

Before the Vale of White Horse District Council

Licensing Sub-Committee

Applications for Street Trading Consents

The Swan - Faringdon
The George – Sutton Courtenay
The Crown - Marcham

Written Submission for the Oak Taverns Ltd

Hearing- 6 December 2023

1. This is an application for Street Trading Consents pursuant to Schedule 4 Local Government (Miscellaneous Provisions) Act 1982 and the joint Street Trading Policy of South Oxfordshire District Council and Vale of White Horse District Council ("**the Policy**"). The Applicants are the following Street Trading Businesses ("**Traders**"). The Written Submission is also made on behalf of Oak Taverns Limited ("**Oak**") who own each of the locations where the Street Trading Consent is sought to apply.
 - a. Dyllies Pizza
 - b. Friends and Flavours
 - c. Fink Street Food
 - d. I'm Japanese
 - e. BBQ Sam's
 - f. Kathma's Flavours
 - g. 1885 Burgers
 - h. Gurkha Street Food
 - i. Howe & Co
 - j. Love & Pizza
 - k. Luca's Scharwma

2. The premises/sites seeking Street Trading Consents are:
 - a. The Swan, Faringdon
 - b. The George, Sutton Courtney
 - c. The Crown, Marcham

The above sites are collectively referred to as the "**Sites**".

3. Each Applicant/Trader makes a separate application, and each site has attracted different responses. It is proposed for purposes of simplicity as different representations have been received that submissions should be made in respect of each of the sites and the extent to which each particular site can illustrate compliance with the requirements of Schedule 4 Local Government (Miscellaneous Provisions) Act 1982 and the Policy.
4. A hearing is required to determine the applications. It is noted that generally there is a pre-requisite for grant of a Street Trading Consent in relation to permission of landowner and relevant Planning Consents. Due to the number of applications and so as to avoid wasting the resources of those who administrate such requests, it has been agreed that should the Committee grant the Street Trading Consent that they will be granted subject to required planning permission/planning consents/confirmation neither is required, being sought and supplied to the Licensing Authority.
5. It is proposed that the issues in respect of each site be dealt with on a site by site basis as follows.
6. Submitted with this Written Submission is a bundle of documents referred to as Exhibit Oak 1. Any references to page numbers within this Written Submission is a reference to pages of Exhibit Oak 1, unless expressed otherwise.

The Proposal

7. The Applicant/Traders are applying for Street Traders Consent for the Sites, to increase the Sites' current offer to their customers. The Sites are predominately 'wet lead' pubs, which have no desire to significantly move from that business model. The Traders will be providing a food service, which is very much an ancillary service to the main focus of the Sites and will not alter the style and feel of the Sites.
8. The Sites will not transform into 'take away' or 'drive through' venues, albeit it is understood that a limited number of customers may elect to purchase food to be consumed at their residence.
9. The Applicant is choosing to utilise space at the Sites, to not only innovate their offer by providing a variety of cuisines to their customers, but to provide a platform for local entrepreneurs in the food industry to develop their businesses.

The Swan

10. Oak took ownership of the premises in June 2010 and invested significant monies into its refurbishment using local traders to do the work. The premises is popular with those persons living in the immediate vicinity many of them seeking to walk to the venue, the premises offers no internal food offer being small and without appropriate kitchen facilities.
11. The application has received 5 objections from the following individuals:
 - a. Alastair Burn;
 - b. Rachel Pearson;
 - c. Sally Thurston (Farringdon Town Council);
 - d. Cllr Bethia Thomas (Vale of White horse District Council);
 - e. Thomas Cockhill (Oxford County Council, Transport Development Management Officer).
12. The objections raise the following concerns over the proposed operation of Oak/The Traders:
 - a. Parking/traffic;
 - b. Road safety and visibility;
 - c. Noise/ litter/smell; and
 - d. History of unlicensed traders at the premises.
13. The Oak/Traders elect to respond to the above themes, under separate heading, below.

Parking/Traffic

14. The Oak/Traders have taken onboard these concerns Park Road/Station Road and Bromsgrove. The front of the premises is located on Park Road, which contains double yellow lines on both sides of the Road, which also continue down Station Road. It is anticipated that local residents will respect highway laws and not park along double yellow lines as to not cause parking issues along the highway.
15. The Applicant is proposed to only place 1 trader at the site 1 day per week for a maximum of 5 hours. There will be 163 hours of the week, which a Trader will not be trading at the premises.

16. A representation received appears to be a standard objection which contains the same two paragraphs as it does across the other Sites. The objection relates to parking and obstructions down the highway due to queuing. The objection has provided minimal application to this Premises and Oak/Traders reiterates that the proposed food vendor is designed to accommodate its current offering to its current clientele. It is not to operate a drive through or a takeaway establishment but to provide a food offering as an ancillary to its wet led premises.

Road Safety and Visibility

17. The Traders will position their vehicles in a position on the public highway as to provide as much visibility for motorists and pedestrians as possible, especially those turning from Bromsgrove onto Park/Station Road.
18. It is also anticipated that that drivers and pedestrians will undertake their own risk assessment of the road/traffic conditions when making the necessary turn into and out of junctions, and perform their manoeuvres safely.
19. The Traders are also required to follow the Applicant's Street Food Policy (pages 37 and 38), when setting up their trading vans/stations.

Noise

20. The Oak will permit its customers to consume their food inside the premises. The premises will not provide additional seating outside of the premises. The Premises has not received any enforcement action from the local authorities in respect of the premise in respect of noise, nor has there been any representation from the Environmental health raising concerns over any potential noise issues that the granting of a consent could cause.

History of Unlicensed Traders

21. The Oak/Traders are applying for the street consents so that the Sites and Traders are all licensed to trade from the proposed locations.

Support for the Applicant and the Traders

22. This application has received support from local residents who are supportive of the application. The supporting residents live in close proximity to the premises and encourage this further offering. They do not have concerns regarding the parking or the affect that this will have on the highways and are fully supportive of this

offering of the premises. Copies of these emails of support have been enclosed at page 3.

Additional measures

23. The Applicant/Traders, have proposed additional measure be added to the Street Trading Consent, should the Panel grant to application. These conditions are found at page 4.

The George

24. Oak took ownership of the premises in November 2019 and invested significant monies into its refurbishment using local traders to do the work. The premises is popular with those persons living in the immediate vicinity many of them seeking to walk to the venue, the premises offers no internal food offer being small and without appropriate kitchen facilities.

25. The George has received objections from the following individuals:

- a. Tom Cockhill (Transport Development Manager Officer at Oxford County Council);
- b. David Hignel;
- c. Elizabeth Machonochi;
- d. Jason Warwick;
- e. Andrew and Jane King;
- f. Stephanie Davis-Gill.

26. The objections raise the following concerns over the proposed operation of Oak/The Traders:

- a. The need for Planning Permission;
- b. A compromise in hours for trading;
- c. Food Hygiene;
- d. Traffic/parking concerns;
- e. Compromise to trading hours

The Need for Planning Permission

27. The Applicant and the Licensing Authority have reached an agreement that should the Street Trading Consents be granted, they would be subject to obtaining and supplying the Licensing Authority with the relevant Planning consent permissions or confirmation that neither is required.

Compromise of trading hours

28. The Applicant encloses a set of conditions which are additional to the standing conditions that would be imposed on a Street Trading Consent. The conditions state that the premises will only be trading for 1 day and will not be trading for the entire period. The application has been made for these periods to embrace flexibility as the day in which the vendor would be able to trade will differ, i.e. it cannot always be a Saturday.

Food Hygiene

29. In terms of food hygiene requirements, the Traders are to follow the Oak Steet Food Operators Policy (page 37 to 38) and also obtain food hygiene Registrations as a registered food business.

Traffic/Parking Concerns

30. The Applicant submits that many of its clientele are local residents and walk to the premises. The Premises submit that their carpark is suitable for the needs of its customers. The Premises has never been subject to any enforcement by the Highways authority in respect of its carparking or customers parking along the public highway.
31. The Applicant submits that the traffic that is currently within the area is an historic issue and is one usually found with small towns. The addition of the food vendors is an ancillary service to the wet led premises that the George is and is not indeed to increase the trade significantly or increase numbers significantly. It is an extension of the current offer to its current clientele with of course the hoe of attracting a few more customers.

Compromise of Trading Hours

32. A request has been made by Mr Warick to compromise to the days and times that the vendors are permitted to trade. The Applicant refers to page 13 which is a set of conditions that will be attached to the licence which detail the times the vendors will trade from.

Support from Local Residents

33. I refer to pages 7 to 12 which is further communications which have been received in support of the application at the George. These are from local residents in the area which support the extension of the offer at the premises. These residents do

not suggest that their enjoyment will be impeded by the food vans or that there would be a traffic or parking issue.

34. Those comments confirm the management standards of the premises. No adverse traffic, parking, noise or litter implications arising and particularly, the provision of the social hub created by the presence of the Traders.

The Crown

35. The Traders and Oak would respectfully refer the Sub Committee to the submissions by way of Preliminary Point as to the validity of the objection to the Crown by Thomas Cockhill of Oxford County Council, the Traders and Oak would respectfully draw to the attention of the Committee to the size and facility of the car park annexed to the Crown. The Traders and Oak would respectfully refer the Committee to the fact that no residential objections have been received in respect of the operation of Traders at the Crown and furthermore that communication has been received by Oak Taverns in support of the continued provision of Traders at the Crown.
36. I refer to pages 16 to 27 that this application has received a significant support from the local residents who welcome this addition to this premises.
37. There are no issues in terms of parking, increased traffic or safety and believe that the addition of such a service would be of benefit to the local area.

Policy Considerations

38. Consideration as to the criteria set down within the Policy has been undertaken. It is respectfully submitted that none of the representations evidence adverse impact on **public safety** with regard to unhygienic conditions or danger to the public. Those allegations raised regarding potential obstruction of view and sight lines are not particularised and are contrary to the submissions made by those persons living in the immediate vicinity of the premises.
39. It is respectfully submitted that there is no evidence of **public order** issue and Thames Valley Police have not commented on any of the applications.
40. It is respectfully submitted that in respect of **preventing nuisance or annoyance** the additional condition as to the provision of bin facilities. Proximity to schools

and colleges are not engaged by virtue of any of the applications. The look, size and shape of each of the Traders is not referred to in any of the representations.

41. Finally the Traders – Fink Street Food – Lewis Greenwood, Dylan Shackland of Dyllies Pizza and John and Vaz of Friends and Flavours have written confirming the importance of the opportunity to their businesses and their commitment to undertaking responsible trading. These letters are identified at pages 29 to 31.
42. Finally further communications in support of the applications has been secured from:
 - John Beddows Secretary for Central Southern CAMRA
 - Chair South Oxfordshire CAMRA – Graham Hards
 - Press and Publicity Officer, Oxford CAMRA – David Richardson.
43. All reference the value of the traditional village pub to the communities within which they reside. In determining the application the quality of the evidence raised in opposition to the Consents must be interrogated and generalisations cannot be relied upon or given weight disproportionate to the strength of the evidence.
44. The each application and each Site must be looked at on their own merits and a blanket approach as adopted by the Transport and Development Department should be questioned. It is of importance that neither the Police nor Environmental Health have engaged on any of the applications.
45. It is respectfully submitted that the Consent for the Crown should be granted by virtue of tacit consent in any event and that the applications in respect of the Swan and the George are capable of grant whilst securing of the local amenity of residents and safety of the public by virtue of the additional conditions proposed.
46. Finally that those who have objected did so believing the Traders would operate 12:00 until 21:00 daily and this is not the case. Many stated they were comfortable with less hours and saw the benefit of the provision.
47. The Oak and the Traders, request that each application be granted.

