



Licensing and Enforcement Sub-Committee

Meeting: Tuesday, 17th March 2015 at 5.15 pm
in Civic Suite, North Warehouse, The Docks, Gloucester, GL1 2EP

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

AGENDA

1.	APPOINTMENT OF CHAIR To appoint a Chair for the meeting.
2.	DECLARATIONS OF INTEREST 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 DECISION TO REFUSE A STREET TRADING CONSENT - HOT FOOD UNIT, CRYPT SCHOOL ROUNDABOUT, GLOUCESTER (Pages 5 - 32) To receive the report of the Head of Public Protection which sets out an appeal against the decision to refuse a street trading consent.

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 Sonia Tucker, 01452 396126, sonia.tucker@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

Please be aware that meetings may be recorded with the Mayor or Chair’s consent and this may include recording of persons seated in the Public Gallery or speaking at the meeting. Please notify a City Council Officer if you have any objections to this practice and the Mayor/Chair will take reasonable steps to ensure that any request not to be recorded is complied with.

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: 17 th March 2015
Subject:	Appeal against the decision to refuse a Street Trading Consent – Hot Food unit, Crypt School Roundabout, Gloucester	
Report Of:	Gill Ragon – Head of Public Protection	
Wards Affected:	Podsmead	
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 for Street Trading consent and location plan 3. Copies of representations received 4. Refusal letter for Street Trading consent 5. Appeal letter from Mr. Kilic 	
Reference No.	ES21193	

FOR GENERAL RELEASE.

1.0 Purpose of Report

1.1 To consider the appeal of Mr Kilic against the decision to refuse a street trading consent against agreed criteria.

2.0 Recommendations

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

The appeal against the refusal to grant the street trading consent for a catering unit located at Crypt School Roundabout is dismissed for the following reasons:-

- (1) The siting and operation of any trader shall be such that it does not cause any problems of highway safety or obstruction to users of the highway and,
- (2) Issues have been raised that there has been an increase in noise, smells, litter and late night disturbance.

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 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.

4.0 The Application

- 4.1 Mr Kilic first applied for street trading consent at Crypt School Roundabout in November 2014. A copy of the application and location plan can be seen attached as **APPENDIX 2**
- 4.2 A 28 day consultation period was started on 21st November 2014.
- 4.3 During the consultation period, six representations were received. Four of the representations were against the application being granted, one representation stated that they had no objection and one comment was from Planning stating that there is currently no planning consent in place so they would need to apply for that. A copy of all six representations are attached in **APPENDIX 3**.
- 4.4 Once the consultation period had ended all representations were considered in relation to the criteria for determining street trading applications. The application was refused by officers. A copy of the refusal letter sent on 6th January 2015 can be seen attached in **APPENDIX 4**.

5.0 Appeal Details

- 5.1 An appeal letter was received on 21st January 2015 from Mr. Kilic 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:

- He will have two bins for litter. One outside the food trading unit and one inside.
- Mr. Kilic does not believe the unit would cause a smell but if any complaints are received he will stop trading.

6.0 Alternative Options Considered

- 6.1 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. Kilic and agree to grant the street trading consent as applied for, or grant the Street Trading Consent with additional conditions that address the concerns raised in the representations received.

7.0 Reasons for Recommendations

- 7.1 Having viewed all representations received during the consultation process the Officer's recommendation was to refuse this application for the following reasons:

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

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

(2) The siting and operation of any trader shall be such that it does not cause any problems of highway safety or obstruction to users of the highway.

Objections were received from residents stating that even though trading hours will be out of school hours, the school's sports facilities are still used. Also, it could create traffic problems during parent evenings and evening events at the school.

- 7.2 Further representations were also received from Ward Councillor Dallimore and a Senior Partnership and Engagement Officer that they object to this application being granted on health grounds, due to the catering unit being located near to a school. The Council has committed to help residents in Podsmead change their behaviour and adopt a healthy lifestyle. This has been supported by grant funding from the British Heart Foundation.

- 7.3 The Licensing team have not received any objections from either the Police or Highways relating to traffic obstructions of this highway. However, the proposed location is a bus stop on a roundabout, which is unsuitable in case buses and coaches need access to drop off and pick up children outside school hours. There is also limited space for customer vehicles to park. Contact has been made with Crypt school to ascertain the bus times. Crypt School have confirmed that the busses arrive at 14:30, and depart around 15:30. If there are organised school trips then the busses are usually there around 17:30. The School also have evening activities where busses could be there at any time the events are scheduled to end.

- 7.4 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.

8.0 Conclusions

- 8.1 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 6.1 of this report.
- 8.2 The Committee is recommended to dismiss the appeal and uphold the reasons for refusal.

9.0 Financial Implications

- 9.1 There are no direct financial implications associated with this report.
- (Financial Services have been consulted in the preparation this report.)

10.0 Legal Implications

- 10.1 Street Trading is regulated under Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982.
- 10.2 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.
- 10.3 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.”
- 10.4 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.
- 10.5 All determinations must be justified by reasons of public policy, public security, public health or the protection of the environment.
- 10.6 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.
- 10.7 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.

10.8 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.)

11.0 Risk & Opportunity Management Implications

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

12.0 People Impact Assessment (PIA):

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

13.0 Other Corporate Implications

Community Safety

13.1 Community Safety is considered within context when each application is considered.

Sustainability

13.2 There are no sustainability implications associated with this report.

Staffing & Trade Union

13.3 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

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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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STAPP 64

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)

14 01170 STENDE
20000449601

1. Full name of applicant:

Surname: KILIC First name(s): METIN

Previous name(s):

2. Home address:

Postcode:

Contact Details:

Home: Business:

E-mail:

Previous addresses in past 5 years:

(Continue on separate sheet if necessary)

4. National Insurance Number:

5. Age, date and place of birth:

Age: Date of Birth: Place of Birth: 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:

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

9. Streets/ locations in which it is proposed to trade: CRYPT SCHOOL JUST OUTSIDE ON THE SLIP ROAD

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

DAY	MON	TUE	WEDS	THURS	FRI	SAT	SUN
Start Time	19.00 PM	19.00	19.00	19.00	19.00	19.00	19.00
Finish Time	23.00	23.00	23.00	23.00	23.00	23.00	23.00

10. Nature of goods/ services in which it is proposed to trade: KEBAB BURGERS CHIPS

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: GLOUCESTER COUNCIL

Registration number: 2541849

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

12. Do you have trade waste agreement? Vauxhall mart Does I use them

13. Location of sanitary conveniences used by the trader? my kitchen in Vauxhall mart

14. 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 inches

(c) Registration number (if applicable):

15. Address at which the unit will be kept when not in use: Vauxhall mart
174 BARTON STREET Gloucester

16. 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? 8 - 10 years NOT TO SURE

(ii) When did/ does it expire? march 2015 Renewed every year

(iii) Which Authority granted the licence/ consent? Gloucester council

(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?

17. Do you have public liability insurance? Yes / No
If 'Yes', provide details of:

(a) Insurance Company: CATER'S CLUB

(b) Policy Number:

(c) Period of cover: every year it is renewed

(d) Amount of cover: £130.00

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

18. 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

19. 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: 12/11/13

FOR OFFICIAL USE ONLY (APPLICABLE TO UNITS/VEHICLES SELLING FOOD)

Date of inspection:

Officer Recommendation:

Gloucester City Council
Herbert Warehouse
Gloucester Docks
GL1 2EQ

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

Date: 11/06/2013
Officer:
Reference:
Page: 3 of 4

Final Application Checklist

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

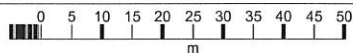
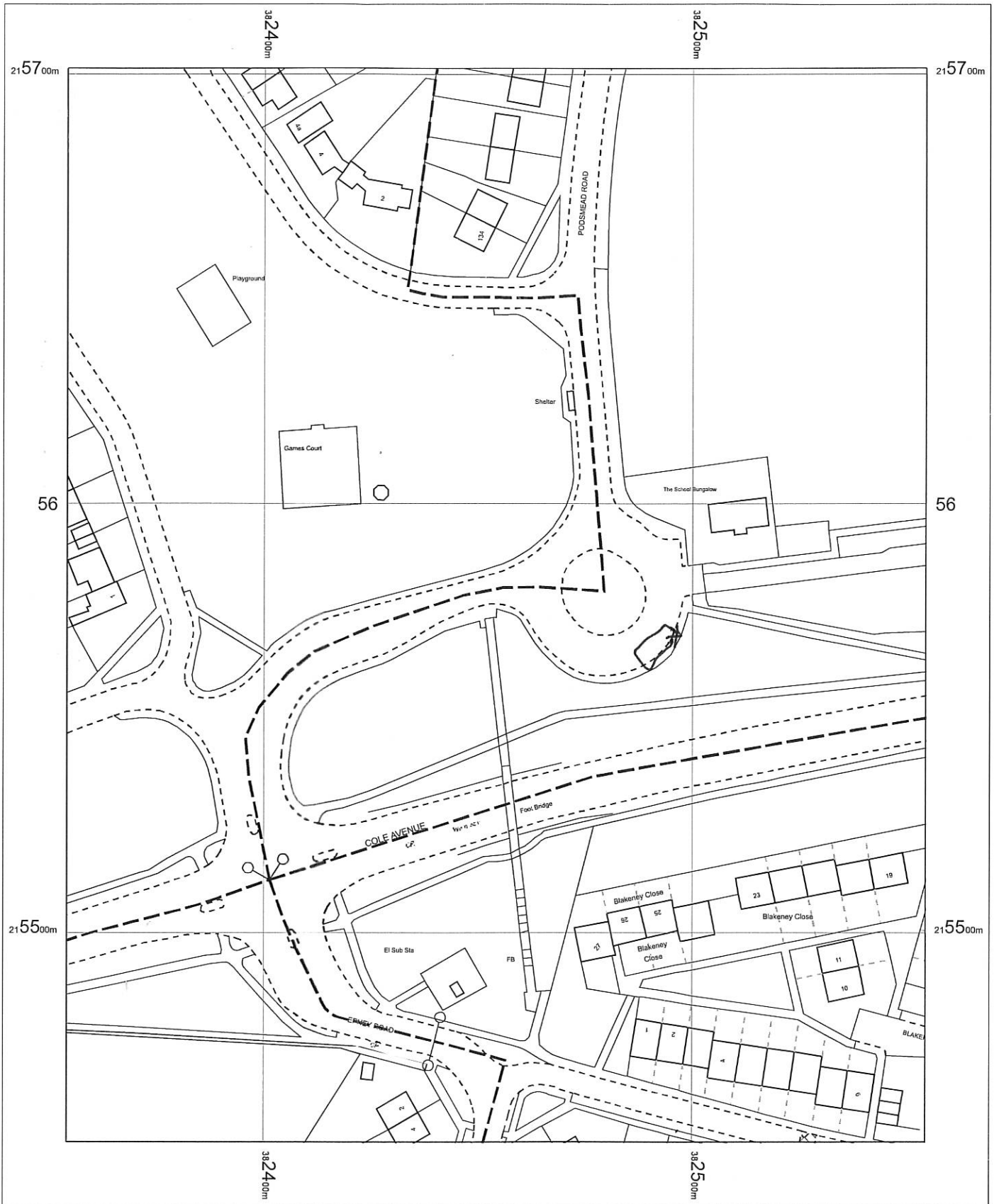
- 1. Application form completed and signed by applicant
- 2. A photograph or brochure detailing the type of unit to be used
- 3. **Static Consents:** A Location plan showing the proposed location of the Unit
- 4. A copy of Public Liability Insurance demonstrating a minimum of £5 Million in respect of 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.

If your proposal includes table and chairs on a highway, you will also need to make a separate application to request consent to place items on a highway.



OS MasterMap 1250/2500/10000 scale
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 maps.johnwright.com

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KM Reprographics

printroom@kmrepro.com
 Tel: 01452 385600











Richard Barnett

From: Paul James
Sent: 26 November 2014 13:59
To: Richard Barnett
Subject: RE: Application for Street Trading Consent

Hi Richard

I have no particular comments but this falls within Podsmead ward so I have forwarded to Cllr Dallimore as she doesn't seem to be on the distribution list.

Thanks

Paul

From: Richard Barnett
Sent: 21 November 2014 13:52
To: Matthew W. Gilson; Mark Hobbs; > EHEP Team; Chamber of Commerce; Anna Gwinnett; Development Control; Gloucester Constabulary (Licensing@Gloucestershire.pnn.police.uk); Gloucestershire Fire ; Glynn Ford; Heritage; Highways; Paul James
Subject: Application for Street Trading Consent

Local Government (Miscellaneous Provisions) Act 1982, Schedule 4 Application for a 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 28 days to submit any representations regarding this application. If we do not hear from you after 28 days of the date of this letter, it will be assumed that consent is given.

Many thanks

Richard Barnett
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

Richard Barnett

CRYPT School

From: Fiona Ristic
Sent: 26 November 2014 10:29
To: Richard Barnett
Subject: FW: Application for Street Trading Consent
Attachments: environmental_health_scanner@gloucester.gov.uk_20141121_113048.pdf

It does not appear that they have planning permission so they would need to apply

Regards

Fiona

From: Richard Barnett
Sent: 21 November 2014 13:52
To: Matthew W. Gilson; Mark Hobbs; > EHEP Team; Chamber of Commerce; Anna Gwinnett; Development Control; Gloucester Constabulary (Licensing@Gloucestershire.pnn.police.uk); Gloucestershire Fire ; Glynn Ford; Heritage; Highways; Paul James
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Many thanks

Richard Barnett
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

Richard Barnett

Hi Lisa

I have not seen this(who knows why?) and I would like to object on health grounds – as I did previously.

Kind regards

Jennie

From: Paul James [<mailto:paul.james@gloucester.gov.uk>]

Sent: 26 November 2014 13:57

To: DALLIMORE, Jennie; Jennie Dallimore

Subject: FW: Application for Street Trading Consent

Have you seen this? It's your ward!

From: Richard Barnett

Sent: 21 November 2014 13:52

To: Matthew W. Gilson; Mark Hobbs; > EHEP Team; Chamber of Commerce; Anna Gwinnett; Development Control; Gloucester Constabulary (Licensing@Gloucestershire.pnn.police.uk); Gloucestershire Fire ; Glynn Ford; Heritage;

1

Richard Barnett

From: Gareth Hooper
Sent: 02 December 2014 14:57
To: Richard Barnett
Cc: Lisa Jones
Subject: FW: Application for Street Trading Consent
Attachments: environmental_health_scanner@gloucester.gov.uk_20141121_113048.pdf

Rich

Jennie Dallimore flagged this up to me.

Given that we're spending so much time and resource, including the £100K from the British Heart Foundation, [REDACTED] it seems a little incongruous were we to give this go ahead! This is notwithstanding the fact they want to site it outside of a school!

Can I appeal on ground of health and wellbeing?

Gareth

Regards

Gareth Hooper
Senior Partnership and Engagement Officer

Gloucester City Council ☎ 01452 396266
Herbert Warehouse @ www.gloucester.gov.uk/resident/community
The Docks
Gloucester
GL1 2EQ

From: Richard Barnett
Sent: 21 November 2014 13:52
To: Matthew W. Gilson; Mark Hobbs; > EHEP Team; Chamber of Commerce; Anna Gwinnett; Development Control; Gloucester Constabulary (Licensing@Gloucestershire.pnn.police.uk); Gloucestershire Fire ; Glynn Ford; Heritage; Highways; Paul James
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Many thanks

Richard Barnett

From:
Sent: 05 January 2015 11:18
To:
Cc: Richard Barnett; Tarren A. Randle; Jennie R. Dallimore
Subject: FW: Application for Street Trading Consent - Roundabout near Crypt School
Attachments: environmental_health_scanner@gloucester.gov.uk_20141121_113048.pdf

Importance: High

Hi Richard.

I would like to object to this application as the location outside a school is unsuitable place to sell fast food. Even though the hours of operation are outside off school hours the school's sports facilities are still used in the evenings. Also this is right outside a residential property at the bottom of the school drive and may cause a noise nuisance to the residents.

If this is minded to be accepted can it go to licencing subcommittee?

Regards,

Gordon Taylor BSc (Hons)
IT Manager
The Crypt School
t. 01452 530 294
c. 07970 129 872

From:
Sent: 05 January 2015 11:08
To:
Subject: FW: Application for Street Trading Consent - Roundabout near Crypt School
Importance: High

FYI

From:
Sent: 05 January 2015 09:50
To:
Subject: FW: Application for Street Trading Consent - Roundabout near Crypt School
Importance: High

Hi

Didn't know if you were aware of the attached? Please see email below – response required by Thursday is there are concerns.

Sue

From: Richard Barnett [<mailto:Richard.Barnett@gloucester.gov.uk>]
Sent: 05 January 2015 08:45
To:
Subject: Application for Street Trading Consent - Roundabout near Crypt School

Dear Richard Barnett,

Further to your request for views/comments on the street trading consent for a Kebab van on the Crypt school roundabout, Podsmead Road. I am employed at the Crypt School as the resident caretaker and I live onsite by the front gates with my wife and 2 young children. We would like to strongly object due to the following reasons:

- Our 11 year old son's bedroom is located at the front and is less than 20 feet (6.5m) from the proposed site. The noise from the extra traffic and doors opening and closing would disturb his sleep.
- Our bedroom is about 24 feet (8m) from the proposed site. This would disturb our sleep.
- We have a dog that is trained to bark at night to alert us to possible intruders to the school.
- We are worried about the smell, during summer when our windows are open.
- We are worried about litter, our front and back garden face the roundabout.
- As the resident caretaker to the school, this could create traffic problems on parent evenings and evening events at the school.

Please take these things into account whilst making your decision, as we feel this could have a very negative affect on our home life.

Yours sincerely,

Metin Kilic
5 Lobb Court
Millbrook Street
Gloucester
GL1 4AY

Herbert Warehouse
Gloucester Docks, GL1 2EQ

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Date: 06.01.2015
Officer: Richard Barnett
Unit: Env Health
Ref: 1401670STRADE
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Local Government (Miscellaneous Provisions) Act 1982

Application for Street Trading Consent - Metin Kilic, Crypt School roundabout

I refer to the above application for Street Trading Consent. The Council has completed it's 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 siting and operation of any trader shall be such that it does not cause any problems of highway safety or obstruction to users of the highway and,
2. Issues have been raised that it is likely to cause problems such as an increase in noise, smells, litter and late night disturbance.

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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19/11/2015

To Richard Barnett.

I would like to Appeal against the Decision as to why I was Refused a license to Trade outside CRYPT School. The opening hours will be from 7pm till 11pm. I will also have 2 bins 1 outside and 1 inside. Every Day my VAN will be Removed. Where I want to Trade there are no houses close by. So I Don't think it would cause a smell. But if there was any complaints about the smell I will stop Trading. Please give me a chance.

Yours Faithfully.

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