



BROMSGROVE DISTRICT COUNCIL

MEETING OF THE LICENSING (MISCELLANEOUS) SUB-COMMITTEE A

THURSDAY 4TH OCTOBER 2012

AT 3.00 P.M.

COMMITTEE ROOM, THE COUNCIL HOUSE, BURCOT LANE, BROMSGROVE

MEMBERS: Councillors Mrs. R. L. Dent (Chairman), Mrs. H. J. Jones and
Mrs. C. J. Spencer

S. P. Shannon (Substitute Member)

AGENDA

STREET TRADING CONSENT HEARING PROCEDURE (Pages 1 - 4)

1. To receive apologies for absence and notification of substitutes
2. Declarations of Interest
3. Application for a Street Trading Consent, Mr. Atila Kayaoglu, A38 Redditch Road, Stoke Heath, Bromsgrove (Pages 5 - 30)
4. To consider, and if considered appropriate, to pass the following resolution to exclude the public from the meeting during the consideration of item(s) of business containing exempt information:-

"RESOLVED: that under Section 100 I of the Local Government Act 1972, as amended, the public be excluded from the meeting during the consideration of the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in Part I of Schedule 12A to the Act, as amended, the relevant paragraphs of that part being as set out below, and that it is in the public interest to do so:-

<u>Item No.</u>	<u>Paragraphs</u>
6	1, 2 and 3
7	1, 2 and 3 "

5. Taxi Licensing Hearing Procedures (Pages 31 - 32)
6. Application for a Hackney Carriage and Private Hire Vehicle Driver's Licence (Pages 33 - 42)
7. Enforcement Matters - Officer Update(s)
8. To consider any other business, details of which have been notified to the Head of Legal, Equalities and Democratic Services prior to the commencement of the meeting and which the Chairman considers to be of so urgent a nature that it cannot wait until the next meeting

K. DICKS
Chief Executive

The Council House
Burcot Lane
BROMSGROVE
Worcestershire
B60 1AA

24th September 2012



INFORMATION FOR THE PUBLIC

Access to Information

The Local Government (Access to Information) Act 1985 widened the rights of press and public to attend Local Authority meetings and to see certain documents. Recently the Freedom of Information Act 2000 has further broadened these rights, and limited exemptions under the 1985 Act.

You can attend all Council, Cabinet and Committee/Board meetings, except for any part of the meeting when the business would disclose confidential or “exempt” information.

You can inspect agenda and public reports at least five days before the date of the meeting.

You can inspect minutes of the Council, Cabinet and its Committees/Boards for up to six years following a meeting.

You can have access, upon request, to the background papers on which reports are based for a period of up to six years from the date of the meeting. These are listed at the end of each report.

An electronic register stating the names and addresses and electoral areas of all Councillors with details of the membership of all Committees etc. is available on our website.

A reasonable number of copies of agendas and reports relating to items to be considered in public will be made available to the public attending meetings of the Council, Cabinet and its Committees/Boards.

You have access to a list specifying those powers which the Council has delegated to its Officers indicating also the titles of the Officers concerned, as detailed in the Council’s Constitution, Scheme of Delegation.

You can access the following documents:

Meeting Agendas
Meeting Minutes
The Council’s Constitution

at www.bromsgrove.gov.uk

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Appendix

STREET TRADING CONSENT APPLICATION LICENSING (MISCELLANOUS) SUB-COMMITTEE

HEARING PROCEDURE

1. The Chairman will open the hearing and introduce members of the Sub-Committee and officers present.
2. The Chairman will ask all other parties present to introduce themselves.
3. The Chairman will inform those present that the meeting is being recorded.
4. The Chairman will remind the Applicant that he/she can be represented by a legal representative at his/her own expense.
5. The Senior Licensing Practitioner will present the report.
6. The Chairman will invite Members of the Sub-Committee and all other parties present to put any relevant questions to the Senior Licensing Practitioner.
7. The Chairman will invite the Applicant and/or his/her representative to present his/her case and call any witnesses. The Applicant will be allowed a maximum of 10 minutes to present the case.
8. The Chairman will invite Members of the Sub-Committee and all other parties present to put any relevant questions to the Applicant and/or his/her representative.
9. Consultees / Interested Parties will be invited to present their representations or elect a spokesperson (which may be a Councillor) to speak on their behalf. New representations must not be raised. A maximum of 10 minutes will be allowed for the Consultees / Interested Parties to present their case(s). If two or more Consultees / Interested Parties wish to address the Sub-Committee the 10 minutes will be divided between them.
10. The Chairman will invite Members of the Sub-Committee and all other parties present to put any relevant questions to the Consultees / Interested Parties.
11. The Consultees / Interested Parties will be invited to sum up. A maximum of 5 minutes will be allowed.
12. The Applicant or his/her representative will be invited to sum up. A maximum of 5 minutes will be allowed.

- 13. The Chairman will ask the Legal Advisor if there is any legal advice to be given.**
- 14. At the conclusion of the hearing, the Members of the Sub-Committee, the Legal Adviser and the Democratic Services Officer will withdraw from the meeting room.**
- 15. Once the Sub-Committee has reached its decision, the Members of the Sub-Committee, the Legal Adviser and the Democratic Services Officer will return to the meeting room. The Sub-Committee's decision, together with the reasons for the decision, will be announced by the Chairman.**
- 16. The Sub-Committee's decision will be confirmed in writing to the Applicant and those parties who made representations.**

There is no right of appeal against the Council's decision to refuse to grant or revoke a Street Trading Consent.

Please Note:

- 1) Each application coming before the Licensing Sub-Committee will be treated on its own merits. In determining an application for a Street Trading Consent, the Council will consider the following factors:
 - (a) **Public Safety** – does the location of the proposed trading site represent or is it likely to represent, a substantial risk to the public and users of the highway? The Council will consider things like important sight lines for CCTV cameras, requirements of emergency vehicles, fire hazards, hygiene and the safety of access to or from the trading site.
 - (b) **Public Order** – does the street trading activity represent, or is it likely to represent, a substantial risk to public order?
 - (c) **The avoidance of public nuisance** – does the street trading activity represent, or is it likely to represent, a substantial risk of nuisance to the public from noise, smell, litter or late night disturbance?
 - (d) **Needs of the area** – are there enough other trading outlets to serve the needs of the area? A Street Trading Consent will not be granted where it is considered that there are already enough traders trading in the vicinity (from shops or other stalls) in goods in which the applicant wishes to trade, or if there is an existing concentration of street traders in the street in which the applicant wishes to trade.
 - (e) **Consultation** - relevant responses from consultees.
 - (f) **Guidance issued under the Local Government Miscellaneous Provisions Act 1982**
 - (g) **Bromsgrove District Council's Street Trading Consent Policy**
- 2) The Chairman may require any person who in his/her opinion is behaving in a disruptive manner to leave the meeting, and may refuse to permit that person to return, or permit him/her only on such conditions as the Chairman may specify. However, such person may, before the end of the hearing, submit in writing any information which he/she would have been entitled to have given orally at the meeting had he/she not been required to leave.
- 3) Decisions may be taken in the absence of the Applicant or any other party. All notices and representations received from absent parties will be considered.

- 4) **Questioning must not be hostile or intended to unfairly undermine the position of any party.**
- 5) **Late evidence will only be considered with the agreement of all parties present.**

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STREET TRADING CONSENT - APPLICATION

Relevant Portfolio Holder	Councillor Kit Taylor
Portfolio Holder Consulted	No
Relevant Head of Service	Steve Jordan – Head of Worcestershire Regulatory Services
Wards Affected	Stoke Heath / Stoke Prior
Non-Key Decision	

1. SUMMARY OF PROPOSALS

- 1.1 To consider an application to permit street trading in respect of Mr Atila Kayaoglu who is a trader intending to provide kebabs, hot and cold drinks from a mobile unit sited at a lay-by on A38, Redditch Road, Stoke Heath, Bromsgrove.

2. RECOMMENDATIONS

- 2.1 That Members determine the application. The application may be:
- 2.1.1 granted in whole or in part (with additional conditions, if appropriate) and subject to Mr Kayaoglu producing a trade waste agreement.
- 2.1.2 be refused,
- provided that the Sub-Committee's decision is consistent with the Council's Street Trading - Policy Statement.

3. KEY ISSUES

Financial Implications

- 3.1 If an application for a Street Trading Consent is refused the Council will refund the fee less an administration fee of £35.00.
- 3.2 There is no right of appeal in respect of Street Trading Consent.

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Legal Implications

- 3.3 The Local Government Miscellaneous Provisions Act 1982 section 3 empowers local authorities to designate all or part of their areas for the purposes of street trading. Schedule 4 of that Act specifies the procedure for resolving to designate streets, and for issuing Street Trading Consents.
- 3.4 Paragraph 7 of Schedule 4 of the Act permits the Council to grant a Street Trading Consent if they think fit and to attach conditions to it as they consider reasonable necessary to prevent obstruction of the street or danger to persons using it; or nuisance or annoyance (whether to persons using the street or otherwise). Standard Conditions are included within the Bromsgrove District Council, Street Trading – Standard Conditions.
- 3.5 Paragraph 8 of Schedule 4 of the Act, further permits the Council to include in Street Trading Consent permission for its holder to trade in a Consent Street from a stationary van, cart, barrow or other vehicle or from a portable stall.
- 3.6 Paragraph 10 of Schedule 4 of the Act states that a Street Trading Consent may be granted for any period not exceeding 12 months, but may be revoked at any time.
- 3.7 The Sub-Committee is reminded that the Human Rights Act 1998 guarantees the right to a fair hearing for all parties in the determination of their civil rights.
- 3.8 The Sub-Committee must have regard to the Council's Street Trading – Policy Statement.
- 3.9 There is no right of appeal against the refusal to grant a Street Trading Consent.
- 3.10 Mr Kayaoglu has been invited to the meeting so that he can put forward his case.
- 3.11 All those making objections to this application have been invited to the meeting so they can put forward their case.

Service/Operational Implications

- 3.12 In accordance with the Street Trading- Policy Statement, a responsible authority is entitled to make representations. Responsible authorities consulted include:-

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- The Highways Authority – Worcestershire County Council;
 - The Chief Officer of Police;
 - Worcestershire Regulatory Services – Compliance Team;
 - The Council’s Street Scene and Community Services team;
 - The Council’s Community Safety Team;
 - Trading Standards;
 - The Parish Council (if any) in which the Trading Unit is to be located;
 - The Ward Councillors
 - Any other relevant agency, and
- 3.13 In accordance with the Street Trading - Policy Statement, the owners/occupiers of any properties near to the proposed location of the trading site for which an application has been made are entitled to make representations. “Near to” is not defined in the Street Trading - Policy Statement.
- 3.14 The Licensing Authority received an application on 20th July 2012 to conduct Street Trading, in accordance with the Street Trading - Policy Statement at the A38 Lay-by, Redditch Road, Stoke Heath, Bromsgrove. A copy of the application can be found at Appendix A.
- 3.15 The application is seeking the following permissions:
- Street Trading**
§ 16.00 pm – 23:00pm Monday to Sunday
- Actual opening hours**
§ 16.00 pm – 23:00pm Monday to Sunday
- 3.16 No representations have been received from the responsible authorities named at 3.11 above.
- 3.17 Properties near to the proposed site as specified in 3.12 above have been notified and ten letters of objection have been received and are detailed at Appendix B.
- 3.18 A plan indicating the location of the proposed street trading site is attached at Appendix C.
- 3.19 A photograph of the Snack Van can be found at Appendix D.

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Customer / Equalities and Diversity Implications

3.20 The Licensing Sub-Committee will ensure it has regard to the desirability of exercising its functions with regard to the need to eliminate discrimination and to increase equality of opportunity. Applications received will be treated in accordance with Bromsgrove District Council's Equal Opportunities policy.

4. RISK MANAGEMENT

4.1 Decision made without having regard to the Council's Street Trading - Policy Statement.

5. APPENDICES

Appendix A – Application

Appendix B – Letters of objections from local residents

Appendix C – Map of location

Appendix D - Photo of Mobile Van

6. BACKGROUND PAPERS

Street Trading - Policy Statement

AUTHOR OF REPORT

Name: Ann May – Licensing Officer
Worcestershire Regulatory Services

E Mail: a.may@bromsgrove.gov.uk

Tel 01527 881405

Tel: 01527 881405

Application for a Street Trading Consent

Full Name

ATILA KAYAOGLU

Full Residential Address

[REDACTED]

Telephone No.

[REDACTED]

Email

/

National Insurance No.

[REDACTED]

I hereby apply for GRANT / RENEWAL of a Street Trading Consent to sell goods in the street as a mobile trader

Hours/Days of Operation

Monday	1600-2300	Friday	1600-2300
Tuesday	1600-2300	Saturday	1600-2300
Wednesday	1600-2300	Sunday	1600-2300
Thursday	1600-2300		

To sell (describe articles to be sold)

KEBAB
HOT DRINKS
SOFT DRINKS

Proposed trading location (please also attach map showing exact location)

REDDITCH ROAD STOKE HEATH
BROMSGROVE, WORCESTERSHIRE (ATTACH MAP FROM GOOGLE
MARKED IN RED)

The mobile unit is kept at the following address when not trading

[REDACTED]

Description of mobile unit, including dimensions

WHITE COLOUR
12ft x 10ft x 7ft

If you are selling food or beverages, please state, if any, which local authority you are registered with.

I understand that any vehicle will be inspected prior to the start of trading.

I enclose the following items with this application:

A colour photograph of the mobile unit/vehicle	✓
A recent passport sized photograph of the applicant	✓
Food Hygiene Training Certificates (if relevant)	✓
Certificate of inspection for any fire extinguishers	✓
Certificate to show electrical/gas installations have been tested and are safe	✓
Public liability insurance to 5 Million pounds	✓
Plan showing proposed location of unit when trading	✓
Consent Fee - £1401.00 - cheques made payable to Bromsgrove District Council	✓

Signed



Date

20/07/2012

Please return this form and any supporting documents to the Licensing Section, Bromsgrove District Council, The Council House, Burcot Lane, Bromsgrove, Worcs., B60 1AA

Telephone: 01527 881405
Email: licensing@bromsgrove.gov.uk

Ms May
Licensing Officer
Worcestershire Regulatory Services
On Behalf of Bromsgrove District Council
a.may@bromsgrove.gov.uk

20 August 2012

Dear Miss May

Street Trading Consent Application – A38 Lay-By, Redditch Road

With regards to the above Trading Consent Application I wish to strongly express my objections to this application.

My reasons are as follows:

This lay-by is adjacent to a residential area and as such is unsuitable for the siting of this unit which will impact substantially on the residents. We should be free to enjoy our properties during the evening and night time without additional, unnecessary disturbance.

- I already have experience of the cooking smells which will emanate from this type of operation caused by the unit which operates during the morning resulting in my windows remaining closed during operating hours. These smells also pervade my garden impacting on my use and enjoyment whilst it is in operation.
- The planned days and hours of operation are totally unacceptable as they are when the residents should be able to have the most use and enjoyment of their houses and gardens but will be most impacted if the application is granted.
- There will be much more disturbance and noise generated whilst the unit is operating and for some time afterwards possibly continuing into the early hours of the morning whilst we are trying to sleep. These types of unit often attract other people to congregate in the area and be the cause of anti social behaviour.
- I am also concerned with the environmental impact, the additional litter generated and the risk that this may encourage vermin into the area.
- The increase of vehicles passing and parking within a few feet of my property is an additional concern as I believe the District Council already found it necessary to declare the Redditch Road, an Air Quality Management Area in February 2010.

Myself and neighbours are already subjected to anti social behaviour from this lay-by during the evenings and nights due to noise, smells and pollution caused by parked lorries leaving refrigeration units running, parked vehicles with engines left running for long periods of time, engines starting and being revved up for several minutes with the resultant increase in fumes and noise, doors slamming as drivers leave and then re-enter their vehicles, radios playing. I believe the Police have been called on occasions due to some of the above occurrences. I anticipate that many or all of these nuisances and disturbances will greatly increase if this mobile unit is granted street trading consent.

Due to the above reasons I strongly believe that this application is totally inappropriate for this area and should be refused.

Yours sincerely

A solid black rectangular redaction box covering the signature area.

Ann May

From: Booth, Del [REDACTED]
Sent: 22 August 2012 09:41
To: Ann May
Subject: A38 lay-by trading application

Dear Mrs A May.

Can I please register my objections to the A38 lay-by trading application as the district councillor for Stoke Heath. A number of residents have contacted me expressing the concerns below:

1. Increased litter during the late hours
2. Increased noise / potential anti social behaviour from customers who may well be inebriated
3. Congestion from customer traffic and parked lorries
4. Increased fast food outlets of which Bromsgrove has a large number and as a council we have a duty to try and encourage healthy eating

Kind regards
Cllr Del Booth

Ann May

From: [REDACTED]
Sent: 20 August 2012 17:24
To: Ann May
Cc: [REDACTED]
Subject: Street Trading Consent Application - A38 Lay-By, Redditch Road
Attachments: Bromsgrove DC AQMA letter.pdf

Dear Ann,

Thank you for your time on the phone 16.08.12.

We live at [REDACTED] and have received a letter from you regarding the above mentioned application. Can we assume from this then, that you (Bromsgrove District Council) are the landowners of this lay-by? Please confirm this assumption.

We are contacting you to convey our **very strong opposition** to this application.

We already have a food outlet based in the lay-by which trades during the day (to which we also object, but no consideration was offered to us during the application for this outlet!).

However, this situation gives a very good indication as to the nuisance an evening trader would cause; during the day, we have to suffer early morning noise with the setting up of the unit, cars and lorries parking and leaving continuously at frequent intervals, loud talking/shouting etc, not to mention the smell of cooking for what should be just 6 hours, but is in reality much longer than that.

During the evenings, overnight and at weekends we already have to suffer the noise caused by lorries parking in the lay-by who leave their engines running for hours on end. This causes Health Pollution and Noise Pollution, and although we have tried to get something done about this, our complaints have fallen on deaf ears. I sincerely hope this objection does not!

As said before, we already have a strong indication of the nuisance this will cause:

1. **Noise** - this is by far the biggest issue we face, for the following reasons:

1. Increase in the volume of traffic flow, parking up and leaving at quick intervals
2. Car doors constantly being opened and slammed shut, music, shouting, abusive and foul language etc and general behaviour which could be regarded as anti-social. My children play within 5 metres of this proposed sight - I do not want my children being exposed to such behaviour.
3. Closing at 11pm is obviously aimed at those people frequenting the pubs at the top of Stoke Heath, so we have bigger issues with those being drunk and disorderly.
4. Noise is always louder and travels further **AT NIGHT**.
5. **The lay-by is located 10 metres away from residential housing with young families.** It is not acceptable to have to deal with the inevitable increase in noise, this will impact directly on our family's right to a peaceful and stress-free life.
6. The noise from the trading hours of 4 - 11pm, will in reality be much longer than that - the noise of setting up and closing down will see to that. From the existing outlet, we are already aware that the closing time is not adhered to, so it could be midnight before this trader is gone.

2. **Air Quality** - please refer to the enclosed air quality management area report dated 10 December 2009. This concludes that the air quality within the lay-by already exceeds government standards for the mean Nitrogen Dioxide Air Quality Strategy Objectives set by Government. These findings have already been reported to the Government. In relation to this application and the increase in traffic, the air quality can only deteriorate and lead to further breaches to government guidelines.

3. **Smell** - to have a constant smell of cooking from 6.00am to 11pm, seven days a week is surely an Environmental Health issue (when combined with the mobile hot food outlet that is already currently operating from 6.00am).

4. **Toilets** - this is a big point to consider too, there are no facilities around at that time of night so **the bank of this lay-by will inevitably become an open toilet** (especially to those visiting from the pubs!) - surely this is an Environmental Health issue to the general public who use the footpath that runs with the lay-by; and it surely must be a consideration for the hygiene of the mobile unit itself? Again, I do not want my children being exposed to such behaviour. Have the Environmental Health and the HSE been informed of this application and the sanitation implications?

5. **Litter** - there is already a litter problem in the layby due to the incumbent food vendor and the multiple lorries parking overnight and throughout the day. The current waste bin and collection schedule is insufficient, the addition of yet another food vendor will only exacerbate this existing problem.

6. **Rats and rodent implications** - it is a known fact that rodents of many different kinds thrive and actually reproduce in large numbers near food outlets, especially those serving meat products. It is not acceptable to promote this environmental hazard within 10 metres of an established residential area. I am concerned for the safety of mine and my neighbours young children who play outside, actually within 5 metres of the food outlet, if there were a problem with rat infestations. Again, I would welcome the views of the HSE on this matter!

7. **Traffic** - this unit will cause an increase of traffic flow in the lay-by, which we endure during the day - can we not have a break in the evening?

8. Attracting people to just "hang about" - the police and residents will have issues with the active promotion of **Anti-Social Behaviour**. Have the police been informed of this application to assess the impact?

9. **Every day?** - the incumbent unit that is based in the lay-by during the day operates between 6.00am - 2.00pm, the application will extend this to cover food services until 11.00pm. Do you really feel that it is acceptable to provide food in a residential environment within a lay-by from 6.00am - 11.00pm (**17 hours**) per day for 7 days per week?

10. **Purpose** - Exactly what is the councils' purpose for the lay-by? We were of the opinion that the lay-by was there to provide respite parking for motorists (as defined in the Oxford English dictionary - it is a place whereby drivers are able to stop and rest), and not as a location for hot and cold food outlets. If the proposal is to service the lorry drivers that park up overnight in the lay-by, (rather than satisfying passing motorists), then might I suggest that the lorry drivers actually use the purpose built truckstop based at Upton Warren (located 1 mile further down the A38), which has food facilities, along with toilets, showers etc. If this were the case then the entire lay-by may be a cleaner, noise free and more pleasant environment to live next to.

11. **Existing establishments** - There are many established food outlets located in Charford (less than 0.5 miles from the suggested site). These already sell a full range of KEBABS, Fish and Chips, Indian curries and pizza; even closer to the identified lay-by is a take-away Chinese restaurant. So within only a few minutes drive from the lay-by there already exists English, Indian, Turkish and Chinese cuisine outlets. I fail to see what additional extra service this proposed kebab 'wagon' is going to provide. I would suggest that car drivers are more than capable of travelling an extra 0.5 miles in their desperation for a kebab! This also precludes the abundance of food outlets located in Bromsgrove town centre itself, which is approximately 2 miles further, all of which are open for business during the same time as the proposed outlet. I wonder if you have considered the impact upon these established food businesses. I am sure the proprietors would also have strong views on this application and I am equally sure you will be hearing from them also!

Many complaints have already been lodged with the police over the years, regarding anti-social behaviour in the lay-by and nuisance from cars (they will have the records to confirm this).

Whilst I appreciate that everybody has a right to apply for street trading - I am staggered that you are seriously considering this application and requesting feedback from nearby residents for such an application. Whilst I know you are following procedure in this matter on behalf of the applicant, I am interested to know on what grounds the applicant really thinks that he is offering any kind of required service or improvement to the surrounding area for residents; and indeed what the Bromsgrove District Council's honest view is?

So in summary, we (residents) already have to endure many problems associated with the lay-by as it is, which we cannot seem to get resolved. This proposal will just add to these problems; cause us more misery, have a severe impact on our rights as a family to have a peaceful and stress-free life and is most definitely not welcomed. Please let common sense prevail and reject this application outright (**with no chance of appeal either!!**)

Thank you for considering the points we have made.



Ann May

From: [REDACTED]
Sent: 23 August 2012 01:26
To: Ann May; Del Booth; wrs.licensing
Cc: [REDACTED]
Subject: Urgent: Objection Regarding "Street Trading Consent Application - A38 Lay-By, Redditch Road"

Importance: High

Dear Ms Ann May, and for the attention of Stoke Heath Councillor Dr. D. W. P. Booth JP,

I wish to object most strongly regarding your letter informing residents of [REDACTED] of an application for "Street Trading Consent" to allow a mobile kebab van to be situated in the A38 lay-by at the side of our houses.

We attempt to turn a blind eye to the bacon sandwich van in this lay-by which fills the area, our gardens and our houses with a cloying smell of stale grease on an occasional weekday or Saturday morning (unfortunately the opportunity to object to this previous "Street Trading Consent" application was not drawn to our attention before it was agreed,) but the thought of returning home at the end of each day to the rancid smell of reheated kebab meat from 4 to 11pm, seven days a week is absolutely unacceptable.

This lay-by does not hold suitable facilities to be used as what would essentially become an evening service station. We are already subjected to refrigerated HGVs running their engines throughout the night and lorry drivers regularly defecating into our hedgerow as they choose to make their overnight stops alongside our homes rather than accept the cost of a few pounds to use dedicated facilities at the Swan service area barely a mile away.

With the addition of this proposed kebab van, inevitably we can expect a steady stream of inebriated pub-leavers, and teenagers in their tiny but remarkably loud cars to be pulling up with stereos at full blast, casting litter across the surrounding area due to lack of disposal facilities (and a youngster's incessant disregard for the environment,) urinating through our hedgerow due to the lack of sanitary facilities, then revving their engines and blasting away down the road until late at night - every night. Is this a scene that YOU would wish to witness from your private garden as you attempt to unwind at the end of a long and tiring working day – not just occasionally but every day of the week?

In defence of your Licensing Office:

- I understand that you will strive to provide adequate waste disposal facilities - however, you cannot guarantee that these will be used. Even supposing they are used as intended, squirrels, magpies and crows waste no time in pulling the rubbish back out again and scattering it!

- The applicant will no doubt reassure you that they will ensure their cooking waste and leftover food is disposed of correctly, not tipped into the ditch, hedgerow or drains, but you cannot guarantee that they will always stay true to this. Owing to the unavoidable stream of fly-on-the-wall documentaries following hygiene inspectors/pest control etc, we are all aware of the dubious and previously unseen activities conducted within the average mobile refreshment unit, however decent it may outwardly appear.

- The council encourages fresh business to bring money and opportunity into the area - I agree completely with this sentiment, but there are alternative means to this end which do not involve damaging the quality of our local environment.

If this "Street Trading Consent" application is approved, what assurance do we have that it will not open the floodgates to other possibilities:

- Application for later opening of the kebab van
- This lay-by becoming a more permanent refreshment point with static facilities
- Further applications from refreshment vans to be placed close to other private residential

areas

As I write this, I sit in my garden enjoying the scent of the flowers and am not offended by the night-time mumble of the A38. My house windows are open to let the fresh air in. If this kebab van "Street Trading Consent" application was passed, I would have a choice of sitting outdoors wrapped in the aroma emitting from a lump of several-day-old reconstituted meat, or living indoors with windows and doors closed throughout the year. An outdoor washing line will no-longer be an option unless we want our freshly washed clothes to dry with an essence of lamb!

Have you taken into consideration the knock-on effect of pests? The proposal would encourage rats and mice to populate around our homes and gardens. Litter and discarded food will always be present even if cleaning patrols are increased. You should consider the cost of complaints, pest control and street cleaning offsetting any profit you may gain from this "Street Trading Consent" application. Also, at night this section of road is often used irresponsibly by youths driving at high speeds. Traffic encouraged to stop and turn across the road when noticing the kebab van would be hidden from view by the slope of the hill to oncoming traffic travelling at speed, and could easily be involved in a serious collision.

Understandably, the Council Licensing Office will see this application for "Street Trading Consent" in a positive light as it does not personally affect any of your colleagues' private residences and would bring a small but welcome fee to the Council bank account. However, I consider it to be a completely unnecessary proposal. Existing facilities are already in place in the surrounding area to provide for anyone who simply cannot wait until they return home to eat. I also expect that, due to the positioning of this lay-by, it will mainly be accessed by car-drivers who would have no difficulty in seeking out an alternative, existing refreshment area within one minute's drive of this lay-by.

Existing facilities near to this site include:

- Morrisons: 200 yards away, open until 10pm on weekdays and a decently late hour at weekends.
- Co-Op Charford: Less than a mile away, open until around 11 each night.
- Charford Fish Bar: Less than a mile away, open until around 11 each night – a long-established local business paying a greater operating fee than mobile street traders and also selling kebabs. They would meet with direct competition from your applicant if this consent is approved.
- Swan Service Area: Approx 1 mile away, open 24/7, 364 days a year.
- Aston Fields centre: Approx. 1 mile away, a good selection of takeaway shops.
- Bromsgrove Town Centre: Approx 2 miles away, *all* facilities in a permanent and sanitary environment.
- McDonalds: Approx 2 miles away, open until around 11pm, 7 days a week.
- Berry Hill Traffic Island: Approx 5 miles away, Charlie's Kebab van - open late each night and situated on Homebase carpark, *away* from the residential area.

I would be interested to hear your justification for the necessity to disrupt our local area with a

mobile kebab van which has every potential to create an unpleasant environment within a private residential area, and to degrade the surrounding roadside on the A38, when all of the perfectly suitable facilities listed above are within walking distance of the area and operate within similar opening hours? These existing sites are permanent and present the necessary facilities to keep the environment sanitary and comfortable for residents living nearby.

My grandfather was an active member of the Conservative Council in our area for many years and always worked to raise the quality of our community, improving our environment and attempting to make Bromsgrove a place we could feel proud to reside in. I feel most disappointed in this age of saving the planet when we are constantly being encouraged to go green, consider nature and the protect the environment that the current contingent seem completely blasé to the quality of our local area for the sake of collecting "Street Trading Consent" fees.

I do not however wish to raise problems without offering a constructive solution. The site of "Kwik Bite Kabin" on Sherwood Road at the foot of Aston Fields Industrial Estate near Aldi is now unoccupied since the closure of this business. Would the applicant requesting consent to trade in the A38 lay-by consider an alternative of using this existing plot, previously occupied by a similar food-retailing business, for their mobile unit? It is approximately 200 metres from the currently proposed site and, since it is situated on the fringe of an industrial area, is easily accessible to all passing pedestrians/drivers/public transport passengers/cyclists, but will not cause any disturbance to residential property. It would also help to prevent this currently wasted plot of land with its disintegrating portacabin and overgrown grounds from becoming any more unkempt, and allow the A38 lay-by to be used in the manner for which it was constructed: to allow cars needing to leave the busy road a free-space to pull away from the main carriageway and pause in safety. Agreed, this alternative plot is not in plain sight of the main road, but I am sure some variety of "Street Trading Signage Consent" application could be sanctioned by yourselves in order to compensate for the less prominent location?

As a final question, I would appreciate an explanation as to why, when your letter was dated 8th August, it has only just managed to travel the short distance from Bromsgrove Council House to be delivered to our homes on 22nd August with a cut off date to reply by email or in writing of "before 24th August" - presumably this suggests any replies must be received before the working day ends on 23rd August **leaving just 1 day for objections?** One could almost be forgiven for thinking your decision is already agreeable to this "Street Trading Consent" application and you are attempting to lessen any possibility of objection. Your letter also stated that a map detailing the location was enclosed but this was not the case - *nothing* was enclosed as this notice was not even presented in an envelope, just pushed through the letterbox as a folded piece of paper!

I would be most grateful if you would take my opinion and suggestion of an alternative location into serious consideration during your decision-making process. Please understand that I enjoy a kebab now and then as much as anyone else, but if I wanted to live within touching distance of a constant supply, I would have chosen to buy a flat above a chip shop on the High Street, not a quiet home in a private residential cul-de-sac!

Yours Sincerely,



Ann May

From: [REDACTED]

Sent: 17 August 2012 17:47

To: Ann May

Subject: Street Trading Consent Application-A38 Lay-By, Redditch.Road

Dear Madam.

I am writing to object to the above on the following grounds

1. I cannot see any need for this unit
2. It will have an adverse effect on the immediate environment, particularly those houses backing on to the lay-by, in terms of noise, litter and increased traffic using the facility on an already very busy road.

Yours sincerely

[REDACTED]

Ann May

From: [REDACTED]
Sent: 15 August 2012 20:31
To: Ann May
Subject: street trading consent application - A38 Lay-by Redditch Road

Ann

With reference to the letter I have received from you for street trading consent application - A38 Lay-by Redditch Road, I am informing you that I **DO NOT** want this application to be accepted on the basis of the following points:

This will have the possibility of excessive noise levels due to people stopping for food late at night after leaving public houses. We currently have refrigerated lorries staying in the lay-by overnight and it is hard enough to sleep with the refrigeration noisily working.

- Teenagers using it as a meeting point late at night as they know that they can obtain food.
- As I have young children, the noise levels will interfere with their sleep.
- Rubbish & not fully eaten food left by late night revellers thrown on the floor will attract rats.
- Possible damage to property as people under the influence of alcohol will do.
- People urinating & vomiting all over the lay-by whilst drunk.

These are but a few points which will affect my family & property and due to the food van being there 7 days a week, we will have no peace & quiet.

I understand that people have to make a living and I admire them for it but due to the nature of this business and the opening times, I feel that I must oppose this application.

Please feel free to contact me on [REDACTED] if you need to speak to me.

Kind Regards

[REDACTED]

Ann May

From: [REDACTED]
Sent: 20 August 2012 13:00
To: Ann May
Subject: Street trading application -A38 Lay-by Redditch Road

Dear Mrs May

I am writing this email to strongly object to trading consent being given for a kebab van to trade from the lay-by on the A38 Redditch Road, from your letter to me the trader wishes to operate 7 days a week between the hours of 4pm and 11pm. I find this totally unacceptable as i believe we as residents in the vicinity of the lay-by put up with more than enough with issues caused by the said lay-by.

As you obviously know there is already a mobile food outlet operating in the lay-by between the hours of 7am and 1pm, this causes us no end of problems such as, noise from vehicles pulling in to the lay-by especially articulated lorries and lorries with refrigeration units on them, i fear even more disruption will be caused to us from the noise and smell of extra traffic volumes in the lay-by that will be caused by an additional food outlet, we won't be far away from having disruption to our lives 24 hours a day, 7 days a week, at times the smell of food being cooked and diesel fumes from lay-by traffic is over-powering.

I am extremely concerned about anti-social behaviour, we already have many episodes of this at present, ie: foul and abusive language being used, slamming of car doors, loud music from cars and on a couple of occasions scuffles breaking out, i feel that the introduction of a kebab van will only encourage more youngsters into the lay-by as they seem to be the main protagonists of this kind of behaviour, also my neighbours young children should'nt have to listen to the kind of language being used.

I believe that with the attraction of a kebab van operating in the lay-by at night, traffic will increase even further, we already have the problem of lorries pulling in for the night and when they decide to continue their journey they tend to leave their engines running for sometimes nearly an hour before pulling away, the smell of diesel fumes is horrendous and even comes into the house with all the windows shut. I have spoken to the council Environmental department on a few occasions regarding noise and smell from the lay-by but nothing ever gets done, i can't even find out who owns the lay-by as i suggested signs could be put up asking drivers to turn their engines off and no refrigerated lorries allowed at night, i have called the police out on more than one occasion as they have the power to move these lorries on.

I work 12 hour shifts and i am usually in bed by 9pm getting up before 5am the next morning, so you can imagine the disruption this will cause me because i know and you know that the trader will not stop at 11pm and then when he does stop there will be noise created from closing the van up.

I also have grave public health concerns, i already know for a fact that people use the lay-by as a toilet as we have seen them and on occasions when we have said something to them we receive nothing but abuse. Also i am concerned about the amount of litter that will be created, with rats and other vermin being a huge concern, because it is a known fact that they are attracted to discarded litter and food, and this will surely happen, we have on numerous occasions had to pick litter up from our property that has been thrown through the hedgerow that seperates us from the lay-by, i don't think people realise how close residents are to the lay-by because of the hedgerow.

Again i cannot emphasise strongly enough my objections to this trading application being granted and i would be very grateful if you could acknowledge receipt of this e mail.

P.S. please find attached a copy of a letter that was sent to residents in close proximity to the lay-by from Planning and Environment Services, Bromsgrove District Council dated December 2009.

Yours Sincerely

[REDACTED]

This for your attention

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

From: [REDACTED]
Sent: 21 August 2012 22:10
To: wrs.licensing
Subject: street trading consent application-A38 lay by redditch road.

hi,i object to the above application due to the following points=nearly 17 hours a day trading is far too much(including the morning person).it is too small a lay by for this sort of trading,i have the unfortunate problem of the person who runs the earlier session,lives opposite me and leaves to set up at 5.30am 6 days a week,she never cares what noise she makes! During the time she is set up numerous vehicles blow their horns at varying times.The continual coming and going of vehicles for up to 17 hours a day and its ensuing noise and pollution would be intolerable. In my opinion the lay by should be closed down as it is too close to a residential area also when the larger vehicles are in the lay by, the ones which are refrigerated are a terrible noise throughout the night. This could also cause anti -social behaviour,maybe even drug dealing which has happened at other similar sites in the Midlands.

Many Thanks, [REDACTED]

Ann May

From: [REDACTED]
Sent: 23 August 2012 20:33
To: Ann May
Subject: Trading consent - A38 Lay By, Redditch Road

Dear Ann May,

I have received information relating to the above on 22nd August and must express my disgust that you feel it acceptable to give us effectively a day to consider and respond. Surely you are obliged to give us more time on what is an important issue for the local residents.

Anyway, we wish to strongly oppose the approval of such a licence for a kebab unit. We would find the continual smell highly offensive particularly in the summer when we are outside in our garden. There is also the noise that would emanate from the operation of the unit not to mention the noise created from the customers of said unit. It is likely that they would consume their purchases whilst parked in the lay-by and having seen similar units in operation, the noise can be very loud and certainly not something you would want on your doorstep, 7 hours a day, 7 days a week.

The approval of such a unit could impact the saleability of our homes. After all, would you want to buy a home with a kebab unit unit virtually outside your front door. It hardly screams buy me does it ?

Yours sincerely

[REDACTED]

The Licensing Committee
Bromsgrove District Council
The Council House
Burcot Lane

Date: As postmark

Regarding: Street Trading Consent Application – A38 Lay-By, Redditch Road

Dear Ann,

I am contacting you to convey our **very strong opposition** to this application.

A food outlet is already based in the lay-by which trades during the day, from 6.00am – 2.00pm and generates congestion, noise pollution from lorries and motorists using the outlet, smells and litter. The current situation is a very good indication of what to expect during the more unsociable hours of this application.

During the evenings, overnight and at weekends we already have to suffer the noise caused by lorries parking in the lay-by who leave their engines running for hours on end. This causes Health Pollution and Noise Pollution, and although we have tried to get something done about this, our complaints have fallen on deaf ears.

The reasons for my objections are numerous, but in summary they are:

1. **Noise** - this is by far the biggest issue we face, for the following reasons:

1. Increase in the volume of traffic flow, parking up and leaving at quick intervals
2. Car doors constantly being opened and slammed shut, music, shouting, abusive and foul language etc. and general behaviour which could be regarded as anti-social. The close proximity to residential houses with young children is a major concern – surely promoting this type of behaviour within this residential environment cannot be acceptable to the Council. The extended noise periods WILL have an impact upon my family life and adversely affect my children at night time.
3. Closing at 11pm is obviously aimed at those people frequenting the pubs at the top of Stoke Heath, so I also have issues with potential drunk and disorderly behaviour.
4. Noise is always louder and travels further **AT NIGHT**.
5. The noise from the trading hours of 4 - 11pm, will in reality be much longer than that - the noise of setting up and closing down will see to that. From the existing outlet, we are already aware that the closing time is not adhered to, so it could be midnight before this trader is gone.

2. **Rats and rodent implications** - it is a known fact that rodents of many different kinds thrive and actually reproduce in large numbers near food outlets, especially those serving meat products. I am concerned for the safety of mine and others young children who play nearby, if there were a problem with rat infestations. The current waste facilities in place for the incumbent trader are NOT sufficient, so I fail to see that these will support an increase in food waste. The food waste will certainly promote an increase in vermin in a residential area.

3. **Smell** - to have a constant smell of cooking from 6.00am to 11pm, seven days a week is surely an Environmental Health issue (when combined with the mobile hot food outlet that is already currently operating from 6.00am).

4. **Toilets** - this is a big point to consider too, there are no facilities around at that time of night so **the bank of this lay-by will inevitably become an open toilet** (especially to those visiting from the pubs!) - surely this is an Environmental Health issue to the general public who use the footpath that runs with the lay-by; and it surely must be a consideration for the hygiene of the mobile unit itself? Again, I do not want my children being exposed to such behaviour.

5. **Litter** - there is already a litter problem in the lay-by due to the incumbent food vendor and the multiple lorries parking overnight and throughout the day. The current waste bin and collection schedule is in-sufficient, the addition of yet another food vendor will only exacerbate this existing problem, not only causing rodents to flourish as stated previously, but also generating extra rubbish and unsightly mess.

6. **Traffic** - this unit will cause an increase of traffic flow in the lay-by, which we endure during the day - can we not have a break in the evening?

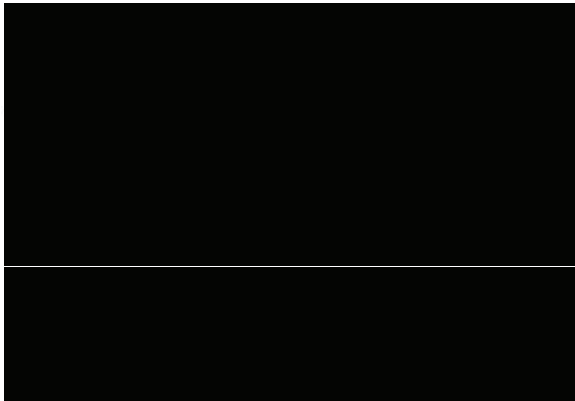
7. **Anti-Social behaviour** - Attracting people to just "hang about" - the police and residents will have issues with the active promotion of **Anti-Social Behaviour**. Have the police been informed of this application to assess the impact?

8. **Hours of trading** - the incumbent unit that is based in the lay-by during the day operates between 6.00am - 2.00pm, the application will extend this to cover food services until 11.00pm. Do you really feel that it is acceptable to provide food in a residential environment within a lay-by from 6.00am - 11.00pm (**17 hours**) per day for 7 days per week?

Many complaints have already been lodged with the police over the years, regarding anti-social behaviour in the lay-by and nuisance from cars (they will have the records to confirm this).

So in summary, we (residents) already have to endure problems associated with the lay-by as it is, that we cannot seem to get resolved. This proposal will just add to these problems, cause us more misery, have a severe impact on our rights as a family to have a peaceful and stress-free life and is most definitely not welcomed.

Yours faithfully

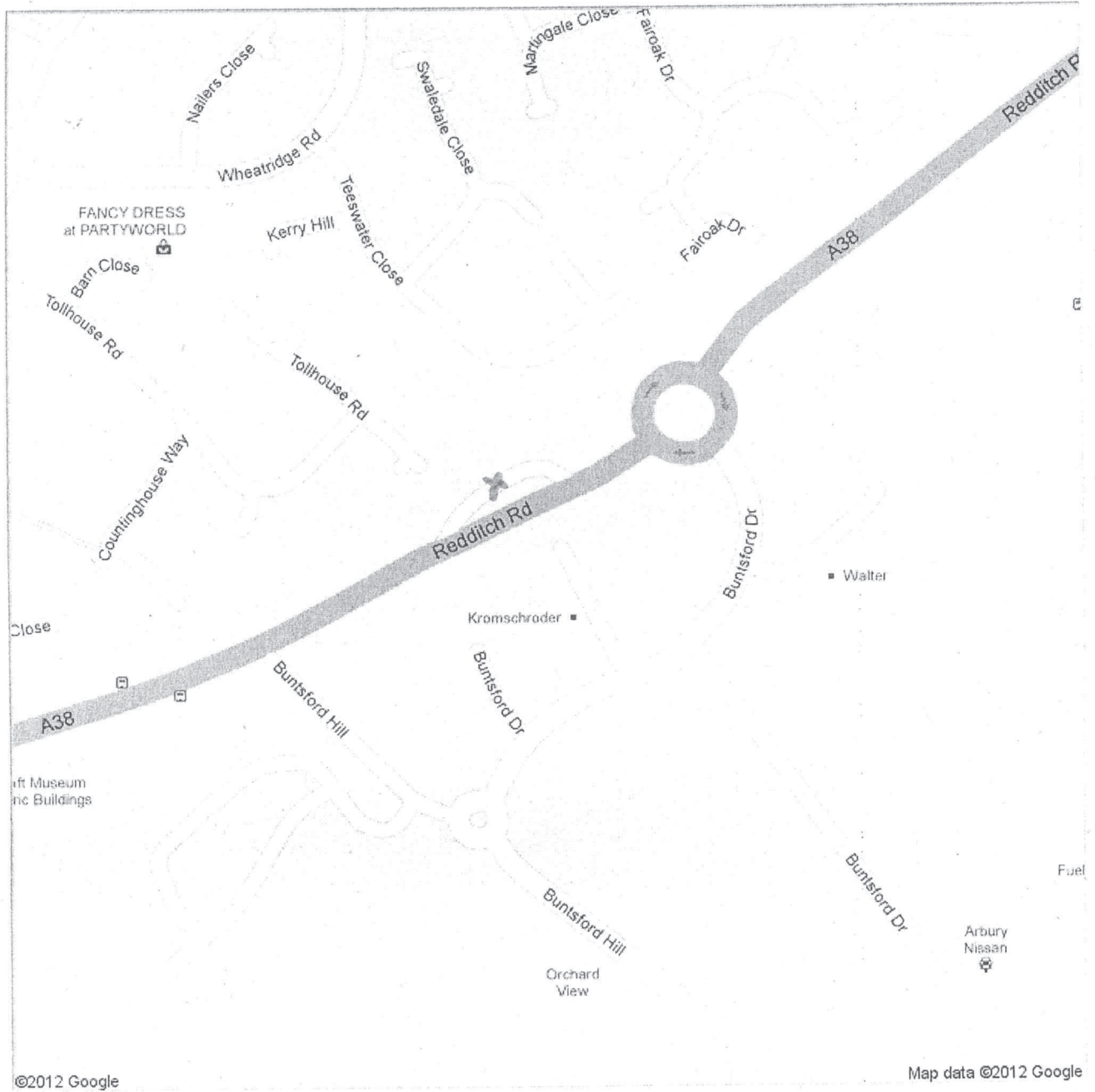
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Address **Redditch Rd**
Stoke Heath, Bromsgrove,
Worcestershire, UK

Application for Trade Consent - KAYA1202



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TAXI LICENSING

HEARING PROCEDURE

1. The Chairman will open the hearing and introduce the members of the Sub-Committee and officers present.
2. The Chairman will ask the Applicant and his/her representative present to introduce themselves.
3. The Chairman will inform all those present that the meeting is being recorded. Any other recording of this meeting is prohibited.
4. The Chairman will remind the Applicant that he/she can be represented by a legal representative at his/her own expense.
5. The Senior Licensing Practitioner will present the report and call any witnesses.
6. The Chairman will invite members of the Sub-Committee and the Applicant to ask any relevant questions of the Senior Licensing Practitioner or the witnesses.
7. The Chairman will invite the Applicant or his/her representative to present the Applicant's case and to call any witnesses on behalf of the Applicant.
8. The Chairman will invite members of the Sub-Committee to put questions to the Applicant and/or his/her representative and/or witnesses.
9. The Chairman will invite the Applicant and/or his/her legal representative to sum up.
10. The Chairman will ask the Applicant to confirm that he/she has said all he/she wishes to.
11. The Chairman will ask the Sub-Committee Members if they have all the information they need to reach a decision.
12. The Chairman will ask the Legal Advisor if there is any legal advice to be given.
13. The Applicant and any other parties present will retire from the meeting room so that the Sub-Committee can reach its decision in private.
14. When the Sub-Committee has reached its decision the Applicant and his/her representative will be invited to return to the meeting room. The Chairman will relay the decision and the reason(s) for the decision to the Applicant.
15. The Chairman will inform the Applicant of the date on which the decision will take effect and of any right of appeal.

An appeal to the Magistrates' Court against the Sub-Committee's decision must be lodged within 21 days of the date on which written confirmation of the decision is received by the Applicant.

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By virtue of paragraph(s) 1, 2, 3 of Part 1 of Schedule 12A of the Local Government Act 1972.

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