



BROMSGROVE DISTRICT COUNCIL

MEETING OF THE LICENSING (MISCELLANEOUS) SUB-COMMITTEE B

FRIDAY 15TH FEBRUARY 2013
AT 10.00 A.M.

COMMITTEE ROOM, THE COUNCIL HOUSE, BURCOT LANE, BROMSGROVE

MEMBERS: Councillors Mrs. R. L. Dent (Chairman), K. A. Grant-Pearce and
Miss P. A. Harrison

Mrs. S. J. Baxter (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 Birmingham Road, Bromsgrove, (Pages 5 - 24)
4. To consider, and if considered appropriate, to pass the following resolution to exclude the public from the meeting during the consideration of items 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 item of business on the grounds that it involves 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	"

5. Taxi Licensing Hearing Procedures (Pages 25 - 26)
6. Hackney Carriage / Private Hire Vehicle Driver's Licence - Review (Pages 27 - 36)
7. 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

7th February 2013



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 remind the Applicant that he/she can be represented by a legal representative at his/her own expense.
4. The Licensing Officer will present the report.
5. The Chairman will invite Members of the Sub-Committee and all other parties present to put any relevant questions to the Licensing Officer.
6. 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.
7. 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.
8. 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.
9. The Chairman will invite Members of the Sub-Committee and all other parties present to put any relevant questions to the Consultees / Interested Parties.
10. The Consultees / Interested Parties will be invited to sum up. A maximum of 5 minutes will be allowed.
11. The Applicant or his/her representative will be invited to sum up. A maximum of 5 minutes will be allowed.
12. The Chairman will ask the Legal Advisor if there is any legal advice to be given.

- 13. 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.**
- 14. 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.**
- 15. 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 to return 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.***

LICENSING SUB-COMMITTEE

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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	All Wards
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 providing kebabs, burgers, chips, hot and cold drinks from a mobile unit sited at a lay-by on A38, adjacent the former Mount School, Birmingham Road, Lickey End, 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 as set out at 12.1 of the Street Trading Policy or,
- 2.1.2 be refused,
- provided that the Sub-Committee's decision is consistent with the Council's Street Trading Consent Policy.

3. KEY ISSUES

Financial Implications

- 3.1 There are no financial implications arising from implementation of this decision. There is no right of appeal in respect of Street Trading Consent.

Legal Implications

- 3.2 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.

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- 3.3 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). Model Conditions are included within the Bromsgrove District Council, Street Trading Policy.
- 3.4 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.
- 3.5 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.
- 3.6 There is no right of appeal against the refusal to grant a Street Trading Consent.
- 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 Street Trading Consent Policy adopted by Bromsgrove District Council on 20th January 2010
- 3.9 Mr Kayaoglu has been invited to the meeting so that he can put forward his case.
- 3.10 All those making objections to this application have been invited to the meeting so they can put forward their case.

Service/Operational Implications

- 3.11 In accordance with the Street Trading Policy, a responsible authority is entitled to make representations. Responsible authorities include:-
- the Highways Authority – Worcestershire County Council;
 - the Chief Officer of Police;
 - the Council's Environmental Health team;
 - the Council's Street Scene and Community Services team;
 - the Council's Economic Development team;
 - Trading Standards;
 - the Parish Council (if any) in which the Trading Unit is to be located;
 - the Ward Councillors

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- 3.12 In accordance with the Street Trading Policy, 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 Consent Policy.
- 3.13 The Licensing Authority received an application on 8th November 2012 to conduct Street Trading, in accordance with the Street Trading Policy at A38 Lay-by, Birmingham Road, Lickey End Bromsgrove. **(Appendix A)**
- 3.14 The application is seeking the following permissions:
- Street Trading**
§ 17.00 pm – 23:00pm Monday to Sunday
- Actual opening hours**
§ 17.00 pm – 23:00pm Monday to Sunday
- 3.15 No representations have been received from the responsible authorities named at 3.11 above.
- 3.16 Properties near to the proposed site as specified in 3.12 have been notified and eight letters of objection have been received. **(Appendix B)**
- 3.17 A map indicating the location of the proposed street trading site is attached **(Appendix C)**.
- 3.18 A photograph of the Snack Van is included **(Appendix D)**

Customer / Equalities and Diversity Implications

- 3.19 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 Members have to decide whether to grant the consent in the light of the information contained in the report (and any representations made by or on behalf of the applicant).

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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 Consent Policy

AUTHOR OF REPORT

Name: Ann May – Licensing Officer
Worcestershire Regulatory Services

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

Tel: 01527 881405



Application for a Street Trading Consent

Full Name

Atila KAYAOGLU

Full Residential Address

[Redacted address]

Telephone No.

Email

[Redacted telephone number] N/A

National Insurance No.

[Redacted national insurance number]

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	1700-2300	Friday	1700-2300
Tuesday	1700-2300	Saturday	1700-2300
Wednesday	1700-2300	Sunday	1700-2300
Thursday	1700-2300		

To sell (describe articles to be sold)

KEBAB, CHICKEN KEBAB, BURGER, CHIPS
HOT DRINKS
SOFT DRINKS

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

BIRMINGHAM ROAD
BROMSGROVE, WORCESTERSHIRE BS61 0EP
(ATTACHED GOOGLE MAP, LOCATION MARKED WITH GREEN ARROW)

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

[Redacted mobile unit address]

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.

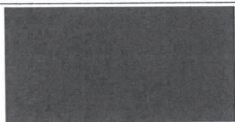
NONE

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	√
Evidence of Trade Waste Agreement	√
Annual Consent Fee cheques made payable to Bromsgrove District Council (Check website for fee details)	√

Signed



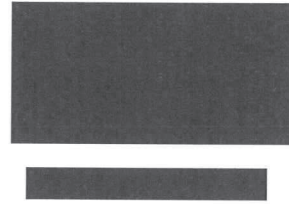
Date

08/11/2012

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

Telephone: 01527 881395

Email: wrslicensingadmin@worcsregservices.gov.uk



Mrs A May, Licensing Officer, Bromsgrove District Council.

Dear Mrs May

Re Application for proposed Street Trading Consent – Layby adjacent to former Mount School, Birmingham Road A38.

Thank you for your letter 3rd December 2012 regarding the above:

I very strongly object to the siting of a mobile food catering unit in this layby for the selling of anything let alone burgers, kebabs and chips during from the hours of 17.00 hours to 23.00hours.

The A38 already has a large volume of traffic at 17.00hours and this along with only one entrance and exit to the layby will add to the congestion in this area. In addition, added traffic congestion will be encountered as there is not enough area to park.

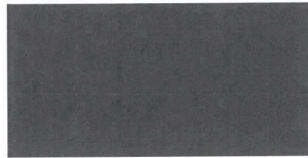
This is a residential area and along with the congestion of traffic will cause noise and litter pollution and will add to the anti-social behaviour in Bromsgrove, which the town can do without as it is already trying to address this problem.

I am of the opinion that the nature of this outlet and the timing will encourage 'boy racers,' both cars and motor bikes to congregate here.

All in all, if this is allowed to happen the whole area will be gridlocked both along the old A38 and the by – pass

Yours Sincerely





Dear Mrs May.

In response to your letter regarding Street trading consent

Birmingham Rd A38.

You refer to the "LAY- BY" is it not an access road to The Mount ?

Lay-bys are usually crescent shaped so you lay-by and continue your journey without having to reverse.

We cannot think of any positive reason for this and are not in favour, on the contrary please find listed below problems that could arise.

1/ Obstructing the road into the Mount

2/ We already have a huge number of Take-aways in Bromsgrove.

3/ A great amount of discarded packages from take-aways can be found under the hedge rows along Birmingham Road. We know where they are from because the brand name is there for all to see.

The council does have a machine cleaning the road, but its left to the residents to maintain cleanliness around the borders and under hedgrows. The clearing up of someones discarded Junk food package is not pleasant it also leads to a rat problem.

4/ The hours of 17.00 and 23.00 could only lend itself to night time trade giving off un-sociable noise ie car stereo systems are younger members of the community quite often want to share there taste of "music" wether we like it or not.

5/ The smell from such outlets is not pleasant.

6/ In spring the area is awash with daffodils under the horse chestnut which is very pleasing on the eye as you enter Bromsgrove. Does a Chuck Wagon in the background lend itself to this picture?

Can you please inform us on the outcome of this matter.

Yours Sincerely



Ann May

From: [REDACTED]
Sent: 11 December 2012 21:44
To: Ann May
Subject: Application

Dear Madam,

REF: Application for proposed Street Trading Consent - Birmingham Road A38

I must tender my objection to the above for the following:

- a) The Birmingham Road is a busy road and the traffic even in the evenings is busy.
- b) The application to build 350 houses on Norton Farm is going to increase the traffic congestion and with the road entry and exit to the proposed site being within hundred yards of this proposal I am sure you can understand my concerns.
- c) We are also threatened with a Sainsbury store being built on the A38 opposite the football ground. Again this will add yet more traffic to the proposed junction.
- d) This piece of road is currently used for a resting place for lorry drivers. I cannot understand how vehicles can turn around in a narrow road and then enter the A38 on a busy junction.

Thanking you

Yours sincerely

[REDACTED]



the **key** consultancy limited

Mrs A May
Licensing Officer
Bromsgrove District Council
Worcestershire Regulatory Services
PO BOX 866
Wyatt House
Farrier Street
Worcester
WR1 9DP

14 December 2012

Dear Mrs May

Re: - Application for proposed street trading consent – Birmingham Road A38

Further to your letter of 3rd December 2012 please accept this as our formal objection to the above.

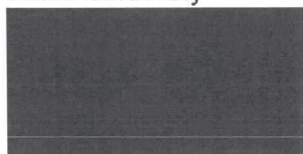
We are a professional management training company whose access is via the layby adjacent to Birmingham Road. This proposal will cause a great nuisance to our business with additional vehicles using the layby making it difficult for access and egress to and from our premises. We fear that such a development will lower the tone of our establishment that we have worked hard over the past 7 years to create a positive, high end management facility with stress free access and parking for our clients.

We have already suffered damage to our gates as a result of vehicles using the gateway as a turning point. We are concerned that if vehicles find it difficult to manoeuvre in the limited space of the lay by then they will be tempted to use our car park as a turning point.

We are also concerned that the amount of litter will increase with discarded food containers and wrappers attracting vermin. The current disposal facility is often overflowing and it is left to our caretaker to collect the rubbish that is blown on to our property. Our aim has always been to ensure our premises are welcoming and professional and this proposal, if granted, can only damage this perception.

If you would like to discuss this further please do not hesitate to contact me.

Yours sincerely



Managing Director

The Mount School, 277 Birmingham Road, Bromsgrove B61 0EP t +44(0)1527 575182 f +44 (0)1527 576288
e key@thekeyconsultancy.co.uk w www.thekeyconsultancy.co.uk

Registered in England No. 2943873. Registered office as above

Ann May

From: [REDACTED]
Sent: 14 December 2012 15:35
To: Ann May
Cc: Peter Lammas; Michael Webb; r.hollingsworth@bromsgrove.gov.uk
Subject: Application for proposed Street Trading COnsent - Birmingham Road A38

Mrs A May
Licensing Officer
Bromsgrove District Council
Worcestershire Regulatory Services

12th December 2012

Dear Mrs May

Re: Application for proposed Street Trading Consent – Birmingham Road A38

Thank you for your letter dated 3rd December 2012.

As practice manager of [REDACTED] Clinic, [REDACTED] Birmingham Road, Bromsgrove [REDACTED] I would like to lodge a strong objection to the granting of A Street Trading Consent to site a mobile food catering unit in the lay-by adjacent to 277 Birmingham Road, Bromsgrove, trading from 17.00 – 2300 hours.

I would consider this to have an adverse impact on any of the residential properties including our [REDACTED] Clinic and the next door [REDACTED] practice on Birmingham Road in terms of noise disturbance, smell, fumes and litter. In particular to [REDACTED], I would consider there to be a strong chance of noise disturbance, not only for our clinic (which regularly holds evening clinics) but also for our tenant who lives in the flat above, with a likely hood of cars being parked in our car park after the surgery has closed.

I would also like to draw to you attention the potential of the proposal adversely affecting the ambience of the residential area with excessive late night noise and increases of late night traffic

If I can be of any further assistance please do not hesitate to contact me and I would appreciate an email confirming you have recieved this letter

Yours sincerely

[REDACTED]
Practice Manager

[REDACTED]
[REDACTED] Birmingham Road
Bromsgrove [REDACTED]

Ann May

From: [REDACTED]
Sent: 15 December 2012 19:20
To: Ann May
Subject: Street trading consent - Birmingham Road A38

Dear Mrs A. May,

Thanks for your letter dated 3rd December; together with my wife [REDACTED] oppose this application, we live at [REDACTED] Birmingham Road and would not be happy to have such a mobile catering unit in this lay-by, especially during those hours of the evenings, besides not much space for trucks to park/turn around, most likely we end up with too many cars parked there in the evenings also young people using it as a hang out lay-by etc which would not be the right place for them in our opinion.

Thanks and kind regards,

[REDACTED]
[REDACTED] Birmingham Road
Bromsgrove
Worcs
[REDACTED] [REDACTED]

[REDACTED] [REDACTED]

1 - JAN 2013

[REDACTED] Birmingham Rd

Bromsgrove

Womes [REDACTED]

19th Dec 2012

For the att. of Mrs A. May

Bromsgrove District Council

Burcot Lane,

Bromsgrove B60 1AA

Re - Application for Proposed Street Trading Consent - B'ham Rd A38

Dear Ms May,

I would like to object most strongly about the above Mobile food catering, on the grounds firstly on Health & Safety, as this would be a distraction to Road users. leaving Bromsgrove coming North to the junctions with the Eastern By-Pass, there has been a fatal crash here, when a lady was killed 2 years ago early eve. Sept.

The rubbish & litter already comes into my drive on a daily basis. Sheep feed on the fields at Norton Farm, what may be tossed over the fence? they may come to harm if they eat packaging. most importantly we shall have the problem of RATS with discarded food & packaging.

I hope you consider my objections when you look at this application

yours sincerely,

Ann May

From: [REDACTED]
Sent: 19 December 2012 10:23
To: Ann May
Subject: Trading Application KAYA1202 - 277 Birmingham Road - urgent

Dear Mrs May

Re: Food Trading Application - 277 Birmingham Road 5pm-11pm

We wish to oppose the above application, we live at [REDACTED] Birmingham Road. We built a family home here and had to consult very closely with the Planning department as this area is greenbelt - but now you are allowing an unsightly burger van to be parked at an awkward, dangerous position on the A38 at night! Will this van be permanent or just arrive at night?

This is a lovely green natural corner at the entrance to Bromsgrove centre, in the spring/summer the daffodils look beautiful, this van will spoil it. I do believe that Bromsgrove Council are trying to change Bromsgrove to be more like Birmingham - more housing and take-aways.

Apart from the usual objections - the smells, litter, encouraging rats and other vermin (from the woodland and fields behind), Bromsgrove have enough takeaways, looks an eye saw, brings the area down etc etc; the main and most important reason is that I believe that this is a dangerous site. There has already been one fatality here, a mother named [REDACTED] was killed when she miss judged the bend and hit a tree, I believe a couple of years ago. There are still flowers and teddy bears on the tree. This is just where they want to put the van. I believe that; especially at night, this will distract drivers at this bend and may cause accidents. This is a confusing junction as you cannot turn right onto the A38 towards David Lloyd, you have to turn left up the A38 towards the M42 roundabout. The access to and from the lay-by is awkward and dangerous, there are only spaces for about 3 cars who can safely turn around. It is a blind spot for drivers turning right from the van towards Bromsgrove. They will have to go across traffic. Has anyone from the council tried to turn right into the lay-by from the traffic lights or out of it towards Bromsgrove at night?? The traffic will build up behind them. Also there are 2 sets of lights, one is for pedestrians crossing the A38 and the other are for drivers turning right or left towards Bromsgrove. This can be confusing enough seeing red next to green then add a Burger van and I dread to think what will happen.

Also what do the the owners of the Mount School ([REDACTED] now) think of this as they may need to gain access to their drive at night? What happens if there is a fire at the Mount School how will the Fire department gain access. What about lighting? Will there be any more as it is not well lit here - but if there is more this will distract drivers.

I am not sure why they have chosed this site as the only drivers who will see it will be travelling in and out of Bromsgrove, either to go home from a night out (already eaten) or going home from work! The drivers travelling down the A38 towards the Oakalls island would not be able to stop as they would not be able to see it in time and be able to turn right unless they turn around at the mini island by David Lloyd.

Also isn't there going to be a KFC built further down the A38 in Charford?? Surely Bromsgrove do not need this van either from a food or more importantly a safety issue.

This is definately a health and safety issue, I wouldn't want the council liable if there was another accident.

Many thanks
[REDACTED]

Ann May

From: [REDACTED]
Sent: 19 December 2012 11:22
To: Ann May
Subject: Trading Application KAYA1202 - 277 Birmingham Road - urgent

Dear Mrs May

Re: Food Trading Application - 277 Birmingham Road 5pm-11pm

We wish to oppose the above application, we live at [REDACTED] Birmingham Road.

The main objections are:-

1. This site is totally inappropriate and unacceptable, this is a residential area and it is not big enough, it was a drive for an old school. It will encourage noise and anti-social behaviour late at night, the town centre is less than a mile away which is more suited.
2. This van will cause litter. Will the van provide bins? There aren't any bins there at the moment. This is a nice residential, clean area and litter will cause a nuisance for the residents and also plastic packaging could harm local wildlife. I do not want to see rubbish such as paper, plastic cutlery, napkins, empty cans, cigarette ends, etc being blown about in my area, pavements, drive and garden.
3. This is not a lay-by it is a pull in which originally was the entrance to the old Mount School only. There is one entrance - you have to pull in, turn around and drive out. This will not be easy as it is not very big and with the van parked here, it is only possible for about 3 cars to do this safely. The entrance to [REDACTED] cannot be blocked incase of a fire. It will be impossible for lorries to turn into the pull in.
4. This van will encourage rats and other vermin from the woodlands and field behind. This will encourage rats into our gardens which will be a health issue and very annoying if they keep trying to get to our bins. They could bite children and pets.
5. What about the awful smell it will cause. Residents do not want to smell greasy chips and kebabs in a residential area.
6. This will increase traffic noise and exhaust fumes at night when the local residents/children are sleeping. The A38 Birmingham Road is known for traffic problems anyway, this will add to it.
7. Will this van be permanent or just arrive at night? It will be an awful sight if it is parked here during the day. Will it put up low quality advertising/signs on our local lamposts or road?
8. The access to and from the pull in is awkward and dangerous, there are only spaces for about 3 cars who can safely turn around. It is a blind spot for drivers turning right from the van towards Bromsgrove. They will have to go across traffic. Has anyone from the council tried to turn right into the lay-by from the traffic lights or out of it towards Bromsgrove at night?? If drivers cannot park in the pull in, they will park on the road causing an obstruction.

This van will be an absolute nuisance for us residents for something that is not needed in this area - traffic, noise, smells, litter, rats, anti-social behaviour, car engines being revved up, eye saw.

I assume this owner has carried out a Risk assessment which I would like to see a copy.

Many thanks



24/08/2012

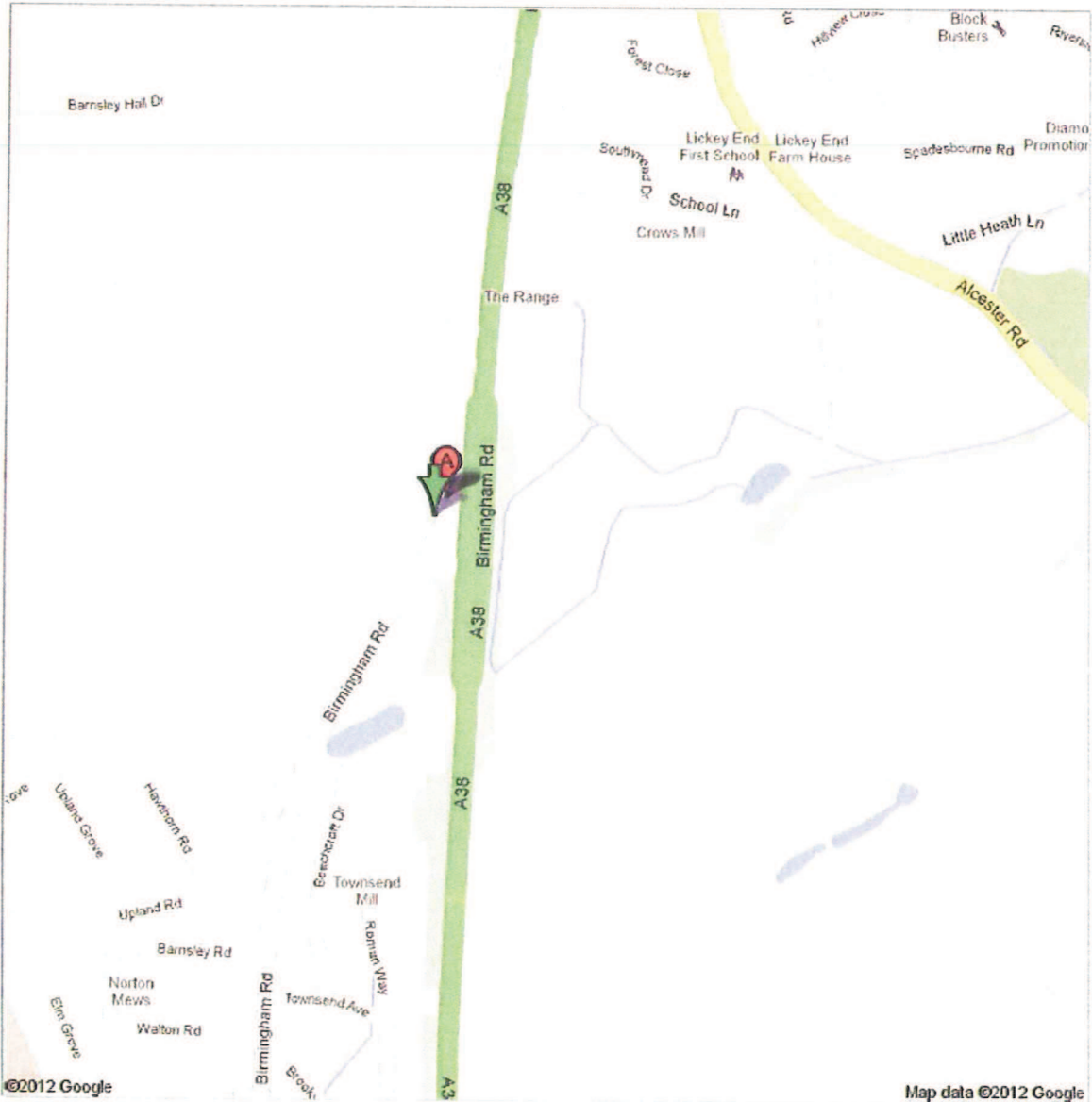
52.348393,-2.048508 - Google Maps

Mr Atila KAYAOGLU -
Proposed Trading site



Address 277 Birmingham Rd
Bromsgrove, Worcestershire B61
0EP, UK

52.348393,-2.048508
Our Ref: [REDACTED]



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KEBABS CHICKEN BURGERS CHIPS
BREAKFAST ROLLS HOT & COLD DRINKS

SMALL		MEDIUM		LARGE	
Kebab	£2.50	£3.50	£4.50	£5.50	£6.50
Chicken	£3.50	£4.50	£5.50	£6.50	£7.50
Burger	£2.50	£3.50	£4.50	£5.50	£6.50
Chips	£2.50	£3.50	£4.50	£5.50	£6.50
Hot Drink	£1.50	£2.00	£2.50	£3.00	£3.50
Cold Drink	£1.00	£1.50	£2.00	£2.50	£3.00

SMALL		MEDIUM		LARGE	
Roll	£1.50	£2.00	£2.50	£3.00	£3.50
Hot Drink	£1.50	£2.00	£2.50	£3.00	£3.50
Cold Drink	£1.00	£1.50	£2.00	£2.50	£3.00

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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 remind the Applicant that he/she can be represented by a legal representative at his/her own expense.
4. The Licensing Officer will present the report and call any witnesses.
5. The Chairman will invite Members of the Sub-Committee and the Applicant to ask any relevant questions of the Licensing Officer or the witnesses.
6. 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.
7. The Chairman will invite Members of the Sub-Committee to put questions to the Applicant and/or his/her representative and/or witnesses.
8. The Chairman will invite the Applicant and/or his/her legal representative to sum up.
9. The Chairman will ask the Applicant to confirm that he/she has said all he/she wishes to.
10. The Chairman will ask the Sub-Committee Members if they have all the information they need to reach a decision.
11. The Chairman will ask the Legal Advisor if there is any legal advice to be given.
12. The Applicant and any other parties present will retire from the meeting room so that the Sub-Committee can reach its decision in private.
13. 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.
14. 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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of the Local Government Act 1972.

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