

Sharon Jones (Licensing)

Subject: FW: Elvis Festival ESAG Meeting
Attachments: Street Trading TEN Pic 1.jpg; Street Trading TEN Pic 2.jpg

Subject: RE: Elvis Festival ESAG Meeting

All,
Apologies for missing the meeting earlier as I had other commitments.

I have received further information via Paul Rees regarding what was discussed and a copy of the updated plan from the Elvis event organiser (which I have attached). I have also had an opportunity to discuss certain issues with Ian David.

As I have previously stated a highway authority are not permitted to allow trading on the highway, and therefore the highways department cannot provide such permission as has been requested from the event organiser via licensing.

In speaking to Ian David he advised me that the previous discussions with the organiser revolved around the family area only and recalls no discussion in regard to permission to erect stalls to serve refreshments and/or merchandise which seems to be the case now. The family area is not an issue in that no goods are being sold from what has been explained to date and as such no trading takes place, although from the latest plans submitted this has now been removed. Also whilst a number of the stalls have been shown as in the area subject to the temporary closure there is also one unit that has been identified as outside of the official closure area and sits in the area where traffic are expected.

I have also been advised that the TEN area includes a trailer/stage to be placed on the footway area. No details have been provided previously regarding this, and no details as to how the stage will be laid out and what protection is to be provided for the footway when the structure has been erected. Before permission can be given for its placement, this information will need to be provided. Previous correspondence in regard to this area was "..... to set up a sound system in the small 'pulpit' situated within the Esplanade railings" No mention of a stage/trailer was referred to previously.

Thanks

Jason Jenkins

Rheolwr y Rhwydwaith Priffyrdd | Manager Highways Network
Y Gyfarwyddiaeth Cymunedau | Communities Directorate
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We welcome correspondence in Welsh. Please let us know if your language choice is Welsh.

From: Jason Jenkins
Sent: 07 September 2017 17:16
To: Yvonne Witchell <Yvonne.Witchell@bridgend.gov.uk>
Cc: Kevin Mulcahy <kevin.mulcahy@bridgend.gov.uk>
Subject: FW: Licensing Committee - Elvis

Yvonne,

Sorry it's a bit late but here are the Highways Departments comments..

The highway authority has been asked to provide permission for units/stalls to be placed on the highway to allow the selling of goods/merchandise/food in Porthcawl as part of the Elvis festival.

In consideration of this request the highway authority need to be mindful of its responsibilities under Section 130 of the Highways Act 1980 which places a duty on the highway authority " to assert and protect the rights of the public to the use of the highway..." Any items including booths or stalls , mobile catering units etc. placed on the highway would be considered to be an obstruction, and the owner can be prosecuted under section 137 and 148 of the Highways Act 1980, and units removed under section 149. The amount of space taken up is not actually relevant, the duty of the highway authority is to ensure that the highway is kept free of obstruction. The highway authority would take action normally when such obstructions are considered to be causing a danger to the highway user and/or a nuisance.

Under the licensing procedure the licensee is requested to seek permission from the owner/controller of the area they wish to site a unit, to allow the licence to be processed. In the situation of placement on a highway, permission would have to be sought from the highway authority, as such and based on the legislation referred to above, the highway authority do not provide such permission.

However, It is recognised that there is provision under the Local Government Miscellaneous Provisions Act 1984 schedule 4 for licences to be issued to allow the placement of goods/stalls etc on consented streets.

Whilst the highway authority are guided by the provisions of section 130 of the highways act 1980, if the committee are minded to grant a licence under the Local Government Miscellaneous Provisions Act 1984 schedule 4 the highway authority would request that the licence be restricted to the curtilage of extent and duration of the events temporary traffic order, that nothing restricts the passage of emergency vehicles along the carriageway, insurance cover is provided for damages arising from the undertaking to the highway and any of its assets and timings appropriate to the avoidance of nuisance are considered within the conditions of the licence.

Thanks

Jason Jenkins

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