



EAST CAMBRIDGESHIRE DISTRICT COUNCIL

THE GRANGE, NUTHOLT LANE,
ELY, CAMBRIDGESHIRE CB7 4EE
Telephone: 01353 665555

MEETING: **LICENSING (NON-STATUTORY) SUB-COMMITTEE**
TIME: 9:30am
DATE: 25th August 2021
VENUE: Council Chamber, The Grange, Nutholt Lane, Ely
ENQUIRIES REGARDING THIS AGENDA: Adrian Scaites-Stokes
DIRECT DIAL: (01353) 665555 EMAIL: adrian.scaites-stokes@eastcambbs.gov.uk

Conservative Members:

Councillor Julia Huffer
Councillor Alan Sharp

Liberal Democrat Member:

Councillor Gareth Wilson (Chairman)
Councillor Simon Harries
Councillor Alec Jones

Quorum: 3 Members

A G E N D A

- 1. Declarations of Interest**
To receive declarations of interest from Members for any items on the Agenda in accordance with the Members Code of Conduct
- 2. Determination of an Application for Consent to Trade from a Location Defined as a Consent Street in Accordance with the Local Government (Miscellaneous Provisions) Act 1982**
To consider the above matter in accordance with the Hearings Procedure (attached)

NOTES:

1.	The maximum capacity for meetings in the Council Chamber has been set, due to restrictions because of the COVID pandemic, at 23 persons. Allowing for Member/Officer attendance and room layout constraints, this will normally give a capacity for public attendance of 5.
2.	<p>Fire instructions for meetings:</p> <ul style="list-style-type: none">▪ If the fire alarm sounds please make your way out of the building by the nearest available exit - i.e. the back staircase or the fire escape in the chamber. Do not to use the lifts.▪ The fire assembly point is in the front staff car park by the exit barrier.▪ This building has an auto-call system to the fire services, so there is no need for anyone to call the fire services. <p>The Committee Officer will sweep the area to ensure that everyone is out of this area.</p>
3.	Reports are attached for each agenda item unless marked “oral”.
4.	<p>If required all items on the agenda can be provided in different formats (e.g. large type, Braille or audio tape, or translated into other languages), on request, by calling Main Reception on (01353) 665555 or e-mail:</p> <p>translate@eastcambs.gov.uk</p>
5.	<p>If the Committee wishes to exclude the public and press from the meeting a resolution in the following terms will need to be passed:</p> <p>“That the press and public be excluded during the consideration of the remaining items no. X because it is likely, in view of the nature of the business to be transacted or the nature of the proceedings, that if members of the public were present during the item there would be disclosure to them of exempt information of Categories 1, 2 and 7 Part I Schedule 12A to the Local Government Act 1972 (as Amended).”</p>

HEARINGS PROCEDURE FOR LICENSING SUB-COMMITTEES

1. Any hearing required under the legislation is to take the form of a discussion led by the Council. Hearings will be held in public unless the Members of the hearing consider that the public interest in excluding the public outweighs the public interest in the hearing or that part of it, taking place in public. For these purposes, a party to the hearing and any person assisting or representing a party may be treated as a member of the public.
2. The Chairman will introduce the Members and participants and explain the procedure to be followed.
3. The Chairman will advise all parties that they must make their submissions succinctly, and that all parties will be afforded the same time which should generally not exceed 10 minutes.
3. If any party has advised the Council they do not intend to attend or be represented at the hearing, the hearing may proceed in their absence.
4. If any party has not indicated they do not intend to attend or be represented at the hearing, the Sub-Committee may:
 - where it considers it necessary in the public interest, adjourn the hearing to a specified date(s); or
 - hold the hearing in that party's absence.
5. Where a hearing is held in the absence of a party, any representations or notice made by that party shall be considered at the hearing.
6. Where a hearing is adjourned to a specified date(s), all parties will be notified forthwith of the date(s), time and place to which the hearing has been adjourned.
7. The Licensing Officer will appear first and will give:
 - a summary of the application/case
 - a summary of the representations made
 - a summary of how the application/case and any relevant representations relate to the provision of the Licensing Policy Statement, any guidance from the Secretary of State and the relevant legislation.

[In the case of enforcement/compliance hearings:

- 7a. *If a complainant is present, they will be asked to give details of their complaint. This procedure will be repeated if there is more than one complainant.*
- 7b. *The licence holder or their representative will be asked to present their case.*
- 7c. *Members, and Legal Officer will be able to ask questions of the licence holder.*
- 7d. *Licence holder or their representative will be asked to provide their closing statement.]*

[In the case of Licensing Act and Gambling Act review hearings:

- 8a. *The review applicant or their representative will be asked to present their case.*
- 8b. *Members, Legal Officer, any other party to the hearing will be able to ask questions of the review applicant.*

- 8c. *Representatives of the Responsible Authorities and/or Statutory Consultees, will appear next to explain their case.*
- 8d. *Members, Legal Officer, any other party to the hearing will be able to ask questions of the Responsible Authorities and/or Statutory Consultees.*
- 8e. *The licence holder or their representative will be asked to present their case.*
- 8f. *Members, Legal Officer, any other party to the hearing will be able to ask questions of the licence holder.*
- 8g. *The licence holder or their representative will be asked to provide their closing statement.]*

[In the case of all other application hearings:

- 9a. *The Applicant or their representative will be asked to present their case.*
- 9b. *Members, Legal Officer, any other party to the hearing will be able to ask questions of the applicant.*
- 9c. *Representatives of the Responsible Authorities and/or Statutory Consultees, and non-statutory Consultees (where applicable) will appear next to explain their case.*
- 9d. *Members, Legal Officer, any other party to the hearing will be able to ask questions of the Responsible Authorities and/or Statutory/Non-statutory Consultees.*
- 9e. *The applicant will be asked to provide their closing statement.]*
10. Members will be able to ask questions of any party at any time during the hearing but will at all times bear in mind the need for all parties to be afforded the same time to make their case.
11. Documentary or other information may be produced for consideration by the hearing by any party attending the hearing either before the hearing, or with the consent of all the other parties, at the hearing.
12. Information which is not relevant to:
- the application/case, representation or notice (as applicable);
 - the provision of the licensing objectives or (in relation to a hearing to consider a notice given by a chief officer of police) the crime prevention objective;
- will be disregarded.
13. For the avoidance of doubt, formal cross-examination will not be allowed at hearings, unless the Members of the hearing consider that it is required for proper consideration by them of any representation, application or notice as the case may require.
14. Should Members during the hearing be of the opinion that a site visit is necessary to enable them to make the decision then the meeting will be adjourned and a site visit carried out in accordance with the Council's Site Visit Guidance.
15. Following the presentations by and questioning of all the parties, the Members of the hearing will generally retire into closed session (either by leaving the room or asking all other parties to do so). The Members will make a decision and record reasons for this.
16. The authority will normally make its determination on the day and announce their decision and the reasons for it at the conclusion of the hearing. However, if stated otherwise by

Members before they retire, the decision will be communicated to all parties within 5 working days.

17. The Council shall provide for a record to be taken of the hearing in a permanent and intelligible form and kept for six years from the date of the determination or, where an appeal is brought against the determination of the authority, the disposal of the appeal. The right of appeal is 21 days from the date of notification of the decision.
18. For the avoidance of doubt, any irregularity resulting from any failure to comply with any provision of the Regulations before the authority has made a determination shall not of itself render the proceedings void.
19. In any case of such an irregularity, the authority shall, if it considers that any person may have been prejudiced as a result of the irregularity, take steps as it thinks fit to cure the irregularity before reaching its determination.
20. Clerical mistakes in any document recording a determination of the authority or errors arising in such document from an accidental slip or omission may be corrected by the authority.
21. Any person attending the hearing who in the opinion of the Members hearing the matter is behaving in a disruptive manner may be required to leave the hearing and may:
 - be refused permission to return; or
 - be permitted to return only on the conditions as may be specified by the Members and the hearing PROVIDED THAT such person may, before the end of the hearing, submit to the hearing in writing any information which they would have been entitled to give orally had they not been required to leave.



East Cambridgeshire
District Council

EAST CAMBRIDGESHIRE

- 2 JUL 2021 DMS

No 51

DISTRICT COUNCIL

Appendix 1

Local Government (Miscellaneous Provisions) Act 1982

APPLICATION FOR STREET TRADING CONSENT

- **Please familiarise yourself with our terms and conditions before completing this application**
- **It is an offence to give false information - all questions must be answered.**
- **An application will not be deemed valid unless the Licensing Authority receives the following documents in addition to a completed and signed application form, and the relevant fee:**
 1. One Passport style photo for each applicant
 2. Proof of right to work in the UK¹ for each applicant
 3. A copy of a map clearly identifying the proposed trading location(s) and trading unit boundaries with a red line.
 4. A photo of the front, rear, left and right aspects of the van, cart, barrow, other vehicle or stall from which trading is intended to take place.
 5. Proof of third party and public liability insurance for street trading with a minimum of £2,000,000 liability cover is, or will be in place during the street trading activity.
 6. Gas safety certificate issued by a Gas Safe registered gas engineer, if applicable.
 7. Written report of electrical safety issued by a NICEIC registered electrical contractor, if applicable.
 8. Evidence to confirm food handlers have undertaken a satisfactory level of food hygiene training, if applicable.
 9. Confirmation that the mobile unit is registered under the Food Premises (Registration) Regulations 1991, if applicable.
 10. Where the proposed street trading is from a fixed position, written permission from the land owner of the proposed trading location.

¹ Consents will not be issued to any person who does not have a right to work in the UK at the time of application. In order to confirm your right to work, all applicants must supply suitable documentation such as, a Passport, Biometric Residence Permit, birth certificate, or other approved home office documents.

Please Note

The Licensing Authority reserves the right to request a DBS criminal record certificate from all applicants stated on the application form. If such a check is required the Licensing Authority recognises the DBS "Update Service" scheme. For more information, please see our website www.eastcambs.gov.uk.

METHOD OF COMMUNICATION

- The Council's primary method of communication is by email.
- The Council may also communicate with you via text message to your mobile phone. As the Council is not a telecommunications company it will be necessary to use the services of a 3rd party such as BT or Virgin to provide this facility. Where text messaging is used the Council will observe the principles of General Data Protection Regulations (GDPR) and the Data Protection Act 2018.
- By signing this application form you are agreeing to permit the Council to contact you using email, phone, text, and traditional paper based communication.

CONSENT PERIOD

Street trading consents will last 12 months, or until the last daily permit date requested has passed in all cases, unless surrendered by the consent holder, or withdrawn by the Licensing Authority. The period between the first daily permit and the final daily permit cannot exceed 12 months. Street trading consent fees can be found on www.eastcambs.gov.uk.

APPLICANT TYPE

Please indicate who will be the proprietor of the business:

- Sole trader (complete sections 1 to 8, and 24 onwards)
- Partnership (complete sections 1 to 16, and 24 onwards)
- Limited Liability Partnership (LLP) (complete sections 17 onwards)
- Limited Company (complete sections 17 onwards)

PROPRIETOR DETAILS

1. Surname: Idriz

2. Forename(s): Sezgin

3. Current registered address:

Postcode:

4. Date of birth:

5. Telephone:

6. Mobile:

7. Email:

8(a). Are you permitted to work in the UK?: Yes No

8(b). Are there any restrictions?: Yes No (If yes, please detail them below)

ADDITIONAL PROPRIETOR DETAILS

9. Surname:

10. Forename(s)

11. Current registered address:

Postcode:

12. Date of birth:

13. Telephone:

14. Mobile:

15. Email:

16(a). Are you permitted to work in the UK?: Yes No

16(b). Are there any restrictions?: Yes No (If yes, please detail them below)

--

OTHER PROPRIETOR DETAILS

17. Ltd Company/LLP name:

18. Current registered address of Ltd Company/LLP:

Postcode:

19. Ltd Company/LLP registration number:

20. Mobile:

21. Telephone:

22. Email:

23. Director/ Partner/Company Secretary names:

(please indicate all persons registered with Companies House, in the order you would like us to contact you)

PENDING PROSECUTIONS

24. Does any person named on this application form have any foreign or domestic prosecutions pending against them? Yes No (If yes, please give details and continue on a separate sheet if needed)

Date of Court hearing	Offence	Court

CRIMINAL CONVICTIONS, CAUTIONS, and/or WARNINGS

25. Has any person named on this application been convicted of any foreign or domestic offences, or received any Police cautions or warnings? Yes No (If yes, please give details and continue on a separate sheet if needed)

NB: There is no need to declare any offences considered "spent" under the Rehabilitations of Offenders Act 1974.

Date	Offence	Court	Sentence

TRADING DETAILS

Trading name (if applicable): Burwell Kebab Van

Street name (fixed location), or the name of all the streets you wish to trade (mobile trading):	Burwell Kebab Van Burwell Ex-Servicemen's Club 21 The Causeway Burwell Cambridge CB25 0DU		
Please indicate whether you wish to apply for a daily permit or an annual consent?:	Annual: <input checked="" type="checkbox"/> Permit: <input type="checkbox"/>		
Annual consent trading days and times?	Day	Start time	Finish time
	Monday	16:00	00:00
	Tuesday	16:00	00:00
	Wednesday	16:00	00:00
	Thursday	16:00	00:00
	Friday	16:00	00:00
	Saturday	16:00	00:00
	Sunday	16:00	00:00
Please enter all daily permit trading dates and times (e.g. 4 th July – 9am to 7pm, or 4 th to 10 th July – 9am to 7pm):	New Year's Eve: 16:00 to 01:30		

GOODS TO BE SOLD (please tick all relevant boxes)	
Clothing	<input type="checkbox"/>
Electrical spares	<input type="checkbox"/>
DIY products	<input type="checkbox"/>
Hot food and drink (please tick all relevant boxes)	Baked Potatoes <input type="checkbox"/> Fish/Chips <input type="checkbox"/> Curry <input type="checkbox"/> Burgers <input checked="" type="checkbox"/> Hot Dogs <input checked="" type="checkbox"/> Kebabs <input checked="" type="checkbox"/> Fried Chicken <input type="checkbox"/> Crepes/Pancakes/Doughnuts etc <input type="checkbox"/> Sausage/Bacon/Eggs etc <input checked="" type="checkbox"/> Other (please state below) <input type="checkbox"/>
Furniture	<input type="checkbox"/>
Records, CD's and DVD	<input type="checkbox"/>
Household cleaning goods	<input type="checkbox"/>
Books	<input type="checkbox"/>
Fresh fish	<input type="checkbox"/>
Fresh meat	<input type="checkbox"/>
Fruit and Veg	<input type="checkbox"/>
Delicatessen	<input type="checkbox"/>
Flowers and plants	<input type="checkbox"/>
Ice-cream vendor	<input type="checkbox"/>
Cakes/bakery	<input type="checkbox"/>
Arts and crafts	<input type="checkbox"/>
Other (please state type of goods)	

DETAILS OF TRADING UNIT	
Type of trading unit:	Mobile Catering Unit <input checked="" type="checkbox"/> Barrow <input type="checkbox"/> Ice-Cream Van <input type="checkbox"/> Cart <input type="checkbox"/> Stall <input type="checkbox"/> Other (please state) <input type="checkbox"/>
Vehicle registration (if applicable):	
Trading unit measurements:	Height:.....mtrs cms Width:....2.....mtrs..50 cms Length:.....7.....mtrs cms

SUPPORTING DOCUMENTS CHECKLIST	
1. One Passport style photo for each applicant endorsed as a true likeness by a person of professional standing.	Enclosed: <input checked="" type="checkbox"/> To follow: <input type="checkbox"/>
2. Proof of right to work in the UK for each applicant	Enclosed: <input checked="" type="checkbox"/> To follow: <input type="checkbox"/>
3. A copy of a map clearly identifying the proposed trading location(s) and trading unit boundaries with a red line.	Enclosed: <input checked="" type="checkbox"/> To follow: <input type="checkbox"/>
4. A photo of the front, rear, left and right aspects of the van, cart, barrow, other vehicle or stall from which trading is intended to take place.	Enclosed: <input type="checkbox"/> To follow: <input checked="" type="checkbox"/>
5. Proof of third party and public liability insurance for street trading with a minimum of £2,000,000 liability cover is, or will be in place during the street trading activity.	Enclosed: <input type="checkbox"/> To follow: <input checked="" type="checkbox"/>
6. Gas safety certificate issued by a Gas Safe registered gas engineer, if applicable.	Enclosed: <input type="checkbox"/> To follow: <input checked="" type="checkbox"/> N/A: <input type="checkbox"/>
7. Written report of electrical safety issued by a NICEIC registered electrical contractor, if applicable.	Enclosed: <input type="checkbox"/> To follow: <input checked="" type="checkbox"/> N/A: <input type="checkbox"/>
8. Evidence to confirm food handlers have undertaken a satisfactory level of food hygiene training, if applicable.	Enclosed: <input checked="" type="checkbox"/> To follow: <input type="checkbox"/> N/A: <input type="checkbox"/>
9. Confirmation that the mobile unit is registered under the Food Premises (Registration) Regulations 1991, if applicable.	Enclosed: <input type="checkbox"/> To follow: <input checked="" type="checkbox"/> N/A: <input type="checkbox"/>
10. Written permission from landowner of trading location	Enclosed: <input checked="" type="checkbox"/> To follow: <input type="checkbox"/> N/A: <input type="checkbox"/>

DECLARATION
<p>Fraud Act 2006</p> <p>I hereby declare that I fully understand, have read and checked the details and questions on this application form and the foregoing statements are true. I understand that it is a criminal offence if I or anyone else gives false information, or makes a false representation, or fails to disclose information in order for me to obtain street trading consent. I am fully aware that the provision of a false statement, or information in order to obtain a licence is an offence under the above Act which may result in the refusal of this consent application and any subsequent consent applications for a period of one to three years. I am also aware that any consent granted as a result of breaching the above Act will be immediately withdrawn. A refusal or revocation decision is not reliant on a formal conviction under the above Act being secured.</p>

I have read the Street Trading Policy, and I undertake, in the event of a consent being granted, to observe and comply with such conditions.

Signed by or on behalf of the applicant²

Signed (by the applicant):... [redacted]Date: [redacted]

Print name: Sezgin Idriz Capacity: Owner

Signed (by the applicant):.....Date:.....

Print name:.....Capacity:.....

² If signing on behalf of a Ltd Company or LLP only one responsible person needs to sign.

GDPR AND THE DATA PROTECTION ACT 2018

In line with the General Data Protection Regulation (GDPR) and the Data Protection Act 2018, East Cambridgeshire District Council is fully committed to protect the privacy of our constituents, staff and members. We ensure the safe processing of personal data through strict guidelines for collection, storage and retention of information. Where appropriate, data sharing protocols are entered into and robust security measures are in place. The council maintains its Public Services Network (PSN) compliance, demonstrating its on-going commitment to supporting best practice in the maintenance and handling of data.

For further information contact: The Data Protection Officer, The Grange, Nutholt Lane, Ely, Cambs., CB7 4EE (email: dataprotection@eastcambs.gov.uk)

The Licensing Authority maintains a data retention and sharing policy in accordance with GDPR rules, which explains how your information could be used by the Licensing Authority. Further details are available on the Council's website www.eastcambs.gov.uk.







East Cambridgeshire
District Council
The Grange, Nutholt Lane
Ely
CB7 4EE

William Potter
26 Parsonage Close
Burwell

24th July 2021

FAO Lin Bagwell
Licensing

Ref 21/00357/STRCON

Dear Lin

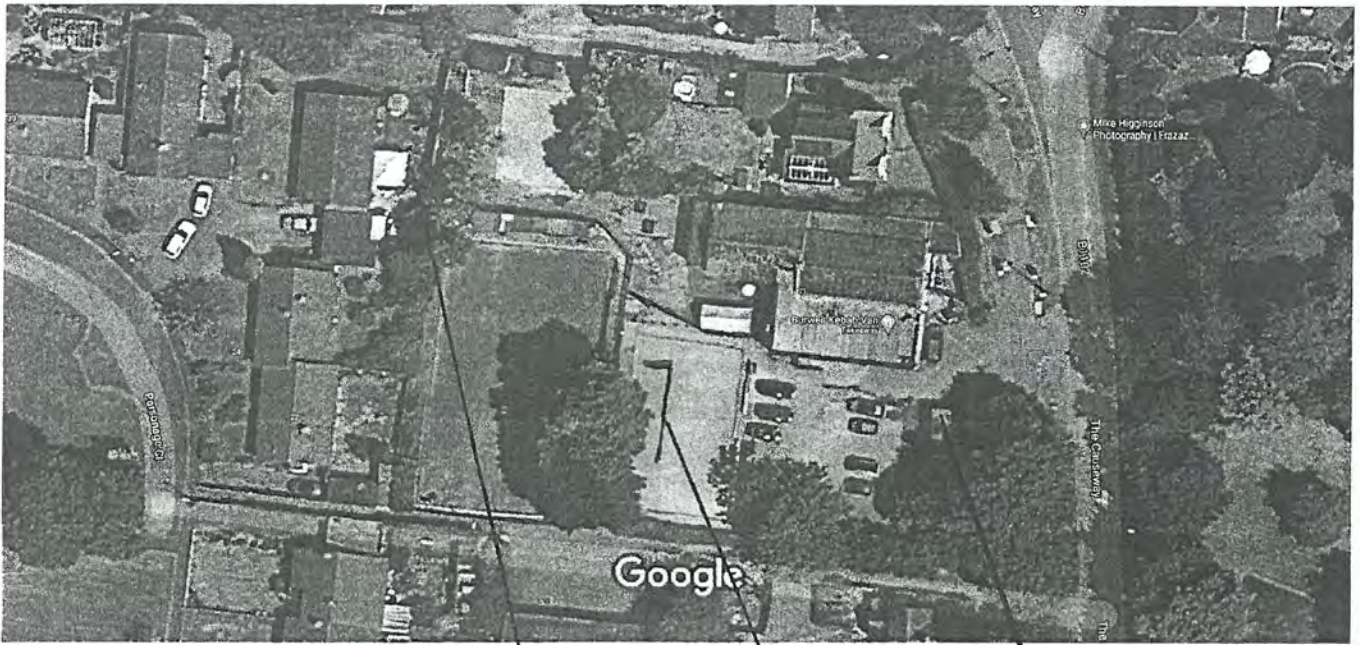
We refer to our address at 26 Parsonage Close which we have occupied for over 50 years and the number of existing elderly resident that are occupied in the close vicinity. For the last 15 Years Burwell Ex Servicemen's Club has position a Kebab Van to the front of there car park facing the road with little impact on the near by residents. The present committee however feel that this image detracts from there desirability and there fore want to re-site the vehicle closer to the back of the car park to be easier on the eye for potential customers?

The new position is 50 meters in to the car park and only 26 meters away from our property, I'm sure if that was put upon any single one of the Burwell Ex Servicemen's committee they would complain that to have a generator, food smells and then the increased noise from revellers from 4pm in the Evening to Midnight everyday is unacceptable . As elderly residents most of our time is spent enjoying are garden, why should we endure this when i feel that a non profit organisation is thinking more about making money than the community around it. If they are saying it detracts from there overall image they should remove it all together not burden us.

I hope that you understand our position as this proposal has left us incredibly anxious and feel we could be impacted heavily if the correct thought is not put in to this situation.

Regards

William Potter

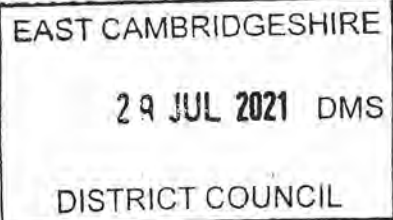


Imagery ©2021 Getmapping plc, Infoterra Ltd & Bluesky, Maxar Technologies, Map data ©2021 10 m

CCF Property

New Position

Old Position



10 High Street
Swaffham Prior
Cambridge
CB25 0LD

26th July 2021

Lyn Bagwell
ECDC
The Grange
Nutholt Lane
Ely

Burwell Kebab Van – objection to new site.

Dear Ms Bagwell,

We are the owners of 24, Parsonage Close in Burwell, a bungalow whose garden backs onto the Bowling Green, adjacent to the Social Club Car Park.

We understand that the Burwell Ex-Service & Social Club are requesting that the Kebab Van should be moved from it's current site at the front of their car park (and therefore well away from residential properties), to the rear of the car park by the Bowling Green.

We object to this proposal, as we feel that the van, which is open between 4pm & 11pm daily will be too close to a number of properties at Parsonage Close.

As with any fast-food outlet there is likely to be noise disturbance from both the generator and from people's voices, as well as unpleasant odours from cooking food, at a time when people are likely to be relaxing in their gardens in the afternoon/evening or trying to get to sleep.

The proposed new location is not suitable for this type of business and it's operating hours, and will certainly have a negative impact on the area which is currently quiet and peaceful with predominantly retired/elderly residents.

I would be grateful if you could keep us updated regarding this matter.

Yours Sincerely

Jo & Andy Pumfrey

Lin Bagwell

From: Lin Bagwell
Sent: 10 August 2021 10:44
To: Lin Bagwell
Subject: Burwell Kebab - street trading consultation 21/00357/STRCON
Attachments: Burwell Kebab - Objection - Pumfrett.pdf; Street Trading Consent - Burwell Kebab Van - 21/00357/STRCON - Objection - William Pottter; IMG_1409.jpg; IMG_1408.jpg

From: Karen See
Sent: 04 August 2021 12:39
To: Lin Bagwell <Lin.Bagwell@eastcambs.gov.uk>
Subject: RE: Burwell Kebab - street trading consultation 21/00357/STRCON

Hello Lin

Although the new proposed position is closer to residential properties there are measures in place that will help to mitigate noise impacts. I refer to the points you have already raised – there being no generator, the rear of the unit will be against the boundary of the bowling green with the servery opening facing away, cars will not be accessing the car park areas closer to the residents, and customers will not be remaining in the vicinity as there are no seating areas and their cars will be parked as currently allowed.

With respect to potential odours there may be occasions when odours will be detected at any of the surrounding properties and this will be dependent on level of cooking and wind/weather conditions. How much the relocation will increase the incidence of some odours is not possible to objectively quantify. However my professional opinion is that this proposal is unlikely to result in odour effects so significant to sustain an objection to such a move.

As an informative the granting of any permissions does not indemnify against statutory nuisance or other actions being taken should equipment noise and/or odour complaints from the operation of this unit be received and substantiated.

Kind regards.

Karen See
Senior Environmental Health Officer (P/T) Alternate Weds, Thurs and Fridays.

East Cambridgeshire District Council, The Grange, Nutholt Lane, Ely, Cambs CB7 4EE

Tel: 01353 665555 (Main Switchboard)

From: Lin Bagwell
Sent: 02 August 2021 17:00
To: Karen See
Subject: Burwell Kebab - street trading consultation 21/00357/STRCON

Hi Karen

With regards to the 2 objections received (attached) during the consultation period, would you be able to comment as to the likelihood of public nuisance in view of the following:

- The van will be facing away from the objectors bungalows into the Club car park
- The presence of 2 very tall trees behind the trading van

- The presence of very tall and dense bushes at the rear of the objectors bungalows to almost roof height
- The distance of approximately 29 metres from the trading van to the rear gardens of the objectors
- The Club car park has no seating areas and customers will not be allowed to park there or congregate there as the van is now to be sited in the Club car park
- No generator will be used as an electricity point has been provided for the trading van
- Albeit that the trading van is currently parked at a greater distance from the objectors, the trading van has been trading in the public car park facing the residents bungalows for many years with no public nuisance problems caused to them either from the cooking smell or from customers who have previously been able to congregate on the highway and public car park or sit in their cars to consume the food which they will no longer be able to do in the Club car park.

Many thanks for your assistance in this matter and I look forward to hearing from you.

Best wishes

Lin

Lin Bagwell
Licensing Officer (Enforcement)
East Cambridgeshire District Council
Tel: 01353 616477
Mobile: 07776244488

Email: lin_bagwell@eastcambs.gov.uk

Pay, report, apply online 24 hours a day



From: Sezgin Sezgin
Sent: 02 August 2021 14:37
To: Lin Bagwell <Lin.Bagwell@eastcambs.gov.uk>
Subject: [EXTERNAL] Re: Burwell kebab

Hi again Lin , its about 29 meters which is 95 ft
Thank you







Standard conditions applicable to Street Trading Consents

General

These Standard Conditions will apply to all licences unless dis-applied or varied by the Environmental Services Manager, or they are over-ridden by the special conditions for special events/markets.

Standard Conditions

1. Definitions
 - i. 'street' includes
 - a) any road, footway, beach or other area to which the public have access without payment and
 - b) a service area as defined in Section 329 of the Highways Act 1980 and also includes any part of a street
 - ii. 'street trading' means
the selling or exposing for sale of any article (including a living thing) in a street
2. The Consent granted by the Council is personal to the holder.
3. The consent holder (or a person nominated by the consent holder) shall attend in person at the Consent position for not less than 75% of the time on any day which trading is carried out.
4. The street trading consent only relates to the vehicle/premises stipulated within the consent.
5. The consent holder can only trade in the goods stipulated in the consent.
6. Ancillary items can be sold where relevant to the goods being traded.
7. Any van, vehicle, barrow, cart or stall shall only be positioned within the designated area as outlined on the plan attached to the consent, and goods should not migrate outside of the permitted area.
8. Where appropriate the consent holder of any street trading consent and the stall and/or vehicle must comply with all relevant road traffic and highways legislation.
9. Any stall, vehicle, van, barrow, or cart authorised by the Council must be equipped with safe and adequate lighting for operation during the hours of darkness.
10. Where appropriate the consent holder of the street trading consent and the stall and/or vehicle must comply with all relevant food hygiene legislation.
11. The consent holder shall only trade from a stall or vehicle approved by the Council in writing.
12. The consent may only be transferred to another person with the prior written consent of the Environmental Services Manager.
13. The consent holder shall not use the street for any trading purpose other than the purpose as permitted by the consent and then only during the permitted hours.
14. The 'permitted hours' will be those stipulated within the consent.
15. Unless stipulated within the consent the van, vehicle, barrow, cart or stall shall be removed from the site at the end of each trading day.

16. The consent holder will vacate the site within 30 minutes of the end of the permitted hours.
17. The consent holder shall not trade in any street designated by the Council as a prohibited street.
18. WC facilities must be made available for staff and members of the public if seating is made available for consumption of food on site.
19. The consent holder shall maintain the stall or vehicle in a clean state and its structure shall be kept in good order, repair and condition to the satisfaction of an Officer of the Council authorised in writing under the appropriate legislation.
20. The consent holder shall conduct his/her business in such a manner to ensure that he/she does not:
 - a) Cause a nuisance from noise, vibration, smoke or smell to the occupiers of adjoining property.
 - b) Cause an obstruction to the vehicles or pedestrians in the street.
 - c) Cause a danger to occupiers of adjoining or to other users of the street.
21. The consent holder shall not seek to attract attention or custom by shouting or making undue noise or by permitting the playing of music, music reproducing or sound amplification apparatus or any musical instruments, radio or television sets whilst trading under this consent, other than as specified in the consent.
22. Refuse storage must be provided adjacent to the sale area. The storage must be of a substantial construction, waterproof and animal proof. The trade waste must be removed at the end of each working day or if the amount of refuse warrants it, when the container is full, whichever is the sooner.
23. The consent holder shall ensure that the whole of the lay-by and adjacent verge/footpath (but not the carriageway) to a distance of 10 metres be kept free of litter and refuse at all times whilst in resident.
24. A copy of the consent, suitably protected against the weather shall be displayed in a prominent position on the stall or vehicle at all times when trading is taking place.
25. The holder, or any employee of the holder, shall produce a copy of the consent on demand when required by a Police Officer or an authorised officer of the Council.
26. Nothing in any consent shall purport to grant to the holder any other licence or permissions required under any other Enactment or requirement and the consent holder is specifically advised to obtain such approvals as may be required.
27. The holder shall not place on the street any furniture or equipment or advertisement other than as specified in the consent.
28. No poster, advertisement, signage or decoration of an unsuitable material or nature shall be displayed, sold or distributed on or about the vehicle or premises. For the purpose of this condition, material is unsuitable if in the opinion of an Officer of the Council authorised under the appropriate legislation, it is indecent, scandalous, offensive or likely to be harmful to any person likely to apprehend it. Items including but not limited to items used for sexual stimulation, and/or weapons likely to cause harm would be considered unsuitable. Material may also be considered to be unsuitable if it is of such a nature as to distract motorists driving on the highway.
29. The name and business address of the consent holder and other address at which the trailer is normally kept or garaged must be conspicuously and legibly displayed upon it in a place where the public may view it. Where this is a private address, suitable contact details must be displayed. The sign must be approved in writing by the Environmental Services Manager.
30. No signage or objects shall be placed on the highway or area surrounding the vehicle/premises without the appropriate permit.

31. Where a structure is not removed at the end of the trading day, no additional permanent or semi-permanent additions or paving shall be erected or constructed adjacent to the structure for which consent has been granted.
32. Failure to comply with any condition attached to the street trading consent may result in the revocation of such consent.
33. The holder shall notify the Environmental Services Manager at the Council Officer, The Grange, Nutholt Lane, Ely, CB7 4EE in writing of any criminal convictions or other legal proceedings arising out of the use or enjoyment of the consent.
34. The holder of a consent shall carry public liability insurance of not less than £2 million, evidence of which shall be supplied to the Council prior to the grant of the consent.
35. The Council may revoke the consent at any time.
36. The holder will return the consent to the Council immediately upon revocation or surrender.
37. In the event of the consent being surrendered or revoked no refunds will be given. Where consent is withdrawn by the Council for reasons other than an offence or breach being committed, a proportioned refund be given.
38. The Council may at any time vary these Conditions without notice.
39. If the Consent Holder Trades from any Council Land he/she shall indemnify the Council from and against all lose, damage, costs, liabilities and claims whatsoever arising from its use and occupation of the land.
40. The Consent Holder and persons manning the stall will ensure their activities do not cause direct and permanent damage to the grass and gardens and/or disturb wildlife.

Additional conditions applicable to Special Events/Markets

41. All stalls be issued with a number that must be displayed on the stall.
42. The consent holder should keep records of each stallholder present on the market, to include the stallholder's pitch number, name and company name, their address, vehicle registration and a contact telephone number. This must be produced on request to an authorised officer.
43. The consent holder must not allow the sale of offensive weapons (including imitation fire-arms, standard fire-arms, airguns, swords and crossbows).
44. The consent holder must not allow the sale of materials considered offensive, indecent or considered adult in nature.
45. If the Public Conveniences are required to open beyond 17:00 a charge will be levied in accordance with the Council's fees and charges.
46. If additional Street Cleaning is required as a result of the event, a charge will be levied in accordance with the Council's fees and charges.

Appendix 2

Trading Location(s)

TITLE: DETERMINATION OF AN APPLICATION FOR CONSENT TO TRADE FROM A LOCATION DEFINED AS A CONSENT STREET IN ACCORDANCE WITH THE LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982.

Committee: Licensing (Non-Statutory) Sub-Committee

Date: 09:30 hours on 25 August 2021

Author: Senior Licensing Officer – Stewart Broome

[W57]

1.0 PURPOSE/SUMMARY OF REPORT

1.1 To consider an application to trade from a location defined as a Consent Street within the East Cambridgeshire district boundary.

2.0 RECOMMENDATION(S)

2.1 That Members consider the report, and determine:

- (i) To grant the application as applied for; or
- (ii) Grant the application with any variation deemed reasonably necessary subject to the Council's approved standard conditions and any other specific conditions or restrictions the Committee deem reasonable and appropriate.
- (iii) To refuse the application.

3.0 BACKGROUND

3.1 The Local Government (Miscellaneous Provisions) Act 1982 contains adoptive provisions enabling local councils to control street trading by designating streets as Licence Streets, Consent Streets or Prohibited Streets.

3.2 Street trading is only permitted in Licence or Consent Streets if the Council has given permission by way of a licence or consent. Permission cannot be given to trade in Prohibited Streets. Street trading is not controlled in streets that have not been designated by the Council, or in areas covered by one of the exemptions within the legislation.

3.3 The Council reviewed its street trading resolutions in 2015, and following a consultation exercise all streets (as defined by the "1982 Act") in the district were designated as Consent Streets, with the exception of the A10, A11 and A14 trunk roads which were designated as Prohibited Streets. This change took effect from 1 April 2016.

3.4 In accordance with the Council's Street Trading Policy, applications that do not attract objections can be dealt with via delegated powers to officers. However, if an objection is received, the application must be determined by Members.

3.5 In April 2018 minor amendments were made to the Street Trading Policy, to enable the Licensing Sub-Committee, or the main Licensing Committee to determine such applications. These amendments came into effect on 11 April 2018.

4.0 THE APPLICATION

- 4.1 A new application has been received from Sezgin Idriz of 11 Beyer Road, Cambridge, CB2 9FP to sell hot and cold food and drink from Burwell Kebab Van catering unit to be permanently re-located into the Burwell Ex-Servicemen's Club car park, 21 The Causeway, Burwell, Cambridge, Cambridgeshire, CB25 0DU, during the times listed in the table below:

Day	Hours
Monday to Sunday	16:00 to 00:00
New Year's Eve	16:00 to 01:30

- 4.2 A van has been trading lawfully from the ECDC owned section of the Burwell Ex-Servicemen's Club car park since January 2014, without incident, with Mr Idriz taking over the business from the 1st March 2017. For reasons beyond the applicant's control he has been required by the Club Committee to re-locate his catering unit to alongside the bowling green in that part of the car park belonging to the Club premises. The full application form, location plan, and photos of the trading unit can be found in **Appendix 1**.
- 4.3 In accordance with the Council's policy the following organisations / people were consulted:
- Cambridgeshire Constabulary
 - Cambridge County Council Highways Department
 - Environmental Services
 - Planning
 - Relevant Ward Cllr(s), and Parish Council(s)
 - Property owners within 100metres who directly overlook the proposed location
- 4.4 During the consultation period Officers received two valid objections from property owners to the granting of consent (**see Appendix 2**). No objections were received from any of the organisation consultees.
- 4.5 Those opposing the application cited that the location was too close to residential properties resulting in possible noise disturbance from customers and generators, and noxious cooking smells in their properties and gardens.
- 4.6 As a result of the objections the Council's Senior Environmental Health Officer was consulted regarding the public nuisance concerns cited by the objectors. In her email dated 4 August 2021, the Senior Environmental Health Officer believed that although the new proposed position is closer to residential properties, approximately 29m (95 ft) distance, there are measures in place that will help to mitigate noise impacts, such as a dedicated electrical plug point has been installed for the use of the trading van so no generator will be used, the rear of the unit will be against the boundary of the bowling green with the servery opening facing away, customer's cars will not be accessing the car park areas closer to the residents, and customers will not be remaining in the vicinity as there are no seating areas available.

With respect to potential odours the Senior Environmental Health Officer believed there may be occasions when odours will be detected at any of the surrounding properties and this will be dependent on level of cooking and wind/weather conditions. As to how much the relocation will increase the incidence of some odours she believes it is not possible to objectively quantify. Her professional opinion is that this proposal is unlikely to result in odour effects so significant to sustain an objection to such a move.

The Senior Environmental Health Officer added an informative that the granting of any permissions does not indemnify against statutory nuisance or other actions being taken should equipment noise and/or odour complaints from the operation of this unit be received and substantiated. **(see Appendix 3).**

- 4.7 To assist Members a bird's eye view map is included showing the proposed van location and the location of the objectors **(see Appendix 4).**

5 CONSIDERATIONS

- 5.1 In considering applications for the grant of a Street Trading Consent, as well as the individual merits of the application and the relevant legislation, the Street Trading Policy provides that the Council may have regard to the number, nature and type of traders already trading within a consent area when determining an application, and when determining an application for the grant or renewal of a Street Trading Consent the following factors will be considered:

a) Public Safety

Whether the street trading activity represents, or is likely to represent, a substantial 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.

b) Public Order

Whether the street trading activity represents, or is likely to represent a substantial risk to public order.

c) The Avoidance of Public Nuisance

Whether the street trading activity represents, or is likely to represent, a substantial risk of nuisance to the public from noise or misbehaviour, particularly in residential areas.

d) Highway

The location and operating times will be such that the highway can be maintained in accordance with the Cambridgeshire County Council's requirements and that there are no dangers to those who have a right to use the highway and no obstruction for emergency access.

e) Compliance with legal requirements

Trading should only be conducted from a trading unit that complies with relevant legislation. Observations from relevant officers will be considered on this point.

- 5.2 The Council's Street Trading Policy states that the Council will normally grant a Street Trading Consent unless, in its opinion:
- A significant effect on road safety would arise either from the siting of the trading activity itself, or from customers visiting or leaving the site;
 - Where there are concerns over the recorded level of personal injury accidents in the locality where the street trading activity will be sited;
 - There would be a significant loss of amenity caused by traffic, noise, rubbish, potential for the harbourage of vermin, odour or fumes;

- There is already adequate like provision in the immediate vicinity of the site to be used for street trading purposes but note that competition issues will not be a consideration;
- There is a conflict with Traffic Orders such as waiting restrictions;
- The site or pitch obstructs either pedestrian or vehicular access, or traffic flows, or places pedestrians in danger when in use for street trading purposes;
- The trading unit obstructs the safe passage of users of the footway or carriageway;
- The trading unit is not considered to be suitable in style or in keeping with the location requested.
- The pitch interferes with sight lines for any road users such as at road junctions, or pedestrian crossing facilities;
- The site does not allow the Consent Holder, staff and customers to park in a safe manner;
- The street trading activity is carried out after dusk and the site is not adequately lit to allow safe access and egress from the site for both customers and staff.
- In the case of a renewal application the previous year's fees have not been settled, and/or the consent holder has been the subject of substantiated complaints.

5.3 The Street Trading Policy allows Members and Officers to depart from the policy where there are clear and compelling reasons for doing so.

6.0 LEGISLATIVE POSITION/LEGAL IMPLICATIONS

6.1 Schedule 4 paragraph 7(2) of the "1982 Act" provides that the Council may grant a consent if they think fit, subject to observing the mandatory grounds for refusal at subparagraph 7(3). No mandatory grounds of refusal are applicable to this application.

6.2. The Council is not under any duty to grant a Street Trading Consent and need not specify any of the statutory grounds for refusal. Therefore, the matter to grant or refuse an application for a Street Trading Consent is at the total discretion of the Council. However, the Council must have regard to its Street Trading Policy, which outlines the approach that it will take in determining applications of this sort, and any comments submitted in support of, or in opposition to the granting of the application. Members will need to give full reasons for their decision.

6.3. Accordingly the Committee may:

- (i) Grant the application as it stands in which case it will be subject to the Council's approved standard conditions (**see Appendix 5**).
- (ii) Grant the application with any variation deemed reasonably necessary subject to the Council's approved standard conditions and any other specific conditions or restrictions the Committee deem reasonable and appropriate.
- (iii) Refuse the application.

6.4 Street Trading Consents can be issued for a maximum of twelve months, but can be issued for shorter periods.

6.5 Street Trading Consents can be revoked at any time.

7.0 FINANCIAL IMPLICATIONS/EQUALITY IMPACT ASSESSMENT

7.1 There are no costs associated with this report, other than the author's time. However, should the Council's decision be subject to a judicial review, legal fees to defend the review would be accrued.

7.2 An Equality Impact Assessment (EIA) is not required as this does not relate to a service provided by the Council or a decision on a change of policy, but a regulatory disciplinary matter relating to an individual.

8.0 APPENDICES

- 8.1 Appendix 1 - Application, location plan, and trading unit photo
Appendix 2 - Consultee objections
Appendix 3 - Senior Environmental Officer email dated 4 August 2021
Appendix 4 - Bird's eye map of location
Appendix 5 - Standard trading conditions

<u>Background Documents</u>	<u>Location</u>	<u>Contact Officer</u>
Local Government (Miscellaneous Provisions) Act 1982	Room SF208 The Grange Ely	Stewart Broome Senior Licensing Officer 01353 616477 stewart.broome@eastcambs.gov.uk
East Cambs Street Trading Policy 2016		