



Regulatory Committee

Agenda Item No. 4

29 January 2013

Title	Application for a Street Trading Consent when objections have been received
For further information about this report please contact	David Davies, Licensing Services Manager, Community Protection. Tel: 01926 456113. david.davies@warwickdc.gov.uk
Service Area	Community Protection
Wards of the District directly affected	None
Is the report private and confidential and not for publication by virtue of a paragraph of schedule 12A of the Local Government Act 1972, following the Local Government (Access to Information) (Variation) Order 2006	No
Date and meeting when issue was last considered and relevant minute number	N/A
Background Papers	None

Contrary to the policy framework:	No
Contrary to the budgetary framework:	No
Key Decision?	No
Included within the Forward Plan? (If yes include reference number)	No

Officer/Councillor Approval

With regard to officer approval all reports *must* be approved by the report author's relevant director, Finance, Legal Services and the relevant Portfolio Holder(s).

Officer Approval	Date	Name
Relevant Director	14/01/2013	Roger Jewsbury
Chief Executive		
CMT		
Section 151 Officer		
Legal		
Finance		
Portfolio Holder(s)	14/01/2013	Councillor Coker

Consultation Undertaken

None

Final Decision?	Yes
Suggested next steps (if not final decision please set out below)	

1. **SUMMARY**

- 1.1 An application for a Street Trading Consent has been received where objection have been raised by consultees.

2. **RECOMMENDATION**

- 2.1 Members are asked to consider the information contained in this report and decide whether the application for a Street Trading Consent should be granted, not granted or granted with conditions.

3. **REASONS FOR THE RECOMMENDATION**

- 3.1 Mr Targut Duman has submitted an application for a Street Trading Consent to permit the sale of hotfood, kebabs and burgers in Warwick Suare, Warwick between the hours of 18:00 and midnight, seven days a week. The application form with the required enclosures is attached as **Appendix 1**.
- 3.2 The photographs in the application appear to show that the proposed site for the selling of food is a designated car parking area.
- 3.3 It should be noted that, should a Consent be granted, a Premises Licence issued under the Licensing Act 2003 would be required to sell hot food after 23:00
- 3.4 One of the councils Notes and Conditions which are shown on the rear of the application form states:
- (a) The consent holder may only trade between the following hours:-
08:00 to 18:00
- 3.5 Objections have been received from the Town Centre Development Officer (**Appendix 2**), and Warwick Town Council (**Appendix 3**).
- 3.6 The applicant has been invited to attend the hearing by letter (**Appendix 4**), and Warwick Town Council and the Town Centre Development Officer by email (**Appendices 5 and 6**)

4. **ALTERNATIVE OPTION CONSIDERED**

- 4.1 No alternatives may be considered.

5. **BUDGETARY FRAMEWORK**

- 5.1 This report has no budgetary considerations for the Council.

6. **POLICY FRAMEWORK**

- 6.1 None

7. **BACKGROUND**

- 7.1 None.



WARWICK DISTRICT COUNCIL

APPLICATION FOR A STREET TRADING CONSENT

LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982

Data protection: We will use the information supplied by you and/or obtained on your behalf for the purpose of licensing and enforcement. This information may be used internally and shared with other bodies administering public funds to prevent and detect crime and fraud and to apprehend offenders. Information held about you will not be released to other third parties unless it is shown that they are entitled to the information by law.

THIS FORM WILL BE RETURNED IF YOU HAVE NOT COMPLETED ALL OF THE QUESTIONS IN FULL

Name of applicant: Turgut DUMAN

Address of applicant: [REDACTED] ST PETERS ROAD
KINETON [REDACTED]

Contact Tel No. [REDACTED]

Date of birth: [REDACTED] National Insurance Number: [REDACTED]

What items do you intend to sell: HOT FOOD KEBABS BURGERS

Where do you intend to sell them? (Where is your pitch?) MARKET SQUARE WORWICK

Vehicle registration numbers (if trading from a vehicle) [REDACTED]

(Note: You will only be allowed to use one vehicle listed on any one consent at any one time!)

If selling food, are you registered with Environmental Health? YES (Answer Yes or No)

(If No, please request a registration form)

Have you ever been refused a street trading consent in this, or any other area?

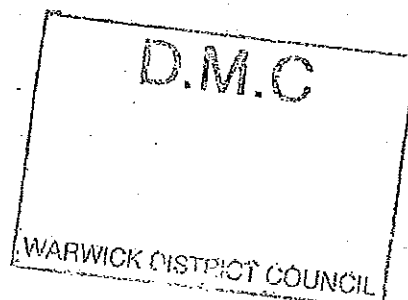
(Answer Yes or No) NO

Signature: [REDACTED] Date: 19.11.012

Print name: Turgut DUMAN

It is an offence to make a false declaration on this form

Continued overleaf



You must submit the following with the application

- A completed and signed Street Trading Consent Application Form.
- The full fee as appropriate.
- Where the proposed street activity is from a fixed position, a copy of a map of at least 1:1250 scale. The map should clearly identify the proposed site position by marking the site boundary with a red line.
- Three colour photographs of the stall, van, barrow, cart etc that will be used for the street trading activity.
- An original copy of the certificate of insurance that covers the street trading activity for third party and public liability risks.

Consultation will take place upon receipt of this application (Please see note 7)

NOTES AND CONDITIONS

1. A street trading consent is required to trade in all the streets covered by Warwick District Council.
2. A street included any road, footway, beach or other area to which the public have access without payment and any part thereof. All forecourts, footways or other areas adjacent to any consent street shall be deemed to be part of the street. This means that anyone trading on such areas next to a consent street must hold a consent and comply with the conditions of the consent. If any such areas are adjacent to a prohibited street, trading will not be allowed from that area.
3. If an application for a street trading consent is approved, a consent will be issued to allow trading as laid out in the application. Holders of street trading consents must, however, also comply with traffic regulation orders, waiting restrictions and directions of the Police and must not cause an obstruction on any part of the highway.
4. Consents will be issued for the period ending 31st October each year and application to renew will have to be made at the end of this period. There is no part or pro rata rate. Applicants who apply in June, for example, will have to pay a full year's fee to be licensed until the end of October of the same year. The current fees may be increased for individual permits based on the sale location and items sold. The fees are not refundable in the case of the application being refused by the Regulatory Committee.
5. Consents will be issued subject to the following conditions and any further conditions which the Council might consider appropriate in any particular case:-
 - (a) The consent holder may only trade between the following hours:-
08:00 to 18:00.
 - (b) The consent holder shall not trade from a vehicle parked in the lay-by outside the Royal Pump Rooms, the Parade, Leamington Spa, or in the entrance to the park opposite.

- (c) The consent holder shall be responsible for the temporary storage of refuse, liquid and other deleterious material accumulated or created whilst trading and its subsequent removal from the site for disposal in a proper manner;
 - (d) The consent holder shall be responsible for collecting, removing and disposing in a proper manner all litter from the vicinity of the vehicle/stall, which is a minimum of 40 metres on either side;
 - (e) No sullage water from the washing of food equipment or hand washing shall be allowed to discharge to ground;
 - (f) The consent holder shall ensure that at all times whilst trading in a consent street a sign bearing his name and address and the date of expiry of his consent shall be displayed on the vehicle/stall in such a position as to be clearly visible to all customers at the vehicle/stall;
 - (g) The consent holder shall operate only one vehicle/stall at any given time unless authorised by the Council to operate more than one;
 - (h) The consent holder if intending to sell food from a mobile vehicle or stall must operate from a vehicle/stall constructed and managed so as to comply with the relevant hygiene regulations made under the European Communities Act 1972/Food Safety Act 1990 (and regulations made there under). If you are unsure regarding your responsibilities under this legislation, please contact Food Safety on 01926 456713 or email on foodsafety@warwickdc.gov.uk
 - (i) No trading of any kind may take place under this consent within 50 metres of any designated market. Especially those on the Parade in Leamington, Market Square in Warwick, Abbey End in Kenilworth or any area designated by the Council from time to time.
 - (j) Ice cream vendors who wish to operate within the district **must** obtain a Criminal Records Bureau check through the Council and pay the necessary fee. A CRB check will have to be completed every three years, or more frequently, at the discretion of the Council
6. Completed application forms, together with the appropriate fee should be returned to the Licensing Team, Community Protection, Riverside House, Milverton Hill, Royal Leamington Spa, CV32 5HZ.
 7. **The Council will consult with the Police, the Highways Authority, the appropriate Town Centre Manager and Ward Councillor to see if there are any objections to the grant of the consent. If any one or more of these makes representations against the application, the decision on whether to grant or refuse the consent will be made by the Council's Regulatory Committee. There is no right of appeal to this decision.**
 8. Any enquiries with regard to this application and conditions should be also be made to the Licensing Team on 01926 456107 or e mail licensing@warwickdc.gov.uk.

ST PETERS ROAD

KINETON

WARWICKSHIRE

WARWICKSHIRE
DIRECT

07 DEC 2012

LEAMINGTON

6/12/12

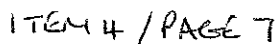
Dear ~~Sir / Madam,~~

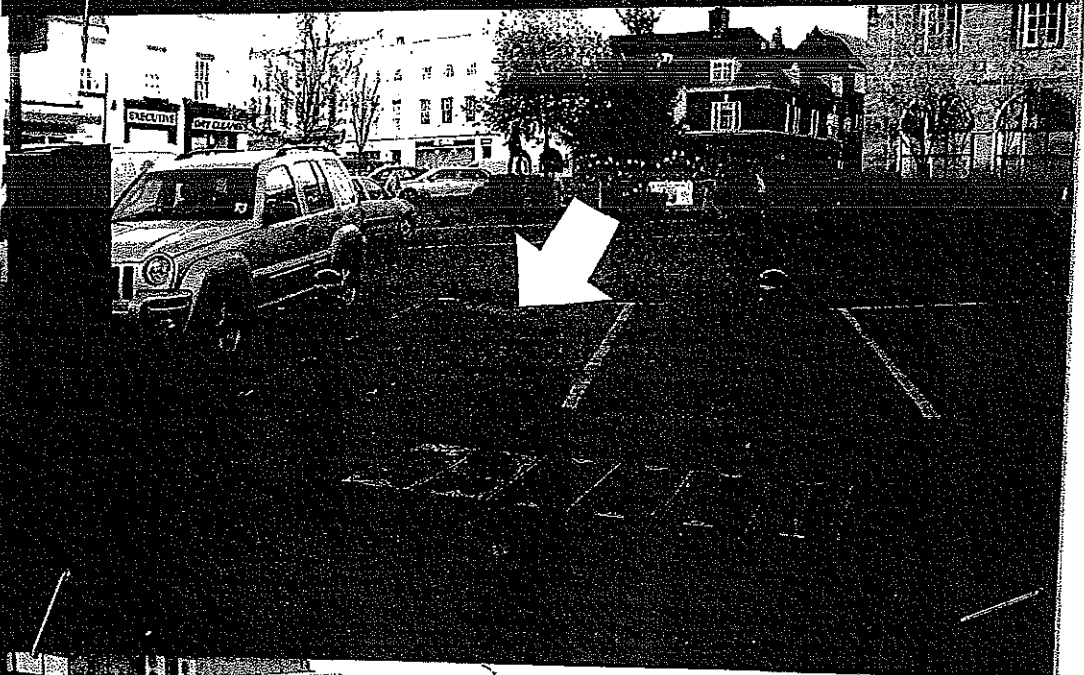
With reference to my planning application
for consent for a mobile catering van I would
like to confirm that I would like to
trade Mon - Sunday from 1800 hrs -
Midnight.

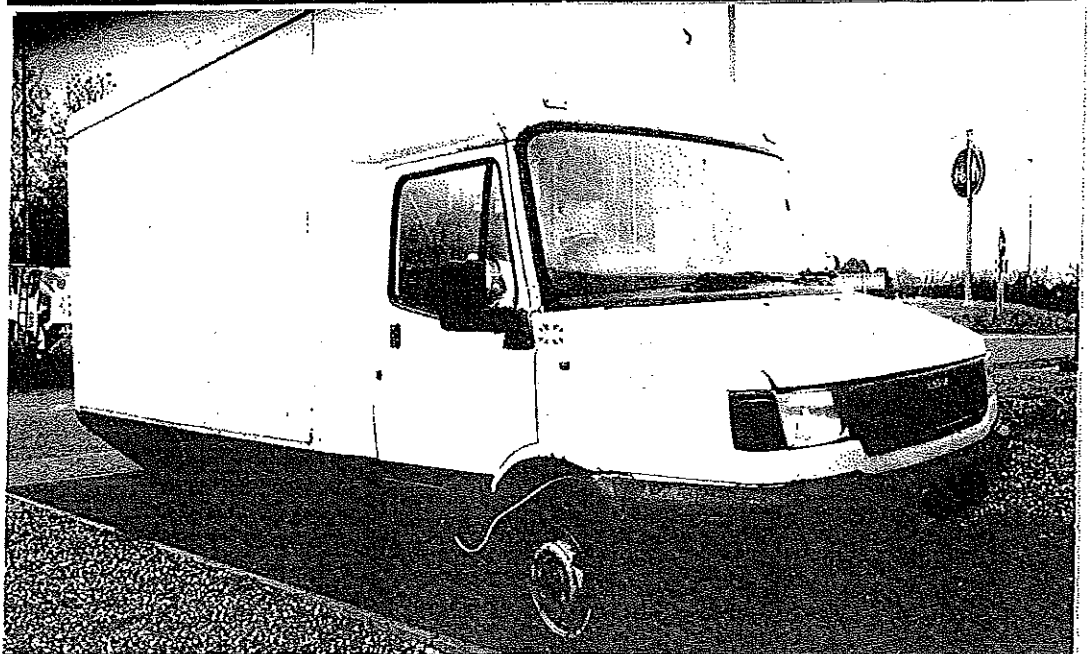
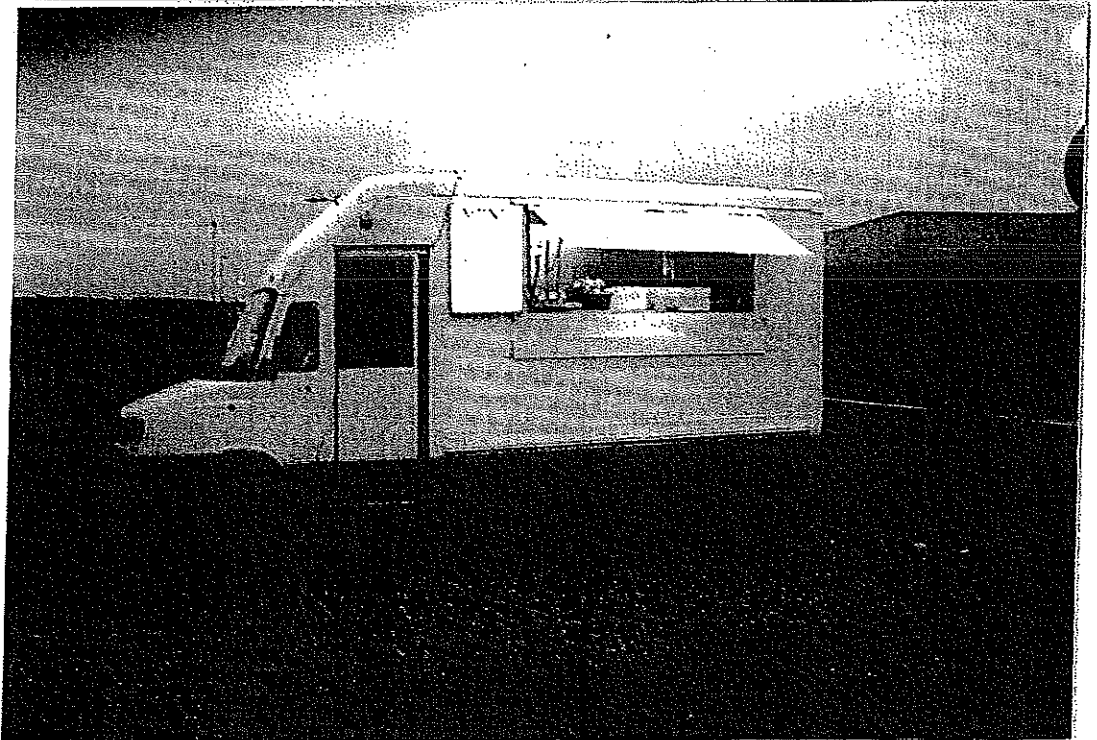
If you have any questions please do not
hesitate to contact me

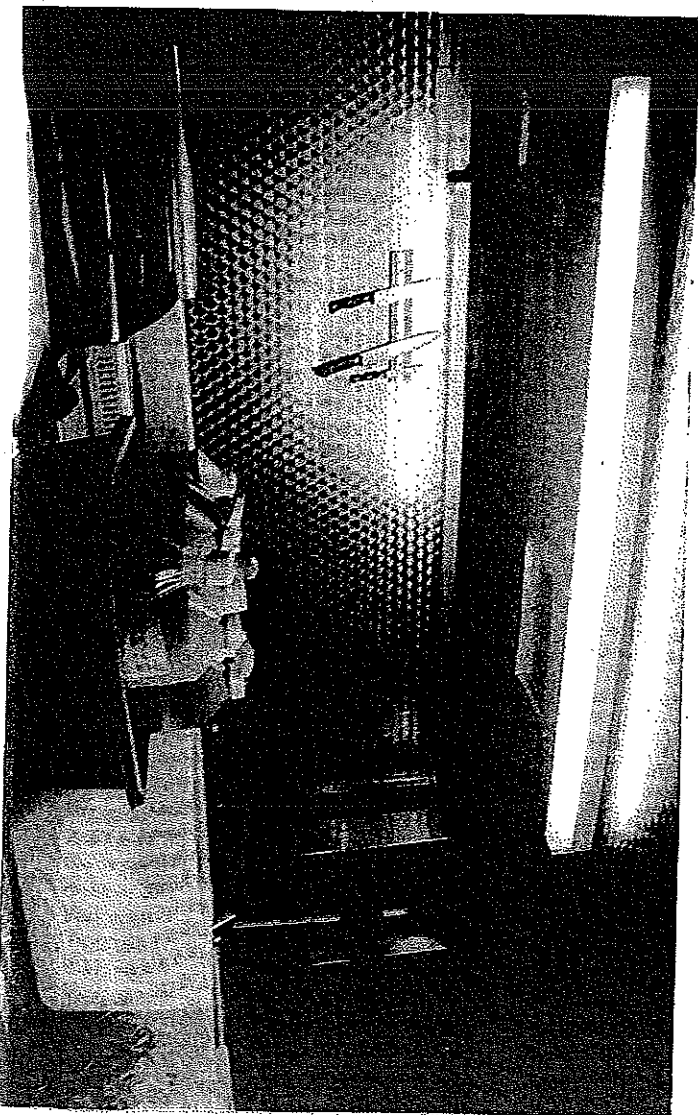
Kind regards

Mr. Turgut Duman









Appendix 2

Kirsten Page

From: David Butler
Sent: 21 December 2012 12:05
To: Kirsten Page
Cc: David Davies
Subject: Street Trading application

Hi,

As Town Centre Development Officer I would like to object to this application.

The site selected is inappropriate. It would necessitate the removal of a parking space, which would reduce the important short stay parking provision of the town. This in turn would be detrimental to the town centre's economy.

Furthermore, the site is in close proximity to residential property and thus the late hours that have been requested would not be desirable. There are further concerns that the late hours would also cause an issue with regards to increases in crime and disorder.

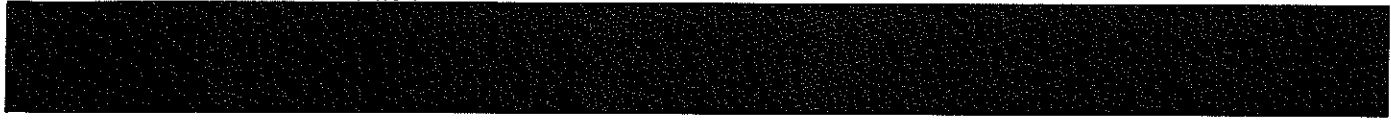
The wider location is already well served by premises selling hot and cold food, and the addition of this van would not be beneficial to the current mix on offer in the town centre.

I do have further concerns regarding the van itself, which is not in keeping with the historic town centre nor the wider aspirations of this key tourism destination. There are several significant businesses in close proximity to the proposed location, all of which would find the van detrimental.

Many thanks,

David Butler
Town Centre Development Officer

From: Kirsten Page
Sent: 11 December 2012 14:52



Dear all,

You are consultees for applications for street trading consents.

Mr Turgut Duman has applied for a street trading consent to sell hot food, kebabs and burgers from Market Square, Warwick.

His application form, map of location, photos of van and photo's of pitches are attached.

If you object to this consent, I will arrange a meeting of the Council's Regulatory Committee for you to put your representations before them.

Appendix 3

Kirsten Page

From: [REDACTED]
Sent: 21 December 2012 12:28
To: Kirsten Page
Subject: Re: Street Trading application

The Town Council have considered the application submitted by Turgit Duman for a street trading consent for Market Square, Warwick.

The Committee considered that the application to trade from parking places in a converted van was totally inappropriate to Warwick Market Place which is located in the Conservation Area.

The vehicle is most unsightly and would be located near to a number of listed buildings and its condition would detract from the appearance and character of Market Place. Indeed in the Town Council's opinion it is likely that any trading from a parked vehicle would have that effect, unless contained within a market operation or one off trading event of limited duration:

There is already a jacket potato stall which is considered to represent unfair competition and which has reduced the trade of other food outlets in the Town, located as they are, and reflecting the District Council's planning policy to encourage food outlets as part of the tourism and evening economy.

The give permission for a further outlet at this time would be highly damaging to the trust between the District Council and town centre traders.

There is also concern regarding fumes from the van and the effect on both businesses and residents.

Car parking in an essential element for visitors and shoppers and the Town Council also consider that such spaces should be lost if its consent were granted.

Regards
Derek Maudlin
Town Clerk

----- Original Message -----
From: Kirsten Page

Dear all,

You are consultees for applications for street trading consents.

Mr Turgut Duman has applied for a street trading consent to sell hot food, kebabs and burgers from Market Square, Warwick.

His application form, map of location, photos of van and photo's of pitches are attached.

If you object to this consent, I will arrange a meeting of the Council's Regulatory Committee for you to put your representations before them.

If I do not hear from you by the end of 21st December 2012, I will assume that there are no objections.

APPENDIX 4

**Community Protection
Roger Jewsbury – Head of Service**

Warwick District Council, Riverside House
Milverton Hill, Royal Leamington Spa, CV32 5HZ
DX29123 Leamington Spa 1

direct line: 01926 456113

switchboard: 01926 410410

fax: 01926 456121

email: david.davies@warwickdc.gov.uk

web: www.warwickdc.gov.uk

Mr T Duman,
[REDACTED] St Peters Road,
Kineton
[REDACTED]

our ref:
your ref:

Application for a Street Trading Consent in Market Square, Warwick

Dear Mr Duman,

As a result of objections received by this authority against the above application, you are required to attend a meeting of the Council's Regulatory Committee at 2:30pm on the 29th January 2013 at Town Hall, Parade, Leamington Spa

Please report to the Committee Services Officer 15 minutes before the meeting commencement time.

In due course, I will send a copy of the Report which will be sent to the members of the Regulatory Committee for the hearing.

You are invited to attend this meeting where you will be given the opportunity to explain your application and your reasons for wanting to carry out your business in the area you have suggested.

Warwick Town Council and the Town's Development Officer have made objections to your application and they will be permitted to speak at the hearing too. I have enclosed copied of their objections.

At the end of the hearing, the Committee will decide whether or not they consider that your application should be granted, not granted, or granted with conditions.

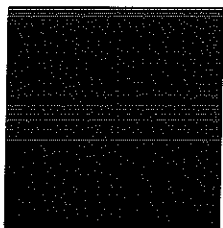
It is in your interests to attend this meeting as the Committee are able to consider this Report and make a decision in your absence. You may present your case yourself or you may be represented by a legal or other representative.

The meeting will be recorded both in sound and pictures. The recording of meetings was adopted by the Council's Regulatory Committee at a meeting held on 6th May 2009 as follows:

- (1) this Committee adopts the practice of recording all of its meetings (including confidential reports but excluding the deliberation by the Committee on a decision) starting from the new municipal year;*
- (2) the recordings are kept for 12 months after the date of the meeting or longer if there are ongoing legal matters being considered with regard to the recording; and*
- (3) the recordings are retained by Committee Services and are available for use in the following circumstances only:*
 - *for use at any appeal arising from this Committee's decision by either the Council or the person making the appeal;*
 - *for use in the investigation of either a corporate complaint or allegation of a breach of the code of conduct by an officer authorised to conduct such enquiries; or*
 - *Data Protection and Freedom of Information requests.*

Please contact me by the 21st January 2013 to confirm whether you will attend the hearing.

Yours sincerely,



David Davies FInstLM, MInstL, ABII
Licensing Services Manager

David Davies

From: David Davies
Sent: 11 January 2013 09:47

Application for a Street Trading Consent in Market Square, Warwick

Dear Mr Maudlin,

As a result of your objection received by this authority against the above application, you are required to attend a meeting of the Council's Regulatory Committee at 2:30pm on the 29th January 2013 at Town Hall, Parade, Leamington Spa

Please report to the Committee Services Officer 15 minutes before the meeting commencement time.

In due course, I will send a copy of the report which will be sent to the members of the Regulatory Committee before the hearing.

You are invited to attend this meeting where you will be given the opportunity to explain your objection and your reasons for not wanting this person to carry out their business in the area they have suggested.

At the end of the hearing, the Committee will decide whether or not they consider that the application should be granted, not granted, or granted with conditions.

It is in your interests to attend this meeting as the Committee are able to consider this Report and make a decision in your absence. You may present your case yourself or you may be represented by a legal or other representative.

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- Data Protection and Freedom of Information requests.*

Please contact me as soon as possible to confirm that you will attend the hearing.

Kind regards

David Davies. FInstLM, MInstL, ABII

David Davies

From: David Davies
Sent: 11 January 2013 09:44
To: David Butler
Subject: Regulatory Committee meeting on the 29th January 2013 at 2:30pm at Town Hall, Parade, Leamington Spa

Application for a Street Trading Consent in Market Square, Warwick

Dear Mr Butler,

As a result of your objection received by this authority against the above application, you are required to attend a meeting of the Council's Regulatory Committee at 2:30pm on the 29th January 2013 at Town Hall, Parade, Leamington Spa

Please report to the Committee Services Officer 15 minutes before the meeting commencement time.

In due course, I will send a copy of the report which will be sent to the members of the Regulatory Committee before the hearing.

You are invited to attend this meeting where you will be given the opportunity to explain your objection and your reasons for not wanting this person to carry out their business in the area they have suggested.

At the end of the hearing, the Committee will decide whether or not they consider that the application should be granted, not granted, or granted with conditions.

It is in your interests to attend this meeting as the Committee are able to consider this Report and make a decision in your absence. You may present your case yourself or you may be represented by a legal or other representative.

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 - *Data Protection and Freedom of Information requests.*

Please contact me as soon as possible to confirm that you will attend the hearing.

Kind regards

David Davies. FInstLM, MInstL, ABII