



Licensing and Enforcement Sub-Committee

Meeting: Tuesday, 17th March 2015

PLEASE NOTE: The meeting will start at 6.15 pm or on the rise of the Licensing and Enforcement Sub-Committee taking place beforehand at 5.15 pm

Venue 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 AT PAVILION 2, OLYMPUS PARK, QUEDGELEY (Pages 5 - 38) To receive the report of the Head of Public Protection which sets out the appeal of Mr Sahin 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

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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.

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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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Gloucester City Council

Meeting:	Licensing and Enforcement Sub-Committee	Date:	17 th March 2015
Subject:	Appeal against the decision to refuse Street Trading Consent – Hot Food unit, Pavilion 2, Olympus Park, Quedgeley		
Report Of:	Gill Ragon – Head of Public Protection		
Wards Affected:	Quedgeley Severnvale		
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 Criteria2. Application for Street Trading consent and location plan3. Copies of representations received4. Refusal letter for Street Trading consent5. Appeal letter from Mr. Sahin		
Reference No.	ES21195		

FOR GENERAL RELEASE.

1.0 Purpose of Report

- 1.1 To consider the appeal of Mr Sahin against the decision to refuse 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 Pavilion 2, Olympus park, Quedgeley 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. Sahin first applied for street trading consent at Pavilion 2, Olympus Park in December 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 9th December 2014.
- 4.3 During the consultation period, two representations were received. Both of the representations were against the application being granted. A copy of the two representations are attached in **APPENDIX 3**.
- 4.4 Once the consultation period had ended, the 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 9th January 2015 can be seen attached in **APPENDIX 4**.

5.0 Appeal Details

- 5.1 An appeal letter was received on 27th January 2015 from Mr. Sahin 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 believes the road is only used for offices and workshops and does not believe the siting of the van would create an obstruction to the traffic.
 - He believes that there are no houses in the area and hardly any traffic during the evening. There are no night clubs or late night pubs so he believes there would not be an increase in noise, therefore unlikely to cause late night disturbance.
 - A litter bin will be provided and cleared on a daily basis by the vendor.
 - Air ventilation fan is fitted in the vending van to eliminate smell.

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. Sahin and agree to grant the street trading consent as applied for or, grant the Street Trading Consent with additional conditions to address issues raised in the representations.

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 the Police stating that they have concerns regarding this application. The community team have been dealing with a number of issues at Olympus Park of anti-social behaviour. 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.

(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.

Olympus Park is used as an alternative route to Bristol Road when it becomes busy. The hot food unit is located on the main road through Olympus Park. The road is also regularly used in the evening as there is a gym located near by the proposed trading location.

- 7.2 An objection was also received from Quedgeley Parish Council who stated that they fully support the concerns raised by the Police and that they would support the application being denied.

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:

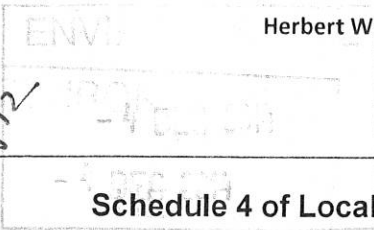
- *Food Safety Act 1990*
- *Health & Safety at Work Act 1974 and any regulations made under this act.*
- *Environmental Protection Act 1990*
- *Trading Standards Legislation*
- *Regulation (EC) No. 852/2004 on the Hygiene of Food Stuffs.*
- *The General Food Law Regulation (EC) 178/2002*
- *The General 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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Herbert Warehouse, Gloucester Docks, GL1 2EQ
01452 396396
heretohelp@gloucester.gov.uk
www.gloucester.gov.uk



14/01/1991 STENDE
2000 29 14 112



Schedule 4 of Local Government (Miscellaneous Provisions) Act 1982

Application for Grant/ Renewal of a Street Trading Consent

STAPP 68

All questions must be answered (PLEASE USE BLOCK LETTERS)

1. Full name of applicant:

Surname: SAHIN First name(s): KUDRET

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: Pavilion 2, Olympus Park
Quedgeley, Gloucester

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

DAY	MON	TUE	WEDS	THURS	FRI	SAT	SUN
Start Time	6 pm	6 pm	6 pm	6 pm	6 pm	6 pm	6 pm
Finish Time	00. Am	00. Am	00. Am	00. Am	00. Am	00. Am	00. Am

10. Nature of goods/ services in which it is proposed to trade: cooked food like, kebab, chips, Burgers
 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 City Council
 Registration number:

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? Yes, Smith & Co

13. Location of sanitary conveniences used by the trader? KFC Quezely (letter enclosed)

14. Unit details:
 (a) Type of unit to be used in connection with Street Trading: Mobile Van Unit
 (e.g. van, kiosk, trailer, moveable stall)
 (b) Dimensions: length 5m 12cm, Breadth - 2m 20cm
 (c) Registration number (if applicable): P984 BOC

15. Address at which the unit will be kept when not in use:

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?

(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?

17. Do you have public liability insurance? Yes / No
 If 'Yes', provide details of: with the help of (insurance for licence)
 (a) Insurance Company: St. Julian Insurance Company Ltd.
 (b) Policy Number:

(c) Period of cover: 25/11/2014 - 24/11/2015

(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 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 until 2000 - The applicant had been living in Turkey

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: 02/12/2014

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

Date of inspection:

Officer Recommendation:

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

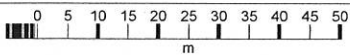
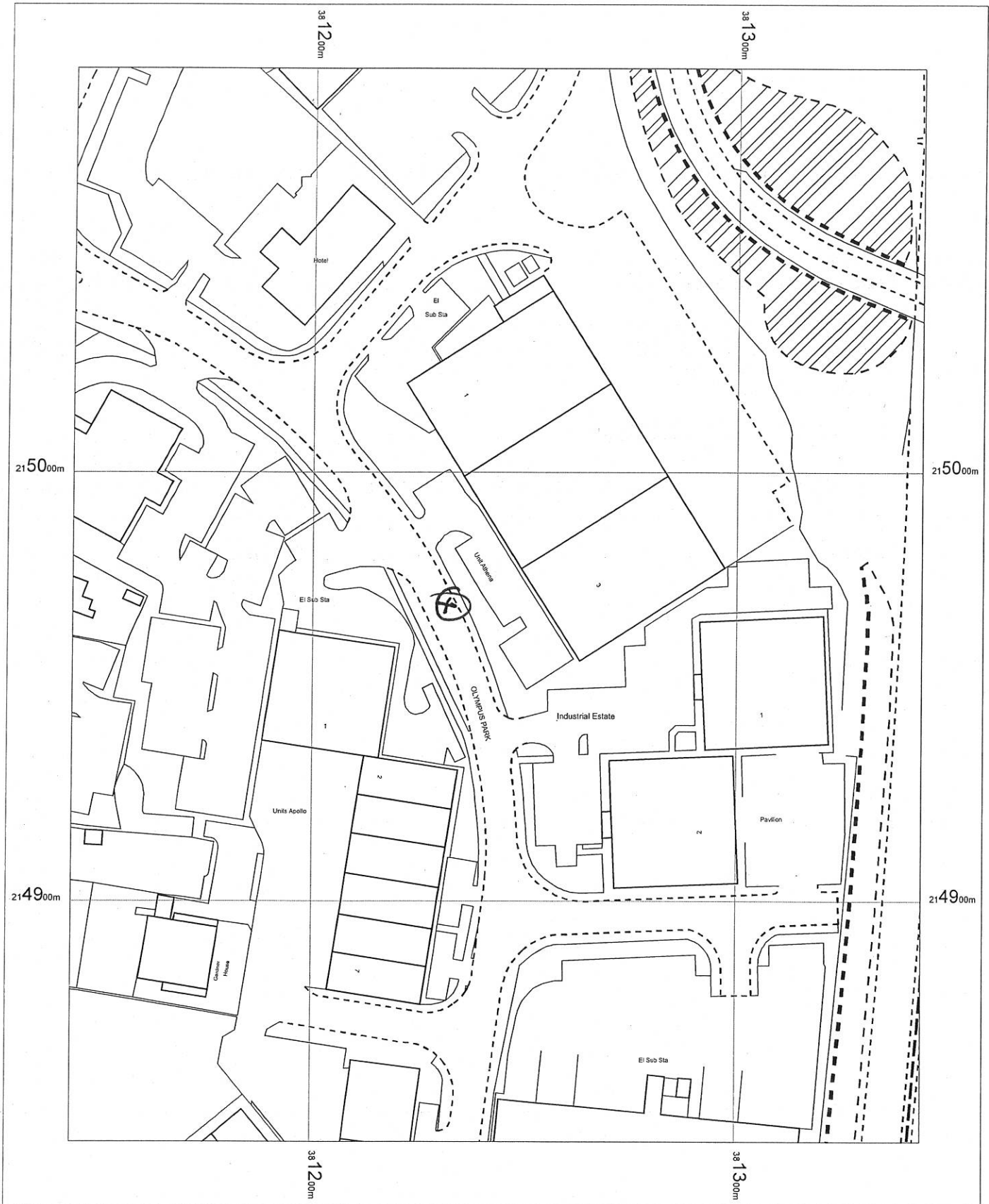
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<input checked="" type="checkbox"/>

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
 08 May 2014, ID: JEW-00323126
 maps.johnwright.com

1:1250 scale print at A4, Centre: 381244 E, 214969 N

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Mapping sourced from



K.M. Reprographics

printroom@kmrepro.com
 Tel: 01452 385600



location of unit



*NNA Ltd
KFC Drive Thru
Goodridge Avenue
Quedgeley
Gloucester GL2 5EA
Tel: 01452 529992
Fax: 01452 529994*

28th November 2014

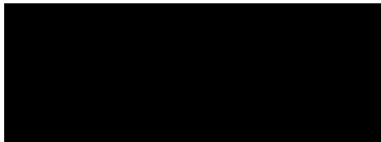
To whom it may concern,

RE: KUDRET SAHIN

I am writing to confirm that we will allow the aforementioned to use our toilets in our KFC Quedgeley store (address in the letterhead above) when he is operating his burger van.

If I can be of any further help, please feel free to contact me.

Yours faithfully,



Gerard Nicholas
(Managing Director)









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Richard Barnett

From: Paul James
Sent: 09 December 2014 21:54
To: Richard Barnett
Subject: Re: Application for Street Trading Consent - Olympus park, Quedgeley

No particular comments from me.

Paul

Sent from my iPad

> On 9 Dec 2014, at 11:27, "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 28 days to submit any representations regarding this application. If we do not hear from you after 28 days of the date of this email, 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
>
>
> <[environmental_health_scanner@gloucester.gov.uk_20141209_111024.pdf](#)>

Richard Barnett

From: Carly R. Holder
Sent: 09 December 2014 17:10
To: Richard Barnett
Subject: Application for Street Trading Consent- Olympus Park, Quedgeley

Good Afternoon Richard

I write with regard to the recent consultation on the Street Trading Consent for the hot food van at Pavillion 2, Olympus Park.

This van was granted planning permission to be sited at this location in July this year under planning reference 14/00648/FUL, and all planning considerations would have been addressed as part of this. I therefore raise no objection to the granting of this Street Trading License.

Kind Regards

Carly Holder
Assistant Planning Officer- Development Control

Gloucester City Council
Herbert Warehouse
The Docks
GL1 2EQ

Email: carly.holder@gloucester.gov.uk

Phone: 01452 396361

Website: www.gloucester.gov.uk

The views and opinions expressed in this email are those of the Planning Officer, and do not prejudice the Council to any course of action or decision.

Richard Barnett

From: Lovell, Elizabeth
Sent: 09 December 2014 16:44
To: Stephenson, Jenny; Richard Barnett
Cc: Mansfield, Mark; Addinall, Matthew; Doyle, Andrew; Fisher, Toni; Fraser, Jennifer; Garcia-Cote, Tracy; Goddard, Rhian; Horwood-Jones, Christopher; Lee, Kevin; McGoldrick, Stephen; Tunney, Manja
Subject: FW: Application for Street Trading Consent - Olympus park, Quedgeley
Attachments: environmental_health_scanner@gloucester.gov.uk_20141209_111024.pdf

Rich

I have some serious concerns over the above trading consent for a kebab van in Olympus Park until midnight. The community team have been dealing with a number of issues of Olympus Park of antisocial behaviour involving youths in cars, loud noise, and general ASB.

We have had a SARA plan set up for this issue which we managed to sort by the end of October 2014. This SARA plan documents partnership working, incidents and the community resident's complaints. I can sanitise it for our evidence to oppose this trading van in this area, as I know that it will attract antisocial behaviour again if it continues to trade until Midnight.

If you have any new template for objections please send it to me.

Regards

Liz
PS1515 Lovell

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

From: Stephenson, Jenny
Sent: 09 December 2014 13:24
To: Wood, Steven; Lovell, Elizabeth
Subject: FW: Application for Street Trading Consent - Olympus park, Quedgeley

FYI

Any thoughts/objections please direct to Rich Barnett.

Thanks

Jenny

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

From: Richard Barnett [mailto:Richard.Barnett@gloucester.gov.uk]
Sent: 09 December 2014 11:24
To: > EHEP Team; Chamber of Commerce; Development Control; Licensing; Gloucestershire Fire; Heritage; Highways; Jason Merritt; Jennie R. Dallimore; Paul James; Quedgeleyipc@btconnect.com; Anna Mozol; Andrew Lewis
Subject: Application for Street Trading Consent - Olympus park, Quedgeley

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 email, 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

=====
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Richard Barnett

From: Mansfield, Mark
Sent: 16 December 2014 16:28
To: Richard Barnett; Darren Brice; Darren Mountford
Cc: Lovell, Elizabeth
Subject: FW: Application for Street Trading Consent - Olympus park, Quedgeley
Attachments: environmental_health_scanner@gloucester.gov.uk_20141209_111024.pdf

Hi Rich,

I have liaised with Sergeant Liz LOVELL who is in charge of policing the Quedgeley area community teams. She has viewed the email about the application for Street trading at Olympus Park in Quedgeley.

Sgt Lovell has spoken to me about her concerns and reservations with this application and has requested that I submit this for her.

Her team conduct what is known as a SARA plan in the Olympus Park area where the trading application has been requested.

SARA plans deal with areas where there are Police concerns and a build-up of a considerable amount of anti-social behaviour. This Plan deals specifically with all problems requiring action, including those identified by police (for example, using community intelligence) and those identified by community members as part of Neighbourhood Policing.

What are the problems?

Residents and Businesses around the Olympus park estate, Quedgeley are suffering from ASB from youths congregating with cars. They are causing noise and driving anti-socially during the evenings. Ball playing against shop windows making echoing noises to nearby estate.

The Police have received numerous phone calls from residents and staff at the businesses on the retail park and during recent House to House enquiries it is apparent that there is a recurring problem.

I consider that this application should be refused on the grounds that there is already serious anti-social behaviour in the area concerned. Residents are at boiling point already and any further businesses etc. that will introduce more noise and possibly ASB.

Please find a list of incidents highlighted on our SARA plan to date:

15/06/14 Incident 423-15/6/14

Local resident reporting 40plus cars outside Matalan in the car park, Police attended and no cars committing any offences so NFA

15/07/14 Incident 564-15/7/14

Local resident reporting cars in the carpark, youths playing football and playing loud music. No Police sent to incident.

16/07/14 Incident 501 -16/07/14-

Complaint of cars parked in Carpark again being loud- Police attended and spoke to the following vehicles who were not causing any noise. Group advised about noise complaints and stated that other drivers arrive usually later in the evening.

18/7/14 Incident 632 22/7/14

Reports of cars beeping their horns and revving their engines. PC 2146 & PCSO Tunney patrolled and AIO

22/7/14 Incident 470-22/7/14

Report of drug dealing behind Boots, which is a regular occurrence.

Details of the dealer - XXX who drives a Vehicle XXX Police attended (response) and no vehicles there

26/7/14 Incident 574-26/7/14

Report of group of cars in the car park playing loud music, but nothing else.
Police did not attend due to being busy but caller had left the area anyway.

1/8/14 Incident 557-1/8/14

Report of that earlier a resident had walked past the car park at 2208hrs there was a gathering of approx. 20 youths around 17yrs with a couple of cars they were setting fire to waste paper. No car details given.

Police attend and give words of advice to vehicles

1/8/14 Incident 576-1/8/14

Report that youths are at the location messing around play fighting and causing a nuisance.

Police did not attend due to resources but reassurance given

3/8/14 Incident 181-3/8/14

Report that youths are in the car park being noisy from 1030-0130hrs, playing football and playing loud music.

Was not resourced by police

9/8/14 Incident 469-9/8/14

Report that vehicles at the location revving their engines, driving fast, playing loud music. Also playing football in the car park the ball has hit callers fence.

Caller has posted anon on face book ref this and XXX (18yrs) posted a reply saying he gathers there with his mates and they are not causing problems.

Police did not attend incident

10/8/14 Incident 462-10/8/14

Report that cars have returned, no specific details given. Not resourced by Police

15/8/14 Incident 447-15/8/14

Report group of youths causing noise in the car park at the location.

Cars and music are making a lot of noise . They have been racing round the car park on mopeds, loud music and cars revving No resources to attend.

27/8/14 Incident 497-27/8/14

Report of youths in the carpark causing noise by revving engines.

Police attend and obtain 4 VRM's, but they are not causing any issues.

5/9/14 Incident 571-5/9/14

Report of vehicles at the location, revving engines.

No resources available

14/9/14 Incident 447-14/9/14

Report cars doing wheel spins and burnouts in the carpark- Police have no resources to attend

17/9/14 Incident 540-17/9/14

Report of around 5-6cars with male and females ,aged between 17 and 20 yrs. ,no vrms. revving engines and playing football.

PCSO Tunney- I have made enquiries with XXX who manages the area of the Olympus business park. the particular person who is in charge of the area is XXX Message left on Mr XXX phone asking him to make contact. Also conducted a community consultation around the area closest to the Matalan location. Boots and two other neighbouring houses complaint of high noise levels at night.

18/9/14 Incident 62-18/9/14

Resident complaining that still an ongoing issue and is losing sleep. PS Lovell has advised that we need VRM's to take positive action.

PCSO Tunney conducted a small Community consultation with the closest 3 residents in HIGHLIFFE DRIVE, Quedgeley, & BOOTS Business premises in the Olympus business park. Complaints reach from loud music and boy racer behaviour (doughnuts and hand brake turns, excessive engine revving etc.) to ongoing ball playing against the buildings which echoes throughout the Trading estate to the annoyance of business and private residents. Drug dealing was also mentioned. This behaviour starts after about 19.30 and often carries on until the early morning. Residents have complaint of sleeping difficulties due to the ongoing ASB.

20/9/14 Incident 510-20/9/14

Report the vehicles are back in the car park causing a nuisance.

PCSO Lee attended- there were approx. 8 cars at the location all parked up in the car park in the front car park outside Matalan. There was no music being played at the time and those individuals there stated that none of the cars had been playing music.

All those present were advised with ref to the complaints we are getting and asked to move to a more suitable location.

21/9/14 Incident 475-21/9/14

Report of vehicles in the carpark and occupants playing football.

Police attend but AIO

23/9/14 Incident 467-23/9/14 & 571-22/9

Report of VRM's that have been in the carpark:

Vehicle info restricted

22/9/14 Incident 470-23/9/14

Report that around 7 vehicles at the location causing a nuisance with loud noise.

No resources available

24/09/2014 PCSO Tunney tried Mr XXX (Capita Symonds) phone number again. No reply . Another message left on Mr Templeton's phone asking him to call ref above incidents!

25/09/On the 25/09/2014 SGT Liz Lovell had a meeting with City Safe Richard Burge in relation to setting up the Scheme at Olympus Park with their retail premises. He is organizing meetings for next week and security will also be mentioned. Consideration of new powers around Community Protection Notices to be studied for the car park where ASB cars/youth are amalgamating.

25/09/2014 Incident 480 - 24/09 , 482 - 24/09 & 502 - 24/09 rang in after 2200 hrs last night. Incident 480 & 502 were attended by officers. Caller from first incident was present when police arrived. PCSO Tunney has emailed attending officers to ascertain details of youth in the car park so the plan can be updated with those details.

25/09/2014 PC Fisher requested dome camera for location - this has been authorised
25/9/14

25/09/2014 PC Fisher & PCSO Tunney attempted to visit a number of local youth ref. Incident 467 of 23/09/2014. None of the youth were home. It was decided that all youth would be issued with a warning letter instead.

Warning letter have been sent to: XXXXX offenders

26/09/2014 PB307 & 311 patrols of Boots car park at approx.. 2000 hrs & 21.30 hrs. All clear.

26/09/2014 Incident received from Glevum Security to advice Boy Racers at GEOTECHNICAL ENGINEERING. Olympus business Park, Quedgeley. 15 cars and some bikes!!!

537 - 26/09/2014

Perhaps they have moved a few hundred feet up the road! Email sent to team for awareness and to incorporate the area into patrols!! Email also to SC Richard Blythe and Andy Brannigan for information.

27/09/2014 PCSO Addinal & Tunney patrolled the Olympus Business Park at the rear of BOOTS and around GEOTECHNICAL about 19.30hrs and again about 21.30 hrs. No youth in cars.

3/10/14 Facebook -Spotted Quedgeley,KINGSWAY,HARDWICKE-

In response to the 2 posts regarding the youths in a car park causing an issue. When for the past 3 month you've been kept awake until 1am with their stupidly loud music and general behaviour when your home is a stone's throw away it wears thin after a while. I confronted the kids about the noise and yet they still carried on, so yes I took all their Regs. and kept reporting it to the police every night

This post alone had 71 likes and 30plus comments from members of the community and alleged offenders

3/10/14 Facebook Spotted,Quedgeley,Kingsway,hardwicke-

Please post

I don't see why so many people don't understand why lads and ladies meet up in their cars in car parks .. I mean it's pretty simple they are car mad and want to socialise with their car mad friends while stood with their car and seeing as a car park is where you park your car it's a pretty obvious place.. it's just like going for a drink at the pub to talk with your mates this just happens to be in a car park

This post only generated a couple of likes and a couple of comments, but was posted the same day as the above comment

5/10/14 SC HOWE & SC O'BRIEN- Whilst out patrolling came across a group of youths (with cars) in the car park at Hardwicke village hall. They were not causing any trouble but were previously known to have hung around at the back of Matalan. They stated they had been avoiding Matalan as they were aware that there had been complaints about noise/trouble at that location (which they claim is nothing to do with them).

Later checked the car park at Matalan and there were no cars or people, other than two employees of Boots. They said the problems had died down of late and they would notice if there were people there, as they are often working late. One referred to the comments on social media about problems in the area and was surprised that people felt it was such a problem, as they are right next to it and have no immediate concerns.

28/9/14 PCSO TUNNEY- Patrols conducted- AIO

6/10/14 PCSO TUNNEY- Patrols of carpark at approximately 2030hrs, only one van in the carpark but un-occupied. AIO

07/10/2014 Incident 277-07/10/2014 reported by Matalan manager ref. youth parked up at rear car park on the night of the 06/10/ approx.. 2100 hrs. This morning 7 boxes of CO2 chargers were found at the location. I was asked to collect them as they were lying in the road. On my arrival however they had already been removed. (PB311)

07/10/2014 PB 307 & 311 Patrol of Boots and Matalan car parks front & rear. All ok. Approx. 19. 30 hrs.

Kind Regards

Mark Mansfield
PC 1835
Licensing Department

Night Time Economy Enforcement Officer
City Centre Community Beat Officer
Gloucester Local Police Area
Gloucester
Gloucestershire Constabulary
GPolice Headquarters, No.1 Waterwells, Quedgeley, GL2 2AN
Personal - 01452 335267 | Contact Centre - 101

K.M.B.:

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

From: Lovell, Elizabeth
Sent: 09 December 2014 16:44
To: Stephenson, Jenny; 'Richard.Barnett@gloucester.gov.uk'
Cc: Mansfield, Mark; Addinall, Matthew; Doyle, Andrew; Fisher, Toni; Fraser, Jennifer; Garcia-Cote, Tracy; Goddard, Rhian; Horwood-Jones, Christopher; Lee, Kevin; McGoldrick, Stephen; Tunney, Manja
Subject: FW: Application for Street Trading Consent - Olympus park, Quedgeley

Rich

I have some serious concerns over the above trading consent for a kebab van in Olympus Park until midnight. The community team have been dealing with a number of issues of Olympus Park of antisocial behaviour involving youths in cars, loud noise, and general ASB.

We have had a SARA plan set up for this issue which we managed to sort by the end of October 2014. This SARA plan documents partnership working, incidents and the community resident's complaints. I can sanitise it for our evidence to oppose this trading van in this area, as I know that it will attract antisocial behaviour again if it continues to trade until Midnight.

If you have any new template for objections please send it to me.

Regards

Liz
PS1515 Lovell

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Richard Barnett

From:
Sent: 23 December 2014 14:29
To: Richard Barnett
Subject: Street Trading Licence

Hi Richard

With reference to your e-mail received on 9th December in relation to street trading licence for Sahin Kudret, Quedgeley Parish Council fully support the concerns raised by the Local Police and would support the application being denied.

Herbert Warehouse
Gloucester Docks, GL1 2EQ

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



Date: 09.01.2015
Officer: Richard Barnett
Unit: Env Health
Ref: 1401799STRADE
Page: 1 of 1

Kudret Sahin

Local Government (Miscellaneous Provisions) Act 1982

Application for Street Trading Consent – Kudret Sahin, Pavilion 2, Olympus Park, Quedgeley.

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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Richard Barnett
Gloucester City Council
Herbert Ware house
Gloucester
GL1 2EQ

27 JAN 2015

26/01/2015

Ref: Application for Street trading Consent –Kudret Sahin,Pavilion 2, Olympus Park, Quedgeley

Dear Mr. Barnett,

Further to your letter of 9 January 2015,I would like to appeal against your decision on the following grounds:

1. The road is only used for offices and workshops on both side of the road. It does not generate traffic like one has on main Bristol Road, Gloucester. There would not be any obstruction to the users of that road. The siting of van will not create any obstruction to the traffic.
2. The area consists of offices and workshops. There are no houses around the area and hardly any traffic during the evening. There is no night clubs or late night pubs . So there would not be any increase in noise to disturb the people working in the area. Therefore it is unlikely to cause late night disturbances. As all the offices and workshops close in the early evening the refusal on that basis is not based on the facts but on the preconceived prejudices against the food vending in the street.
3. The letter bin will be provided and cleared on daily basis by the vendor.
4. Air ventilation fan is fitted in the vending van to eliminate smell.

I humbly request you to allow the above application for street trading.

Yours sincerely

Kudret Sahin

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