



Licensing and Enforcement Sub-Committee

Meeting: Wednesday, 11th February 2015 at 6.15 pm in Civic Suite, North Warehouse, The Docks, Gloucester, GL1 2EP

Membership:	Cllrs. Randle, Noakes and C. Witts
Contact:	Anthony Wisdom Democratic Services Officer 01452 396158 anthony.wisdom@gloucester.gov.uk

AGENDA

1.	ELECTION OF CHAIR To appoint a Chair for the meeting.
2.	DECLARATION OF INTERESTS To receive from Members, declarations of the existence of any disclosable pecuniary, or non-pecuniary, interests and the nature of those interests in relation to any agenda item. Please see Agenda Notes.
3.	APPEAL AGAINST THE REFUSAL TO RENEW A STREET TRADING CONSENT - HOT FOOD UNIT, LAY-BY OFF INNSWORTH LANE, GLOUCESTER (Pages 5 - 40) To receive the report of the Head of Public Protection.

M. Shields

.....
Martin Shields
Corporate Director of Services and Neighbourhoods

NOTES

Disclosable Pecuniary Interests

The duties to register, disclose and not to participate in respect of any matter in which a member has a Disclosable Pecuniary Interest are set out in Chapter 7 of the Localism Act 2011.

Disclosable pecuniary interests are defined in the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 as follows –

<u>Interest</u>	<u>Prescribed description</u>
Employment, office, trade, profession or vocation	Any employment, office, trade, profession or vocation carried on for profit or gain.
Sponsorship	Any payment or provision of any other financial benefit (other than from the Council) made or provided within the previous 12 months (up to and including the date of notification of the interest) in respect of any expenses incurred by you carrying out duties as a member, or towards your election expenses. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.
Contracts	Any contract which is made between you, your spouse or civil partner or person with whom you are living as a spouse or civil partner (or a body in which you or they have a beneficial interest) and the Council (a) under which goods or services are to be provided or works are to be executed; and (b) which has not been fully discharged
Land	Any beneficial interest in land which is within the Council's area. For this purpose "land" includes an easement, servitude, interest or right in or over land which does not carry with it a right for you, your spouse, civil partner or person with whom you are living as a spouse or civil partner (alone or jointly with another) to occupy the land or to receive income.
Licences	Any licence (alone or jointly with others) to occupy land in the Council's area for a month or longer.
Corporate tenancies	Any tenancy where (to your knowledge) – (a) the landlord is the Council; and (b) the tenant is a body in which you, your spouse or civil partner or a person you are living with as a spouse or civil partner has a beneficial interest
Securities	Any beneficial interest in securities of a body where – (a) that body (to your knowledge) has a place of business or land in the Council's area and (b) either – i. The total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or ii. If the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which you, your spouse or civil partner or person with

whom you are living as a spouse or civil partner has a beneficial interest exceeds one hundredth of the total issued share capital of that class.

For this purpose, “securities” means shares, debentures, debenture stock, loan stock, bonds, units of a collective investment scheme within the meaning of the Financial Services and Markets Act 2000 and other securities of any description, other than money deposited with a building society.

NOTE: the requirements in respect of the registration and disclosure of Disclosable Pecuniary Interests and withdrawing from participating in respect of any matter where you have a Disclosable Pecuniary Interest apply to your interests and those of your spouse or civil partner or person with whom you are living as a spouse or civil partner where you are aware of their interest.

Access to Information

Agendas and reports can be viewed on the Gloucester City Council website: www.gloucester.gov.uk and are available to view five working days prior to the meeting date.

For further details and enquiries about this meeting please contact Anthony Wisdom, 01452 396158, email anthony.wisdom@gloucester.gov.uk.

For general enquiries about Gloucester City Council’s meetings please contact Democratic Services, 01452 396126, democratic.services@gloucester.gov.uk.

If you, or someone you know cannot understand English and need help with this information, or if you would like a large print, Braille, or audio version of this information please call 01452 396396.

Recording of meetings

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Any recording must take place in such a way as to ensure that the view of Councillors, Officers, the Public and Press is not obstructed. The use of flash photography and/or additional lighting will not be allowed unless this has been discussed and agreed in advance of the meeting.

FIRE / EMERGENCY EVACUATION PROCEDURE

If the fire alarm sounds continuously, or if you are instructed to do so, you must leave the building by the nearest available exit. You will be directed to the nearest exit by council staff. It is vital that you follow their instructions:

- You should proceed calmly; do not run and do not use the lifts;
- Do not stop to collect personal belongings;
- Once you are outside, please do not wait immediately next to the building; gather at the assembly point in the car park and await further instructions;
- Do not re-enter the building until told by a member of staff or the fire brigade that it is safe to do so.

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Meeting:	Licensing and Enforcement Sub-Committee	Date:	11 February 2015
Subject:	Appeal against the refusal to renew a Street Trading Consent – Hot Food unit, Lay-by off Innsworth Lane, Gloucester		
Report Of:	Gill Ragon – Head of Public Protection		
Wards Affected:	Longlevens		
Contact Officer:	Richard Barnett – Licensing And Enforcement Officer		
	Email: Richard.Barnett@Gloucester.gov.uk		Tel: 396311
Appendices:	<ol style="list-style-type: none"> 1. Street Trading Criteria 2. Application to renew Street Trading consent 3. Copies of representations received 4. Refusal letter for Street Trading consent 5. Appeal letter from Mr. Aslantepe 6. Letters received on 22.01.15 and 02.02.15 in support to renew application. 7. Map of location 		
Reference No.	ES21192		

FOR GENERAL RELEASE.

1.0 Purpose of Report

1.1 To consider the appeal of Mr Aslantepe against the refusal to renew a street trading consent against agreed criteria.

2.0 Recommendations

2.1 Members are recommended to **RESOLVE** that:-

The appeal against the refusal to renew the street trading consent for a catering unit located in Innsworth Lane (Ref:STAPP44) is dismissed for the following reasons:-

- (1) The unit is not compatible within the location it is situated
- (2) Issues have been raised that there has been an increase in noise, smells, litter and late night disturbance and,
- (3) The Street Trading Unit is not complementary to the ambiance and vitality of the location.

3.0 Background

- 3.1 In accordance with Schedule 4 to the Local Government (Miscellaneous Provisions) Act 1982, Gloucester City Council has adopted criteria in a Street Trading Consent scheme, where Street Trading covers the selling or exposing or offering for sale of any article in a designated street.
- 3.2 On 1st April 2009, Gloucester City Council adopted a new Street Trading management regime which designated all streets in Gloucester City as 'consent streets'. Consents provide a more flexible means of controlling street trading and are not limited by statute in their refusal or revocation. Applications are therefore subject to the individual merits and fulfilling set criteria.
- 3.3 Potential traders can apply for consent to trade in any street and applications are assessed on their own merits. There is a standard set of criteria that was agreed by Council on 21st March 2013 which is used by officers to determine Street Trading Consent applications. This can be found in **APPENDIX 1**.
- 3.4 Trading in a consent street is prohibited unless the trader has received written consent from Gloucester City Council.

The Application

- 3.5 Mr Aslantepe first applied for street trading consent at Innsworth Lane Lay-by in January 2014.
- 3.6 The Street Trading consent was granted for a temporary 6 month period from 9th June 2014 until 8th December 2014, because concerns were raised during the consultation process about a possible increase in Anti Social behaviour and other issues such as littering, noise etc. arising from these activities. A temporary consent was decided to allow Officers to determine whether those concerns would materialise.
- 3.7 During the first month of their trading period, local Ward Councillors passed on concerns that were raised about this unit to the Licensing Team. These issues included:
- Increase in traffic, making it difficult to park outside the allotments
 - Wheel spinning and fast driving in the area
 - Increase in litter seen in both fields and streets
 - Antisocial behaviour (noise, litter, smell of cannabis smoke)
 - Groups of youths hanging around
- No further complaints or concerns were received by the Licensing Team after July 2014.
- 3.8 An application to renew Street Trading consent for a catering unit in Innsworth Lane Ref: STAPP44 was received on 11th November 2014. A copy of the application and location plan can be seen attached as **APPENDIX 2**. The application was for the exact same days and times and with no changes being made to the unit or location.

- 3.9 As no changes were to be made, a 14 day consultation period started on the 24th November 2014. It was considered appropriate to re-consult on this application because consent was originally granted for a temporary period to determine whether the original objections received were substantiated.
- 3.10 During consultation period, six representations were received. Four of the representations were against the application being granted, one representation stated that they had no objection as long as there were not any changes to the original consent issued on 9th June 2014 and one representation was in support of the application. A copy of all six representations are attached in **APPENDIX 3**.
- 3.11 Once the consultation period had ended all representations both for and against the application were considered in relation to the criteria for determining street trading applications. The renewal application was refused by officers on the grounds outlined in paragraph 5.1 below. A copy of the refusal letter sent on 10th December 2014 can be seen attached in **APPENDIX 4**.

Appeal Details

- 3.12 An appeal letter was received on 29th December 2014 from Mr. Aslantepe outlining the reasons which he believes the Street Trading consent should be granted. This can be seen in **APPENDIX 5**. In summary the grounds of his appeal include:
- Since trading in this location, there has been a reduction in fly tipping, drug dealing and anti-social behaviour in and around Innsworth Lane.
 - At the end of the night the trader walks around the area picking up litter relating to both his business and other sources.
 - The trader's service adds to the variety of different foods available to the public, and the food is of a high standard and at competitive prices.
 - Clients who arrive by car are only there for a short time, whilst their order is completed.
- 3.13 A petition in support of the catering unit was handed in at the reception of Gloucester City Council on 24th December 2014.
- 3.14 The petition consists of around 343 signatures. The petition has not been published with this report due to some of the names and addresses being fictitious and some of the comments being of an offensive nature. However, it will be available at the Hearing should Members wish to consider this.
- 3.15 Two further letters were received by email on 22nd January and 2nd February 2015 in support of the application to renew Street Trading Consent. The letters outlining reasons in support can be seen in **APPENDIX 6**.

4.0 Alternative Options Considered

- 4.1 Should Members decide that the applicant's grounds for appeal against the Officer's decision is valid and outweigh the grounds for refusal. Members may accept the appeal lodged by Mr Aslantepe and agree to renew the street trading consent as applied for.

5.0 Reasons for Recommendations

5.1 This application was not straight forward because representations both in support and against this application have been received. On balance the Officer's recommendation was to refuse this application for the following reasons:

(1) The unit is not compatible within the location it is situated.

Objections were received from Developmental Control and two residents citing this reason.

(2) Issues have been raised that there has been an increase in noise, smells, litter and late night disturbance.

Objections were received from two residents citing this reason. There is scope to control noise, smells and litter under conditions attached to the consent, however some instances of disturbance such as anti-social behaviour are more difficult to control through conditions.

(3) The Street Trading Unit is not complementary to the ambiance and vitality of the location.

Objections were received from Developmental Control and two residents citing this reason.

5.2 Further objections were also received from a ward Councillor and two residents that the location of this unit is causing obstruction to the parking area available for users of the allotment and the sports field. This was not included as a reason for refusal because a second Councillor indicated that cars only stop there for a few minutes and then leave and that there is capacity to park nearby. The Licensing team have not received any objections from either the Police or Highways relating to traffic obstructions of this highway.

5.3 The trader does not currently have planning permission to operate in this location. However, the lack of planning permission alone is not a reasonable ground to refuse street trading consent, because Development Control have their own enforcement powers to deal with activities that do not have planning permission.

6.0 Conclusions

6.1 Members should consider the relevant information, Street Trading Criteria and representations received and make a decision in accordance with the options outlined in paragraph 2.1 or 4.1 of this report.

6.2 The Committee is recommended to dismiss the appeal and uphold the reasons for refusal.

7.0 Financial Implications

7.1 There are no direct financial implications associated with this report.

(Financial Services have been consulted in the preparation this report.)

8.0 Legal Implications

- 8.1 Street Trading is regulated under Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982.
- 8.2 On the 19th February 2009 Council designated all streets in Gloucester City as Consent Streets with effect from 31st March 2009. At the same time, the Council adopted a scheme to determine Street Trading Consent applications. A Street Trading Consent is therefore required before any person can trade on any street in Gloucester City unless the trading is specifically made exempt under Schedule 4 of the Act.
- 8.3 Under the Act, the meaning of “street” is given a wide definition, going beyond being just highway, to include:
“(i) any road, footway, beach or other area to which the public have access without payment; and
(ii) service areas as defined under Section 329 of the Highways Act 1980, and also includes a part of a street.”
- 8.4 The “*Criteria for Determining Street Trading Consent Applications in the City of Gloucester*” was revised and approved by Council on 21st March 2013. The revision removed outdated criteria to ensure it is compliant with the EU Services Directive 2006.
- 8.5 All determinations must be justified by reasons of public policy, public security, public health or the protection of the environment.
- 8.6 The Local Government (Miscellaneous Provisions) Act 1982 provides no right for the applicant to appeal to the Magistrates’ Court against a Council decision to refuse consent or impose condition(s). The appeal process within the Council is something that it has introduced itself to allow the applicant to be fairly heard.
- 8.7 Appeal hearings are normally hearing de novo (meaning they are completely fresh hearing). The Licensing and Enforcement Committee places itself in the position of the officer who made the original decision. The Committee must base its decision on the same criteria applied by the Officer and any new information made available since the date of appeal.
- 8.8 In reaching its decision, the Committee is a quasi-judicial body and accordingly must have regard to the rules of natural justice.

(Legal Services have been consulted in the preparation this report.)

9.0 Risk & Opportunity Management Implications

- 9.1 Risks associated with public safety and crime prevention are fully appraised through the consultation process.

10.0 People Impact Assessment (PIA):

10.1 There are no adverse impacts or any risks to customers in the areas of gender, disability, age, ethnicity, religion, sexual orientation and community cohesion.

11.0 Other Corporate Implications

Community Safety

11.1 Community Safety is considered within context when each application is considered. In this application letters in support indicate that the presence of this street trader has reduced antisocial behaviour and crime in this area, namely drug dealing and fly tipping.

Sustainability

11.2 There are no sustainability implications associated with this report.

Staffing & Trade Union

11.3 There are no staffing or Trade Union implications associated with this report.

Background Documents:

Provision of Services Regulations 2009

Schedule 4, Local Government (Miscellaneous Provisions) Act 1982

Criteria for Determining Street Trading Consent Applications in the City of Gloucester

- *Each application will be judged on its own merits*
- *The number of traders in any one street will be limited so as not to cause undue concentration.*
- *The siting and operation of any trader shall be such that it does not cause any problems of highway safety, obstruction to users of the highway, obstruction to important sight lines for CCTV cameras, unreasonable obstruction of the visibility of neighbouring businesses, or conflict with the requirements of emergency vehicles.*
- *Locations for uses with particular needs (such as water or electricity supply) will only be considered where these supplies can be safely and conveniently provided.*
- *The use shall be compatible with the character of the area in which it is proposed to be situated.*
- *The appearance and use of the Street Trading Unit including associated equipment or structures shall be of a good quality and complementary to the ambience and vitality of the locality. The precise appearance of the facility will need to be identified before consent is granted. (For the sake of clarity, it is acknowledged that 'good quality' is a subjective judgement, but it will include reference to quality and condition of the stall, product and staff, both in their attire and demeanour, and will be applied at both the inception of the consent and continue during operation.)*
- *Uses involving the sale of food and noise emission shall meet the requirements of Environmental Health and these will need to be identified before consent is given.*
- *Uses that are likely to cause problems of noise, smell, litter or late night disturbance especially in residential areas will not be given consent.*
- *Consent/renewals will not be considered for any trader in arrears with fees until such arrears are paid in full.*
- *Prior to the issue of any consent the trading unit and associated equipment may, be inspected by an officer authorised by the Council to ensure that the unit adheres to all relevant and legal conditions.*

Compliance of Street Trading activity with Legislation

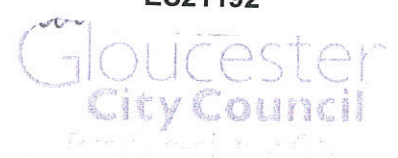
The Street Trading activity shall, at all times and in all respects, comply with legal requirements relating to that type of activity, including but not restricted to the following:

- *Food Safety Act 1990*
- *Health & Safety at Work Act 1974 and any regulations made under this act.*
- *Environmental Protection Act 1990*
- *Trading Standards Legislation*
- *Regulation (EC) No. 852/2004 on the Hygiene of Food Stuffs.*
- *The General Food Law Regulation (EC) 178/2002*
- *The General Food Regulations 2004 (as amended)*
- *The Licensing Act 2003*
- *The Health Act 2006 (Smoke Free premises provisions)*
- *The Food Hygiene (England) Regulations 2006*

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End of res 8/12/14

Herbert Warehouse, Gloucester Docks, GL1 2EQ
01452 396396
heretohelp@gloucester.gov.uk
www.gloucester.gov.uk

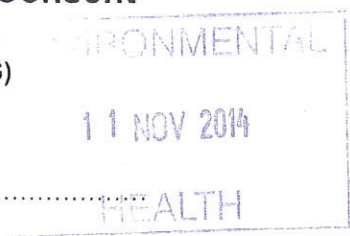


STAPP 44

Schedule 4 of Local Government (Miscellaneous Provisions) Act 1982

Application for Grant/ Renewal of a Street Trading Consent

All questions must be answered (PLEASE USE BLOCK LETTERS)



1. Full name of applicant:

Surname: ASLANTEPE First name(s): OKTAY

Previous name(s):

2. Home address:

Postcode:

Contact Details:

Home: Business: E-mail:

3. Previous addresses in past 5 years:

(Continue on separate sheet if necessary)

4. National Insurance Number: [REDACTED]

5. Age, date and place of birth:

Age: 42 Date of Birth: [REDACTED] Place of Birth: ISTANBUL/TURKEY

NB If the Applicant is a Company then the above details will be required for each of the Directors. Please use a separate sheet.

6. (a) Are you the owner of the unit proposed for Street Trading? Yes No

(b) If not, provide full details of the person/ company who is:

Name:

Address:

Telephone number:

Place and date of birth (if a person):

7. If this is a renewal application, Please state the reference number: STAPP 44

8. Is this application for 'Mobile' or 'Static' Trading Consent?

9. Streets/ locations in which it is proposed to trade: Ly by of
Innsworth Lane Gloucester-

10. Please indicate the proposed days and times which you propose to trade:

DAY	MON	TUE	WEDS	THURS	FRI	SAT	SUN
Start Time	07.00	07.00	07.00	07.00	07.00	07.00	07.00
Finish Time	23.00	23.00	23.00	23.00	23.00	23.00	23.00

11. Nature of goods/ services in which it is proposed to trade:

If the goods/ services supplied include food, are you registered as a food business? Yes / No

If 'Yes', give details of:

Local Authority where registered:

Registration number:

12. Address of the premises at which the goods will be stored when not being offered for sale:

Purchased daily for unit

13. Do you have trade waste agreement? SMITHS WASTE MANAGEMENT

14. Location of sanitary conveniences used by the trader? THE GLEVUM INN

15. Unit details:

(a) Type of unit to be used in connection with Street Trading:
(e.g. van, kiosk, trailer, moveable stall) van

(b) Dimensions: 12 foot by 7 foot

(c) Registration number (if applicable):

16. Address at which the unit will be kept when not in use: THE GLEVUM INN

OXSTALLS WAY

17. Current/ previous licence:

(a) Have you previously held or do you currently hold a licence or consent for street trading? Yes / No

If 'Yes'

(i) When was it granted?

(ii) When did/ does it expire?

(iii) Which Authority granted the licence/ consent?

(b) Have you ever applied for and been refused a licence/ consent for street trading? Yes No

If 'Yes',

(i) Which Authority refused your application?

(ii) When were you refused?

18. Do you have public liability insurance? Yes No

If 'Yes', provide details of:

(a) Insurance Company: Maltings

(b) Policy Number: MQB1179777XB

(c) Insurance Company:

(d) Amount of cover: 5,000,000

(Minimum public liability cover must be to the sum of £5,000,000 and a copy of your certificate must be submitted with this application)

19. Have you ever resided outside the United Kingdom? Yes / No

If the answer to this question is 'Yes' please give details of all other countries of residence, with dates. Continue on a separate sheet if necessary

20. Have the applicant, or any persons named in or associated with this application any convictions? If so, please give details in the table below (continue on separate sheet if necessary):

Yes/No

Forenames	Surname	Former Name (if any)	Date of Conviction	Place of Conviction	Nature of Offence	Sentence

Note: Any person who, in connection with the making of this application, makes a false statement which he knows to be false in any material respect, or which he believes not to be true, shall be guilty of an offence and liable, on summary conviction, to a fine not exceeding £1000.

DECLARATION:

I understand that the information I have given in this form and in any supporting information in respect of my application will be taken into account by the Council when determining the application. I declare that all such information is true and complete to the best of my knowledge and belief and acknowledge that if I have made a false statement or omitted any relevant fact, any licence determined and issued in connection with it may be modified, suspended or revoked.

I understand and consent that the information given on this form may be issued to other enforcing agencies and consulting bodies to determine this application. I also consent to the Council retaining my application and details and I understand that the Council is obliged to pass on information to other statutory bodies if so requested.

I have received a copy of the Council's policy for Street Trading Consent. I have read and understood the terms and conditions and I undertake to comply with them if consent is awarded.

Applicant's Signature



Date: 11-11-14

Final Application Checklist

I confirm I have enclosed the following: (Please tick)

- 1. Application form completed and signed by applicant
- 2. The application fee:
You can pay by personal visit at the payment machine at Herbert Warehouse, Council Offices, The Docks (copy of receipt must accompany this application)
OR
By Post : Cheques should be made payable to "Gloucester City Council" and sent to Environmental Health, Herbert Warehouse, The Docks, Gloucester GL1 2EQ
- 3. A photograph or brochure detailing the type of unit to be used
- 4. **Static Consents:** A Location plan showing the proposed location of the Unit
- 5. A copy of Public Liability Insurance demonstrating a minimum of £5 Million in respect of any one incident

Please note that incomplete applications will be returned.

It may take up to 2 months to process an application. Following receipt of a completed application, the Food and Licensing Team will consult with other consultation bodies who will also be notified and given 28 days to make representations. Most applications are determined within 6 weeks.

If you are selling alcohol or late night refreshment between 11pm and 5am you will also need to apply for a Premises Licence under the Licensing Act.

Use of table and chairs on a highway will also need a separate application to be made to request consent to place items

Amended Policy

Amended from 07 August 2014 00:00



Liability Section

Insurance Clause	Limit of Indemnity	
1: Employers' Liability	Not insured	Any One Claim
2: Public Liability	£5,000,000	Any One Claim
3: Products Liability	£5,000,000	Any One Period of Insurance

Excess

Description	Amount
Water damage to third party property	£500
Damage to third party property - Use of heat	Not insured
Any other claim for damage to third party property	£100

Professional Indemnity Section

Insurance Clause	Limit of Indemnity	
1: Professional Indemnity	Not insured	Any One Claim
2: Legal Defence Costs	Not insured	Any One Claim

Excess

Description	Amount
Each and every Claim	£250

Contract Works Plant and Tools Section

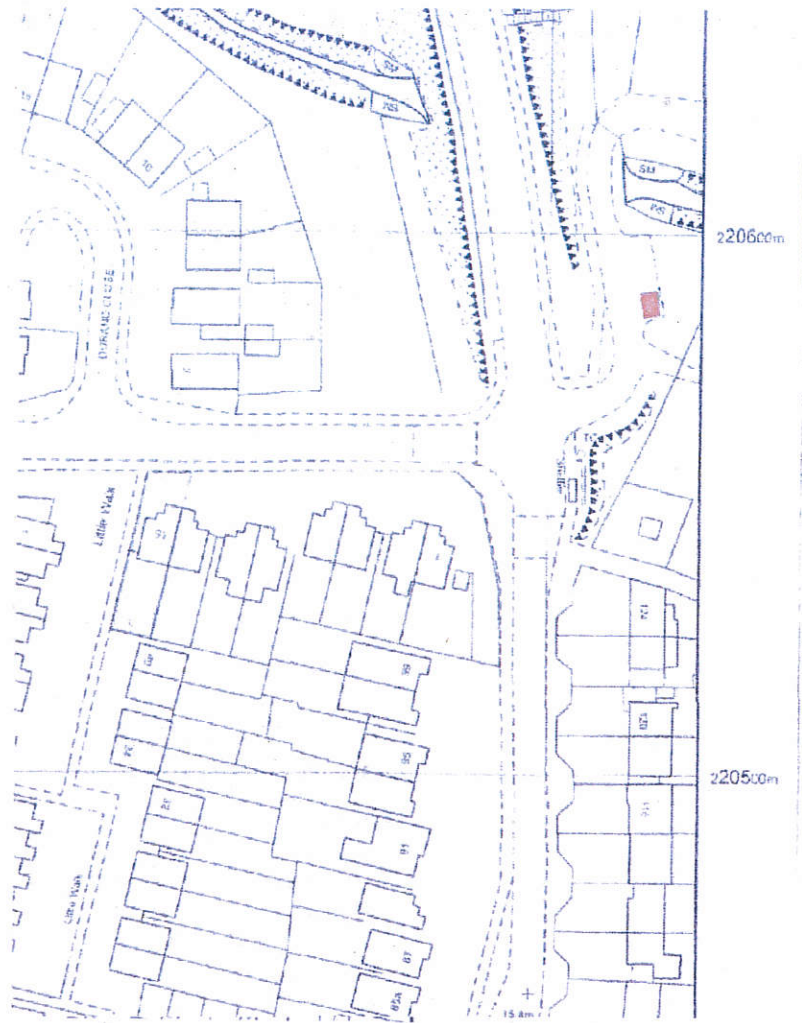
Estimated Maximum Contract Price	Not insured
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Property Insured

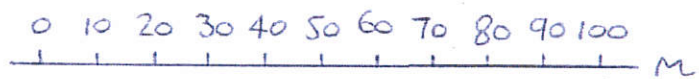
Item	Description	Sum Insured
1:	Works	Not insured
2:	Your Plant	Not insured
3:	Hired in Plant	Not insured
4:	Your Tools	Not insured

Excess

Description	Amount
Works	£500
Your plant	£500
Hired in plant	£500
Tools	£100

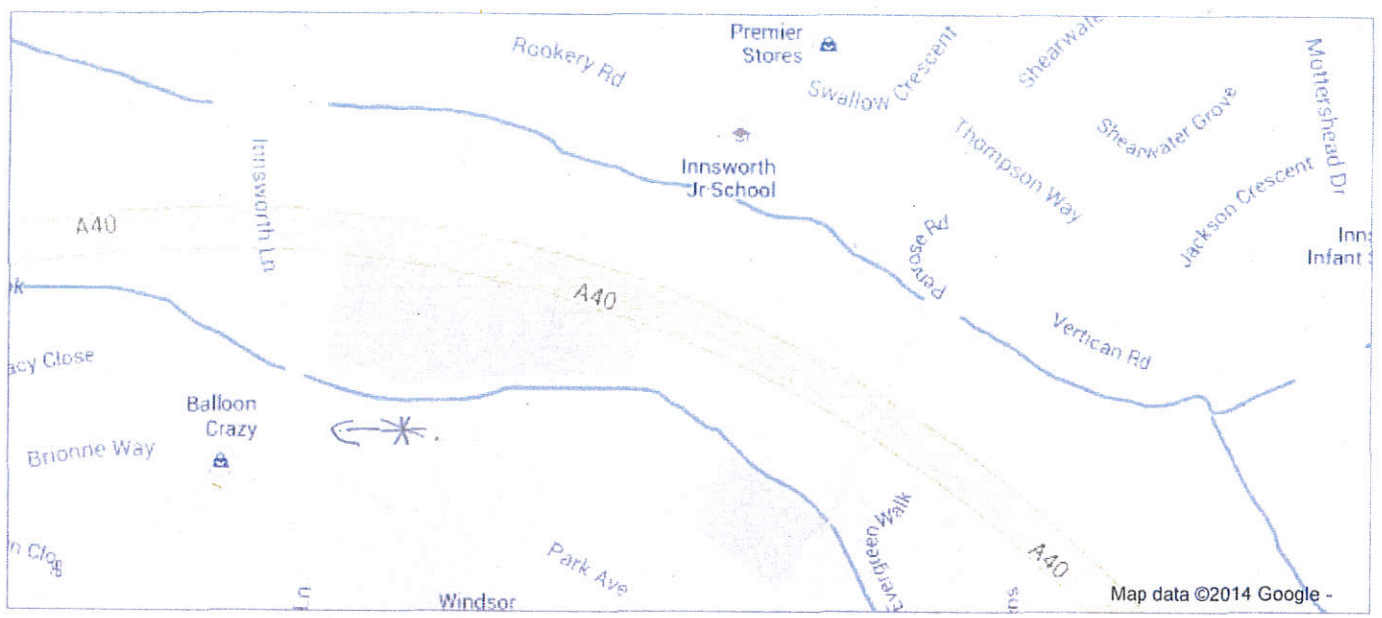


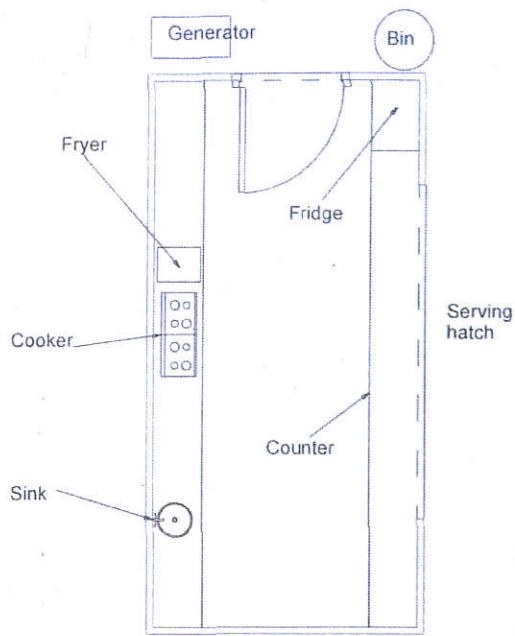
Location Plan 1:1250 A4





To see all the details that are visible on the screen, use the "Print" link next to the map.





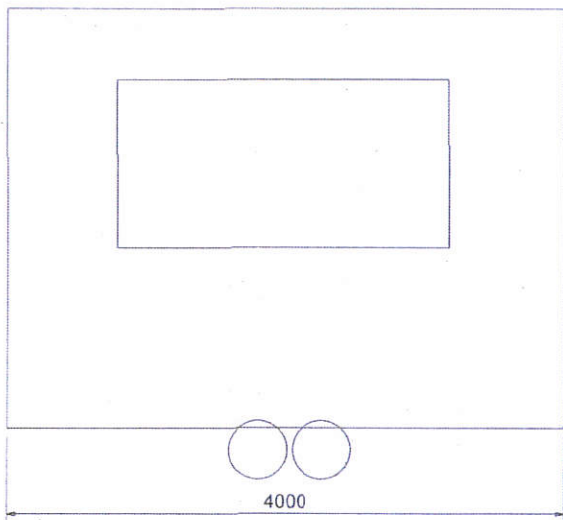
Trailer Plan

Mr O Asiantepe
Hot Food Trailer

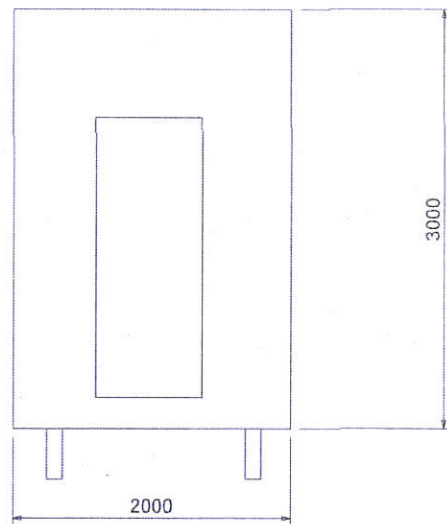
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Scale 1:50 A4

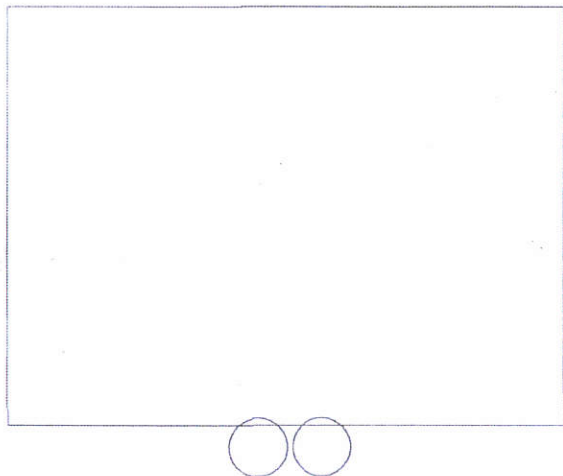
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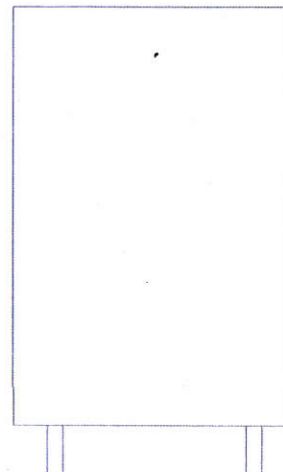
Front



Side



Rear



Side



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From:
Sent: 25 November 2014 12:44
To:
Cc:
Subject: Application to renew street trading consent- layby at Innsworth Lane

Hello Richard

I have been passed the above application to comment on- our records show that the hot food van does not have planning permission to be sited here. Planning permission is required for the siting of all hot food vans, and I object to the granting of this license.

I note the criteria that you consider includes the following requirements:

The use shall be compatible with the character of the area in which it is proposed to be situated.

The appearance and use of the Street Trading Unit including associated equipment or structures shall be of a good quality and complementary to the ambience and vitality of the locality.

I have significant concerns that the van would not be compatible with the character of the area in which it is proposed to be situated. The site is immediately bounded by allotments to the south east, a playing field and pavilion to the north east, and residential properties at Innsworth Lane to the south, Brionne Way to the south west and Park Avenue to the south east. Policy BE.21 (Safeguarding of Amenity) within the Gloucester City Councils Second Stage Deposit Local Plan (2002) seeks to ensure that neighbouring properties do not experience an unreasonable level of adverse impact upon the enjoyment of their dwellinghouse. In relation to the siting of a hot food van, this would particularly relate to noise and odour (especially considering the proposed opening times of 7am to 11pm everyday). Similarly, Policy ST.8 (Creating Attractive Routes to the Centre) states that 'new development along main routes to the centre will be expected to be of high quality to make the routes more attractive to visitors and residents'. Whilst it could be argued that this section of Innsworth Lane does not lead to the centre of Gloucester, it is a key gateway into Gloucester from the residential areas located north of the A40, with Tewkesbury beyond. Similarly, it is not considered that a van in this proposed position would contribute to the 'ambience or vitality' of the area as it would be incongruous with the existing character and appearance of this sub-urban area

The fact that this is a 'renewal' of a license suggests that the van is already in place; I will therefore be referring this to my colleagues in Enforcement.

I trust that these comments will be taken into consideration in the assessment of this application.

Kind Regards

Assistant Planning Officer- Development Control

Gloucester City Council
Herbert Warehouse
The Docks
GL1 2EQ

Website: www.gloucester.gov.uk

29th November 2014

Ms Lisa Jones
Licensing Team
Herbert Warehouse
The Docks
Gloucester
GL1 2EQ

Dear Ms Jones

KEBAB VAN off Innsworth Lane at Sports Field entrance

I wish to object to the renewal of the licence for the van to trade at the above location for the following reasons:-

- (1) Obstruction of the lay-by in which it is parked. This was provided for cars belonging to the allotment holders, dog walkers and users of the sports field. When the sports field becomes fully operational the parking areas available will be *totally inadequate to accommodate the number of cars when training and matches take place*. To add to those numbers with cars of customers buying take-aways from the van will cause absolute chaos and congestion.
- (2) The resulting obstruction of the area will prevent emergency access to the large pumping station.
- (3) Smell of cooking and rancid fat.
- (4) The presence of the van is detrimental to the character of the whole surrounding area.
- (5) The van is not complementary to the ambience and vitality of this pleasant area on a public right of way and where there are houses close by.
- (6) The area is not designated for commercial use in the Local Plan.

I hope that after a site inspection you will refuse the application for the above reasons.

Yours sincerely

4th December 2014

Dear Lisa Jones,

RE: Objection to fast food van renewal of license on Innsworth Lane

I understand that the fast food van that is currently operating from the car park of the allotments on Innsworth lane has applied for a renewal of its license. I wish to register my objection to its renewal on the following grounds;

- In its current position when parked it uses up valuable parking spaces that have been allocated for allotment holder's use. There are only spaces for approximately six cars and with the van parked only leaves space for up to two. Customers then block the other spaces with their cars. This will lead to more parking out on the busy Innsworth lane, adding to congestion and blocking the bus stop pull in.
- The van when parked blocks emergency access to the pumping station.
- The parking spaces are also allocated to the sports pitches next door to the allotments. With their planned further development and reopening of the changing rooms this will again leave no parking for its users with the fast food van parked.
- The van produces cooking smells with no filtration through ventilation in to the residential area. This can be smelt through to Brionne Way and Innsworth lane, causing residents in the houses to have to close windows through the summer time to stop the smell from entering the house.
- The location of the fast food van in a residential area is not in keeping with planning. These type of food outlets are found on the edges of 'A' trunk roads and industrial parks not in residential streets.
- The noise of the cars pulling up with radios playing loudly whilst customers place their orders and remain then parked up to eat. This is a nuisance and causes disruption to the local residents.
- The production of food wrapper litter thrown from customers out of their car windows in the parking spaces and when walking along Innsworth Lane in to private front gardens.

- This type of fast food van in a residential area next door to where school children are dropped off by school buses contradicts the health living and eating plan adopted by Gloucestershire County Council and sends out the wrong message to them.

As a local resident living only a few feet away from the fast food vans position I was surprised that there was no planning notice given to the local residents when the initial license was granted and therefore no opportunity to object. With the renewal now requested it is my understanding that this will need to be before a planning discussion and the local residents will have notification of any decision made. I would be grateful to be informed of any further planning discussions and decisions made regarding the renewal of license for the fast food van.

Yours sincerely,

From:
Sent: 25 November 2014 22:29
To: Richard Barnett
Cc:
Subject: Re: Application to renew street trading consent

Dear Richard

When this applicant first started trading I received a number of complaints from allotment holders and residents which I forwarded to Lisa Jones. Kathy also received at least one complaint from a resident.

I am not sure if these were initial reactions, and whether these people still have concerns. Please consult with Lisa for details.

Since then we have granted a lease to Longlevens Football Club on the playing field adjacent to the car park where this person operates from. To my mind they should be consulted as well.

My concern as outlined in my original objection is the lack of car parking spaces serving the adjacent allotment site and the sports field. This vehicle occupies more than one of these spaces and encourages other vehicles onto the site.

I also understand that planning consent is needed if a permanent street trading consent is to be granted. Has this happened?

Sent from my iPad

> On 24 Nov 2014, at 11:13, "Richard Barnett" <Richard.Barnett@gloucester.gov.uk> wrote:
>
> Dear All,
>
>
>
> The City Council has received an application for Street Trading Consent in Gloucester City. Please find attached a copy of the application
>
>
>
> Gloucester City Council may grant street trading consent to third parties to trade on a consent street following a statutory consultation process. Please contact us within 14 days to submit any representations regarding this application. If we do not hear from you after 14 days of the date of this email, it will be assumed that consent is given.
>
>
>
> Many thanks
>
>
>
>
>
> Licensing And Enforcement Officer
> Public Protection
>
>
> Gloucester City Council T 01452 396311
> Herbert Warehouse F 01452 396340

From:
Sent: 26 November 2014 13:55
To:
Subject: RE: Application to renew street trading consent - *Innsworth Lane*

Hi Richard

I have no objections as long as the trading hours are not extended from what they are at the moment.

Thanks

Sent: 24 November 2014 11:09

Subject: Application to renew street trading consent

Dear All,

The City Council has received an application for Street Trading Consent in Gloucester City. Please find attached a copy of the application

Gloucester City Council may grant street trading consent to third parties to trade on a consent street following a statutory consultation process. Please contact us within 14 days to submit any representations regarding this application. If we do not hear from you after 14 days of the date of this email, it will be assumed that consent is given.

Many thanks

Licensing And Enforcement Officer
Public Protection

Gloucester City Council | T 01452 396311
Herbert Warehouse | F 01452 396340
The Docks | E richard.barnett@gloucester.gov.uk
Gloucester, GL1 2EQ | heretohelp@gloucester.gov.uk

From:
Sent: 24 November 2014 15:13
To: Richard Barnett
Cc:
Subject: RE: Application to renew street trading consent - Innsworth Lane

Hi Richard, thank you for this. I see the hours of trading are from 7.00 – 23.00hrs. At present the operator opens about 16.30-10.30hrs but he then has to clean up so I presume the difference of half an hour is included to allow him to do this?.

I have no objections to the renewal of this licence. The operator has provided a much needed service to this side of Longlevens and there has been no problems at all. I specifically asked the Police to patrol the area in the earlier days of his temporary licence and they reported there was no problems of anti social behaviour which was a concern of residents at that time. In fact the Police have informed me that this was a known spot for drug dealing and this has stopped since Mr Aslantepe has been operating from this location.

Also the incidents of fly tipping have been reduced to none as this was a favourite fly tipping spot and equally Mr Aslantepe is meticulous in ensuring the site has no rubbish lying around at the end of each session.

Myself and other local Members have had concern about the security of the allotment sites and the playing fields and I think having this food outlet service has helped with this also. Some of the Allotment holders use this outlet for food and drinks.

I am therefore supporting this licence application, regards,

From: Richard Barnett [mailto:Richard.Barnett@gloucester.gov.uk]
Sent: 24 November 2014 11:25
To: WILLIAMS, Cllr Kathy
Subject: FW: Application to renew street trading consent - Innsworth Lane

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Herbert Warehouse
Gloucester Docks, GL1 2EQ

01452 396 396
heretohelp@gloucester.gov.uk
www.gloucester.gov.uk



Date: 10.12.2014
Officer: Richard Barnett
Unit: Env Health
Ref: 1401646STRADE
Page: 1 of 1

Okday Aslantepe



Application for Street Trading Consent – Okday Aslantepe

I refer to the above application for Street Trading Consent. The Council has completed its consultation and assessment process and I hereby advise that the decision of the Council is to REFUSE TO GRANT street trading consent for your proposal. The reasons for refusal are set out below:-

1. the unit is not compatible within the location it is situated
2. issues have been raised that there has been an increase in noise, smells, litter and late night disturbance and,
3. the Street Trading Unit is not complimentary to the ambiance and vitality of the location.

I do appreciate that you will be disappointed with the decision but can assure you that the decision has been made after thorough consultation and appraisal against the Councils formally adopted street trading criteria.

You do have the right of appeal against the decision. Members (Councillors) of the Licensing and Enforcement Committee will consider any appeal that is lodged. If you wish to exercise your right of appeal, please submit your appeal in writing to me within 21 days of the date of this letter. Please note that late appeals will not be accepted. Your appeal should set out clearly the grounds on which you are appealing. I have enclosed a copy of the Councils criteria used in assessing applications for street trading consents and recommend that you address these criteria in your appeal.

Yours sincerely,



Richard Barnett
Licensing and Enforcement Officer

Enc: Street trading criteria

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Mr Oktay Aslantepe,

G.C.C. Licensing, appeal against
refusal of street trading consent
Innsworth lane:

23rd Dec 2014.

Dear Mr L Barnett,

I Mr Oktay Aslantepe would like
to appeal against the refusal for a hot food vending van at
Innsworth lane.

I would like to bring to your attention that Gloucestersh-
ire Police Service have no objections to the pitch and i also
have a petition signed by local residents in support of the
service i provide to the community.

I would also like to bring to your attention that since
i have started working at Innsworth lane there has been a
massive reduction in fly tipping, drug dealing and Anti-Sociable
behaviour in and around Innsworth lane.

I feel that the service i provide adds to variety of
different foods available to the general public. I have many
years experience in the catering industry and always try my
very best to provide good food at a high standard and at
competitive prices.

I would like to confirm that during the evening as well
as at the end of the night i walk around 'Innsworth lane'
picking up any litter should it be from my charts or from
other sources.

It would seem to me that the objections raised may have come from one source mainly the allotments, I was told by some allotment owners when I first opened that they didn't want my type of van in that area!

If my clients should arrive by car they are for a short time in Innsworth lane whilst their order is completed.

I hope you will take all my points into consideration whilst reviewing my appeal.

Thank you very much,

yours Sincerely,



O. Aslantepe.

Richard Barnett

From: Here to Help
Sent: 22 January 2015 15:45
To: Richard Barnett
Subject: FW: 1401646STRADE
Attachments: Letter of support Mr Astanlepe.pdf

From:
Sent: 22 January 2015 13:47
To: Here to Help
Subject: 1401646STRADE

FAO Richard Barnett,

Richard,

Please find attached my letter in support of Mr Astanlepe's application for a street trading license in Longlevens.

If you wish to contact me on the matter please, do not hesitate to do so.

Kind regards,

Your Ref: 1401646STRADE

22/01/2015

Dear Mr Barnett,

I am writing to you in light of your recent decision to refuse Mr Aslantepe an extension to his street trading license.

I am a regular dog walker at the former sports ground located by the bridge on Innsworth lane and have been for the past four years. I have noticed that since Mr Aslantepe's occupation of the car park at the entrance to the fields, the area has improved drastically. Before the van was there, there was always youths hanging around the area loitering and smoking drugs. I have previously reported the drug use on several occasions to the local Police but nothing was ever done about the issue. The area was strewn with litter and was not particularly pleasant to have to walk through on my way to the field. Since his occupation I feel, like many other dog walkers I have spoken to that his occupation has greatly enhanced the area.

I have seen the letter you issued the vendor and would like to take issue with some of the points you have raised.

Your letter states that there has been issues raised regarding noise, smells, litter and late night disturbances. Having walked past the van at various times of the night virtually every night since he has been in residence, I am yet to see a single issue that you have raised. The predominant smell in the local area is made by the drainage works situated directly behind the van, which is far worse than any possible smell made by the cooking of food. You can stand 10m away from the van and not smell any cooking at all. Likewise with the noise issue you have raised, the only noise that is made is by a small generator which the vendor places behind the van to minimise any impact and if you stand at the entrance to the car park you cannot hear anything. The customers of the van act in a civilised manner and quietly await their orders. I have seen no instances of disturbance when I have been present even by the younger generation. As for your comment regarding litter, I have witnessed on many occasions as I walk my dog at night, Mr Aslantepe walking around the site at the cease of business picking up any traces of litter even if it has not been generated by him or his customers. The site is much tidier than before when it was used by teenagers as a dumping ground.

The other issues that you raised within you decision letter astound me. The playing field is not currently in use as the Water Company have not restored the field back into a sports ground yet. The car park is perfectly situated for a food van such of this type as it is located far enough away from the residents so as not to disturb anyone and traffic is kept to a minimum due to the ample parking provided on site.

Finally, I take umbrage with your comment that the van does not enhance the vitality or ambience of the location. If there have been any complaints regarding the van's presence then in my opinion it is pure snobbery on behalf of a select few individuals. The van offers a selection of food not available

this side of the city centre. It provides healthy dishes as well as fast food and the hygiene is of a very high standard as recognised in Mr Astanlepe's award certificate. I have spoken to many residents in the area who are all customers of Mr Astanlepe who are all very satisfied with the vans presence in the area.

In summary, I feel if you do not issue Mr Astanlepe with a street trading license you are taking away a popular resource from the area and locals would then have to travel into the city centre to purchase this type of food. Residents who feel aggrieved at the vans presence can always chose not to use it.

I am more than happy for you to contact me on this issue if you would like to discuss it further. I can be reached via email at _____ or if you wish you can call me on _____

Yours sincerely,

Richard Barnett

From:
Sent: 02 February 2015 11:16
To: Richard Barnett

Good morning sir.

My name is [redacted] I am writing to you today.
support my vote for keeping MR aslantepes street trading licence outside the allotments.
I have had a allotment for many years and over the years items have always gone missing or plot damaged
but since Mr Aslantepes has been there it has all seemed to have stopped, there does not seem to be the
youths hanging around down there any more and he is always there 7 days a week from 4 to 11 which
seems a great cctv protection that does not cost the council any money.
I know there is a lot of people for Mr Asantepes and a few against this is normal. but those that are against
him in my feelings there are more racists against him and not what he is doing.
I know this as my wife is not from England and there have turned there backs against her. But you have
this in people and I am stronger another to deal with this.

I can not attend the meeting on the 11th feb due to work, but if this can be read out at the hearing it
would be appricented but please leave my name out as I don't want any problems for my wife and
children or it would turn nasty.
thank you for your time



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