

12 February 2020		ITEM: 4
Licensing Sub-Committee		
Application to renew a Street Trading Consent		
Wards and communities affected: All		Key Decision: Non-key
Report of: Elizabeth Cox, Licensing Officer		
Accountable Assistant Director: Leigh Nicholson, Interim Assistant Director, Planning, Transport and Public Protection		
Accountable Director: Andrew Millard, Director of Place		
This report is public		

Executive Summary

Mr Mehmet Ceylan has applied to renew a Street Trading Consent. A number of local residents and a Ward Councillor have raised objection to the application therefore the matter is being referred to Sub-Committee for determination.

1. Recommendations:

1.1 The Sub-Committee agrees:

- (a) To refuse the application; or
- (b) To grant the application; or
- (c) To grant the application attaching any additional conditions necessary.

2. Introduction and Background:

- 2.1 Mehmet Ceylan of Flat C 37 Navarino Road, Hackney, E8 1AD submitted an application to renew a Street Trading Consent on 13 December 2019. A copy of this application and supporting documents is attached at **Appendix 1**.
- 2.2 The application is for a mobile unit to sell hot and cold food and drinks Monday – Sunday 12:00 – 22:30, and located in a car park adjacent to 74a High Street, Aveley, RM15 4BX. A location map is attached at **Appendix 2**.
- 2.3 The initial application for a consent was heard by the Licensing Sub-Committee on 21 August 2019 and granted for a period of three months. The

Consent was issued on 16 October 2019, once the applicant had obtained public liability insurance and registered with Food Safety.

- 2.4 When the unit first commenced trading, there were complaints that it was being left in situ during the times it was not trading. Removal from site was not imposed as a condition of the licence and subsequent to the licensing hearing when it was advised that the vehicle was going to be removed from site each night Mr Ceylan had been given consent by the land owner to store the vehicle on site. Following discussion with Mr Ceylan, the unit was moved at the end of trading each day. No further complaints regarding the business were received into the Licensing Team.
- 2.5 During the consultation period 7 representations were received from local residents, and a representation from a ward councillor. These mainly relate to nuisance issues from noise, odours and litter as well as safety concerns. Copies of these letters are attached at **Appendix 3**.
- 2.6 Several of the letters refer to the previous hearing in August 2019. A copy of the report from this hearing is attached as **Appendix 4**, the decision notice as **Appendix 5** and the minutes as **Appendix 6**.
- 2.7 Licensing visited the premises at approx. 22:00 on 11 January 2020 to look at the concerns raised. At the time of the visit the unit was in the process of closing. We asked about the trailing cable residents had referred to and was shown where it goes as well as the cover that goes over it. There was a large amount of litter in the car park, however I could not determine where it had come from but some of the litter could not have related to a kebab van.
- 2.8 No representations were received from any other consultees, which included environmental health's noise and pollution team; and Essex Police. Food Safety are due to inspect the business prior to the hearing, and their findings will be made available at the Sub Committee.
- 2.9 The Council's Street Trading Policy and standard conditions are attached as **Appendix 7**. The policy provides under the prevention of public nuisance section that consideration will be given to measures taken to reduce the risk of nuisance from noise, refuse, vermin, fumes and odours. The policy also provides under the prevention of crime and disorder section that the proposed activity should not present a risk to public order. This is likely to be more of an issue in respect of applicants wishing to trade at later hours.

3. Issues, Options and Analysis of Options:

- 3.1 Under Schedule 4, Local Government (Miscellaneous Provisions) Act 1982, the council may grant a consent if they think fit, and may attach such conditions to it as they consider reasonably necessary. This can include conditions to prevent obstruction of the street or danger to persons using it; or nuisance or annoyance (whether to persons using the street or otherwise).

- 3.2 The Sub-Committee must therefore decide whether the Street Trading Consent should be granted or refused, and if granted if any additional conditions need to be added to address the concerns raised in the representations.

4. Reasons for Recommendation:

- 4.1 These are the options available to the Sub-Committee.

5. Consultation (including Overview and Scrutiny, if applicable)

- 5.1 In accordance with the renewal process this application has been consulted on with the following: Essex Police, Essex Fire and Rescue Service, Highways England, ward councillors, our highways team and our food safety team.

6. Impact on corporate policies, priorities, performance and community impact

- 6.1 Section 17 of the Crime and Disorder Act 1998 places a duty on local authorities to do all that it can to prevent –
- (a) crime and disorder in its area (including anti-social behaviour and other behaviour adversely affecting the local community), and;
 - (b) the misuse of drugs, alcohol and other substances in its areas.

In considering this application in relation to these duties the authority should have due regard to Section 61(1) (b) Local Government (Miscellaneous Provisions) Act 1976, Thurrock Council's guidelines on previous convictions or cautions and any submissions made by the applicant.

7. Implications

7.1 Financial

Implications verified by: **Rosie Hurst**
Interim Senior Management Accountant

There are no financial implications associated with the report.

7.2 Legal

Implications verified by: **Simon Scrowther**
Principal Solicitor – Litigation and Employment

1. Thurrock Council, as a Licensing Authority, has the legal discretion to determine matters of this nature.

2. Under Schedule 4, Local Government (Miscellaneous Provisions) Act 1982, the council may grant a consent if they think fit, and may attach such conditions to it as they consider reasonably necessary.
3. Thurrock Council as a Licensing Authority has a set of conditions which, in addition to the Local Government (Miscellaneous Provisions) Act 1982, as amended, regulates Street Trading Consents.
4. There is no right of appeal against this decision.

7.3 Diversity and Equality

Implications verified by: **Natalie Smith**
Strategic Lead, Community Development

The Licensing Sub-Committee is of a quasi-judicial nature and whilst the Licensing Committee should ensure equality of treatment for all groups in the granting of licences, due regard should be given to its responsibility to promote the objectives of the licensing regime and its duties under Section 17 of the Crime and Disorder Act 1998. This includes full consideration of the need to prevent crime and disorder and the prevention of public. Where it finds that the need to comply with those duties is reasonably inferred, it must determine the application appropriate.

7.4 Other implications (where significant) – i.e. Section 17, Risk Assessment, Health Impact Assessment, Sustainability, IT, Environmental

The implications of Section 17 of the Crime and Disorder Act 1998 have been considered and can be found in 6.1 above.

8. Background papers used in preparing the report:

- Local Government (Miscellaneous Provisions) Act 1982

9. Appendices to the report:

- Appendix 1 - Copy of application & supporting documents
- Appendix 2 – Location map
- Appendix 3 – Representations from 7 local residents & one Ward Councillor
- Appendix 4 – Copy of Sub-Committee report from 21 August 2019
- Appendix 5 – Copy of decision notice from 21 August 2019
- Appendix 6 – Copy of Minutes from 21 August 2019
- Appendix 7 – Street Trading Policy

Report Author

Elizabeth Cox
Licensing Officer