

**Before the South Oxford District Council**

**Licensing Sub-Committee**

**Applications for Street Trading Consents**

**The Greyhound – Whitchurch**

**The Red Lion – Chinnor**

**The Cross Keys – Wallingford**

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**WRITTEN SUBMISSION**

**FOR THE OAK TAVERNS LIMITED**

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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. 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. Dyllles 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:  
The Greyhound – Whitchurch  
The Red Lion – Chinnor  
The Cross Keys – Wallingford

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 Joint Street Trading Policy for the Vale of White Horse and South Oxfordshire District Council.
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 determine in favour of grant the additional permissions will be sought thereafter 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.

#### **The Greyhound, Whitchurch**

6. Oak Taverns took ownership of the premises in July 2021 and invested significant monies into its refurbishment using local traders to do the work. They changed it from a premises facing long term closure into a thriving business. 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. The application has attracted representations from two residents along with comments by Traffic and Road Safety Officer Jonathan Beal and Transport Development Officer Tom Cockhill.
7. The Committee is referred to the bundle of documents submitted in support of the applications in particular page 1 illustrating the premises and by red arrow the proposed location of any street trader vehicle.
8. Pages 2 – 26 are communications submitted to Oak in the intervening period in support of the continued use of Street Traders amounting to 64 communications in support of:
  - The general operation of the premises.

- The vitality generated by the presence of the Street Traders to the village.
  - Support for the young entrepreneurs being the Traders.
  - Confirmation of no litter arising from street trading or disturbance.
  - Confirmation of no observances of anti social behaviour.
    - Confirmation that many individuals bring their own tupperware and pizza boards to facilitate the movement away of food.
    - Potential communal meeting of residents.
9. The majority of the positive communications have been redacted as requested by the Licensing Authority however we can confirm that positive responses were received from persons resident on the High Street, Hardwick Road, Eastfield Lane, within 2 doors of the premises along with the Chair of Whitchurch Parish Council Mr Jim Donohue, the Co-ordinator of Crays Pond Community Group within 100 metres of the premises along the High Street and Duchess Close.
10. The volume of persons positively communicating their satisfaction with the operation of the premises who live in the adjacent or within the immediate vicinity indicate that the use of the Street Trading Vehicles cause no impact on the operation of the village centre. The 60 plus responses make no reference to issues arising in connection with parking or highway congestion.
11. The premises would seek to limit the number of days per week when Traders can utilise the area designate to **five days per week**.
12. It is proposed that the Consent should be limited as per the proposed additional conditions set out at page 27 of the Bundle.

#### Representation of Dr Hilton

As to representations it is respectfully submitted that those points raised by Dr. Hilton are resolved by the above mentioned additional conditions.

13. In respect of the deposits of cooking oil and grease stains, an additional condition is tendered so as to ensure any such deposits are removed by the Trader for departing the site.
14. With regard to the concerns raised within the redacted representation from page 28 of the Report the premises is a sufficient distance from the school to fall within the Policy (7.2- 100 metres of any entrance to educational establishment). The Traders would usually operate after school home time to capture evening food consumption

between 5 p.m. and 9 p.m. or earlier on days when children are not at school – weekends and Bank Holidays.

Representation of John Beal

15. The proposed location for the Street Trader would not impact upon the area identified in red at page 32.

The positioning of the Street Trader vehicles is identified by the red arrow at page 1 of the Bundle should ensure that the sight lines in respect of the junction are not impeded.

16. We would respectfully submit it would be inappropriate to refuse the Consent on the basis of an enhancement which may take place but in respect of which no time line appears to have been established. Mr. Beal references the Parish Council but that it should be noted that the Chair of the Parish Council has submitted communication in support. Finally the representation of Mr. Cockhill is identical to his representations made in respect of all applications – please see submissions in respect of the preliminary point as to its validity in terms of repetition and its lack of particularisation.
17. The issue of the queue is addressed by virtue of the location of the Traders vehicle and any queue forming along the front of the property and not towards the public highway.

Red Lion, Chinnor

18. Oak Taverns took the lease of the Red Lion in March 2020 and since that date have invested significant funds into the refurbishment of the premises. The Land Registry Plan illustrating the general location of the premises is at page 23 of the Report but at Pages 28 and 29 of the bundle are 2 photos illustrating the location of the premises and in particular the car park. The car park upon which the Trader will be located is significant in size and has no impact on lines of sight. Although the application has attracted representations against grant there is from page 59 of the Bundle 59 communications in support of the grant of a Consent. Although these communications have been redacted as requested by the Licensing Authority there is communication in support of the application from persons describing themselves as residents of Chinnor, 13 residing about 100 yards from the premises, 5 minutes

walk from the premises, 2 upon Lower Ickneld Way along with responses from persons who lived in the area over 30 years.

19. Additionally those persons have confirmed that they have:-

- Never seen any litter or any problems
- Is always cleaned up after they have finished.
- Parking has never been an issue either.
- Opportunity to socialise with neighbours.
- That the Red Lion provide plenty of bins.

A separate response has been received from Councillor David Cooke of Chinnor Parish Council who in a personal capacity confirms his support, confirming that he has not been blocked in during times when the Traders are in situ and that the Parish Council have not received complaints. (Bundle page 76)

20. Positive communications have been received (Bundle pages 30-55). In respect of those persons objecting, the concerns of Mrs. Holtschoppen are acknowledged particularly in relation to the level of parking in the area however the food truck is away from the public highway and the majority of persons purchasing arrive by foot being from the immediate vicinity. Mrs. Holtschoppen and Miss Elliott raise issues which are beyond the control of Traders or Oak Taverns with respect to the day to day vehicular movements of the area. Although photos of parking congestion are provided there is no confirmation that these were at times when the Trader was in place at the property. Matters such as width of Cromwell Court are distinct and separate from this application. The premises has facilities for the vehicle and parking of attendees, which would be the same facility if the premises had an internal kitchen. The evidence of those writing in support is that they eat in the premises or walk home.

21. In respect of the representation by Thomas Cockhill on behalf of Oxford County Council we would refer to the Preliminary Points submission as to repetition and lack of particularisation, however the Applicant would propose additional conditions in respect of any Consent granted as follows:

- (a) That at any time only one trader can be present.

- (b) That any Trader can only utilise the Consent area for a period of no more than 5 hours.
- (c) That the Trader should provide an additional/litter receptacle and undertake a litter sweep of the immediate vicinity of the street trading space.
- (d) Maximum of **4 days** per week.
- (e) Finally that annual usage will not exceed 200 days per Consent.

See Schedule at page 56 of the Bundle

**Cross Keys, Wallingford**

- 22. The Cross Keys at Wallingford was purchased by Oak Taverns in 2022 and since that date has been subject to significant refurbishment.
- 23. At page 34 of the report is a Land Registry extract providing the general location of the premises. At pages 57 and 58 are 2 photos illustrating the premises itself and car park area.
- 24. 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 Cross Keys 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 Cross Keys. 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 Cross Keys and furthermore that communication has been received by Oak Taverns from 30 persons in support of the continued provision of Traders at the Cross Keys.
- 25. 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.
- 26. If it has not already been deemed that the Application for Consent has been granted by virtue of tacit consent then the Traders and Oak would offer the following additional conditions:
  - (a) That at any time only one trader can be present.
  - (b) That any Trader can only utilise the Consent area for a period of no more than 5 hours.

- (c) That the Trader should provide an additional/litter receptacle and undertake a litter sweep of the immediate vicinity of the street trading space.
- (d) Maximum of 4 days per week
- (e) Finally that annual usage will not exceed 200 days per Consent.

See page 70 of Bundle.

All sites operate a Risk Assessment as to operation of traders – see pages 71 and 72 of the Bundle.

### **Policy Considerations**

- 27. 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.
- 28. 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.
- 29. 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. 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 in the bundle at pages 73 and 75.
- 30. Finally communication in support of the applications has been secured from:
  - John Beddows Secretary for Central Southern CAMRA
  - Chair Stoke Row Parish Council, Roger Clayson
  - Chair South Oxfordshire CAMRA – Graham Hards
  - Press and Publicity Officer, Oxford CAMRA – David Richardson.
  - Chinnor Parish Council – David Cooke

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.

31. The Applications 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.
32. It is respectfully submitted that the Consent for the Cross Keys should be granted by virtue of tacit consent in any event and that the applications in respect of the Greyhound and Red Lion are capable of grant whilst securing of the local amenity of residents and safety of the public by virtue of the additional conditions proposed.
33. Finally that those who have objected did so believing the Traders would operate 12 until 9 p.m. dally and this is not the case. Many stated they were comfortable with less hours and saw the benefit of the provision.