

Committee Agenda



Epping Forest District Council

Licensing Sub-Committee Tuesday, 13th January, 2015

You are invited to attend the next meeting of **Licensing Sub-Committee**, which will be held at:

**Council Chamber, Civic Offices, High Street, Epping
on Tuesday, 13th January, 2015
at 10.00 am .**

**Glen Chipp
Chief Executive**

**Democratic Services
Officer**

Gary Woodhall
The Directorate of Governance
Tel: 01992 564470
Email: democraticservices@eppingforestdc.gov.uk

Members:

Councillors Mrs T Thomas (Chairman), K Chana, Mrs R Gadsby and A Lion

PLEASE NOTE THE START TIME OF THE MEETING

1. APOLOGIES FOR ABSENCE

(Director of Governance) To be announced at the meeting.

2. DECLARATIONS OF INTEREST

(Director of Governance) To declare interests in any item on this agenda.

3. PROCEDURE FOR THE CONDUCT OF BUSINESS (Pages 5 - 12)

(Director of Governance) As attached.

4. EXCLUSION OF PUBLIC AND PRESS

Exclusion:

To consider whether, under Section 100(A)(4) of the Local Government Act 1972, the public and press should be excluded from the meeting for the items of business set out below on grounds that they will involve the likely disclosure of exempt information as defined in the following paragraph(s) of Part 1 of Schedule 12A of the Act (as amended) or are confidential under Section 100(A)(2):

<u>Agenda Item</u>	<u>Subject</u>	<u>Exempt Paragraph</u>
5	Review of a Private Hire Driver's Licence – Mr Pascovitch	1

The Local Government (Access to Information) (Variation) Order 2006, which came into effect on 1 March 2006, requires the Council to consider whether maintaining the exemption listed above outweighs the potential public interest in disclosing the information. Any member who considers that this test should be applied to any currently exempted matter on this agenda should contact the proper officer at least 24 hours prior to the meeting.

Confidential Items Commencement:

Paragraph 9 of the Council Procedure Rules contained in the Constitution require:

- (1) All business of the Council requiring to be transacted in the presence of the press and public to be completed by 10.00 p.m. at the latest.
- (2) At the time appointed under (1) above, the Chairman shall permit the completion of debate on any item still under consideration, and at his or her discretion, any other remaining business whereupon the Council shall proceed to exclude the public and press.
- (3) Any public business remaining to be dealt with shall be deferred until after the completion of the private part of the meeting, including items submitted for report rather than decision.

Background Papers:

Paragraph 8 of the Access to Information Procedure Rules of the Constitution define background papers as being documents relating to the subject matter of the report which in the Proper Officer's opinion:

- (a) disclose any facts or matters on which the report or an important part of the report is based; and
- (b) have been relied on to a material extent in preparing the report and does not include published works or those which disclose exempt or confidential information (as defined in Rule 10) and in respect of executive reports, the advice of any political advisor.

Inspection of background papers may be arranged by contacting the officer responsible for the item.

5. REVIEW OF A PRIVATE HIRE DRIVER'S LICENCE - MR PASCOVITCH (Pages 13 - 14)

(Director of Neighbourhoods) To consider the attached report.

6. INCLUSION OF PUBLIC AND PRESS

To invite the public and press back into the meeting for the remaining items of business.

7. STREET TRADING CONSENT RENEWAL - MR I POLAT AT HURRICANE WAY, NORTH WEALD (Pages 15 - 30)

(Director of Neighbourhoods) To consider the attached report.

8. STREET TRADING CONSENT APPLICATION - MR C DAVIS AT OAKWOOD HILL INDUSTRIAL ESTATE, LOUGHTON (Pages 31 - 50)

(Director of Neighbourhoods) To consider the attached report.

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PART 3(2) - RESPONSIBILITY FOR COUNCIL FUNCTIONS

APPENDIX 5

LICENSING COMMITTEE – TERMS OF REFERENCE

- (1) The full Committee shall comprise 15 Councillors appointed by the Council at its annual meeting, including a Chairman and Vice-Chairman.
- ... (2) For the functions set out in Annex 1, and the legislation listed in Annex 2, a Sub-Committee consisting of no more than any three Councillors drawn, in alphabetical order, from the members of the full Committee shall be formed. Any such Sub Committee shall include, by rota, one of the six Licensing Sub Committee Chairmen appointed at each Annual Council meeting.
- (3) For the transaction of business at full Committee meetings, the quorum shall be a minimum of five Committee members save that no business shall be transacted unless either the Chairman or Vice-Chairman of the Committee is present.
- (4) The Committee and Sub-Committees shall have full authority to hear and determine licensing applications.
- (5) The Committee and Sub-Committees shall be further empowered to determine appeals made against the decisions of the Head of Environmental Services taken under delegated authority on licensing applications.
- (6) The Committee shall at all times carry out its duties solely within the policy from time to time determined by the Council and shall conduct its proceedings in
... accordance with the requirements set out in Annex 3 (Conduct of Business by Licensing Committee and Sub-Committees).
- (7) The Licensing Committee shall take no part in the production or revision of the statement of licensing policy made under Section 5 of the Licensing Act 2003, however, they may determine policy under the legislation listed in Annex 3.
- (8) To be responsible for the consideration and approval of Designation Orders under Section 13 of the Criminal Justice and Police Act 2001 (Exercise of Controls over the consumption of alcohol in Public Places).

**PART 3(2) -
RESPONSIBILITY OF
FUNCTIONS (LICENSING
COMMITTEE)**

APPENDIX 5 (ANNEX 1)

LICENSING ACT 2003 – LIST OF FUNCTIONS AND DELEGATED AUTHORITY

Matter to be dealt with	Full Committee	Sub Committee	Officers
Application for personal licence		If a police objection	If no objection made
Application for personal licence with unspent convictions		All cases	
Application for premises licence/club premises certificate		If a relevant representation made	If no relevant representation made
Application for provisional statement		If a relevant representation made	If no relevant representation made
Application to vary premises licence/club premises certificate		If a relevant representation made	If no relevant representation made
Application to vary designated premises supervisor		If a police objection	All other cases
Request to be removed as designated premises supervisor			All cases
Application for transfer of premises licence		If a police objection	All other cases
Applications for interim Authorities		If a police objection	All other cases
Application to review premises licence/club premises certificate		All cases	
Decision on whether a complaint is irrelevant frivolous vexatious etc			All cases
Decision to object when local authority is a consultee and not the relevant authority considering the application		All cases	
Determination of a police objection to a temporary		All cases	

event notice			
All policy matters except the formulation of the statement of licensing policy	All cases		

RESPONSIBILITY

**PART 3(2) –
FOR FUNCTIONS
LICENSING COMMITTEE
APPENDIX 5 (ANNEX 2)**

LIST OF STATUTORY POWERS

Those functions pertaining to licensing and registration and permits and consents contained in the following legislation and any regulations, orders, byelaws or other subsidiary legislation made under the above Acts:

Animal Boarding Establishments Act 1963
Breeding & Sale of Dogs (Welfare) Act 1999
Breeding of Dogs Act 1973
Breeding of Dogs Act 1991
Caravan Sites & Control of Development Act 1960
Caravan Sites Act 1968
Dangerous Wild Animals Act 1976
Gambling Act 2005
Guard Dogs Act 1975
House to House Collections Act 1939
Licensing Act 2003
Local Government (Miscellaneous Provisions) Act 1976
Local Government (Miscellaneous Provisions) Act 1982
Pet Animals Act 1951
Pet Animals Act 1951 (Amendment) Act 1983
Riding Establishments Acts 1964 & 1970
Scrap Metal Dealers Act 1964
The Game Act 1831
Town Police Clauses Act 1847
Town Police Clauses Act 1889
Zoo Licensing Act 1981

**PART 3(2) – RESPONSIBILITY
FOR FUNCTIONS**

**APPENDIX 5
(ANNEX 3)**

**PART A – CONDUCT OF BUSINESS BY LICENSING COMMITTEE AND
SUB-COMMITTEES**

All references to committee in this annex shall be taken to infer a reference to the associated sub-committees.

1. General Conduct

- 1.1 All hearings of the Licensing Committee under the Licensing Act 2003, are to be held in accordance with the Personal Licences, Hearings, Premises Licences and Club Premises Certificates, and Licensing Register Regulations, made under the Licensing Act 2003.
- 1.2 The Council's Constitution shall regulate the conduct of and debate at meetings.
- 1.3 In the case of hearings under the Licensing Act 2003, the Committee shall only consider those matters relevant to the licensing objectives as set out in the Licensing Act 2003 and the statement of licensing policy adopted by the Council.

2. Declarations of Interest

- 2.1 Members of the Committee are subject to the Council's Code of Conduct and to advice from the Standard Board for England, details of which will be provided to those members.

3. Participation in the Hearing

- 3.1 Debate shall be restricted to members of the Licensing Committee. Where a local ward member, not being a member of the Committee, wishes to participate in the hearing, they may do so only with the permission of the Chairman and their participation shall be subject to the same rules as are applied to any other witnesses to the application.
- 3.2 In hearings other than those under the Licensing Act 2003, where a ward member is a member of the Committee, and wishes to object to the application, the member shall give 14 days' notice of their intention, and shall play no part in the decision-making process of the Committee. In hearings under the Licensing Act 2003, those named as responsible authorities and interested parties in the Act may only make representations within the time limits set out in the relevant statutory provisions.
- 3.3 All persons participating in the hearing shall be made aware of the limitations or scope of statements that will be acceptable and, in particular, that statements should be factual or a fair statement on a matter of public interest.

3.4 In the case of any hearing pursuant to the summary review procedure under the Violent Crime Reduction Act 2006, the membership of any Sub-Committee adjudicating on such a review shall comprise any three members drawn from the Licensing Committee subject to the proviso that no member should serve more than one hearing.

4. Attendance of the Public

4.1 The Council's Constitution and relevant statutory provisions relating to the admission or exclusion of the public shall apply to all meetings of the Licensing Committee.

5. Natural Justice

5.1 There are two elements to natural justice:

(a) Fairness

(i) All persons affected by the decision or in the case of matters associated with the Licensing Act 2003, those named as responsible authorities and interested parties in the Act, will be allowed a hearing before a decision is made.

(ii) Only objectors who can show clearly that they are affected by a decision shall be afforded the right to be heard or, in the case of hearings under the Licensing Act 2003, only those named in the Act as responsible authorities or interested parties.

(iii) All information shall be made available, where possible in advance, to the applicant and the Committee.

(iv) All members of the Committee shall be present throughout the hearing of a particular application. Where a member arrives late or leaves during a hearing of a particular application, that member shall play no part in the decision-making process. Where an application is adjourned it shall be continued by the same members only, and no others.

(v) The Committee shall have discretion in respect of 'late' objections. Such objections shall be clearly marked on the agenda as such and the Committee shall decide on their acceptability. The applicant shall be advised of any late objections. In the case of representations made in relation to the Licensing Act 2003 applications, these shall only be accepted in accordance with the relevant statutory provisions.

(b) Prevention of Bias

(i) The rules on the declarations of interest shall be firmly applied.

(ii) If the Committee moves into private session to consider its decision, it shall be accompanied only by its advising officers, none of whom shall

have taken a substantive part in the hearing, and shall play no substantive part in the decision-making process.

6. General Procedures for Hearings

6.1 The following procedural requirements shall be followed at all times:

- (a) There shall be no recommendation from officers on the agenda;
- (b) The Committee shall be supplied with copies of all relevant documentation and the process and order of procedure shall be as follows:
 - (i) The Chairman will open the meeting and introduce persons as appropriate asking applicants and representatives to identify themselves.
 - (ii) The Chairman will outline the procedure to be followed.
 - (iii) The Lead Officer will outline the matter in hand.
 - (iv) The applicant or representative will present his/her case, with or without witnesses, and be questioned by members or any objectors/persons making representations present.
 - (v) Any objectors/persons making representations may then present their objections/representation, with or without witnesses, and be questioned by members or the applicant/s or their representative.
 - (vi) The objectors/persons making representations may make a final statement (without introducing new issues).
 - (vii) Finally, the applicant has the right to make a final statement (without introducing new issues).
 - (viii) All evidence/disclosures are to be made in the presence of all persons, unless someone voluntarily excuses themselves from the proceedings.
 - (ix) Committee members shall restrict themselves to questions and not discussion or comment.
 - (x) The applicant, objectors/persons making representations shall be allowed to ask officers questions of a technical/factual nature at any time during the proceedings.
 - (xi) An adjournment should be granted where to do otherwise would deny a fair hearing.
 - (xii) The Committee may resolve to decide upon the application in private session, however, if it becomes necessary to recall anyone

for additional information, everyone shall be invited to return to the Hearing.

- (xiii) The decision shall be given in the presence of all parties that wish to be present and confirmed in writing as soon as possible thereafter. If legal advice is given to members this advice will be repeated in summary form.

By virtue of paragraph(s) 1 of Part 1 of Schedule 12A
of the Local Government Act 1972.

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Report to the Licensing Sub-Committee

Date of meeting: 13 January 2015



**Epping Forest
District Council**

Subject: Street Trading Consent Renewal – Hurricane Way, North Weald

Responsible Officer: Nuala Clark 01992 564340

Democratic Services: Gary Woodhall 01992 564470

Recommendations/Decisions Required:

(1) To determine the application for a renewal of a Street Trading Consent under the Local Government (Miscellaneous Provisions) Act 1982 for Mr. I Polat at Hurricane Way, North Weald

Report:

Application for Grant of a Street Trading Consent

1. On 18 November 2014 the Authority received an application made by Mr Ibrahim Polat for a renewal of a Street Trading Consent to trade at Hurricane Way, North Weald, Essex. A copy of the application is attached to this report. The public notice is also attached.

2. The application sets out the relevant licensing activities applied for and times requested:

- The Sale of Hot and Cold Food and Drink Monday to Sunday 16:00 to 22.00.

Consultation

3. There is no requirement under the Local Government Miscellaneous Provisions Act 1982 Act to carry out any consultation. The Licensing Team notified Essex Police, Environmental Health, the Highways Authority and the Clerk of North Weald Parish Council, as well as local District Councilors Grigg and Stallan. A public notice was also placed on the vehicle.

4. The authority has received 3 letters of objections from local businesses in Hurricane Way; copies of the letters are attached to this report.

5. Essex Police and North Weald Parish Council have no objections to the application.

6. There was one email; of support from a local resident which is also attached. No other responses were received

Conditions

7. The Sub-Committee may attach conditions to a Street Trading Consent as it considers reasonably necessary. These can include conditions to prevent:

- (a) obstruction of the street or danger to persons using it; or
- (b) nuisance or annoyance (whether to persons using the street or otherwise).

8. The Consent can include permission to trade:

- (a) from a stationary van, cart, barrow or other vehicle; or
 - (b) from a portable stall.
9. The Sub-Committee may decide that the Consent is subject to conditions:
 - (a) as to where the holder of the street trading consent may trade by virtue of the permission; and
 - (b) as to the times between which or periods for which he may so trade.
10. Unless the Sub-Committee decides otherwise the Authority's standard conditions will apply to this consent. A copy of these conditions is attached.
11. The Street Trading Consent may be granted for a period not exceeding 12 months.

Appeal

12. The Act provides for no appeal against refusals although decisions have been challenged in the Courts by way of judicial review on the ground that the decision was not properly taken or that there was some procedural irregularity or breach of the rules of natural justice.

Attached Documents

- Application for Street trading consent renewal & Conditions of licence.
- 3 Letters of Objection.
- 2 responses from the police and the parish council - no objection.
- 1 email of support.

Standard Street Trading conditions:

1. This Consent is valid from _____ and no right to its renewal by the Council can be assumed or is implied.
2. The Consent Holder shall at all times comply with the law. Particular attention should be paid to the requirements of the Health and Safety at Work Act 1974 The Food Safety (General Food Hygiene) Regulations 1995 and the Food Safety Act 1990.
3. The Consent Holder shall not cause any nuisance.
4. No recorded or amplified music or radio, shall be played by the Consent Holder or any employee at the stall to the annoyance of any member of the public, local resident or occupier of nearby premises, except in the case of ice-cream vans who may use amplified chimes during permitted hours.
5. No water, rubbish or waste material shall be discharged or deposited on the highway or any adjacent property or into any surface water inspection chamber or gully.
6. The Consent Holder's stall shall be kept in a clean, safe and well maintained condition, to the satisfaction of the Council and its authorised Officers.
7. The Consent Holder shall provide and maintain, at his own expense, adequate refuse receptacles for litter and waste and its disposal.
8. A notice stating the name of the Consent Holder and an address for complaints, shall be displayed in a conspicuous position on the stall at all times when trading is being carried on at the stall.
9. If the Consent Holder or any employee is requested to move the stall by an authorised Council Officer or a Police Officer, he/she shall immediately comply with that request.
10. The Consent Holder shall ensure that disabled people can be served at the stall.
11. Failure to comply with these conditions will put the Consent Holder at risk of having the Consent revoked and/or of prosecution.
12. The Consent Holder shall take out and maintain at all times third party insurance cover with a maximum liability of at least £1,000,000.
13. The Consent Holder shall not place on the street or in a public place, any furniture or equipment other than as permitted by the Consent and he must maintain the same in a clean and tidy condition and not place them so as to obstruct the entrance or exit from any premises.
14. No business other than that included in the 'Description' above shall be carried on at the stall.
15. Litter and trade waste arising from the activities of the consent holder in and around the stall, shall be removed from the site on a daily basis and disposed of in an approved manner
16. The consent holder shall ensure adequate provision for pest control.

THE CONSENT DOES NOT:

1. Permit trading outside the terms of Consent.
2. Indicate that planning permission is not required.

Please note:

- That the requirement to obtain planning permission applies to all streets, whether they have been designated Consent Streets or not.
- That the grant of one or more Street Trading Consents does not give the trader immunity from control.
- Indicate that the unit is exempt from business rates.
- Over ride parking restrictions or any other traffic regulations.
- Imply approval from the Highway Authority or any other person or Authority.

LOCAL GOVERNMENT
(MISCELLANEOUS PROVISIONS) ACT 1982: PART III

APPLICATION FOR STREET TRADING
IN A DESIGNATED 'CONSENT' STREET
(Renewal)



In accordance with Section 3 of the Local Government (Miscellaneous Provisions) Act 1982

I IBRAHIM POLAT
(Please give full name):

of: ERMINE HOUSE MOSELLE ST
LONDON Post Code:

hereby apply for a Street Trading Consent to sell: Hat and cold food + DRINKS
(Description of goods):

At: (Location):.....
in each week on: -

Mondays	from	<u>4pm</u>	to	<u>11.22.00</u>
Tuesdays	from	<u>4pm</u>	to	<u>11.22.00</u>
Wednesdays	from	<u>4pm</u>	to	<u>11.22.00</u>
Thursdays	from	<u>4pm</u>	to	<u>11.22.00</u>
Fridays	from	<u>4pm</u>	to	<u>11.22.00</u>
Saturdays	from	<u>4pm</u>	to	<u>11.22.00</u>
Sundays	from	<u>4pm</u>	to	<u>11.22.00</u>

I wish to trade from a stationary:
(Delete as applicable):

TYPE of VEHICLE	SIZE
VAN	<input checked="" type="checkbox"/> 24 FT
CART	<input type="checkbox"/>
BARROW	<input type="checkbox"/>
OTHER	<input type="checkbox"/>

I am over the age of 17 years. I understand that the fee does not include any element in respect of the collection of refuse by the Council; therefore, I undertake to remove refuse and cleanse the street during and on completion of each day's trading and comply with all conditions attached to a Consent.

Signed: Date: 18.11.14

"The authority is under a duty to protect public funds it administers, and to this end may use information you have provided on this form for the prevention and detection of fraud. It may also share this information with other bodies responsible for auditing or administering public funds for these purposes"

**PUBLIC NOTICE
LOCAL GOVERNMENT (MISCELLANEOUS
PROVISIONS) ACT 1982
Street Trading Consent**

Application has been made by Ibrahim Polat to Epping Forest District Council for consent to sell:

Hot and Cold Food and Drinks at Hurricane Way North Weald Essex on Monday to Sunday 4pm to 22.00pm.

Any representations regarding this application should be made, within 21 days of this notice, to:

Licensing
Epping Forest District Council
Civic Offices
323 High Street
Epping
Essex
CM16 4BZ



Licensing Department, Loughton Police Station
158 High Road, Loughton, IG10 4BE
Telephone: 01279 625 405

Website: www.essex.police.uk Email: Peter.Jones@essex.pnn.police.uk

Mrs Kim Tuckey
Licensing Department
Epping Forest District Council
Civic Offices
High Street
Epping
CM16 4BZ

28 November 2014

Dear Kim,

LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982 – STREET TRADING
Street Trading: Hurricane Way, North Weald
Premise: for Ibrahim Polat

Thank you for your letter dated 8 December 2014 regarding the application for Street Trading.

I have undertaken checks and have no objection to this application.

I look forward to receiving a copy of the license.

Yours sincerely,

Mr Peter Jones ABII
Epping & Brentwood Licensing Officer
West LPA

Nuala Clark

From: Nuala Clark
Sent: 21 November 2014 08:06
To: 'Bryony bonkerzz Brown'
Subject: RE:

Good morning,

Thank you for your e-mail, it will be included as a letter of support for Mr Polat's Street Trading Consent when it is considered at the committee hearing. You will be informed of the outcome.i

Kind regards

-----Original Message-----

From: Bryony bonkerzz Brown [\[mailto:!](mailto:)
Sent: 20 November 2014 19:13
To: Nuala Clark
Subject:

We're writing to you to tell you that the kabab&burger van outside Booker Wholesales is a very good business. We want to hear and see this business in Epping and he would like to go there as we think he would sell much better and is very friendly. We thought we would give him some good feedback so his license is continued and he can carry on serving here, thank you

Nuala Clark

From: Nuala Clark (GCSX)
Sent: 09 December 2014 10:09
To: 'clerk@northweald-pc.gov.uk'
Subject: RE: Renewal of Street Trading Consent Mr Polat Hurricane Way

Thank you for this Susan,

Duly noted.

Kind regards

Nuala

From: Susan De Luca [<mailto:clerk@northweald-pc.gov.uk>]
Sent: 05 December 2014 22:35
To: Nuala Clark (GCSX)
Subject: RE: Renewal of Street Trading Consent Mr Polat Hurricane Way

Hi Nuala

Please see comments from North Weald Bassett Parish Council as shown below

- a) Members were advised of the following Application
Renewal of Street Trading Consent for Mr I Polat: Sale of hot and cold food and drinks
Monday to Sunday 16.00 to 22.00 in Hurricane Way, North Weald
Comments/objections are required by 8.12.2014
NO OBJECTIONS

Kind Regards
Susan

This email is from Susan De Luca
Clerk to North Weald Bassett Parish Council,
Parish Office, North Weald Library, 138 High Road, North Weald, CM16 6BZ

Tel: 01992 523825 Fax: 01992 524756

Parish Office Opening Hours
Monday, Wednesday & Friday
9.15am to 1.15pm

The Parish Council also run the
North Weald Library during these times

From: Nuala Clark (GCSX) [<mailto:nclark@eppingforestdc.gcsx.gov.uk>]
Sent: 18 November 2014 07:52
To: 'Peter Jones'; Richard Gardiner; HighwayEnquiriesWest@essex.gov.uk; clerk@northweald-pc.gov.uk

BASSETT BUSINESS UNITS

Telephone: 01992 524111 / 618000

Fax: 01992 524542

email: bbu@bassettbusinessunits.co.uk

www.bassettbusinessunits.co.uk

Hurricane Way North Weald Epping Essex CM16 6AA

18 November 2014

Epping Forest District Council
Civic Offices
High Street
EPPING
Essex CM16 4BZ

FAO: Nuala Clark – Licence Compliance Officer

Dear Nuala Clark

Mr I Polat – Burger Van GP04WVV - Renewal of Licence – Hurricane Way – North Weald CM16 6AA

I would like to object to the renewal of the Street Trader Licence on the following grounds....

Mr Polat arrived, for the first time, in Hurricane Way on Friday 17 October 2014 at 4pm and has been here every day since up to 10pm.

He set up the van close to the bottle bank with the canopy open to the roadside. He could not be seen by traffic coming from the Epping direction, but could be seen by traffic coming from Ongar.

By Wednesday 22nd he set up further back towards the Bookers entrance. There were 3 youngsters (aged approximately 6-10 years) standing around the van in the middle of the road. Drivers from BBU and Hangar 1 had to pass around the youths and over to the other side of the road. Vehicles could not be seen by drivers exiting Bookers car park as the van was blocking the line of vision.

By Friday 24th he had parked right on the bend extremely close to York Road.

Over the last 2 weeks he has set up opposite the Museum facing into the road and blocking the lane out of Hurricane Way and access through to York Road, making traffic from BBU and Bookers go onto the wrong side of the road. It is now dark early and it is dangerous. Children and adults are being served in the road and not on the pavement.

Mr Polat has been arriving earlier than the scheduled 4pm. At the weekend he parked across the gates of Bookers and last evening (17 November) he was parked on the same side as the Museum serving pavement side. The van is too big as it completely blocks one side of the road and is too close to the junction with the main road. An HGV entered Hurricane Way so there was no room for a

tenant here to pass between to exit onto the main road. This has to be a case for the Essex Highways department? (See rough drawing attached).

As far as we can tell he has no toilet facilities. This has to be against health and safety regulations?

Hurricane Way is too isolated and not a good location for him. He is not getting customers when parked safely where he is supposed to be as he can't be seen. When he moves to within sight of passing traffic/pedestrians he is endangering the public and obstructing traffic.

I hope you will consider my objections to the renewal of his Licence. Thank you.

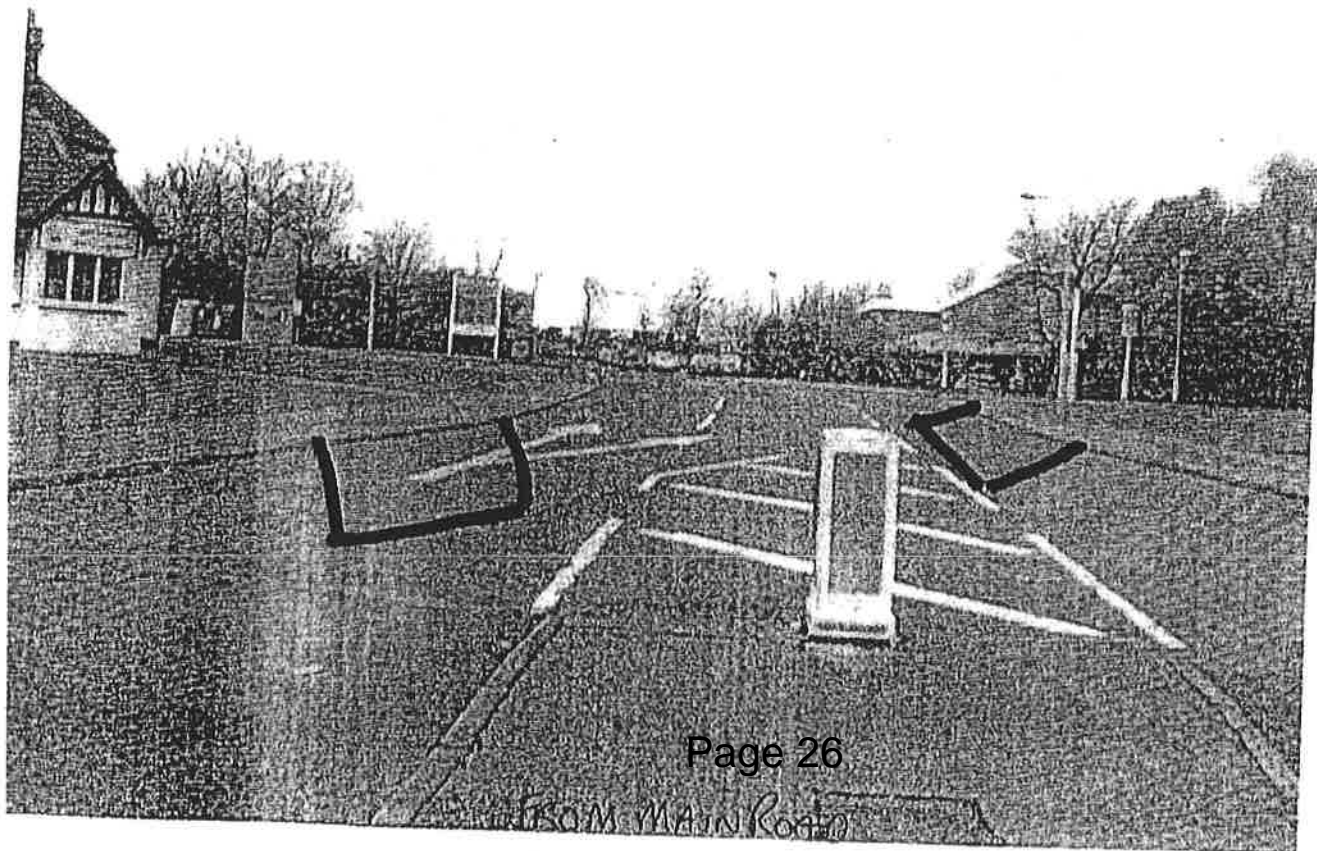
Yours sincerely

PIP AMBROSE
Manager
Bassett Business Centre



TO
MAIN
ROAD

HURRICANE WAY



Unit 1, Bassett Business Centre,
Hurricane Way,
North Weald,
Essex,
CM16 6AA.
TEL: 01992 618 041

Epping Forest District Council
Civic Offices
High Street
Epping
Essex CM16 4BZ

F.A.O Nuala Clark – Licence Compliance Officer

I wish to register an objection to the renewal of the street trader's licence in Hurricane Way
On the following points.

- 1) Licence started in January 2014. He actually didn't start trading until October 2014.
- 2) The burger van vehicle takes up one lane width on the road.
- 3) He parks close to the bottle bank and serving roadside with large canopy protruding.
Drivers from Bassett Business Units and Hangar 1 have to pass around the van onto the wrong side of the road avoiding youths/children in the middle of the road.
Our vehicles cannot be seen by drivers exiting Bookers car parks as the van is blocking the line of vision it is also dark, now its winter.
- 4) Sometimes parking outside the Museum, serving roadside, or sometimes kerbside, and overhanging canopy obstructing drivers view when turning into Hurricane Way.
Wherever he parks he is blocking access to roads.
- 5) He is endangering the public and obstructing traffic and roads.
- 6) He has no toilet facilities, which surely raises health and safety issues, and possibly sanitary Issues.
- 7) Hurricane Way is clearly not a suitable area for this type of catering vehicle.

Look forward to hearing your views about this problem.

Kind Regards

Loraine Wilks

Office Manager.

North Weald Bassett Neighbourhood Action Panel
15, Brookfield
Weald Hall Lane,
Thornwood Common,
Epping,
CM16 6NG

Epping Forest District Council
Civic Offices
High Street
Epping
Essex
CM16 4BZ

5th December 2014

FAO: Nuala Clark - Licence Compliance Officer

Dear Ms Clark,

Ref the 'Renewal of Licence' application made by Mr I Polat for a burger van in Hurricane Way.

At a recent meeting of the North Weald Bassett NAP it became clear that a number of our local residents had concerns about the burger van that has been trading in Hurricane Way between 4pm and 10pm.

The most serious worry is that the van greatly restricts the access road to Bookers and the Bassett Business Units. This is a very busy thoroughfare used by many large vehicles servicing the local businesses. It must impede driver's sight lines and this becomes even more dangerous during the winter months when it gets dark earlier.

We are also mindful that food outlets of this type can quickly become hotspots for ASB and litter without constant Policing. In the present economic climate it is unlikely our Community Police Team will have the resources to monitor this in an effective way.

Please see this letter as an objection, on behalf of the North Weald Bassett Neighbourhood Action Panel, to the renewal application.

Your sincerely


Mick Sheen
NAP Secretary

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Report to the Licensing Sub-Committee

Date of meeting: 13 January 2015



Subject: Application for a Street Trading Consent -
Oakwood Hill Industrial Estate, Loughton

**Epping Forest
District Council**

Responsible Officer: Nuala Clark (01992 564340).

Democratic Services: Gary Woodhall (01992 564470).

Recommendations/Decisions Required:

(1) To determine the application for a Street Trading Consent under the Local Government (Miscellaneous Provisions) Act 1982 for Mr. C Davis at Oakwood Hill Industrial Estate, Loughton.

Report:

Application for Grant of a Street Trading Consent

1. On 17 October 2014 the Authority received an application made by Mr. Colin Davis for a Street trading consent to trade on Oakwood Industrial Estate Loughton Essex. A copy of the application is attached to this report. The public notice is also attached. The application sets out the relevant licensing activities applied for and times requested:

- Mondays to Saturday 06:00am to 16:00pm: The sale of hot and cold food and soft drinks.

2. There was a trader there between the years of October 2012 to October 2013; however that trader did not wish to renew his consent, this is a new applicant.

Consultation

3. There is no requirement in the Local Government Miscellaneous Provisions Act 1982 to carry out any consultation. The Licensing Team notified Essex Police, Environmental Health, the Highways Authority and the Clerk of Loughton Town Council, as well as placing a notice in the Council Bulletin. Councillors K Angold-Stevens and S Murray were also consulted as interested parties. A public notice was also placed in the local paper and at the proposed site.

4. There were responses from Loughton Town Council and Essex Police stating that they had no objections to the application. Observations were received from Councilor Angold-Stevens and the Highways Agency stating that they had no objection in principle as long as no obstruction was caused and that traffic control restrictions were strictly adhered to. No other responses were received.

Conditions

5. The Sub-Committee may attach conditions to a street trading consent as it considers reasonably necessary. These can include conditions to prevent:

- (a) obstruction of the street or danger to persons using it; or
- (b) nuisance or annoyance (whether to persons using the street or otherwise).

6. The Consent can include permission to trade:

- (a) from a stationary van, cart, barrow or other vehicle; or
 - (b) from a portable stall.
7. The Sub-Committee may decide that the Consent is subject to conditions:
- (a) as to where the holder of the street trading consent may trade by virtue of the permission; and
 - (b) as to the times between which or periods for which he may so trade.
8. Unless the Sub-Committee decides otherwise the Authority's standard conditions will apply to this consent. A copy of these conditions is attached.
9. The street trading consent may be granted for a period not exceeding 12 months.

Appeal

10. The Act provides for no appeal against refusals although decisions have been challenged in the Courts by way of judicial review on the ground that the decision was not properly taken or that there was some procedural irregularity or breach of the rules of natural justice.

Attached documents

- Application for Street Trading Consent & Conditions of Licence.
- Newspaper notice.
- Responses from Essex Police, Loughton Town Council, Councilor Angold-Stevens and The Highways Agency.

Standard Street Trading Conditions:

1. This Consent is valid from _____ and no right to its renewal by the Council can be assumed or is implied.
2. The Consent Holder shall at all times comply with the law. Particular attention should be paid to the requirements of the Health and Safety at Work Act 1974 The Food Safety (General Food Hygiene) Regulations 1995 and the Food Safety Act 1990.
3. The Consent Holder shall not cause any nuisance.
4. No recorded or amplified music or radio, shall be played by the Consent Holder or any employee at the stall to the annoyance of any member of the public, local resident or occupier of nearby premises, except in the case of ice-cream vans who may use amplified chimes during permitted hours.
5. No water, rubbish or waste material shall be discharged or deposited on the highway or any adjacent property or into any surface water inspection chamber or gully.
6. The Consent Holder's stall shall be kept in a clean, safe and well maintained condition, to the satisfaction of the Council and its authorised Officers.
7. The Consent Holder shall provide and maintain, at his own expense, adequate refuse receptacles for litter and waste and its disposal.
8. A notice stating the name of the Consent Holder and an address for complaints, shall be displayed in a conspicuous position on the stall at all times when trading is being carried on at the stall.
9. If the Consent Holder or any employee is requested to move the stall by an authorised Council Officer or a Police Officer, he/she shall immediately comply with that request.
10. The Consent Holder shall ensure that disabled people can be served at the stall.
11. Failure to comply with these conditions will put the Consent Holder at risk of having the Consent revoked and/or of prosecution.
12. The Consent Holder shall take out and maintain at all times third party insurance cover with a maximum liability of at least £1,000,000.
13. The Consent Holder shall not place on the street or in a public place, any furniture or equipment other than as permitted by the Consent and he must maintain the same in a clean and tidy condition and not place them so as to obstruct the entrance or exit from any premises.
14. No business other than that included in the 'Description' above shall be carried on at the stall.
15. Litter and trade waste arising from the activities of the consent holder in and around the stall, shall be removed from the site on a daily basis and disposed of in an approved manner
16. The consent holder shall ensure adequate provision for pest control.

THE CONSENT DOES NOT:

1. Permit trading outside the terms of Consent.
2. Indicate that planning permission is not required.



Please note:

- That the requirement to obtain planning permission applies to all streets, whether they have been designated Consent Streets or not.
- That the grant of one or more Street Trading Consents does not give the trader immunity from control.
- Indicate that the unit is exempt from business rates.
- Over ride parking restrictions or any other traffic regulations.
- Imply approval from the Highway Authority or any other person or Authority.

LOCAL GOVERNMENT
(MISCELLANEOUS PROVISIONS) ACT 1982: PART III

APPLICATION FOR CONSENT FOR STREET TRADING
IN A DESIGNATED 'CONSENT' STREET



Corporate Support Services

In accordance with Section 3 of the Local Government (Miscellaneous Provisions) Act 1982

SECTION 1

Applicant Details

* First Name

Colin

* Family name

Davis

* E-mail

Main telephone number

Include country code

Other telephone number

Indicate here if you would prefer not to be contacted by telephone

Are you:

Applying as a business or organization, including as a sole trader

Applying as an individual

A sole trader is a business owned by one person without any special legal structure. Applying as an individual means you are applying so you can be employed, or for some other personal reason, such as following a hobby.

Applicant Business or Organisation

*Is your business registered in the UK with Companies House?

Yes

No

* Is your business registered outside the UK?

Yes

No

* Business name

If your business is registered, use its registered name.

* Vat Number

none

Put "none" if you are not registered for VAT.

* Legal status

* Your position in the business or organisation

Home country

United Kingdom

The country where the headquarters of your business is located

Business Address

* Building number or name

[Empty box]

If you have one, this should be your official address - that is an address required of you by law for receiving communications

* Street

Whitehills Rd

District

[Empty box]

* City or town

Loughton Essex

County or administrative area

[Empty box]

* Post Code

[Empty box]

* Country

United Kingdom

SECTION 2 of 11

Further Details about the Applicant (If applying as an Individual)

Former name(s)

[Empty box]

If currently or previously known by any other name(s), you must record them here.

Home Address

Is the address the same as (or similar to) the address given in section one?

Yes

No

If "Yes" is selected you can re-use the details from section one, or amend them as required. Select "No" to enter a completely new set of details.

* Building number or name

[Empty box]

* Street

Whitehills Rd

District

[Empty box]

* City or town

Loughton Essex

County or administrative area

[Empty box]

* Post Code

[Empty box]

* Country

United Kingdom

Further Details

* Date of Birth

dd

mm

....

* Place of birth

leytonStone

National Insurance Number

SECTION 3 of 11

Directors, Partners, Owners and Managers (If Company Club)

You must provide details of all COMPANY DIRECTORS and the SECRETARY (if the applicant is a company), all PARTNERS (if it is a partnership), OFFICE BEARERS (if it is a club or association), all OWNERS of the business or premises and all MANAGERS of the business or organization, including day-to-day MANAGERS OF THE PREMISES.

* Are there any such people for whom you need to provide details?

Yes

No

If so please supply information on a separate sheet.

SECTION 4 of 11

Type of Application

Type of application

New

Renewal

Specify the period for which The licence is required (if applicable)
This period cannot exceed one year

SECTION 5 of 11

Application Details

Check guidance notes and conditions before completing this section.

* Trading Name

TO BE ADVISED

What You Want to Trade

* List all the goods and services you want to offer for sale

Hot + cold Food + DRINKS

* Does this include selling food or drink?

Yes

No

* Where will goods be stored when not on sale?

in fridges in The freezer

When You Want to Trade

In each week on: -

Mondays	from	<input type="text" value="0600"/>	to	<input type="text" value="1600"/>
Tuesdays	from	<input type="text" value="0600"/>	to	<input type="text" value="1600"/>
Wednesdays	from	<input type="text" value="0600"/>	to	<input type="text" value="1600"/>
Thursdays	from	<input type="text" value="0600"/>	to	<input type="text" value="1600"/>
Fridays	from	<input type="text" value="0600"/>	to	<input type="text" value="1600"/>
Saturdays	from	<input type="text" value="0600"/>	to	<input type="text" value="1600"/>
Sundays	from	<input type="text"/>	to	<input type="text"/>

Where You Want to Trade

* Type of trading

Mobile

Stationary

* Street(s)/location(s) where you wish to trade. (If stationary in one location please supply a plan.)

ANY LOCATION ON OAKWOOD HILL INDUSTRIAL ESTATE WHERE NO OBSTRUCTION WILL BE CAUSED AND FULL COMPLIANCE WITH TRAFFIC CONTROLS.

SECTION 6 of 11

Details of vehicle, stall and/or container

* Will you be using a vehicle in connection with your work as a trader?

Yes No

* Description of unit from which you intend to trade, including dimensions

Catering trailer L10F X W7F X 8F height
Towable.

* Where will the unit be stored when not in use?

on my Drive / or lock up in Loughton.

* You will be required to produce to the Licensing Officer

- A current MOT and insurance certificate, if you are trading from a vehicle.

SECTION 7 of 11

Public Liability Insurance

You must have third party liability insurance cover for £1,000,000.

5.

A copy of the certificate of insurance must be produced to the Licensing Officer

SECTION 8 of 11

Previous Applications

* Have you, or any person named in or associated with this application, previously applied for a similar licence or registration? (Check all that apply).

No

Yes – application granted and revoked

Yes – application granted

Yes – application refused

SECTION 9 of 11

Convictions

* Have you, or any person named in or associated with this application, been convicted of any crime or offence?

Yes

No

SECTION 10 of 11

Additional Details

Provide any additional information which is required or relevant to your application (check for local guidance notes and conditions which may provide details of specific requirements in your area).

I AM A FULLY QUALIFIED CHEF, UP TO LEVEL 2.
FOOD HYGIENE.

SECTION 11 of 11

Payments Details

Fee payable when submitting the application - £365.00

Please return this form to:

Senior Licensing Officer
Epping Forest District Council
Civic Offices
High Street
Epping
Essex CM16 4BZ

DECLARATION

I am over the age of 17 years. I understand that the fee does not include any element in respect of the collection of refuse by the Council; therefore, I undertake to remove refuse and cleanse the street during and on completion of each day's trading and comply with all conditions attached to a Consent.

Full Name: Colin DAVIS

Capacity: _____

Signed: _____ Date 17.10.2014

"The authority is under a duty to protect public funds it administers, and to this end may use information you have provided on this form for the prevention and detection of fraud. It may also share this information with other bodies responsible for auditing or administering public funds for these purposes"

ZB/LICENSING/MASTERS/APPLIC FORM - STREET TRADING IN DESIG CONSENT STREET





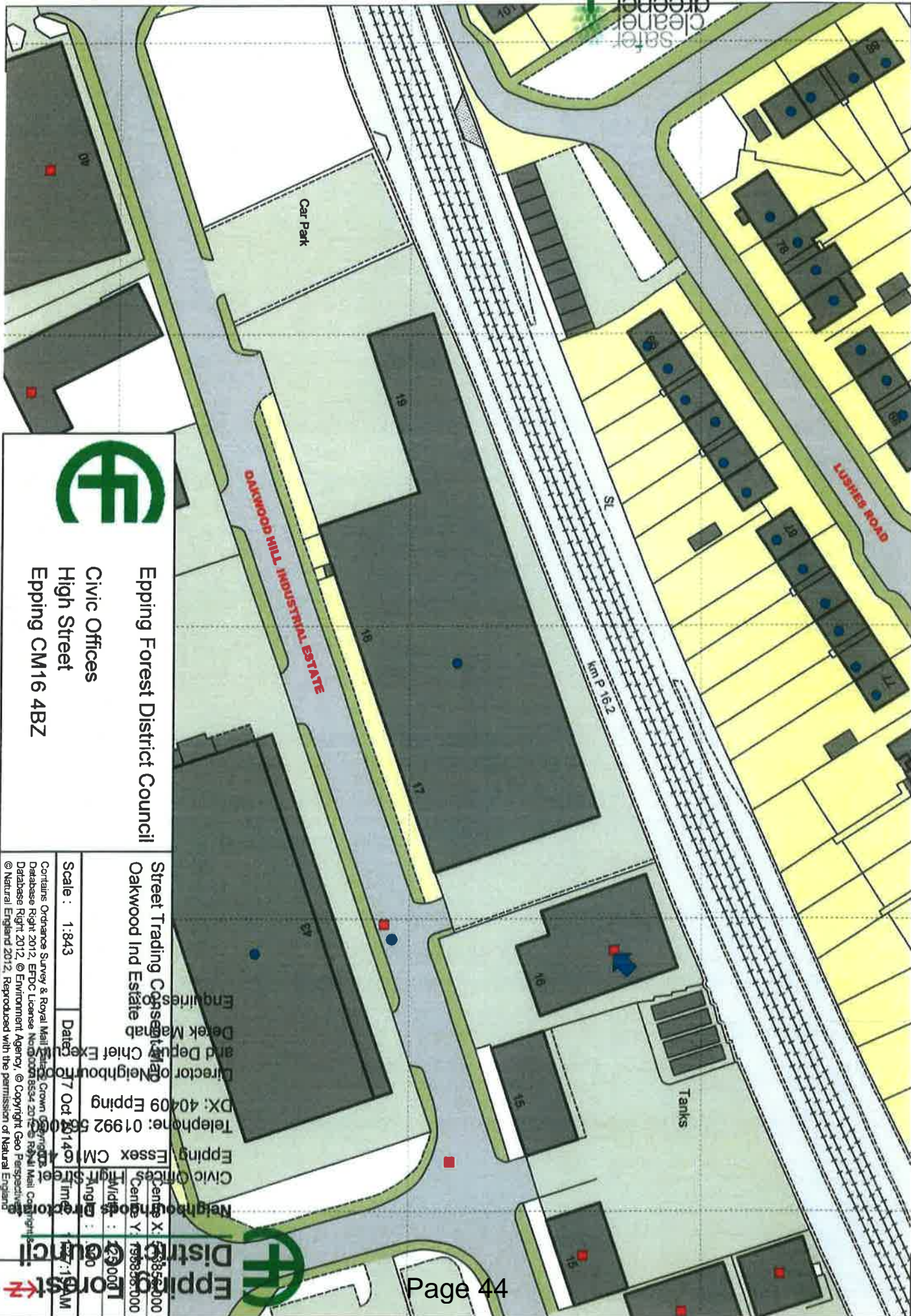
WALTHAM FOREST
ENGINEERING

CATERING 1 tables
XXXXXXXXXX

entrance

OAKWOOD HILL INDUSTRIAL ESTATE

OAKWOOD HILL



Epping Forest District Council

Civic Offices

High Street

Epping CM16 4BZ

Epping Forest District Council
 Civic Offices
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 Epping, Essex CM16 4BZ
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Public Notices
PUBLIC NOTICE
LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982
Street Trading Consent
Application has been made by Colin Davis to Epping Forest District Council for consent to sell hot & cold, food & drinks at Oakwood Hill Industrial Est., Loughton, IG10 3TZ on Monday to Saturday between 0600 & 1600hrs. Any representations regarding this application should be made, within 21days of this notice, to: Corporate Support Services, Epping Forest District Council, Civic Offices, 323 High Street, Epping, Essex CM16 4BZ

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Licensing Department, Loughton Police Station
158 High Road, Loughton, IG10 4BE
Telephone: 01279 625 405

Website: www.essex.police.uk Email: Peter.Jones@essex.pnn.police.uk

Mrs Kim Tuckey
Licensing Department
Epping Forest District Council
Civic Offices
High Street
Epping
CM16 4BZ

30 October 2014

Dear Kim,


LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982 – STREET TRADING
Street Trading: Oakwood Hill Industrial Estate
Premise: Colin Davis Hot & Cold Food & Drink

Thank you for your letter dated 17 October 2014 regarding the application for Street Trading.

I have undertaken checks and have no objection to this application.

I look forward to receiving a copy of the license.

Yours sincerely,


Mr Peter Jones ABII
Epping & Brentwood Licensing Officer
West LPA

Nuala Clark

From: Nuala Clark (GCSX)
Sent: 03 November 2014 14:17
To: Highway Enquiries
Subject: RE: Oakwood Industrial Estate ref 2364465

Dear Liz,

Thank you for your response, the contents have been noted and your comments will be passed to the Licensing Committee for consideration at the hearing.

Kind regards

From: Highway Enquiries [<mailto:Highway.Enquiries@essex.gov.uk>]
Sent: 03 November 2014 12:33
To: Nuala Clark (GCSX)
Subject: Oakwood Industrial Estate ref 2364465

Dear Nuala

Thank you for your email 17 October 2014.

We have reviewed this location and note there are no Parking Restrictions on this estate, however there is corner protection at the entrance to this estate.

If the vehicle is not causing an obstruction and highway users are able to use the footway and the carriageway safely we have no comments at this time. However it is understanding you will agree a License for this.

I hope this is sufficient for your needs.

Regards.

Liz Powles
Highway Technical Advisor
Corporate and Customer Services

Essex County Council
Telephone 0845 603 7631
Email Highway.enquiries@essex.gov.uk

Please consider the environment before printing the email

Customer Experience Feedback

Essex County Council would like to know whether you are satisfied with this response?

Our Ref: L1.1/VRM



LOUGHTON
TOWN COUNCIL

1 Buckingham Court, Rectory Lane
Loughton, Essex IG10 2QZ
Telephone: 020 8508 4200
Facsimile: 020 8508 4400
e-mail: contact@loughton-tc.gov.uk
Web site: www.loughton-tc.gov.uk
Town Clerk: Enid K Walsh

Ms Sarah Kits
Licensing Section
Epping Forest District Council
Civic Offices
Epping CM16 4BZ
(Emailed: skits@eppingforestdc.gcsx.gov.uk)

5 November 2014

Dear Ms Kits

**Re: Local Government (Miscellaneous Provisions) Act 1982 Street Trading Licence –
Street Trading Consent – Oakwood Hill Industrial Estate – Mr Colin Davis**

Please be advised that at the Planning and Licensing Committee meeting on 3 November 2014, members had NO OBJECTION to this street trading application.

Yours sincerely

Vivienne Messenger
Planning Committee Clerk

Nuala Clark

From: Nuala Clark (GCSX)
Sent: 20 October 2014 08:04
To: 'Ken Angold-Stephens'
Subject: RE: OAKWOOD HILL ST TRADING APP

Good morning Cllr Angold-Stephens,

Thank you for your very speedy response, I have made the applicant fully aware that his trailer must abide by any traffic restrictions and must not cause an obstruction. As the consent allows him to park on any part of the road applied for he is confident that he can always find a suitable spot.

As a new application he is required to attend a meeting and your comments will be added to the agenda for consideration by the committee.

Kind regards

From: Ken Angold-Stephens [<mailto:ken.angold-stephens@essex.gov.uk>]
Sent: 17 October 2014 15:44
To: Nuala Clark (GCSX)
Subject: RE: OAKWOOD HILL ST TRADING APP

Hi Nuala

No objection in principle but am concerned about potential traffic issues as a lot of large vehicles use that road and there is parking on either side of the road too. It can be quite tight on occasions so it needs to be parked somewhere where it cannot cause an obstruction.

Ken

From: Nuala Clark (GCSX) [<mailto:nclark@eppingforestdc.gcsx.gov.uk>]
Sent: 17 October 2014 12:24
To: 'Richard Smith'; 'Archer'; 'highway.enquiries@essex.gov.uk'
Cc: 'id Walsh'
Subject: FW: OAKWOOD HILL ST TRADING APP

Good afternoon,

Please see attached Street trading Consent application for Mr Colin Davis the application is for:

The sale of hot and cold food and drink from a trailer on Oakwood industrial Estate Loughton Monday to Saturday 06.00 to 16:00.

Please let me have any objections/comments by 6.11.2014

Councillors Angold-Stevens and Stephen Murray (under separate cover) and the Town Council have been included as interested parties.

Kind regards

From: css01@eppingforestdc.gov.uk [<mailto:css01@eppingforestdc.gov.uk>]
Sent: 17 October 2014 12:01
To: Nuala Clark
Subject: OAKWOOD HILL ST TRADING APP

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