

THE VALE OF GLAMORGAN COUNCIL

COUNCIL: 18TH JULY, 2022

REFERENCE FROM CABINET: 23RD JUNE, 2022

“C26 TEMPORARY HIGHWAY TRADING LICENCES (NBS) (SCRUTINY – ENVIRONMENT AND REGENERATION) –

The Council had a detailed policy in place for issuing temporary trading licences for businesses wishing to trade on the public highway.

Most highway trading licences were requested for space on public footways and there were no current issues with the arrangements for these licences. Temporary highway trading licences were also issued for Parklets. Parklets were small purpose-built external trading units purchased to assist businesses in Penarth as a pilot project during the pandemic but placed in the live carriageway. The success or otherwise of these was currently being assessed and would be the subject of a future report to Cabinet later in the financial year.

The report considered the long term trading options and associated public realm issues relating to Penarth Esplanade area and the implications of this on the 3 businesses which were currently required to remove their outside trading arrangements from the highway at this location on 30th June, 2022 and the knock on effect of this to 1 business at Barry Island, similarly affected.

Significant public realm work had been undertaken on Penarth Esplanade, the Pier and Pier Pavilion since 2021, and it was important that all decisions relating to the current and future operation of land the Council controlled at this location were carefully considered, in order to ensure that the full public value of the work already undertaken was obtained and that the area continued to thrive as a visitor destination and an attractive place to live.

The businesses currently benefitting from the trading licences ‘on carriageway’ at the Esplanade and at Barry Island had all indicated their wish to have new licences. All had previously been issued with notice that their licences would end on 30th June, 2022.

There had been significant public interest in the matter of the Esplanade trading licences with widely contrasting views as to whether the al fresco trading arrangements were successful or an annoyance.

Due to the importance of the area and the Council’s wish for its continued development as a high-quality visitor attraction and residential location, it was proposed that a comprehensive engagement and public consultation exercise be undertaken, following the consideration of the report to establish views from all

interested parties as to the longer term public realm, trading and associated transportation arrangements.

It was further recommended that during the consultation period, the existing trading arrangements at the Esplanade and Barry Island be allowed to continue under temporary licence, with certain caveats, and on a month by month basis. Due to the time restrictions between the report and the expiry date of the current trading licences of 30th June, 2022, use of the 'urgency procedure' was requested in relation to the trading situation.

The Cabinet Member stressed that the consultation would look to cover the viewpoints from local residents, businesses, and visitors to the area.

Councillor Sivagnanam said that the Council wanted to be collaborative and talk to all stakeholders concerned as part of the consultation. The newly formed Penarth Living Streets Group had recently held lectures that discussed the concept of what people felt Penarth should look like and the consultation would draw on similar discussions. The Council had been keen to support business during Covid so that they were able to continue to function and changes were made to the public space on the Esplanade and Penarth Town Centre using emergency powers as a result of the pandemic but without consultation at the time. It was now time for the Council to consult on how those areas would look going forward. She encouraged all interested parties to take part in the consultation, once launched, to engage and give a view or contact local ward Members.

Councillor Wilson said that the Council had an open mind about the outcome of the consultation and would listen to the people of Penarth, local business and visitors to the area. He also asked to include an additional Recommendation to include local Members, and indeed all Members, in the consultation, or to engage with the consultation as part of Scrutiny Committee, which was agreed.

The Leader added that any members of the public who wished to register to speak at Environment and Regeneration Scrutiny Committee and have their opinions recorded would be welcome to do so. She advised she had received emails on the issue already but felt it was not as simple as a binary choice and that a comprehensive consultation would enable a solution that was right for the town.

This was a matter for Executive decision.

Cabinet, having considered the report and all the issues and implications contained therein and including additional Resolution (9)

RESOLVED –

(1) T H A T the current position with highway trading licences in place at Penarth Esplanade and Barry Island be noted.

(2) T H A T the intention be endorsed for the Director of Environment and Housing using his delegated powers, in consultation with the Monitoring Officer/Head of Legal and Democratic Services, to offer new highway trading licences, on similar terms and conditions to those issued previously, to the following businesses: Casa

de Magaritas, Sundowners Champagne Bar, Beachcliff Fish and Chips and Bar, Enzo (Barry Island) in advance of the expiry of the current licenses on 30th June, 2022.

(3) T H A T in pursuance of Resolution (2), it be agreed that the temporary licences above be issued on a month by month basis from 1st July, 2022 and pending the conclusion of consultation and engagement as referenced in Resolution (5).

(4) T H A T the Director of Environment and Housing be able to determine the quality and design of all street furniture used in the licenced spaces during the temporary licence period for these four businesses.

(5) T H A T delegated authority be granted to the Director of Environment and Housing, in consultation with the Chief Executive, Director of Place, the Leader, and Cabinet Members for Sustainable Places, Neighbourhood and Building Services and Community Engagement, Equalities and Regulatory Services, to determine the details of, and to undertake public consultation on, the longer-term public realm, transport and trading options for the Penarth Esplanade area, the details of which followed the outline as set out in paragraph 2.16 of the report.

(6) T H A T a further report be presented to Cabinet for consideration on conclusion of the public engagement and consultation exercise no later than the end of April 2023.

(7) T H A T the report be referred to Environment and Regeneration Scrutiny Committee in order for the views of that Committee to be considered as part of the engagement and consultation exercise.

(8) T H A T the use of the urgent decision procedure as set out in section 15.14 of the Council's constitution be exercised in connection with Resolutions (2)-(4) above.

(9) T H A T the consultation exercise include local Members and any other Members of that Council who wished to participate.

Reasons for decisions

(1) To update Cabinet on the current position.

(2) To enable the current businesses to continue to operate, and in a suitably controlled manner, whilst the public engagement and consultation arrangement take place.

(3) To allow suitable time for conclusion of the public consultation exercise without further recourse to Cabinet on the matter of these particular licences.

(4) To ensure that the operation or appearance of these licenced areas can be properly managed and that any issues can be quickly resolved.

(5) To permit commencement of a comprehensive public engagement and consultation exercise with input from the relevant officers and elected members as to the specific nature of that exercise.

(6) To allow Cabinet to take decisions on the future of the Esplanade area with the benefit of the views of all interested parties.

(7) For the views of Environment and Regeneration Scrutiny Committee to be considered.

(8) To allow the new licences to be offered and regulated from 1st July, 2022.

(9) For the views of all Members to be gathered as part of the consultation exercise, either directly or via Scrutiny Committee.”