

Agenda



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Date: 17 November 2023

Website: <https://www.whitehorsedc.gov.uk>

A MEETING OF THE

General Licensing Panel

WILL BE HELD ON WEDNESDAY 6 DECEMBER 2023 AT 11.00 AM

MEETING ROOM 1, ABBEY HOUSE, ABBEY CLOSE, ABINGDON, OX14 3JE

To consider the following matter:

the applications for street trading consents for The Swan, Faringdon; The George, Sutton Courtenay; and The Crown, Marcham, and the relevant representations.

Any three members of the of the council's General Licensing Committee can form the Licensing Panel. The membership is expected to be:

Councillor Ron Batstone

Councillor Oliver Forder

Councillor Patrick O'Leary

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You can watch the meeting via the council's [YouTube channel](#).

Patrick Arran
Head of Legal and Democratic

1. Election of a chair

To elect a chair for this hearing.

2. Declarations of interest

To receive any declarations of disclosable pecuniary interests and any conflicts of interest in respect of items on the agenda for this meeting.

3. Procedure for the meeting (Pages 3 - 7)

To note the procedure for the meeting (attached).

4. Application for street trading consents The Swan, Faringdon; The George, Sutton Courtenay; and The Crown, Marcham (Pages 8 - 42)

To consider the report of the Head of Legal and Democratic.

VALE OF WHITE HORSE DISTRICT COUNCIL

STREET TRADING PANEL – PROTOCOL AND PROCEDURE

1.0 **Introduction**

- 1.1 This protocol and procedure is provided for the council’s General Licensing Committee in order to ensure that all meetings are carried out in accordance with the law and all parties receive a fair hearing.
- 1.2 For the purposes of this protocol and procedure the following terms have the meanings assigned to them:
- (a) “the Act” means the Local Government (Miscellaneous Provisions) Act 1982.
 - (b) “the parties” means all persons to whom a notice of hearing has been given.
 - (c) “exempt information” means those categories of information set out in Schedule 12A to the Local Government Act 1972 as amended.
- 1.3 This document has been prepared having regard to the statutory provisions contained in the Act, and the council’s Joint Street Trading Policy.
- 1.4 Any application or licensing matter which comes before a panel will be treated on its own merits having regard to the following issues:
- (a) The Act,
 - (b) The council’s street trading policy,
 - (c) The content of the application, and
 - (d) The representations received from the parties.

2.0 **Before the hearing**

- 2.1 The council will send all parties a notice of hearing giving details of the date, time and venue for the panel meeting. This notice will normally be sent giving at least 10 working days’ notice of the hearing.
- 2.2 The council will email the notice to any of the parties who have provided an email address for contact.
- 2.3 The agenda containing the report will normally be sent separately and this shall set out the details of the case.

3.0 **The panel**

- 3.1 The membership of the panel has been determined as set out in the decision of the General Licensing Committee.
- 3.2 Members will only be permitted to take part in determining a case if they have been present throughout the whole hearing and have no conflict of interest in the matter.

- 3.3 The quorum is 3 members who shall determine any issue by a simple majority of votes.
- 4.0 **Hearing - general principles**
- 4.1 The parties have the right to attend the hearing and to be assisted or represented by any person (whether legally qualified or not) such as a relative, friend, their solicitor or counsel.
- 4.2 Each party will be entitled to address the members of the panel at the hearing and question any other party if given permission to do so by the panel. They will also be able to provide further information in support of their case on any points upon which the council has sought further clarification or explanation.
- 4.3 Each party will have the opportunity to make their representations and present their evidence. During the presentation of each case, each party category is allocated fifteen minutes to make their case. The time allocation can be altered at the chair's discretion according to the circumstances of each individual panel meeting.
- 4.4 There is a presumption that any hearing will take place in public so that the sub-committee's decisions can be made in an accountable and transparent way, but on occasions it may be necessary to exclude the public and members of the press if the sub-committee considers that it is in the public interest to do so. Members will consider that matter having regard to any exempt information which may need to be disclosed by any of the parties during the hearing.
- 4.5 If any party does not attend or are not represented at the hearing then the panel may take the following action:
- (a) When a party informs the council that they do not intend to attend or be represented at the hearing the panel will proceed in their absence unless it is in the public interest to adjourn the hearing to a new date. For example, if the council is informed a person cannot attend due to unforeseen personal circumstances such as illness, then the panel may adjourn the hearing to a new date.
 - (b) If any party fails to inform the council whether they intend to attend or be represented at a hearing then it is likely the panel will proceed in their absence unless there are exceptional circumstances making it necessary in the public interest to adjourn the hearing to a new date.
 - (c) Where the hearing proceeds in the absence of any party the panel will consider their representations or documentation contained in the agenda.
- 4.6 If for any reason the hearing is adjourned to a new date the council will notify all parties of the new date, time and place of the adjourned hearing as soon as practicable.
- 4.7 Late representations and evidence will only be considered by the panel with the agreement of all the parties present at the hearing.
- 4.8 The chair has the right to exclude any parties disrupting the hearing but will allow any excluded party to submit any information in writing which they would have given to the panel had they not been required to leave.

- 4.9 The panel will be assisted and advised by one of the council's solicitors or legal advisers and a democratic services officer will also be present to assist the members in providing a record of proceedings.
- 4.10 The licensing officer from the council will also be at the hearing to present a report and to offer advice and expertise based upon their professional knowledge of the application but without making any recommendations.
- 5.0 **Hearing procedure**
- 5.1 Election of chair - the panel will elect a chair for the hearing (if not previously appointed) in the presence of the parties.
- 5.2 Welcome and introductions - the chair will open the meeting, introducing the members of the panel and officers to the parties and then invite the parties or their respective representatives to introduce themselves.
- 5.3 Outlining the procedure – the chair will then outline the nature of the application, the decisions to be taken and the procedure to be followed. If there are any preliminary issues made in any of the party response forms, those issues will be addressed and determined at this stage.
- 5.4 Licensing officer's report – the hearing will begin with a presentation by the council's licensing officer who will outline the application, any relevant representations received and deal with all policy and statutory guidance matters by reference to their report. members of the panel may then ask any relevant questions of the licensing officer.
- 5.5 The parties' cases – the chair will invite the respective parties to present their cases in the following order:
- (a) the applicant
 - (b) any responsible authority who has made a representation
 - (c) any other person who has made a representation
 - (d) the licence holder (if not the applicant)
- and on each occasion the cases will be dealt with in the following way:
- (a) the relevant party shall address the panel and present any witnesses
 - (b) members can then ask relevant questions
 - (c) the licensing officer may also ask relevant questions
 - (d) although there is no intention to allow parties to cross-examine others, they may ask relevant questions.
- 5.6 Final submissions/summary – each party will be given the opportunity by the chair to summarise their respective cases if they wish. Final submission shall be made in the same order as above.

5.7 Chair's final comments – the chair will invite the parties to state they have had a fair opportunity to put their respective cases. The panel will deal with any issues arising prior to retiring to make their decision.

6.0 **After the hearing**

6.1 At the end of the hearing, the panel will retire or ask everyone apart from its legal adviser and democratic services officer to leave the room while the panel considers its decision. The panel may call upon its solicitor or legal adviser, and the democratic services officer, if it needs legal or procedural advice.

6.2 If the panel wishes to clarify any point which arose during the hearing, it will recall all parties even if only one is asked for further explanation.

6.3 When the panel has made its decision, members will return to the room or invite the parties back into the room and the chair will report the decision of the panel to those present.

6.4 The chair will also inform them that a written decision notice explaining the reasons behind their decision will be sent to all parties.

7.0 **Record of proceedings**

7.1 The democratic services officer shall prepare a record of the panel's proceedings which shall be signed by the chair of the panel.

7.2 The record of the proceedings shall be retained by the council for a period of at least 6 years from the date of determination or the disposal of any appeal.

8.0 **Remote hearings**

8.1 Wherever possible, all hearings will be streamed on the Council's YouTube channel, although this is subject to the same provision as above in respect of the exclusion of the public and press if the panel considers that it is in the public interest to do so.

8.2 Hearings may be held remotely, on a virtual platform such as Microsoft Teams. This may be appropriate for non-complex matters, or where a party is unwell and it is not possible for the hearing to be adjourned, and all parties are agreeable.

8.3 Where the hearing is entirely 'remote' (i.e. all parties attending remotely) the members of the panel shall ensure, wherever possible, that their video is working so that they can be seen by those watching the hearing.

8.4 Where the hearing is 'hybrid' (i.e. a mix of attendees in person and remote), the councillors, licensing officer, legal advisor and democratic services officer will usually attend the hearing in person unless there are exceptional circumstances.

8.5 The same procedure shall apply as detailed above, and those attending remotely shall have the same right to speak as anyone attending in person. This includes the right for the chair to exclude any person disrupting the hearing as detailed above.

- 8.6 For decision making at fully remote hearings, it will be normal practice for the councillors to deliberate in a separate 'room' on the virtual platform and persons shall reconvene for the decision as directed by the panel. If any of the parties is unable to reconvene, they will receive notification in writing of the decision within the timeframes set out in the regulations.
- 8.7 Where there are technical issues during the hearing which prevent the attendance or participation of any of the parties, the hearing will be adjourned until such issues are resolved. Where the application to be determined relates to an event close to the date of the hearing, it may be the case that an adjournment will not be possible, and in such circumstances it is recommended that all parties attend such hearings in person where they intend to speak.

Street Trading Panel



Report of Head of Legal and Democratic

Author: Laura Driscoll, Licensing Team Leader

Telephone: 07917 088346

E-mail: laura.driscoll@southandvale.gov.uk

To: Street Trading Panel

DATE: 6 December 2023

REPORT NO:

Application for street trading consents for The Swan, Faringdon; The George, Sutton Courtenay; and The Crown, Marcham

Recommendation

That the panel consider the application for street trading consents for the three sites and the relevant representations and decide whether to a) grant the consents as applied for b) grants the consents after modifying any conditions to such extent as the authority considers appropriate, and/or c) reject the applications.

Purpose of Report

- 1 To present the facts and relevant representations received in respect of applications for street trading consents for three sites within Vale of White Horse to the Street Trading Panel in order that it can determine the applications under provisions of the Local Government (Miscellaneous Provisions) Act 1982.

Strategic Objectives

- 2 The relevant strategic objectives are 'Working in an open and inclusive way' and 'Building healthy communities'.

Background

- 3.1 The powers to control street trading within the councils' area are contained within Schedule 4 to the Local Government (Miscellaneous Provisions) Act 1982, ('the Act'), which has been adopted by the council. The council adopted its Joint Street Trading Policy ('the policy') to take effect from 1 October 2014.
- 3.2 Schedule 4 defines a street as any road, footway, beach or other area to which the public have access without payment. All streets within the councils' areas are designated as consent streets and street trading is only authorised where a consent is obtained prior to commencement of trading.

- 3.3 Between 27 August and 15 September 2023, Oak Taverns submitted seven applications on behalf of persons wishing to trade across four sites in Vale of White Horse. Each application was for the sale of hot and cold food from 12:00 midday until 21:00, seven days a week. A table including the trader details is attached at **Appendix A**. Each of the traders named would be able to trade on any of the proposed days on a rotation basis with just one trader permitted at each location on each day.
- 3.4 One of the proposed sites was The Kings Arms in Wantage. Having considered the site, officers are not of the opinion that trading in the rear garden would be street trading and therefore a street trading consent is not required. Oak Taverns have been advised accordingly.
- 3.5 In accordance with section 5.5 of the policy, all new street trading consent applications are subject to a 28 day consultation period. Where there are no objections received to applications, street trading consents will normally be granted by the licensing officer under delegated powers.
- 3.6 As objections have been received during the consultation period for The Swan at Faringdon and The George at Sutton Courtenay (previously known as The George and Dragon), these applications are being referred to the Panel for a decision.
- 3.7 An additional objection was received relating to The Crown at Marcham. This was received outside of the consultation period, however as it relates to highway safety it has been accepted and this application is also being referred to the Panel for a decision.
- 3.8 Photos of the trader vehicles, in the order of the list in Appendix A, can be found at **Appendix B**. A location plan for The Swan at Faringdon can be found at **Appendix C**, a location plan for The George at Sutton Courtenay at **Appendix D** and a location plan for The Crown, Marcham at **Appendix E**.

Responses to consultation

- 4.1 Planning's response to the applications can be found at **Appendix F**. A decision was made to proceed with the consultation for these applications despite the lack of written confirmation that planning permission has been granted for the business or that planning permission is not required, which is a requirement in 4.11 of the policy. Advice was given to Oak Taverns on 13 July to check with Planning whether planning permission would be required. Oak Taverns confirmed on 6 November that they are awaiting the determination of the street trading consent applications prior to making any of the planning applications that are required.
- 4.2 The following comments have been received in respect of the application for The Swan:
- 1) Alasdair Burn - parking congestion and highway safety, noise and disruption, pollution
 - 2) Rachel Pearson - parking congestion, obstruction of view from property, blocking light, highway safety, safety in respect of gas canisters, both proximity to ashtrays/smoking area and close to home

- 3) Faringdon Town Council Planning and Highways committee - Public nuisance: smell, rubbish, noise and fumes from diesel powered vehicles, and Public safety: Heavily populated area with unsafe junction and parking.
- 4) Cllrs Bethia Thomas and Lucy Edwards - wish to advocate a balanced view and hope there can be a compromise to allow the pub to extend its offer on occasions without causing undue disruption to the pub's neighbours.
- 5) Tom Cockhill, OCC Transport Development - proposal is likely to result in indiscriminate and or obstructive parking occurring within the vicinity of the site which can only increase the risk to Highway Safety and to other users of the Highway, queuing of users within the site and in the proximity of highway and junction can only increase the risk to Highway Safety.

The consultation responses for The Swan can be found at **Appendix G**, with the above numbering as reference.

4.3 The following comments have been received in respect of the application for The George:

- 1) Andrew and Jane King - seven-day commercial activity not in the spirit of conservation area, parish council land should not be used for financial benefit of commercial business, parking issues.
- 2) Stephanie Davis-Gill - will exacerbate traffic and air pollution, and will disrupt the reduced traffic on weekend. One van one evening a week would be acceptable.
- 3) Jason Warwick - generally in favour but trading every day is not appropriate, increased traffic and litter, impacting other businesses. Would propose compromise of fixed number (e.g. 100-150 days a year) where it could be used.
- 4) Elizabeth Maconochie - lowers tone, inappropriate visual impact in village location.
- 5) David Hignell - should require planning permission. Not good for community spirit, magnet for noise, litter and ASB. Parking issues, intrusive and unsightly.
- 6) Tom Cockhill, OCC Transport Development - proposal is likely to result in indiscriminate and or obstructive parking occurring within the vicinity of the site which can only increase the risk to Highway Safety and to other users of the Highway, queuing of users within the site and in the proximity of highway and junction can only increase the risk to Highway Safety.

The consultation responses for The George can be found at **Appendix H**, with the above numbering as reference.

4.4 The following comment have been received in respect of the application for The Crown:

Tom Cockhill, OCC Transport Development - proposal is likely to result in indiscriminate and or obstructive parking occurring within the vicinity of the site which can only increase the risk to Highway Safety and to other users of the

Highway, queuing of users within the site and in the proximity of highway and junction can only increase the risk to Highway Safety.

This response can be found at **Appendix I**.

Policy and guidance

5.1 The relevant sections of the policy are as follows:

1.3 The councils recognise the valuable contribution that street trading can make to the local culture and economy, and the services that street traders provide to residents and visitors. Street trading can provide people with a flexible way of working, to meet the demands of the public where and when that demand arises.

1.4 The councils are also committed to improving the support provided to small businesses, ensuring there are no unnecessary burdens placed on them and they are provided with sufficient guidance and advice to enable them to operate safely and successfully.

1.5 Issues can arise where street traders do not pay due regard to their location and operation or make it dangerous for people and road users to move around them. Street trading can also result in littering and other nuisance to persons in the vicinity.

5.5 All new street trading consent applications (except from mobile street traders) will be subject to a 28 day consultation period. The consultation will seek the views of local residents and businesses that may be directly affected and statutory agencies whose responsibilities may be impacted by the proposed business. Consideration will be given to all written objections, which are not irrelevant, frivolous, vexatious, or repetitive.

5.6 The following criteria will be considered in deciding whether or not a street trading consent will be granted and on what conditions:

a) Public safety

Whether the street trading activity represents, or is likely to represent, a risk to the public from the point of view of obstruction, fire hazard, unhygienic conditions or danger that may occur when a trader is accessing the site. Oxfordshire County Council Highways department will be consulted on all applications to ensure high standards of road safety for applicants, customers and other road users.

b) Public order

Whether the street trading activity represents, or is likely to represent, a risk to public order. Thames Valley Police will be consulted on all applications regarding public order.

c) Preventing nuisance or annoyance

Whether the street trading activity represents, or is likely to represent, a risk of nuisance or annoyance to the public from noise, odour, fumes, litter or the discharge of fluids, particularly in residential areas. The relevant council's

environmental protection team will be consulted on all applications regarding the prevention of nuisance.

d) Written objections or support from local residents or their representatives

Residents will be alerted to street trading applications via a yellow A4 notice erected at the proposed consent location. The relevant town or parish council and district ward councillor will be consulted on applications for street trading consents in their area.

e) Proximity to schools and colleges

Street trading consents for businesses supplying hot or cold food or confectionery between 08:00 and 16:00 will not be granted for locations within 100 metres of the boundary of a school or college.

f) Planning permission

A street trading consent will only be issued where planning permission has been granted or there is written confirmation that permission is not required.

g) Appearance of the stall or vehicle

Any stall or vehicle from which trading is permitted must be maintained and presented to the same standard as originally manufactured. Internal and external finishes must be free from defects or damage. Any stall or vehicle must meet the criteria, including size, laid down in the standard consent conditions.

h) Food traders

Applicants for stalls or vehicles selling food must hold a current Level 2 Food Hygiene Certificate accredited by The Chartered Institute of Environmental Health, The Royal Society of Health, or The Royal Institute of Public Health and Hygiene. All businesses must be registered with the Food and Safety team in the district within which the stall or vehicle is kept overnight. If this is not within the Vale of White Horse district or South Oxfordshire district the business should notify the Food and Safety team of the location from which they intend to trade. Any changes must be notified to the Food and Safety Team 28 days prior to the change.

i) Proximity of similar businesses

Objections based on the proximity of similar business will be considered but limited weight will be given to objections based solely on grounds of competition.

5.20 A street trading consent will be automatically granted if the application meets the criteria and there are no valid objections.

5.21 If the application does not meet the criteria, or there are valid objections the relevant council may contact the applicant and objectors to discuss changes that could be made to the proposed location, goods or trading hours and/or additional conditions that could be introduced.

5.22 If changing the application and/or introducing additional conditions can resolve the objections and/or criteria failures a street trading consent will be issued.

5.23 If making changes to the application or introducing additional conditions cannot resolve the objections and/or criteria failures a street trading consent will not be issued.

- 5.2 The key case law is *West Berkshire District Council v Simon Paine* [2009] EWHC 422 (Admin). The judgment confirms that the purpose of the control of street trading is to ensure that district councils are able to properly regulate those who sell without the use of ordinary business premises for reasons of consumer protection, and also to ensure the 'suitability of those who are street traders, what they sell and also any nuisance and inconvenience or obstruction that they may occasion to those using the streets in question'. The case is also clear that the definition of street includes any area to which the public has access without payment.

Options

- 6.1 If the panel is minded to grant the consents, the standard conditions that would be attached can be found at **Appendix J**.
- 6.2 The panel is requested to consider the applications for street trading consents and decide whether to:
- a) grant the consents as applied for,
 - b) grant the consents after modifying any conditions to such extent as the authority considers appropriate, and/or
 - c) reject the applications.
- 6.3 It should be noted that for all three sites, the applicant will be required to provide the appropriate approval from Planning before any consents can be issued, so any decision to grant will be conditional upon both that approval and the applicants paying the required consent fees.

Financial Implications

- 7 The applicant has no right of appeal to the magistrates' court but they may seek a judicial review of the decision of the council. The council would incur costs should this occur, although the court may decide to award costs in the event that the application was unsuccessful.

Legal Implications

- 8.1 The Human Rights Act 1998 requires public bodies to ensure everything they do is compatible with Convention Rights and makes it unlawful for a public authority to act incompatibly with those rights. When determining whether to grant the application the panel will be aware of human rights considerations, specifically Part 1, Article 6, the right to a fair trial, Part 2 and Article 8 the right to respect for private and family life for those making representations.
- 8.2 The hearing of all applications is subject to the principles of natural justice.
- 8.3 Section 17 of the Crime and Disorder Act 1998 states, 'without prejudice to any other obligation imposed on it, it shall be the duty of each authority to exercise its

various functions with due regard to the likely effect of those functions on, and the need to do all that it reasonably can to prevent crime and disorder in its area’.

Conclusion

- 9 This report provides information submitted by the applicants and those who have submitted representations in support of and against the applications. The panel should determine the applications on their own merits having regard to the information provided in the applications, the representations made and the street trading policy, using the options outlined in section 6 of this report.

Background Papers

Appendix A - Application details

Appendix B - Photos of trader vehicles

Appendix C - Location plan for The Swan, Faringdon

Appendix D - Location plan for The George, Sutton Courtenay

Appendix E - Location plan for The Crown, Marcham

Appendix F - Response from Planning

Appendix G - Consultation responses for The Swan, Faringdon

Appendix H - Consultation responses for The George, Sutton Courtenay

Appendix I - Consultation responses for The Crown, Marcham

Appendix J - Standard conditions attached to street trading consents

Appendix A - Application details

Reference	Trader	Sites	Application date
STTRAD/22546/23	Dyllies Pizza	The Swan, Faringdon	31 Aug 2023
STTRAD/22548/23	Friends And Flavours	The George, Sutton Courtenay	31 Aug 2023
STTRAD/22549/23	Fink Street Food	The Crown, Marcham	31 Aug 2023
STTRAD/22550/23	I'm Japanese		31 Aug 2023
STTRAD/22475/23	BBQ Sam's		27 Aug 2023
STTRAD/22681/23	Kathma's Flavours		15 Sept 2023
STTRAD/22688/23	1885 Burgers		15 Sept 2023

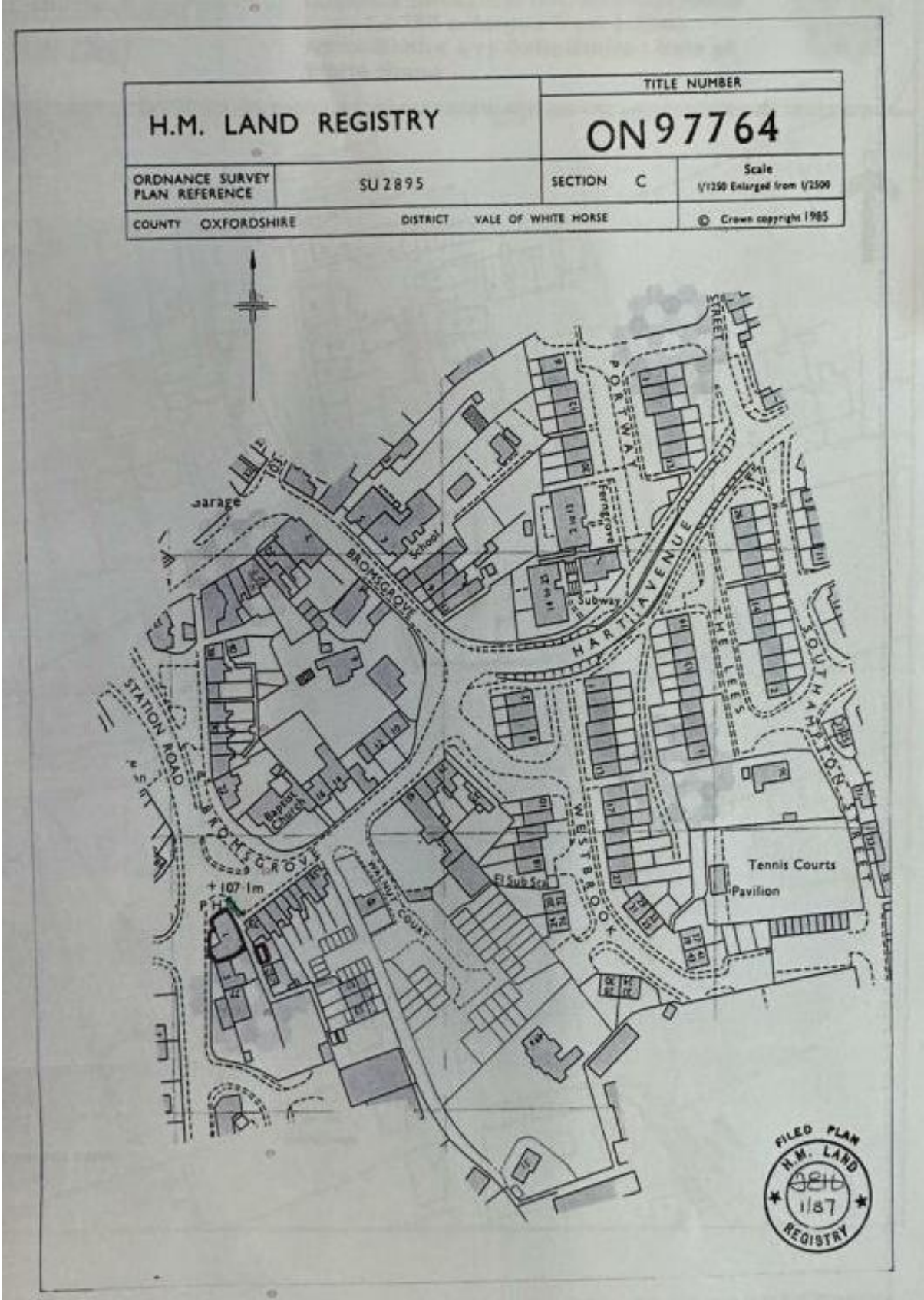
Appendix B - Photos of trader vehicles/stalls



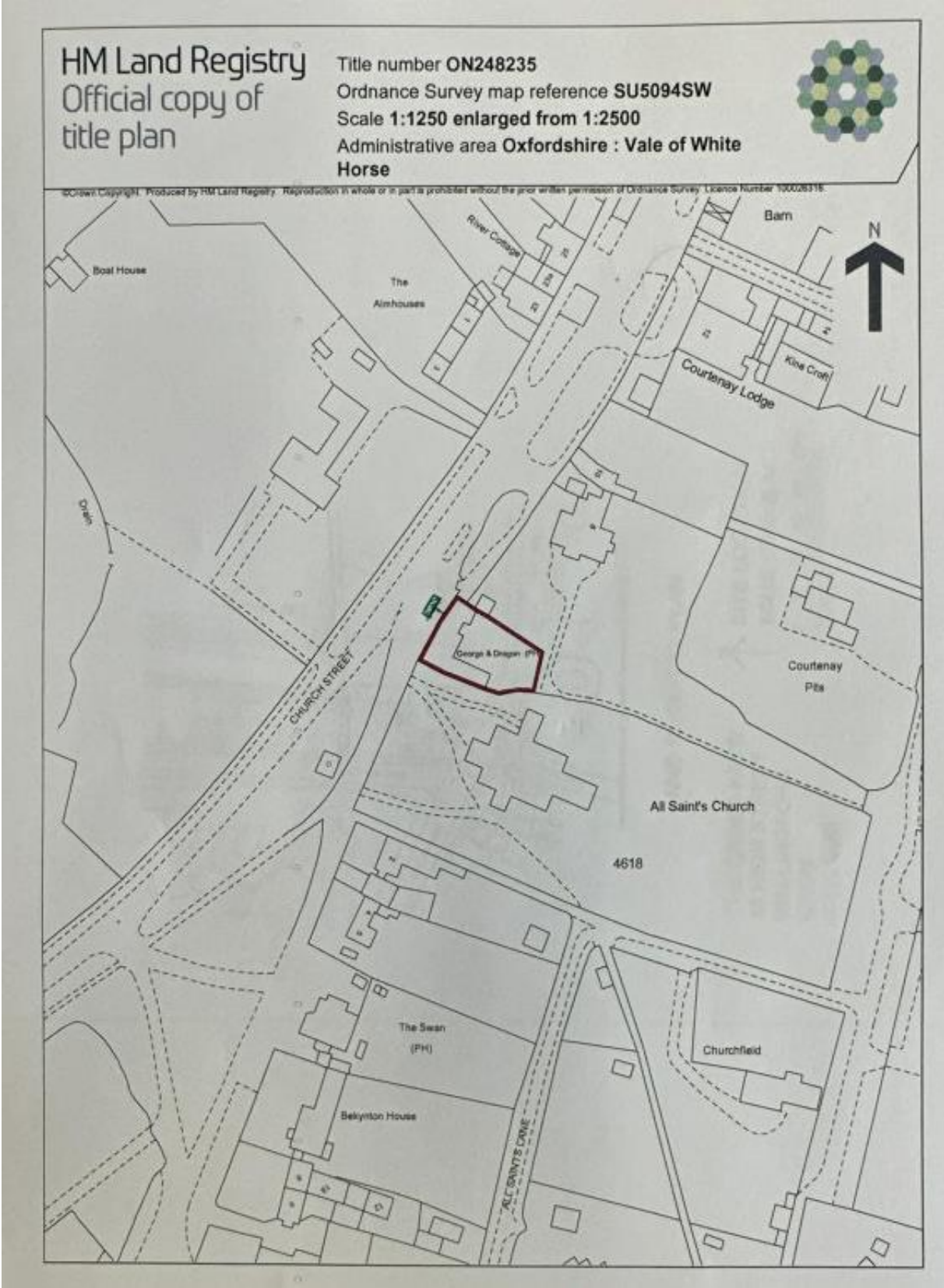




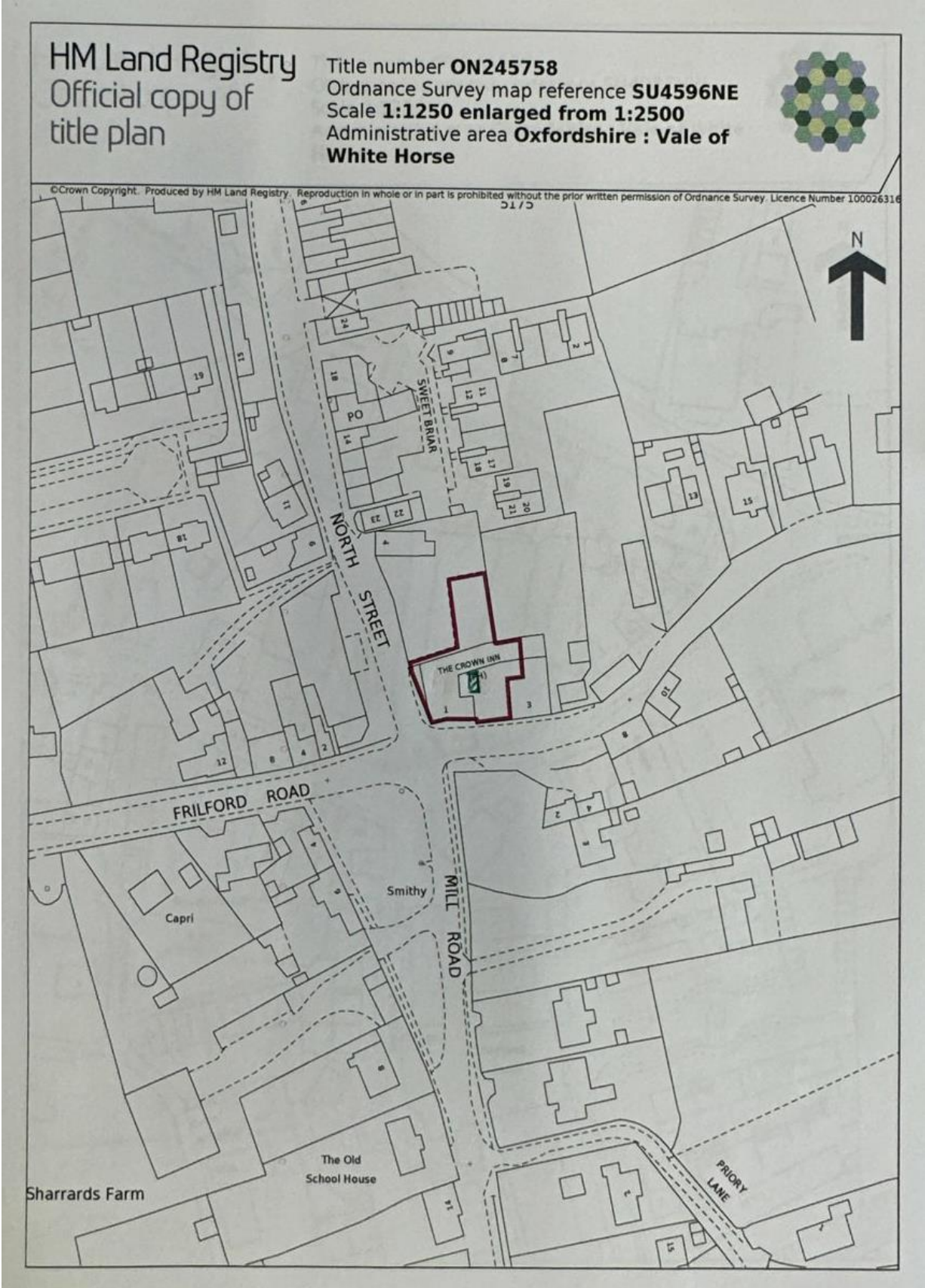
Appendix C - Location plan for The Swan, Faringdon



Appendix D - Location plan for The George, Sutton Courtenay



Appendix E - Location plan for The Crown, Marcham



Appendix F - Planning response

Having reviewed available council records, and the relevant sections of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) [GPDO], I am able to provide the following comments for each of the sites in question.

The Swan, Faringdon

The food stall shown to the front of the public house appears to be outside the curtilage of the premises. On this basis, if the food stall(s) will be in situ for more than 28 days in any calendar year, which it is understood is the case, then planning permission will be required because permitted development rights afforded by the GPDO do not apply in this case.

If the food stall(s) are within the curtilage of the premises, then under the provisions of Part 2, Class G of the GPDO they are permitted to be in situ without the need to obtain to obtain planning permission providing the following conditions are adhered to;

- No part of the moveable structure can be within 2 metres of a residential property.
- The height of the moveable structure cannot exceed 3 metres.
- The footprint of the moveable structure cannot exceed the lesser of 50% of the footprint of the building or 50 square metres.
- The moveable structure cannot be used for the display of an advertisement.

The Kings Arms, Wantage; The Crown, Marcham; The George & Dragon, Sutton Courtenay

All of these pubs have listed building status. Consequently, under the provisions of Part 4, Class BB of the GPDO a moveable structure can be provided within the site, but only if the prior approval of the local planning authority is obtained first via formal application, and the following are adhered to;

- No part of the moveable structure can be within 2 metres of a residential property.
- The moveable structure cannot be in situ for more than 120 days within a 12 month period.
- The height of the moveable structure cannot exceed 3 metres.
- The footprint of the moveable structure cannot exceed the lesser of 50% of the footprint of the building or 50 square metres.
- The moveable structure cannot be used for the display of an advertisement.

Consequently, given that the moveable food stalls are to be in situ every day for the whole year, and having regard the relevant legislation outlined above, it is considered that planning permission will be required for the structures.

I hope the above comments are of assistance.

Kind regards

Katie Cook

Assistant Planning Officer Planning Services

Vale of White Horse District Council and South Oxfordshire District Council

Appendix G(1) - Consultation responses - The Swan

From: alasdair burn

Sent: 17 September 2023 16:49

To: Licensing Vale <Licensing.unit@whitehorsedc.gov.uk>

Subject: STTRAD/22681/23 - Objection to Street Traders License

Good afternoon.

I am writing to you to object to the recent street trader application (ref above) for the Swan Pub in Faringdon. I have also attached some images in support of my objection.

I am a resident that lives two doors from the pub with a young family. I am currently the General Manager of a hotel locally and have over 25 years' experience within the hospitality business.

We moved to Bromsgrove as we loved the house, the town, and whilst I was very conscious that living near a pub can have its problems at times, we were not deterred from purchasing the property. I believe that pubs are an institution that should be treasured and frequented. I also believe that a pub is well within its rights to optimise their business within the boundaries of their property, and this is why I object strongly to this application.

- Parking is already an issue in Bromsgrove, with not enough spaces for the residents, let alone patrons of the Swan. Parking now includes parking on the pavements, grass verges, and at times blocking other cars in. There has also been a marked increase in the number of cars driving the wrong way up the one-way system. This situation would be considerably exacerbated with the introduction of food vendors parking in the area.
- Any food van/stall would also create a visibility issue for people reversing out on to the road to exit their parking space. Due to the size of the vans, visibility is impaired greatly. The road is at times turned into at excessive speeds from Park Road, and in my opinion, it is only a matter of time before there is an accident.
- Any food vendor operating in the proposed area would be less than 3 metres from my property. This has already been experienced with unlicensed vendors operating there over the past year (see images attached). It does create noise, pollution, and generally has a negative impact on my domestic situation and neighbourhood.
- We also have young children who sleep at the front of the house, who would certainly be disturbed with a kebab van operating directly outside of my house and the associated disruption that comes from food stalls and revellers from the pub, also directly outside of my house.
- If the pub managers and landlords of the business feel that there is a need for a food offering, then why can't they invest their money in developing a small commercial kitchen to fulfil this need (this has been done in numerous small pubs)? It feels as though they want to invest as little capital as possible with minimal disruption to their business whilst generating extra revenue from public/residential parking spaces. There

has not been, or ever has been any consideration for the detrimental impact this would have on myself or immediate neighbours, and I feel this is wrong.

- As I have stated previously, we have had to endure unlicensed traders for over a year operating outside of our house, and I feel it would be wrong to then allow the business to be rewarded with such a license. I have tried to address the situation a number of times, but have generally been ignored and met with an aloof attitude.
- Finally, I would ask those of you considering this application "if you had lived in a good **residential** area for the past 5 years raising your family, and then it was proposed that there could be Kebab van (or similar) directly outside of your front door whenever it suited a third party, how would you feel and do you think the application should be approved?".

On balance I believe the negatives outweigh the positives for this application due to the impact it would have on my family, my home, my neighbours', and the quality of life of the residents of Bromsgrove.

Thank you for taking the time to consider my objections, and please do not hesitate in contacting me if you have any further questions.

Kind regards,
Alasdair Burn



Top Image: Shows a van facing the wrong way up the one-way street. Car turning in from Park Road. Also, Audi outside of the church stopped on the carriageway.

Below Image: Van still facing the wrong direction. Audi has now parked and driver has left his vehicle blocking the road to enter the Swan pub. **Saturday 2nd September 2023.**

Images - Bromsgrove



Above two Images: Street traders with no license or permit trading illegally on 20 May 2023. Please note the path is completely blocked.



Above image: Street trader 3 metres from my property trading with no permit or license on 24th June 2023.

Appendix G(2) - Consultation responses - The Swan

From: Rachel Pearson

Sent: 19 September 2023 08:34

To: Licensing Vale <Licensing.unit@whitehorsedc.gov.uk>

Subject: Street Traders License objection- Bromsgrove, Faringdon - STTRAD/22550/23

Good morning,

I am writing regarding a recent license application that has been submitted regarding food traders outside/ next to the Swan Pub in Bromsgrove.

I am a resident of the Bromsgrove Cottages and wanted to give you my concerns.

I am not in favour of this application for the following reasons:

- We have very limited parking in Bromsgrove for residents and it has certainly gotten worse within the 6 years I have lived here. Of course we understand the pub has patrons who also park here at times, but with the addition of a food trader this will take up additional parking spaces meaning residents will find it more difficult to park close to their house.

- Having a large van/food trader outside would obstruct the view from our window. On occasions we have vans outside our house making deliveries which blocks out light through the only bottom front window we have, making the inside of our house very dark.

- Trying to cross the road and reverse your car out of the Bromsgrove communal parking area is already difficult without big vans/food traders blocking view. Many cars swerve round onto Bromsgrove from Park Road at speed, and without a good view I feel it would become more of a safety issue. In the last year or so, I have noticed an increasing number of vehicles driving down the wrong way! There definitely needs to be more one-way signage along here. When taking my children to/from school we now look both ways just in case.

- The safety aspect of gas canisters being close to our house is of concern - especially when they are placed close to wall mounted ashtrays where smokers congregate.

I hope you will take time to consider these points.

Regards
Rachel

Appendix G(3) - Consultation responses - The Swan

From: Sally Thurston <Sally@faringdowntowncouncil.gov.uk>
Sent: 27 September 2023 16:12
To: Licensing Vale <Licensing.unit@whitehorsedc.gov.uk>
Subject: RE: Street Trading Consent application - The Swan

Dear Sarah

The Planning and Highways committee at Faringdon Town Council wish to OBJECT to this application on the ground of:

1. Public nuisance: smell, rubbish, noise and fumes from diesel powered vehicles.
2. Public safety: Heavily populated area with unsafe junction and parking.

Does this email suffice or do I need to record the objection elsewhere.

Many thanks

Sally

(excerpt from attachment to email - draft minutes of Planning & Highways committee meeting held 25 September 2023)

14/9/23 Licence Application

Members discussed a licensing application under consideration by the district council for a street trader outside the Swan public house in Bromsgrove. Members understood the business argument behind this proposal but had received a local resident's objection. Members PROPOSED, SECONDED and RESOLVED to OBJECT to the proposal on the grounds that it would cause a public nuisance from litter, noise, fumes and public safety issues with size of vehicle and parking location. Cllr. Boulton abstained.

Appendix G(4) - Consultation responses - The Swan

From: Thomas, Bethia <Bethia.Thomas@whitehorsedc.gov.uk>

Sent: 16 October 2023 15:11

To: Licensing Vale <Licensing.unit@whitehorsedc.gov.uk>

Cc: Edwards, Lucy <Lucy.Edwards@whitehorsedc.gov.uk>

Subject: Oak Taverns Faringdon

Good afternoon,

I was conscious that today was the deadline for comments on the food licence application for the Swan Inn, Faringdon, though I may have got that wrong.

We had some earlier communications about this application, and we are both aware of some objections to idea of "street trading-style" food providers by neighbours. I am not sure how many of these objections were lodged with you formally, but we did discuss the process with residents and encouraged them to contact the licencing team directly.

From what I gather those people who have expressed concern are worried that it would be there everyday and cause undue disruption to their lives.

From what I understand from the publicans, and from what I remember when the (then unlicensed) traders have been there in the past, it was only occasional and not for the entire evening. To be the best of my knowledge they have not been there at all for several months.

In short, I wanted to advocate a balanced view on this application, if at all possible, to come to some compromise so that the pub's nearest neighbours are not unduly disrupted, but where the pub can extend its offer with food on occasions, subject to the proper licencing agreements.

As I said I am not sure whether we were too late to comment, but speaking on behalf of Cllr Edwards if I may, I think we would both agree on this approach.

All the best,
Bethia.

Cllr Bethia Thomas

**Vale of White Horse District Council Leader
Liberal Democrat Member for Faringdon Ward**

Appendix G(5) - Consultation responses - The Swan

From: Cockhill, Thomas - Oxfordshire County Council
<Thomas.Cockhill@Oxfordshire.gov.uk>
Sent: 15 November 2023 11:37
To: Fletcher, Charlie <charlie.fletcher@southandvale.gov.uk>
Subject: The Swan, Faringdon - Street Trading Highway Authority Response

Hi Charlie,

Please find below the Highway Authority comments regarding the Street Trading Licence at the above location.

The site is located on the junction of 'Bromsgrove' and 'Station Road' which is a busy junction along with other junctions/accesses in the vicinity.

The proposal is likely to result in indiscriminate and or obstructive parking occurring within the vicinity of the site which can only increase the risk to Highway Safety and to other users of the Highway within the vicinity.

Subsequently given its location and its proximity to the Highway this is likely to result in pedestrians/users of the establishment queuing and thus forcing members of the public out into the carriageway to pass the queue. Furthermore this queuing of users within the site and in the proximity of a junction can only increase the risk to Highway Safety.

Yours sincerely

Tom Cockhill

Thomas Cockhill
Transport Development Management Officer

Transport Development Management
South Locality
Environment and Place
Oxfordshire County Council
County Hall
New Road
Oxford
OX1 1ND

Appendix H(1) - Consultation responses - The George

-----Original Message-----

From: Andrew King

Sent: 22 September 2023 12:57

To: Licensing Vale <Licensing.unit@whitehorsedc.gov.uk>; Info@suttoncourtenay-pc.gov.uk

Subject: The George Pub street trading

Further to the above application for 7 days a week street trading using PC land we object on the following basis:

- 1) such a 7 day commercial activity is not in the spirit of the conservation area within which the George pub sits
- 2) PC land should not be used for the financial benefit of a commercial business
- 3) The reduction in available parking spaces will further exacerbate the already difficult parking challenge for the local residents and visitors to the church

Andrew and Jane King

Appendix H(2) - Consultation responses - The George

-----Original Message-----

From: Stephanie Davis-Gill

Sent: 27 September 2023 13:02

To: Licensing Vale <Licensing.unit@whitehorsedc.gov.uk>

Subject: Objection: Application for Street Trading consent but George and Dragon, Sutton Courtenay

I am writing to object to the application for street trading consent by the George and Dragon for food vans to be present 12pm-9pm on 7 days a week.

As a resident of the village of Sutton Courtenay the village is already subject to excessive traffic on a daily basis Mon-Friday. Introducing long trading hours for food vans will only serve to bring even more traffic into and through the already stressed village which will exacerbate already large travel times and air pollution. Further, it will disrupt the reduced traffic on weekends which residents currently enjoy. In doing this it will also increase weekend air pollution in the village.

The current trading arrangement of one van on a Friday evening seems sufficient.

Best wishes

Stephanie Davis-Gill

Appendix H(3) - Consultation responses - The George

From: Jason Warwick

Sent: 02 October 2023 10:54

To: Licensing Vale <Licensing.unit@whitehorsedc.gov.uk>

Subject: Street Trading Application - The George Sutton Courtenay

Hi,

I would like to comment on this application. I am generally in favour of the license being granted for street trading at this location and support The George and its valuable place in the community.

However granting an application for trading every day is a huge increase on the current occasional use. While the intent for use may be to utilise the license on a few days there is no way to be certain this will be the case in future. A permanent food van in the scenic heart of a village like Sutton Courtenay would be very harmful to the area and create associated increases in traffic and litter. Not to mentioned impacting nearby local businesses whose primary source of income are food sales and in these difficult times would add an extra burden from The George's currently wet sales focused business.

If possible I would propose a compromise where a license is granted for a fixed number of days a year, say around 100-150 (Weekends and public holidays) which the licensees can use at their discretion. This would enable the existing status quo to be maintained and would hopefully be acceptable to all.

Kind Regards

Appendix H(4) - Consultation responses - The George

From: Elizabeth Maconochie

Sent: 02 October 2023 18:09

To: Licensing Vale <Licensing.unit@whitehorsedc.gov.uk>

Subject: Oak Taverns - The George and Dragon. Sutton Courtenay

Dear Sirs

I would like to object to the proposal for a food van to be sited at The George and Dragon in Sutton Courtenay. I think this is a terrible idea.

I can see no reason for this Van to be placed on the village green, in a most prominent spot, which will lower the tone of our beautiful village.

The George and Dragon have perfectly good kitchens which they have been using all the 52 years I have lived in the village. I can see no logical reason why this needs to change.

Please do not allow this to happen.

Kind Regards

E Maconochie

Appendix H(5) - Consultation responses - The George

From: REDACTED

Sent: 16 October 2023 12:16

To: Licensing Vale <Licensing.unit@whitehorsedc.gov.uk>

Cc: Helen Savery <info@suttoncourtenay-pc.gov.uk>

Subject: Street Trading Licence application by Oak Taverns - George & Dragon PH, Sutton Courtenay

Dear Sir/Madam,

I am aware of the above matter and am extremely concerned about it to the extent that I wish to register my objections with your Council. I have already lodged an objection with Sutton Courtenay PC who considered the matter at it's last meeting on 6 October 2023.

In my opinion, the use of the pub forecourt for the preparation and sale of hot and cold food will be virtually permanent and as such ought to form the subject of a planning application seeking consent for a change of use of the forecourt. It will be 10 hours a day (allowing for set up and clearing away) 7 days a week, and as such constitutes a material consideration of some weight for which planning permission should be sought. The use cannot be described as temporary or part time in any way shape or form and, no matter how the use might be downplayed by some, it can really only be determined through the submission of a formal planning application. In my view this ought to be sorted out before the matters of street traders licence or food hygiene are looked at.

In terms of the practicalities of the proposals I would like you to take the following matters into account:-

- i) Past experience of these types of use leads me to believe that they will do nothing for community spirit in the village. It is a distinctly urban type of use that will become a magnet for attracting noisy social gatherings to the detriment of those living around the site as well as resulting in significant quantities of litter and other forms of generally antisocial behaviour;
- ii) The site is almost always full of parked cars and the use could result in car parking problems in the immediate locality of the pub, the Church and close to existing residential properties. Presumably the traders would not turn away casual passers by who stopped to purchase whatever was on sale here which begs the question, where would they park – in the road? On the Green? Or in nearby driveways?
- iii) If the Applicants, Oak Taverns, want to provide food for consumption on the premises why did they purchase a pub with virtually no catering facilities in the first place? I do not think they should try to solve this particular problem through the introduction of such an intrusive and harmful use; and
- iv) The proposal will constitute a most unsightly, unneighbourly and intrusive use, severely detrimental to the visual amenities of this part of the Sutton Courtenay Conservation Area.

I shall be grateful if you will take the foregoing objections into account when processing the application and, if appropriate, consult your Council's Planning Department as well as OCC Highways who will, no doubt have clear views on the impact of the use on local highway conditions.

I look forward to hearing from you.

Yours sincerely
David Hignell
REDACTED

Appendix H(6) - Consultation responses - The George

From: Cockhill, Thomas - Oxfordshire County Council

<Thomas.Cockhill@Oxfordshire.gov.uk>

Sent: 15 November 2023 11:56

To: Fletcher, Charlie <charlie.fletcher@southandvale.gov.uk>

Subject: The George and Dragon, Sutton Courtenay - Street Trading Highway Authority Response

Hi Charlie,

Please find below the Highway Authority comments regarding the Street Trading Licence at the above location.

The site is located on the junction of 'The Green' and 'Church Street' along with other junctions/accesses in the vicinity.

The proposal is likely to result in indiscriminate and or obstructive parking occurring within the vicinity of the site which can only increase the risk to Highway Safety and to other users of the Highway within the vicinity.

Subsequently given its location and its proximity to the Highway this is likely to result in pedestrians/users of the establishment queuing and thus forcing members of the public out into the carriageway to pass the queue. Furthermore this queuing of users within the site and in the proximity of a junction can only increase the risk to Highway Safety.

Yours sincerely

Tom Cockhill

Thomas Cockhill
Transport Development Management Officer

Transport Development Management
South Locality
Environment and Place
Oxfordshire County Council
County Hall
New Road
Oxford
OX1 1ND

Appendix I - Consultation response - The Crown

From: Cockhill, Thomas - Oxfordshire County Council
<Thomas.Cockhill@Oxfordshire.gov.uk>
Sent: 15 November 2023 11:38
To: Fletcher, Charlie <charlie.fletcher@southandvale.gov.uk>
Subject: The Crown, Marcham - Street Trading Highway Authority Response

Hi Charlie,

Please find below the Highway Authority comments regarding the Street Trading Licence at the above location.

The site is located on the junction of 'North Street' and 'Packhorse Lane' which is a busy junction along with other junctions/accesses in the vicinity.

The proposal is likely to result in indiscriminate and or obstructive parking occurring within the vicinity of the site which can only increase the risk to Highway Safety and to other users of the Highway within the vicinity.

Subsequently given its location and its proximity to the Highway this is likely to result in pedestrians/users of the establishment queuing and thus forcing members of the public out into the carriageway to pass the queue. Furthermore this queuing of users within the site and in the proximity of a junction can only increase the risk to Highway Safety.

Yours sincerely

Tom Cockhill

Thomas Cockhill
Transport Development Management Officer

Transport Development Management
South Locality
Environment and Place
Oxfordshire County Council
County Hall
New Road
Oxford
OX1 1ND

Appendix J - Standard conditions attached to street trading consents

1. No trading to which the attached consent relates shall take place except between the dates of: DATES TO BE ENTERED.
2. The operational hours shall be:
Between the hours of and on Mondays
Between the hours of and on Tuesdays
Between the hours of and on Wednesdays
Between the hours of and on Thursdays
Between the hours of and on Fridays
Between the hours of and on Saturdays
Between the hours of and on Sundays
3. The street trading consent relates to the following area/site only:
4. The street trading consent relates to the following vehicle/stall only:
5. Street trading can only be carried out from the stall or vehicle authorised under the conditions of the consent. The relevant council must approve any changes to or replacement of the stall or vehicle.
6. The consent holder shall comply with all statutes, statutory instruments and byelaws currently in force. Consent holders must pay particular attention to the requirements of the Health & Safety at Work Act 1974, EC Regulation 852/2004, the Food Safety Act 1990 and associated regulations, The Food Hygiene (England) Regulations 2006 and the Environmental Protection Act 1990. Information on how to comply with food safety and health and safety law can be obtained from the Food Standards Agency at www.food.gov.uk and the Health and Safety Executive at www.hse.gov.uk.
7. All businesses selling food must be registered with the environmental health team in the district where the business address is located.
8. The consent holder shall not be the cause of any nuisance or annoyance to any other user of the highway or the occupier of any adjacent land or building. Consent holders shall have special regard to and must take positive action to prevent excessive noise.
9. The Environmental Protection Act 1990 places a duty of care on businesses to dispose of waste originating from their trade to a licensed waste carrier. The consent holder shall ensure refuse originating from their trade is disposed of by a licensed waste carrier and shall leave the site clear of refuse at the completion of trading. No water or waste material shall be discharged on to the highway or any adjacent property. The consent holder shall ensure that the area in the vicinity of the stall/vehicle is kept clear of all refuse at all times.
10. The consent holder's vehicle/stall shall be kept in a clean, safe and well maintained condition and be of a presentable appearance. The street trading consent bearing the name of the consent holder shall be displayed conspicuously on the stall/vehicle so that members of the public can clearly see it during hours of business.

11. The consent holder's vehicle shall be maintained in a roadworthy condition, taxed, insured and possess a current MOT certificate.
12. The consent holder shall ensure that the stall/vehicle is positioned only in the allocated space (which may be marked on the ground) in the location/s for which the street trading consent is issued. All goods must be displayed on the stall/vehicle and no freestanding racks or displays are permitted. If a consent holder or operator/assistant is requested to move the vehicle/stall by a licensing officer or Police officer they shall immediately comply with that request.
13. The consent holder's vehicle or stall shall not exceed 3.5 metres in height nor occupy an area greater than 8m x 3m.
14. The consent holder must take adequate precautions to prevent the risk of fire at the stall or vehicle. All hot food vans/trailers are required to comply with current legislation on fire safety. Where gas cylinders are used an annual gas safety certificate is required to ensure the safety of all gas cooking and heating equipment. Where the vehicle or stall has a 240 volt electrical system an annual electrical safety certificate is required. A serviceable fire blanket and suitable fire extinguisher/s shall be provided at all times.
15. All hot food vans/trailers are required to carry a basic first aid kit. The consent holder and other operators should know how to give first aid to treat victims of burns and cuts. All hot food vans should have access to a minimum of one mobile phone that must be serviceable at all times.
16. All staff involved in the preparation of food shall hold a current Level 2 food safety certificate, accredited by the Chartered Institute of Environmental Health, the Royal Society of Health, or the Royal institute of Public Health and Hygiene.
17. A street trading consent cannot be transferred or sold to another person except that the consent may be transferred to business partner or a member of the consent holder's immediate family in the event of the consent holder's death or incapacity on payment of a fee.
18. The sub letting of a street trading consent location is prohibited.
19. The consent holder must be the principal operator and have day-to-day control of the stall/vehicle. The consent holder may employ any other person to assist in operating the stall/vehicle.
20. The consent holder may terminate a street trading consent by written notice to the relevant licensing team. A refund of the portion of the fee equal to the remaining full months (not less than three months) may be payable.
21. The consent holder shall ensure that disabled people and wheelchair users can be adequately served. This may involve serving persons from outside the vehicle.
22. A copy of the consent shall be clearly displayed by the operator when trading and must be produced on demand to a licensing officer or Police Officer.

23. The consent holder shall have and maintain a proper insurance policy against public liability and third party risks. The minimum insurance cover shall be £5,000,000 and shall cover the operator's vehicle, or stall and any additional equipment under their control. Proof of cover must be produced to a licensing officer as required.

24. These general conditions, which apply to all street trading consents, may be varied, having regard to a particular location. Additional conditions may be required and will be displayed and listed on the street trading consent.

25. Annual fees must be paid in advance.

Failure to comply with these conditions

If the consent holder fails to comply with any of the conditions attached to a street trading consent, the consent may be revoked. The consent holder may also be prosecuted for trading outside of the location or times specified in the street trading consent.