



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

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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