



TAXI AND GENERAL SUB COMMITTEE – 20TH JANUARY 2022

**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 the application from Ms Cara Gregory, trading as C C Tasties for the grant of a Street Trading consent for a catering trailer located at 2 Glan y Avon Lane, Pengam, NP12 3WA. Trading Monday to Sunday between the hours of 7.30am – 4.30pm.

3. RECOMMENDATIONS

- 3.1 That the application for the Street Trading consent be refused following the concerns raised in respect of:
 - promotion of public safety,
 - protection of local amenity and,
 - prevention of public nuisance.

4. REASONS FOR THE RECOMMENDATIONS

- 4.1 Concerns raised by the Principal Highways Officer regarding public safety in relation to obstructive parking, access for emergency vehicles and historic problems from unlawful parking within the area, whose concerns are echoed by two local businesses.

In addition, concerns were raised by the local businesses regarding potential detriment to the local amenity.

Members will note that 9.1 of the Council's Street Trading Policy deems the following locations are unsuitable and will not normally be granted where any of the following apply:

- A. A significant effect on road safety would arise either from the siting of the trading activity, or from customers visiting or leaving the site,
- B. There are concerns over the recorded level of personal injury accidents in the locality where the street trading activity will be sited,
- D. There is a conflict with Traffic Orders such as waiting restrictions,
- E. The site or pitch obstructs pedestrian or vehicular access; traffic flows, and places pedestrians in danger when site is in use for street trading purposes,
- F. The trading unit obstructs the safe passage of users of the footway, right of way, bridleway or carriageway.
- J. Street Trading consents will not normally be granted at any time on sites that are within the distances set out below. Determination of the distances will take account of the topography, road layout, access and egress to and from the trading site and the specified premises/site.
 - 250 metres of the boundary of any hospital, nursing or residential care home.
 - 30 metres of any roundabout, road junction or pedestrian crossing.

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 via [Link to Street Trading Policy](#).

- 5.2 An application for a street trading consent was submitted by Ms Cara Gregory, trading as C C Tasties trading as on the 1st December 2021, for the location at 2 Glan y Avon Lane, Fleur De Lis, Pengam, NP12 3WA. The applicant indicated that the consent is sought for the purpose of providing hot food Monday to Sunday between the hours of 7.30am to 4.30pm 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 the Council's Highways Section & two local businesses.

- 5.4 Highways have expressed their concerns based on complaints received regarding obstructive parking, access for emergency vehicles and historic problems from unlawful parking within the area, therefore in view of this do not support this application.

Particular reference is made to 'problems for ambulances accessing the Health Centre and Glan-yr-Afon Care Home'.

The comments of the Highways Officer are reproduced as **Appendix 1**.

- 5.5 Representations were received from two local businesses detailing the lack of parking provision in the vicinity of the site and the potential for noise, smell and rubbish pollution from the catering van. Concern is expressed in relation to the implications of public safety if a street trading consent were to be approved and also the potential effect on the existing local amenity namely the High Street.

The representations submitted by two local businesses are set out in **Appendix 2 & Appendix 3**.

- 5.6 An aerial view of the proposed street trading consent location, is reproduced for Members information as **Appendix 4**. This also provides the proximity and location of the Health Centre and Residential Care Home referred to by the Highways Officer.

- 5.7 Photographs of the site location are reproduced as **Appendix 5**.

- 5.8 There were no comments received from other Consultees, other than those detailed above.

- 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 drafting this report, no further comments have been received from the applicant in support of her application. The applicant will have the opportunity at the meeting to outline to Members why this location is suitable for a Catering trailer.

- 5.10 Members are asked to consider the application and the comments received from consultees in particular the Highways Officer who has detailed the concerns regarding the location and details historic issues at this site.

Members will note paragraph 9.1 of the Council's Street Trading Policy which details that the following locations are unsuitable and would not normally be granted where any of the following apply:

- A. A significant effect on road safety would arise either from the siting of the trading activity, or from customers visiting or leaving the site,
- B. There are concerns over the recorded level of personal injury accidents in the locality where the street trading activity will be sited,
- D. There is a conflict with Traffic Orders such as waiting restrictions,
- E. The site or pitch obstructs pedestrian or vehicular access; traffic flows, and places pedestrians in danger when site is in use for street trading purposes,
- F. The trading unit obstructs the safe passage of users of the footway, right of way, bridleway or carriageway.

- J. Street Trading consents will not normally be granted at any time on sites that are within the distances set out below. Determination of the distances will take account of the topography, road layout, access and egress to and from the trading site and the specified premises/site. • 250 metres of the boundary of any hospital, nursing or residential care home. 30 metres of any roundabout, road junction or pedestrian crossing.

5.11 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.

5.12 **Conclusion**

After considering the written representations and hearing from all parties at the meeting. Members will be required to determine this application. 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:

[Link to Caerphilly CBC Street Trading Policy](#)

Appendices:

- Appendix 1 Highways Representation
- Appendix 2 Local business Representation
- Appendix 3 Local business Representation
- Appendix 4 Aerial view of proposed trading location
- Appendix 5 Photographs of proposed trading location