to the relevant site being well within 50 metres from a highway junction and 250 metres from the boundary of a nursing home. The Street Trading Policy indicates that sites located within such parameters are not normally granted a licence. In this instance, the Sub Committee formed the view that there was nothing exceptional within the application that would lead them to disregard the normal policy position.

The Sub Committee accepted the Applicant's evidence about installing potentially 6 car parking areas on of the land but formed the view that this would not be adequate to allay its concerns in regard to obstruction of the highway and normal flow of traffic. The Sub Committee gave significant weight to the evidence provided by Highways and the reversal manoeuvres by vehicles in using such on-site car parking places and the proximity to the highway junction, and it was sufficiently clear that this had potential to significantly affect the flow of traffic.

The Sub Committee took into account the particular problems of the locality in terms of the obstruction of ambulances and the number of Civil Parking Notices issued since April 2019 in the immediate area. When viewed together the Sub Committee reached the decision that this site is not appropriate for a grant of the consent, given the effect on public safety that would arise from the issues raised by Highways.

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 the meeting closed at 11.47 a.m.