

**Minutes of the Meeting of the Licensing Sub-Committee held on 21 August 2019 at 7.00 pm**

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<b>Present:</b>	Councillors Gary Collins (Chair), Abbie Akinbohun and David Potter
<b>In attendance:</b>	Mr M Ceylan, Applicant Ms T Webster, Residents Representative Councillor C Churchman, Ward Member Councillor D Van Day, Ward Member Elizabeth Cox, Licensing Officer Paula Parrot, Licensing Officer Lois Bland, Legal Representative Simon Scrowther, Legal Services Kenna-Victoria Healey, Senior Democratic Services Officer

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Before the start of the Meeting, all present were advised that the meeting may be filmed and was being recorded, with the audio recording to be made available on the Council's website.

**9. Items of Urgent Business**

There were no items of urgent business.

**10. Declarations of Interests**

There were no interests declared.

**11. New Application for a Street Trading Consent**

The Chair asked all parties if they had any requests, and it was noted that there were no requests.

The Licensing Officer introduced the report to Members of the Sub-Committee informing them, the report was for a new Street Trading Consent. Following a number of objections from local residents, it was decided that the application be referred to Committee for determination.

Members heard how Mr Ceylan submitted an application for a new Street Trading Consent on 12 June 2019. The application was for a mobile unit to sell hot and cold food and drinks Monday to Sunday 12:00 to 23:00 and would be located in a car park adjacent to 74a High Street, Aveley, RM15 4BX.

During the consultation period 18 representations were received from 15 local residents. These mainly related to possible nuisance issues from noise, odours and litter as well as anti-social behaviour.

The Licensing Officer confirmed that no representations had been received from any other consultees, which included environmental health's noise and pollution team; and Essex Police.

Licensing Officers continued to explain the Council's Street Trading Policy and standard conditions provided under the Prevention of public nuisance section, that consideration would be given to measures taken to reduce the risk of nuisance from noise, refuse, vermin, fumes and odours. The policy also provided under the Prevention of crime and disorder section that the proposed activity should not present a risk to public order

Members, the Residents' Representative and the applicant were provided the chance to ask questions of the Licensing Officer. There were none.

The Residents' Representative was asked to present their case, during which Ms Webster expressed concerns regarding the 14-foot trailer being placed in the car park and selling food, which subsequently took up parking spaces the community required; situated near the Aveley Recreation Ground.

She continued to raise concerns regarding noise nuisance, pollution, littering and anti-social behaviour, stating that in the car park in question, had previously housed a kebab van which was completely burnt out.

Members heard how the trailer would be in proximity of the sheltered accommodation area therefore would be inconsiderate to the elderly residents, as the car park bordered the complex. It was commented that from their previous experience of a kebab van, residents could not have their windows open due to the odour omitted.

Ms Webster remarked that the excessive noise and anti-social behaviour from customers using the previous kebab van prevented residents from having their windows open, as individuals in the Aveley Recreation Ground would climb over the boundary into the grounds of the New Maltings Sheltered Housing Complex, trespassing then climbing over their boundary fence into the car park to use the kebab van.

The Sub-Committee heard how it was of the residents' opinions that there were already enough food venues in the area and the kebab trailer was not needed, with hygiene concerns being raised regarding the ventilation of the van and toilet facilities.

Members, the Licensing Officer and the applicant were provided the chance to ask questions of the Residents' Representative. There were none.

Mr Ceylan was then provided with the opportunity to present his case, during which his representative explained the owners were trying to make a living as well as offer the residents of Aveley an alternative variety to food in the area.

Members heard how in relation to the litter and pollution, the owner would ensure the car park was cleaned and cleared at the end of each evenings. He

also informed the Sub-Committee that CCTV would be put in place, which would assist with logging any issues, if they occurred.

It was confirmed that washing facilities were available on the trailer, in addition the trailer was new and up to hygiene standards.

Members, the Licensing Officer and Residents' Representative were given an opportunity to ask questions to the applicant. There were none from the Licensing Officer.

The Chair of the Sub-Committee asked the applicant to confirm the size of the trailer to which he replied between 10 and 12 foot.

Members of the Sub-Committee queried as to whether the trailer was to be left in the car park overnight and stored there or would it be stored offsite. It was confirmed the trailer was to be stored offsite and would be removed each evening. Members heard that the applicant was to apply for planning permission of the car park in order to leave the trailer overnight. He continued to explain that CCTV was to be put in place in order to keep the car park safe. It was also stated they would be the only food outlet in the area, so the smell of food would not be solely from them.

The Residents' Representative enquired as the application stated an 11pm close time, would they be closing at 11pm, if there were still people to be served would they serve them. She further questioned as to when the trailer would be cleaned and whether it would be on or off site, as this would add to the noise nuisance.

The applicant advised they would stop serving food and taking orders half an hour before the closing time, therefore they would aim to have left the site by 11pm.

It was sought as to how the car park would be locked every evening, as the person who owned the car park, shop closed at 7pm and he had already stated he would not be locking the car park.

The applicant responded that the car park would be left secure, he would be seeking to get the spare key to lock or if he needed, could purchase a new lock. He assured residents that as he would be the last person on site that he would be locking the car park personally.

Following questions the Chair moved on to closing summaries.

The Licensing Officer provided a short summary to the Sub-Committee. She remarked that Members of the Sub-Committee had read the report and heard submissions from all parties, including the applicant; it was therefore their decision to decide whether the Street Trading Consent should be granted or refused.

Ms Webster as given the opportunity to summarise the case on behalf of the residents during which she stated that by granting the application would cause an increase in antisocial behaviour in the area, not to mention an increase in rubbish and litter along the High Street as not everyone used the bins provided.

She further stated that the residents at New Maltings deserved to be able to sleep at night and not have their evenings disturbed.

The applicant was asked to present a summary of their case to Members; his representative stated they appreciated resident's feedback, however they just wanted to make a living.

She continued to further commented, the applicant would keep on top of the noise and pollution aiming to keep both to a minimum and once a key was sought, the car park would be cleaned and locked each evening.

It was stated they hoped they could work together with residents in the future.

The Chair asked if there were any further questions, there were none.

However the Chair allowed one of the residents to speak, in doing he said there were no objections to people making a living, but there were at least five empty shops on the High Street that could be used.

The Sub-Committee adjourned at 7.38pm for deliberations and were accompanied by the Legal Advisor and the Democratic Services Officer.

The meeting reconvened at 8.03pm

**RESOLVED:**

**That the Sub-Committee agreed to grant the application on a quarterly basis with the consent being limited until 10:30pm**

**The meeting finished at 8.10 pm**

Approved as a true and correct record

**CHAIR**

**DATE**

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Democratic Services at [Direct.Democracy@thurrock.gov.uk](mailto:Direct.Democracy@thurrock.gov.uk)**