

Street Trading Panel



Report of Head of Legal and Democratic
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To: Street Trading Panel
DATE: 4 December 2023

REPORT NO:

Application for street trading consents for The Greyhound, Whitchurch; The Red Lion, Chinnor; and The Cross Keys, Wallingford

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 South Oxfordshire 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 'Openness and accountability' and 'Improved economic and community wellbeing'.

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 25 August and 15 September 2023, Oak Taverns submitted 11 applications on behalf of persons wishing to trade across four sites in South Oxfordshire. 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 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. No objections were received in respect of The Sun at Wheatley so that site is not required to be considered by this panel.
- 3.5 As objections have been received during the consultation period for The Greyhound at Whitchurch-on-Thames and The Red Lion at Chinnor, these applications are being referred to the Panel for a decision.
- 3.6 An additional objection was received relating to The Cross Keys at Wallingford. 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.
- 3.7 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 Greyhound, Whitchurch-on-Thames can be found at **Appendix C**, a location plan for The Red Lion, Chinnor at **Appendix D** and a location plan for The Cross Keys at Wallingford 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 Greyhound:
- 1) Christopher Hilton - supports pub but limit to maximum of 4 days per week (preferably weekends and bank holidays) due to adverse impact of noise, litter, cooking smells, and vehicles in the vicinity of conservation area - impact would disproportionately affect adjacent properties if permitted 7 days per week; traders to be required to trade from a self-contained trailer or vehicle to prevent cooking oil / grease stains on the highway; traders to remain within the freehold of pub as junction often congested with vehicles; patrons to be discouraged from parking in Duchess Close (private drive) when collecting food.

2) Anonymous - applicant should not have commenced trading without licence, excessive trading hours/days, increased traffic/parking and issues with vehicle/pedestrian safety and crossing plan, air quality, litter, area is an Area of Outstanding Natural Beauty, smell from cooking oil, does not want traders using single-use plastic, planning permission should be required, and they should have obtained permission from County Council as not sited on pub's land.

3) Jon Beale, OCC Traffic & Road Safety - concerns over the impact and location, planned pedestrian enhancements in area and would not wish street trading activities to interfere with proposed pedestrian route, nor the necessary sightlines to this and the road junction.

4) 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 Greyhound 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 Red Lion:

1) Christiane Holtschoppen - parking issues, highway/pedestrian safety, noise, not in community spirit.

2) Julie Elliott and eight other named residents - parking issues, highway/pedestrian safety, lack of emergency vehicle access, noise.

3) 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 Red Lion can be found at **Appendix H**, with the above numbering as reference.

4.4 The following comment has been received in respect of the application for The Cross Keys:

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 in the case of *The Red Lion* and *The Cross Keys*, 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. In all three cases, the applicants are required to pay the consent fees prior to any consents being issued.

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 Greyhound, Whitchurch-on-Thames

Appendix D - Location plan for The Red Lion, Chinnor

Appendix E - Location plan for The Cross Keys, Wallingford

Appendix F - Response from Planning

Appendix G - Consultation responses for The Greyhound, Whitchurch-on-Thames

Appendix H - Consultation responses for The Red Lion, Chinnor

Appendix I - Consultation response for The Cross Keys, Wallingford

Appendix J - Standard conditions attached to street trading consents

Appendix A - Application details

Reference	Trader	Sites	Application date
STTRAD/22472/23	Dyllies Pizza	The Greyhound, Whitchurch-on-Thames	27 Aug 2023
STTRAD/22473/23	Friends And Flavours		27 Aug 2023
STTRAD/22474/23	Fink Street Food	The Red Lion, Chinnor	25 Aug 2023
STTRAD/22524/23	I'm Japanese	The Cross Keys, Wallingford	31 Aug 2023
STTRAD/22533/23	BBQ Sam's	The Sun Inn, Wheatley	31 Aug 2023
STTRAD/22646/23	Kathma's Flavours		13 Sept 2023
STTRAD/22680/23	1885 Burgers		15 Sept 2023
STTRAD/22476/23	Luca Shawarma		25 Aug 2023
STTRAD/22517/23	Gurkha Street Food		31 Aug 2023
STTRAD/22521/23	Howe And Co		31 Aug 2023
STTRAD/22531/23	Love And Pizza		31 Aug 2023

Appendix B - Photos of trader vehicles/stalls





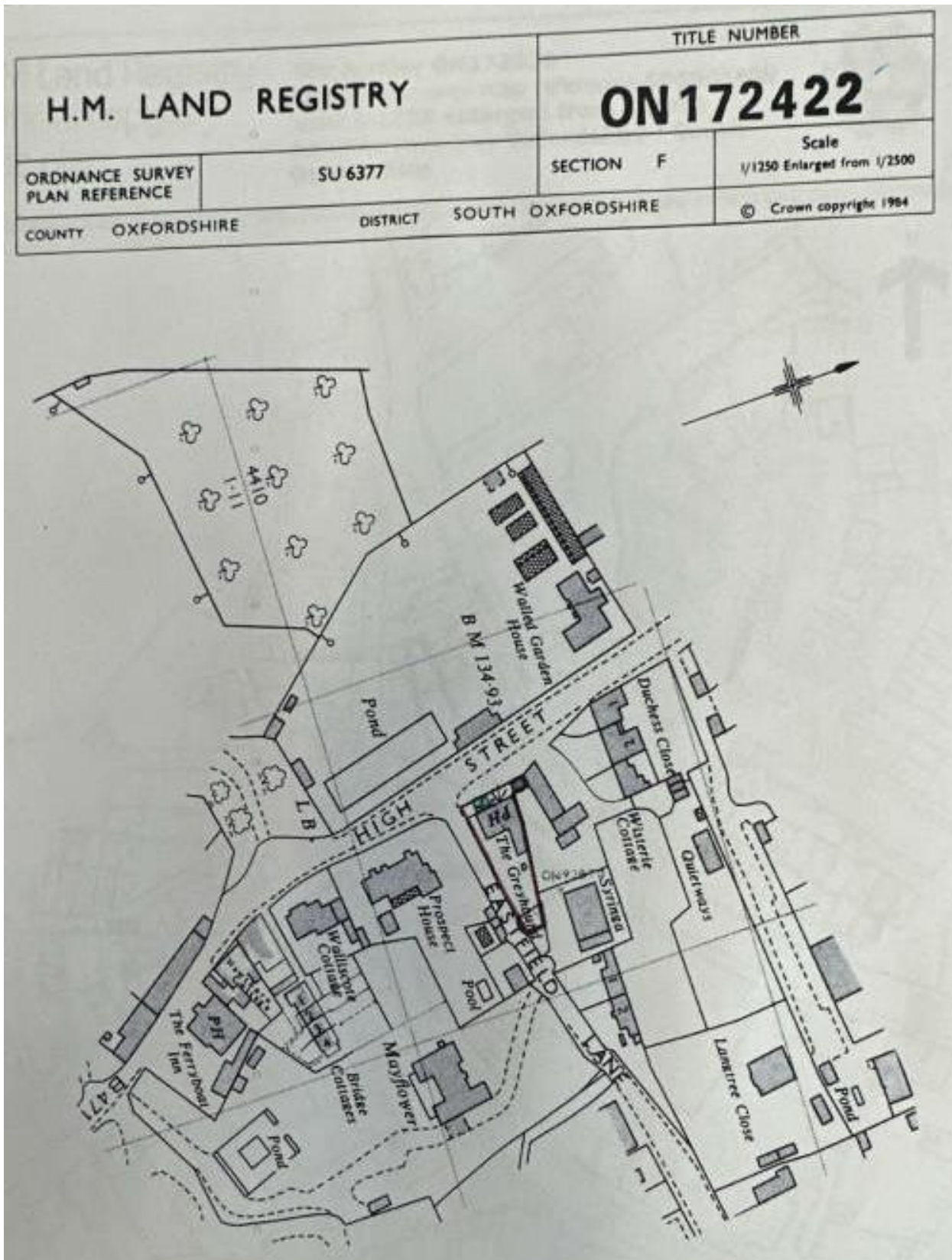




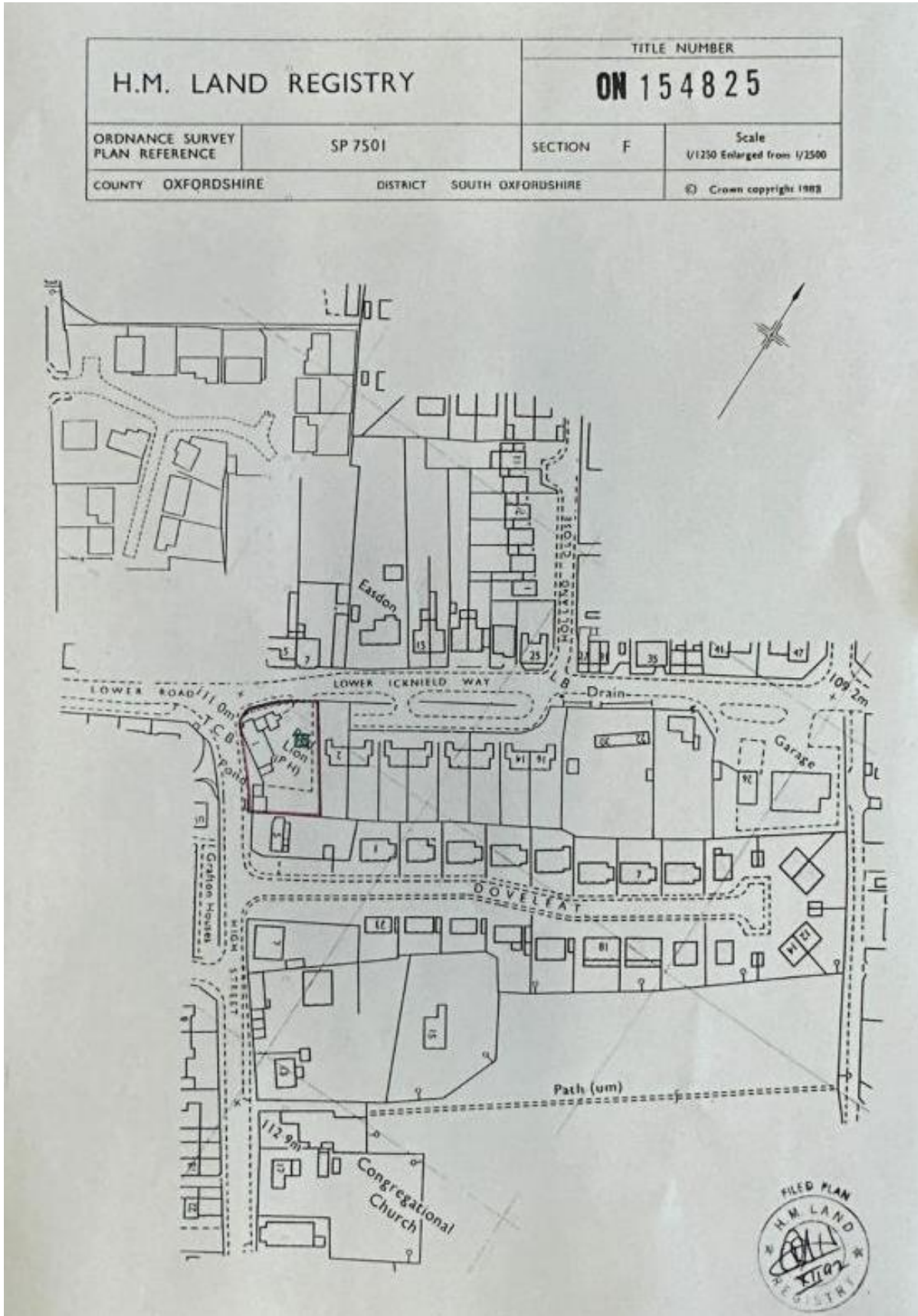




Appendix C - Location plan for The Greyhound, Whitchurch-on-Thames



Appendix D - Location plan for The Red Lion, Chinnor



Appendix E - Location plan for The Cross Keys, Wallingford



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 Greyhound, Whitchurch on Thames

This pub is not a listed building and therefore 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 Cross Keys, Wallingford; The Red Lion, Chinnor and The Sun Inn, Wheatley

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.

Please note that if any of the food stalls were to be situated on land outside the curtilage of a pub and would be in situ for more than 28 days in any calendar year, which it is understood would be the case, then planning permission will be required because permitted development rights afforded by the GPDO would not apply.

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

Will Darlison
Planning Officer
South Oxfordshire District Council

Appendix G(1) - Consultation responses - The Greyhound, Whitchurch

From: Dr Christopher Hilton
Sent: 04 October 2023 21:32
To: Licensing South <licensing@southoxon.gov.uk>
Subject: Greyhound RG8 7EL

Dear Sir/Madam,

We are immediate neighbours of Greyhound at 2 Duchess Close, RG8 7EN, within the Conservation Area of Whitchurch on Thames.

I note the application by Oak Taverns to host street trading firms servicing hot and cold food in the area adjacent to the pub from 12:00 to 21:00 x 7 days per week.

I warmly support the ability of the pub to work with other local businesses and to encourage footfall in the pub, particularly at weekends and bank holidays.

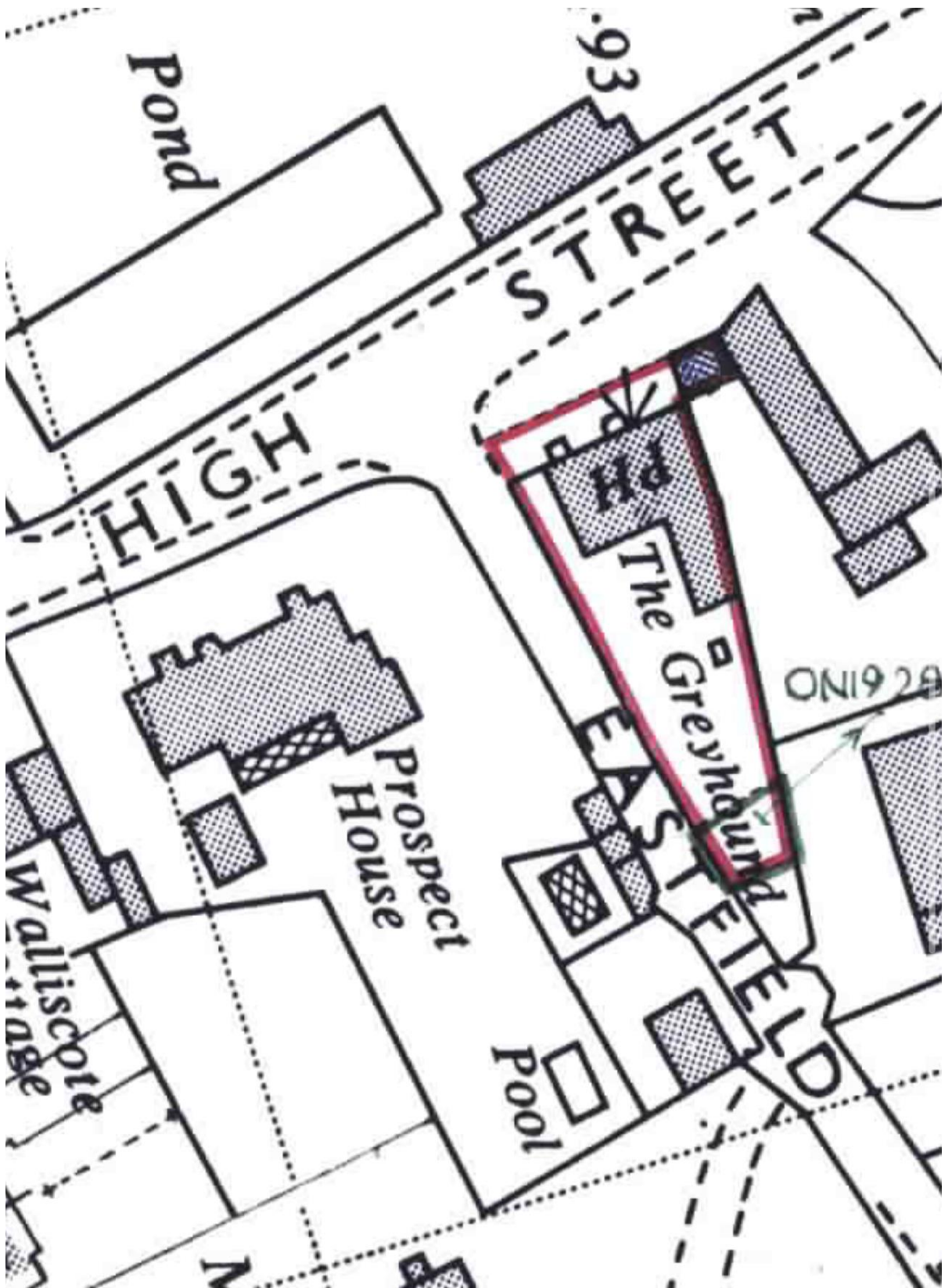
However we would respectfully request that the licensing committee consider restricting any license to state:

1) That the pub is limited in the number of days per week that street trading can be permitted to a **maximum of 4 days per week** (preferably weekends and bank holidays) - this is due to the adverse impact to neighbours of outside noise, litter, cooking smells, and vehicles in the vicinity of the conservation area - the impact would disproportionately affect adjacent properties if permitted 7 days per week.

2) That if traders are permitted, they are required to **trade from a self-contained trailer or vehicle** - this is based on an observation that some current traders who set up cooking equipment from trestle tables under a gazebo are routinely and regularly leaving cooking oil / grease stains on the highway which is adversely affecting the local environment.

3) I note that some of the area used by the traders is part of the freehold of the public house, but two thirds of the parking bay in front of the pub is **public highway** (see title plan attached). If street trading is to be permitted it should not encroach into the area outside of the freehold plot as the junction is often congested with vehicles turning into and out of Eastfield Lane, into and out of Duchess Close and with many cars parked on the High Street, with passage of vehicles complicated by additional parked cars on dates that the food vans are present and queues of customers. Vehicles often also park in Duchess Close (private drive) when collecting take away food. Anything which can be done to discourage this would be appreciated by neighbours.

Dr Christopher Hilton



Appendix G(2) - Consultation responses - The Greyhound, Whitchurch

From: REDACTED

Sent: 09 October 2023 14:27

To: Licensing South <licensing@southoxon.gov.uk>

Subject: Fwd: The Greyhound - objection to application.

Dear Sir,

Please find attached my objection to the application for a street vendor licence made by The Greyhound, Whitchurch on Thames.

[The sender then explains their reasons for wishing to remain anonymous as they are fearful for their safety if their identity is revealed].

I would also be grateful if you could confirm receipt of this e-mail.

Regards
REDACTED

I wish to submit an **objection** to application from The Greyhound, Whitchurch on Thames for Street Trading Consent. I have set out the reasons for my objection below.

I feel that to some extent Oak Taverns have been disingenuous in relation to the street vendors at The Greyhound, Whitchurch on Thames. Given that Oak Taverns was set up in 1991, their current Director has been in place since 2007 and their balance sheet as of October 2022 indicates that they have more than enough reserves to pay for legal advice it is an anomaly that they omitted to carry out their due diligence and failed to find SODC's Joint Street Trading Policy which is available online <https://www.southoxon.gov.uk/wp-content/uploads/sites/2/2022/10/StreetTrading-Policy-v6-October-2022.pdf> and permitted unlicensed street vendors at The Greyhound, Whitchurch on Thames. The same comment could be made in relation to their use of Oxfordshire County Council land.

Public Safety - The recent unlicensed use of street vendors by The Greyhound has increased traffic in the High Street (as well as an increase in on street parking in the High Street often at weekends and in the evenings). This is likely to become more of a problem given the increased hours that The Greyhound have now applied for; between mid-day and 9pm, Monday to Sunday. This is an excessive amount of time per day, even more so when you consider that The Greyhound's own website claims to only have street vendors 'occasionally at the weekend.'
<https://www.thegreyhoundwhitchurchonthames.co.uk/>

It will cause specific difficulties for children leaving Whitchurch on Thames Primary School when the school closes at 3.30 pm and children arriving back on the coach from Langtree Secondary School which will be a similar time. The lines of sight for both drivers and pedestrians have been compromised by the street vendor's vans in both directions but particularly if you are exiting Eastfield Lane and wish to turn right.

The location of the street vendors is also likely to cause conflict with the Travel Plan submitted by Whitchurch on Thames Parish Council as part of this plan includes the sighting of a virtual crossing for children to cross the High Street outside of The Greyhound. Even the current landlady admits, “*The biggest stress is making sure no one parks out in front.*”

<https://www.henleystandard.co.uk/news/whitchurch/173430/landlady-says-streetfood-in-car-park-goes-down-well.html>

In addition, to this the High Street and Eastfield Lane already face a dramatic rise in traffic/parking in Eastfield Lane when the care home (formerly Eastfield House) reopens. At certain parts of the day the High Street is already at a standstill and people regularly drive on the pavements both in the Upper and Lower Narrows thus causing damage to the infrastructure of the village. Increased traffic due to people travelling from other local villages will only exacerbates this (there is social media evidence that suggests people travel by car from Tilehurst to The Greyhound to eat food provided by the street vendors).

It is therefore questionable as to whether there is enough space especially during the proposed hours for children (and others who are less able) to navigate the High Street safely given the street vans and the additional traffic.

Indeed, the current landlady of The Greyhound recently admitted that whilst she was the landlady at the Cross Keys, Pangbourne that the ‘*BBQ Brothers were great with the theatrics of it. They had a huge barbecue and were whacking stacks of ribs on and the smell... I thought it was going to cause an accident on the road as everyone was looking as they drove by.*’

<https://www.henleystandard.co.uk/news/whitchurch/173430/landlady-says-streetfood-in-car-park-goes-down-well.html>

Individual street vendors have also blocked the pavement on the opposite side of the road whilst packing up after the start/close of business (by leaving vehicle doors open). This means that any pedestrian needs to walk down the middle of the High Street in order to continue their journey.

There is also a concern that the additional traffic will further decrease the quality of the air in the village. Despite the current political worship of the car, the science is clear – we are all breathing toxic air in large part due to pollution caused by vehicles. There is a ‘growing body of evidence that shows air pollution affects almost every organ in the body and is linked to a huge range of health problems from heart and lung disease to cancer and diabetes, depression and mental illness to cognitive impairment and low birth weight.’

<https://www.theguardian.com/environment/2023/sep/20/revealed-almost-everyonein-europe-breathing-toxic-air>

Preventing noise, nuisance or annoyance - The recent unlicensed use of street vendors resulted in an increase in litter both in the High Street and further afield (this includes litter sourced from the food vans and litter in general, the latter presumably (in part) deriving from the increased number of people in the village who are visiting the street vendors). Litter arising from the street vendors was found in the High Street, Hardwick Road, St. Mary’s Church Yard, by the Toll Bridge and even in Sulham Woods (presumably thrown from a passing car). At one point the bin in the High Street overflowing, however The Greyhound took no steps to put a bin in close proximity to the street vans. Instead, the Parish Council asked South Oxfordshire District Council to consider installing another litter bin. Why should public money be used for a

purpose that should be met by the business creating the litter? Whitchurch on Thames (thanks to a small band of volunteers) is kept reasonably free of litter. Given that Whitchurch on Thames is in an Area of Outstanding Natural Beauty keeping it litter free is of paramount importance.

I presume that any licence granted will ensure that The Greyhound follows the legal requirement not to supply single-use plastic cutlery or balloon sticks. I understand that there are no exemptions to this legal requirement.

It is important that litter is kept out of the countryside as it can have many damaging impacts. If a licence is given then the onus should be on The Greyhound to ensure that all the litter generated is recycled or if appropriate disposed of in landfill.

It is also unclear as to whether The Greyhound is recycling food waste in the appropriate manner as no separate bin was provided by the street vans for food waste.

Planning permission - The Greyhound recently installed a huge temporary tent that covered the whole of the rear garden. Does this need planning permission in a Conservation Area? Was it legally permissible? Whilst The Town and Country Planning (General Permitted Development etc.) (England) (Amendment) (No. 3) Order 2021 introduced a permanent permitted development right to provide one moveable structure within the curtilage of a pub (including those with expanded food provision) or other premises which is used for the sale of food or drink mainly to members of the public who consume that food or drink on the premises it cannot be sited within two metres of the curtilage of any adjacent land which is used for residential purposes (including hotels, residential institutions and houses in multiple occupation). There is a residential property adjacent to The Greyhound which would fall within two metres of the curtilage.

It is also possible that the height of the moveable structure exceeded 3 metres. Furthermore, the footprint (being the total area of ground covered by the building or moveable structure) cannot exceed the lesser of 50% of the footprint of the building or 50 square metres). Again, this should be checked in terms of The Greyhound's footage and planning permission sought and gained if appropriate before the street vendor application can be determined.

One of the application's requirements is that you need to have permission from the landowner. There are concerns that Oak Taverns are operating on and indeed recently charging people to gain access to public land (I understand they did this as a temporary measure in order to be able to continue to have street vendors whilst applying for this licence). Oak Taverns recently made the following statement:

'We need paperwork to use them on our own private car parks as if they were public highways, which we are patiently waiting for someone to inform us exactly what that is so we can move forward. This is heartbreaking for us as a company. We have seen our local food vendors buy extra food trucks from working with us as their small food businesses were flourishing'.

<https://www.henleystandard.co.uk/news/whitchurch/182431/pub-in-row-over-councilban-on-street-food-vans.html>

is it clear from the Title Deeds for The Greyhound held by the Land Registry that the street vendors have been sited on land that does not belong to Oak Taverns but does

in fact belong to Oxford County Council. The curtilage was clearly defined in The Particulars of Sale and Oak Taverns not only charge entry to this land but also use part of it as a car park for their customers. Does the fact that they have been operating on land that they do not own invalidate their Public Liability insurance (if they have it)? Has their permission for this licence been sought from Oxford County Council (and have the relevant department been made aware of the traffic plan submitted by the Parish Council)? Have Oxford County Council agreed that a charge can be levied for access to this land?

I am supportive of The Greyhound remaining as a public house that serves food but I believe this needs to be done in a way that does not cause additional air pollution, litter and complies with all other legal requirements. I would be far more supportive if The Greyhound employed a village resident(s) to provide freshly prepared lunches and suppers rather than contract out this service to outside providers to provide ultra processed food in non-reusable containers.

From: REDACTED

Sent: 11 October 2023 12:37

To: Licensing South <licensing@southoxon.gov.uk>

Subject: Re: The Greyhound - objection to application.

Dear Sir,

I would like to make an addition to this objection - under nuisance and annoyance.

I walked up the High Street last night at about 7.45 pm. The stench of cooking oil was revolting and I could smell it from across the road.

I would be most grateful if you could add this to the earlier objection I sent you. If you would like me to add it to my existing objection please let me know.

Kind regards
REDACTED

Appendix G(3) - Consultation responses - The Greyhound, Whitchurch

From: Beale, Jon - Oxfordshire County Council <jon.beale@oxfordshire.gov.uk>

Sent: 09 October 2023 10:39

To: Licensing South <licensing@southoxon.gov.uk>; Cockhill, Thomas - Oxfordshire County Council <Thomas.Cockhill@Oxfordshire.gov.uk>

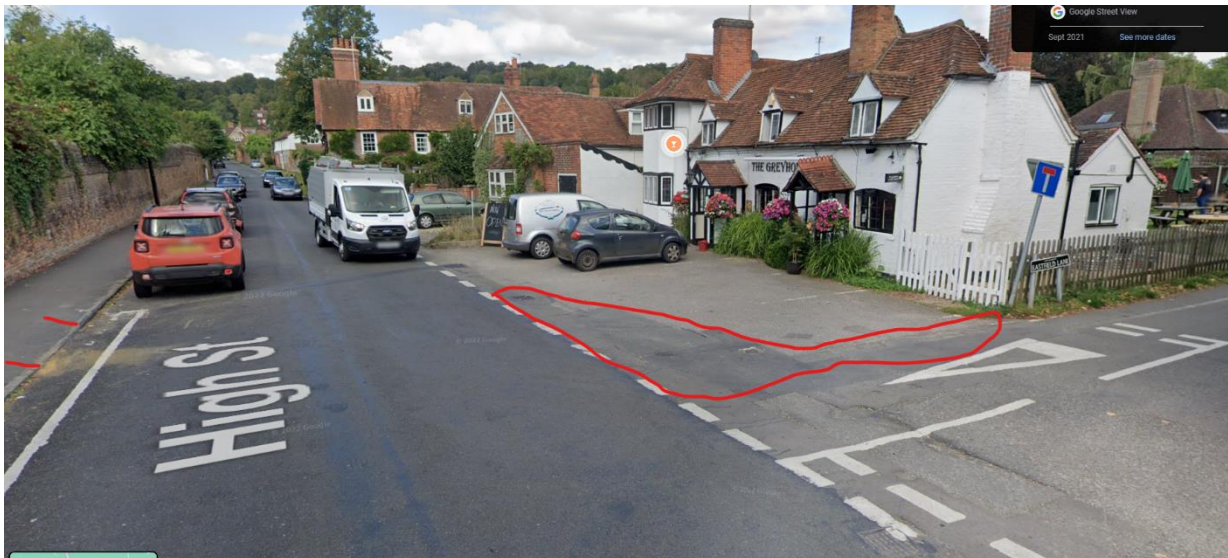
Subject: Street trading application at The Greyhound PH, Whitchurch on Thames

Dear SODC Licensing Team,

Your current consultation for a street trading license at the Greyhound Pub in Whitchurch has come to our attention from people locally as the village is also currently looking to improve pedestrian safety at the road junction of High St and Eastfield Lane.

Just to make you aware that, within the extents of the Public Highway it is envisaged to provide an informal crossing point from the existing dropped kerb on the West side of High St to meet with a pedestrian enhancements around and through to Eastfield Lane. Members of the Parish Council do feel that the enhancements will be an important provision for pedestrians and we would therefore not wish any street trading activities to interfere with the proposed pedestrian route, nor the necessary sightlines to this and the road junction.

An indicative area involved with the pedestrian enhancements is outlined in red below:



We therefore have concerns over the impact and location of any street trading activity within this area and would be grateful if you could consider this matter when determining your street trading license. In addition, I'm copying in my colleague Tom Cockhill who will be able to comment on the wider Highway perspective.

Regards, Jon

Jonathan Beale
Technical Officer - Traffic & Road Safety
Environment & Place
Oxfordshire County Council

Appendix G(4) - Consultation responses - The Greyhound, Whitchurch

From: Cockhill, Thomas - Oxfordshire County Council
<Thomas.Cockhill@Oxfordshire.gov.uk>

Sent: 26 October 2023 16:14

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

Cc: Beale, Jon - Oxfordshire County Council <jon.beale@oxfordshire.gov.uk>; Dix, Sian - Oxfordshire County Council <Sian.Dix@Oxfordshire.gov.uk>; Licensing Team - E&E <LicensingTeam@oxfordshire.gov.uk>

Subject: RE: Street trading application at The Greyhound PH, Whitchurch on Thames

Hi Charlie,

Following on from Jon's email regarding street trading.

Transport Development Management Team generally will respond to formal consultations by the District Council.

In terms of a response, 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 past 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 Red Lion, Chinnor

From: Christiane Holtschoppen

Sent: 05 October 2023 23:39

To: enquiries <enquiries@southoxon.gov.uk>

Subject: Please forward this email to your Planning Department

Oak Tavern Group/ Food Trucks at Red Lion Chinnor

Dear Sir or Madam,

I understand that the above company is seeking permission to have food trucks sell food on their premises. The following is an objection to this plan, with particular reference to the Red Lion Pub in Chinnor:

I reside in the High Street opposite the Red Lion Pub. Aged 59 I am barely able to walk due to severe arthritis in both knees. In my case this condition is inherited and for the next two to three years at least I am unlikely to have an operation on either knee to bring me some relief. My pain levels on a scale from 0 to 10 are between 8 (hobbling and 9.5 barely able to move and balance).

Whilst the food trucks certainly offer a welcome variety to Chinnor residents, I strongly object to them plying their business in the car parking area of the Red Lion. Once one such truck is parked there, this leaves patrons with nowhere to park. If they tried to, there would be a safety issue because people, many accompanied by their children, are wandering about in the area, ordering or collecting food. Cars are therefore parked to the front of the pub, others in the High Street. The latter inconveniences my neighbours (more than me) and adds to the general noise levels especially at night when people return to their cars, chatting, shouting at each other etc.

As for my specific case it is the cars parked in front of the pub on the curb that pose more than just an inconvenience. I walk my small dog daily but last winter returning from our walks there were not one but three incidents where both my dog and I found ourselves very nearly mowed down by vehicles coming round the corner from Lower Icknield Way into the High Street. This bend is a blind bend and cars do travel at speed. What is more, to cross the High Street to get to my property I need to use the lowered curb. Many of the cars are so long that they take up the entire width of the curb. I have no option but to step into the busy High Street whilst also having my dog on the lead. There is no room for me to jump out of harms' way as the vehicles are blocking the sidewalk. This is really dangerous and I wish this to be taken into careful consideration when the matter is being discussed.

On a slightly more general note, the Red Lion is a true country pub. Although at long last the business has now been limited to staging "only" twelve events in any one year, the noise level is still far from acceptable (the neighbour at no. 5 High Street has a measuring device and has measured the noise levels). When I raised this on FB in the Chinnor Residents Forum a couple of years ago, explaining that we were no longer able to sit out and enjoy our gardens, the landlady of the pub was rude and abusive in her response and some of her regulars threatened me to the extent that I had to involve the police

With the plastic marquee for which the council has now granted planning permission already taking up much of the Lion's outside space and with the parking area either already having been given over to picnic tables or sought to be given over in its entirety to food trucks the limits of what a country pub is are well and truly exceeded and what the Oak Tavern Group is seeking to achieve is motivated by greed and not by a desire to be part of the community. Anyone looking at the group's trading figures listed on Companies House will see that with their practices which ignore and push aside the needs of neighbours they are making a most excellent living for themselves.

As for the food trucks, as these have their own licence why not have them pull up at the car park at the top of the High Street where the Tigo Fish 'n Chips truck is operating on Monday nights? This way people would feel free to purchase their take-away dinners without feeling that they "had" to purchase drinks from the pub - this would be a hassle-free solution for all. I read in the local papers that one of the food truck vendors had expressed concerns he would not be able to earn a living if the Lion was not granted permission. Well, if he parks at the top of the High Street he will be able to make an excellent living for himself as the Tigo Fish 'n Chips truck will be able to testify.

Please confirm that you have received this email and that you will be considering my objection to the request put forward by the Oak Tavern Group.

Yours faithfully,

Christiane A Holtschoppen
REDACTED
High Street
Chinnor

Appendix H(2) - Consultation responses - The Red Lion, Chinnor

From: Julie Elliott
Sent: 15 October 2023 17:05
To: Licensing South <licensing@southoxon.gov.uk>
Subject: Red Lion Food Vans

Dear Sir

I am writing to object to the application to grant a license for the food vans to be present seven days a week at The Red Lion Public House. I am also objecting on behalf of my neighbours whose names are detailed below.

The reasons for our objection are as follows;

1) Road Safety

Cromwell Court is immediately opposite The Red Lion car park comprising of three houses and private parking for six houses (three houses situated on Lower Icknield Way). Due to very limited parking being available at the Red Lion, their customers park outside the properties on Lower Icknield Way. This causes the following issues;

I) Major safety issues for cars trying to pull out of Cromwell Court as cars parking on Lower Icknield Way completely obstruct views in both directions from traffic on Lower Road and Lower Icknield Way. (See photos attached)

II) Vehicles parking in front of numbers 5, 7 and 9 Lower Icknield way, also completely obstruct the view to cars pulling out of the High Street, again making exiting onto the road extremely dangerous

III) Lower Icknield Way is one of the four main roads into the village and therefore extremely busy. The food vans are generally operational from 4pm which is when the road is starting to get busy with rush hour traffic

IV) There is also a lack of consideration by some people parking on the road as often vehicles overhang the driveway to Cromwell Court which means access cannot always be gained. Our options are then to drive past, turn round and enter from the other direction, park on another road and retrieve our vehicles at a later time, or park again on another road and go to ask the customers queueing at the food vans to move their vehicles to allow us to get to our parking and properties

V) I must also draw to your attention one family, who are the parents of but are also the main carers to a gentleman with autism and learning difficulties who lives in Cromwell Court. They are now often themselves choosing to park on the road rather than their allocated parking spaces as they are scared of being blocked in and are nervous of not being able to exit safely between the parked cars

Noise

We experience additional noise levels due to

I) vehicle's stopping/starting and idling only meters from the Lower Icknield Way properties

II) Voice levels when in large numbers is quite disturbing and the Cromwell Court driveway is like a wind tunnel and noise also travels through to the houses in Cromwell Court

Emergency Access

The Cromwell Court driveway is too narrow to allow Emergency vehicles to access these properties. Therefore any Emergency vehicles need to be able to park on Lower Icknield Way. With Red Lion customers parking outside numbers 5-11 Lower Icknield way, this could have a massive detrimental effect on the residents especially the elderly ones in the event of an emergency.

The current residents of Lower Icknield Way and Cromwell Court moved into their properties between 2007-2009. We appreciate that when we moved in we chose to live opposite a village pub, however, since Oak Taverns have taken over they have erected a marquee in their car park which has increased their seating capacity by approximately 200% but reduced their car park capacity by more than 50%. The marquee is used not only to seat customers daily but around twice a month to host private parties, comedy nights, live bands and discos. With the entertainment in the marquee and not in the pub itself, we are subjected to a lot of noise disturbance as there is no sound barrier. We have been accepting of this as we appreciate Oak Taverns are running a business and want to support local. However, Oak Taverns also removed the kitchen facilities from the pub as they choose as a company not to offer food in house, but now they want to have catering vans and do not have the facilities to offer this service with the marquee in situ in the car park.

We accept the noise disturbance we regularly endure, but we do not feel we can compromise on safety, which having food vans at the Red Lion is massively detrimental to it.

The objections are from the following residents of Lower Icknield Way and Cromwell Court;

Mrs W Munger & Mrs A Bunney

Miss J Elliott

Mr S Guthrie, Mr and Mrs G Guthrie

Mrs P Slack and Miss V Slack

Mrs S Pearce

If you should have any queries, then I can be contacted on REDACTED

Yours faithfully

Julie Elliott











From: Julie Elliott
Sent: 16 October 2023 07:32
To: Licensing South <licensing@southoxon.gov.uk>
Subject: Fwd: Red Lion Food Vans

Dear Sir

Following on from yesterday's email, I should have also said we are willing to see if we can reach a compromise and would welcome a constructive dialogue with Oak Taverns.

Yours faithfully

Julie Elliott
On behalf of LIW and Cromwell Court residents

Appendix H(3) - Consultation responses - The Red Lion, Chinnor

From: Cockhill, Thomas - Oxfordshire County Council

<Thomas.Cockhill@Oxfordshire.gov.uk>

Sent: 15 November 2023 11:57

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

Subject: Red Lion, Chinnor - 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 'High Street' and the 'B4009 Lower Icknield Way' 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 I - Consultation response - The Cross Keys, Wallingford

From: Cockhill, Thomas - Oxfordshire County Council

<Thomas.Cockhill@Oxfordshire.gov.uk>

Sent: 15 November 2023 11:57

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

Subject: Cross Keys, Wallingford - 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 'St Georges Road' and 'Station Road' which is a busy roundabout 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

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Environment and Place
Oxfordshire County Council
County Hall
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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.