

CHILTERN DISTRICT COUNCIL

King George V House, King George V Road, Amersham,
Buckinghamshire, HP6 5AW

Telephone: 01494 729000 **DX:** 50711

Fax: 01494 586506

Website: www.chiltern.gov.uk

Email: info@chiltern.gov.uk



Licensing & Regulation Committee

Wednesday, 12th October, 2011 at 6.30 pm

**Large & Small Committee Room, King George V House, King George V Road,
Amersham**

A G E N D A

- 1 Evacuation Procedures
- 2 Minutes
To sign the Minutes of the meeting held on 2 June 2011, previously circulated.
- 3 Apologies for Absence
- 4 Declarations of Interest
- 5 Chiltern District Drivers' Association (*Pages 1 - 2*)
- 6 Street Trading Consent (*Pages 3 - 4*)
Appendix 6.1a (Pages 5 - 6)
Appendix 6.1b (Pages 7 - 8)
Appendix 6.2 (Pages 9 - 10)
Appendix 6.3 (Pages 11 - 12)
- 7 Work Programme (*Pages 13 - 14*)
Appendix 7 (Pages 15 - 16)

8 Exclusion of the Public

To resolve that under Section 100(A)(4) of the Local Government Act 1972 the public be excluded from the meeting for the following item(s) of business on the grounds that they involve the likely disclosure of exempt information as defined in Part I of Schedule 12A of the Act.

Note: All Reports will be updated orally at the meeting if appropriate and may be supplemented by additional reports at the Chairman's discretion.

Membership: Licensing & Regulation Committee

Councillors: P N Shepherd (Chairman)
D G Meacock (Vice-Chairman)
S P Berry
Mrs J A Burton
M J Cunnane
G K Harris
P J Hudson
P M Jones
D J Lacey
S A Patel
M Prince
C H Spruytenburg
N Stewert
H A Trevette
M Vivis

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**CHILTERN DISTRICT COUNCIL
LICENSING AND REGULATION COMMITTEE 12TH OCTOBER 2011**

Background Papers, if any, are specified at the end of the Report

CHILTERN DISTRICT DRIVERS' ASSOCIATION

Contact Officer: Martin Holt 01494 732055

RECOMMENDATIONS

To note the matters raised by the Chiltern District Drivers' Association

Background

- 1 Following a request by Members of the Licensing and Regulation Committee, the Chiltern District Drivers' Association is invited to attend the meeting, to discuss taxi and private hire licensing in Chiltern District

Background Papers: None

**CHILTERN DISTRICT COUNCIL
LICENSING AND REGULATION COMMITTEE – 12th OCTOBER 2011**

Background Papers, if any, are specified at the end of the Report

**LOCAL GOVERNMENT (MISCELLANEOUS PROVISION) ACT 1982
STREET TRADING APPLICATION TO TRADE FROM HIGH
STREET, CHESHAM.**

Contact Officer: Stewart Broome 01494 732063

RECOMMENDATIONS

Members are asked to consider the evidence provided by all parties, and determine the application using one of the options contained within section 8 of this report.

Background

- 1 On 17th June 2011 an application was made to the Licensing Authority for the grant of a street trading consent to sell Asian food from a mobile food van to be located on the High Street in Chesham. The applicant has not indicated a preferred location upon the High Street. The application and a map showing High Street in Chesham is attached at **Appendix 6.1**.
- 2 Following receipt of the application there followed a period of consultation. It is the Licensing Authority's policy to consult Thames Valley Police, Bucks County Council Highways Department, and the local Parish/Town Council on all street trading consent applications, as well as its own Environmental Health.
- 3 During this period of consultation an objection was received from Chesham Town Council (**Appendix 6.2**) and an Officer from Environmental Health has also submitted comments for Members' information, although he has made it clear this is not a formal objection (**Appendix 6.3**).
- 4 Mr Mohammed is a trader with Chesham Market every Wednesday. If he is successful with his application he has indicated that he intends to use the same mobile food van he uses for the Market day.

Legal Position.

- 5 Street trading consents are issued under the provisions of Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982. The Act contains adoptive provisions relating to street trading. The provisions

were adopted by this Council in 1984. (Environmental Health Committee decision).

- 6 When objections are received it is necessary to hold a hearing of the full Licensing and Regulation Committee to determine the application.
- 7 The Council may grant consent, with any conditions considered to be reasonably necessary, and in particular include conditions to prevent obstruction of the street or danger to persons using it, and to prevent nuisance or annoyance (whether to persons using the street or otherwise).
- 8 The Council may stipulate the exact location on the consent street that the applicant may trade from, and the times or periods which he may so trade.
- 9 Members may:
 - Grant the consent as applied for,
 - Grant the consent subject to additional conditions and/or restrictions, (see paragraphs 6 and 7 above.
 - Refuse the application.
- 10 The Local Government (Miscellaneous Provisions) Act 1982 does not provide provision to refuse an application due to planning issues. Should planning consent be required this would be a matter for the Planning Authority.
- 11 Members are advised that there is no right of appeal against the refusal to grant a Street Trading Consent. However, as there is no right of appeal the applicant has a right to seek judicial review. As a judicial review is largely about the decision making process, it is essential that the applicant fully understands the reasons for the Members' decision.

Background Papers: None

CHILTERN DISTRICT COUNCIL**LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982****APPLICATION FOR (RENEWAL OF) A STREET TRADING CONSENT**

TO: ENVIRONMENTAL HEALTH MANAGER, CHILTERN DISTRICT COUNCIL,
COUNCIL OFFICES, KING GEORGE V ROAD, AMERSHAM, BUCKS., HP6 5AW.

I, the undersigned KHUSHI MOHAMMED
(Please give full name)

of 9 HAMPSHIRE AVE SLOUGH
BERKSHIRE SL1 3AG Tel: 07970 114573.

hereby apply for (renewal of*) Street Trading Consent in accordance with Section 3 of
and Schedule 4 to the Local Government (Miscellaneous Provisions) Act 1982.

(*My current Consent having been granted to me on
and which expires on)

I wish to apply as follows:

Location (street, town etc): CHESHAM HIGH STREET

Days: MON, TUES, ~~WED~~, THURSDAY.

Times: 9-5pm

Description of goods: INDIAN FOOD.

Description of stall, vehicle, etc: MOBILE CARTING TRAILER

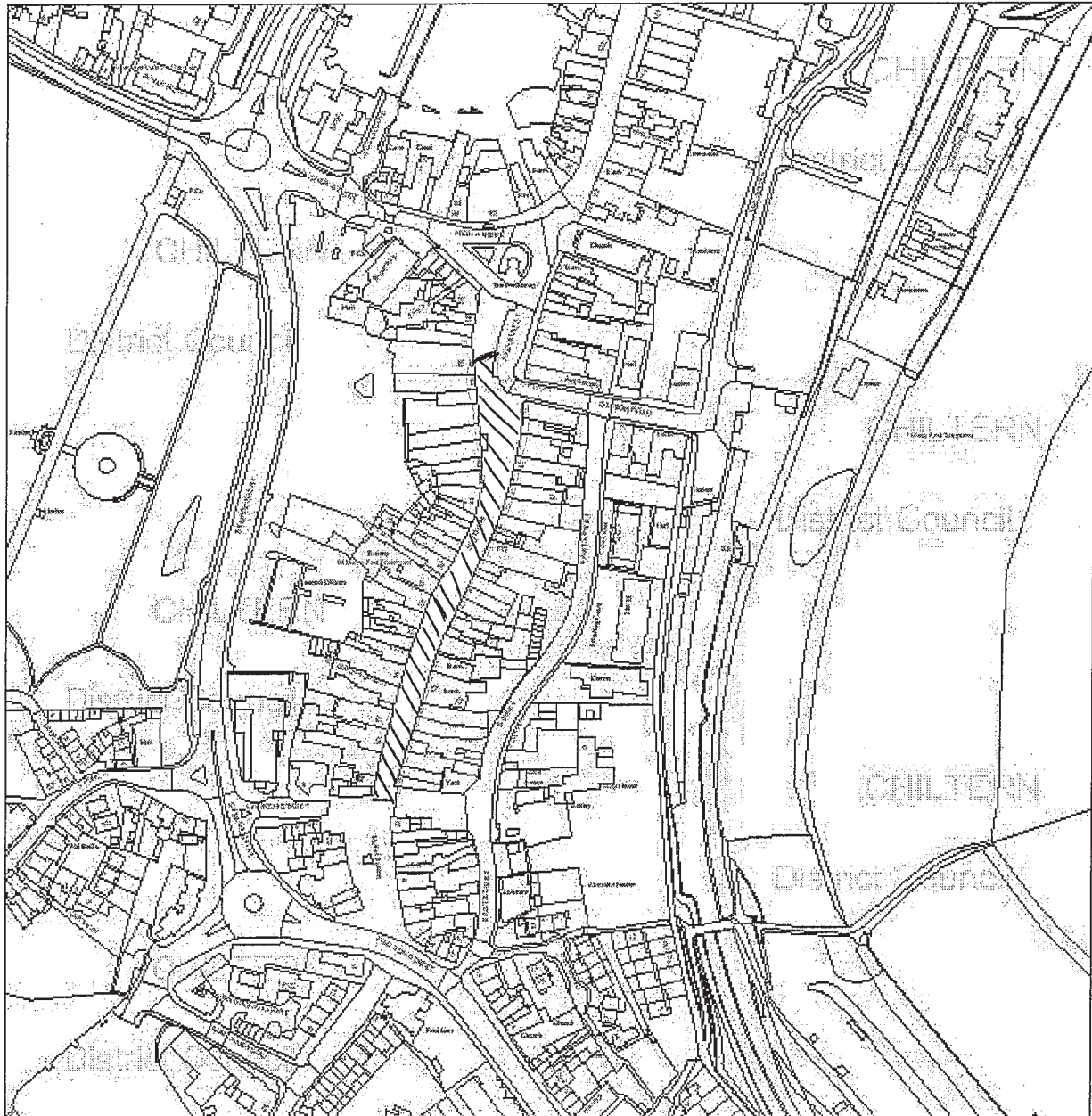
I declare that I am over 17 years of age.

I enclose the sum/deposit of £ 66-00 in support of this application.

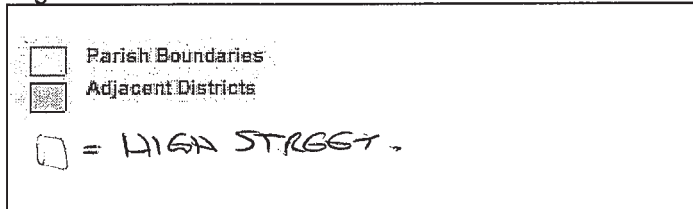
Signed: K. Moham Date: 17-6-2011.

Receipt:- 009631.

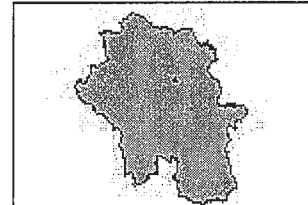
Map Print Page



Legend



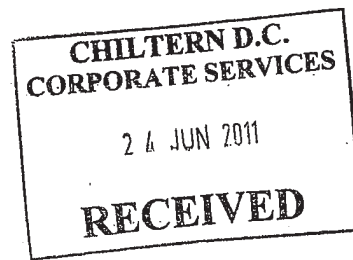
Overview



Date: 29.9.2011
Approx. Scale: 1:3055
Bounding coordinates: 495753, 201358
496246, 201858
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Chesham Town Council

Bill Richards
Town Clerk



Mr I. Snudden
Environmental Health Manager
Chiltern District Council
King George V Road
Amersham
HP56 5BL

Tel: 01494 774842
Fax: 01494 582908
www.chesham.gov.uk
Email: admin@chesham.gov.uk

Our ref: T.10
22 June, 2011

Dear Ian

Application for Street Trading Consent – High Street, Chesham

Thank you for your recent letter in respect of a street trading application for a mobile food stall in Chesham High Street on Monday, Tuesday and Thursdays.

I am assuming that, as Wednesdays and Saturdays are not requested, this mobile franchise is the one that currently sells Indian food on market days already and is suitably licensed to do so. I have liaised with the local ward Member and, while we agree that this franchise can be argued to be an enhancement to the market on Wednesdays and Saturdays, we are not in favour generally of the principle of a mobile catering trader operating up to six days a week. We are very keen to see the High Street shops and retail outlets fully occupied and, bearing in mind the business rates many premises selling refreshments have to pay; this would seem unhealthy and unfair competition that would have a negative effect on town centre sustainability. We also note that the trader's operating address is outside of the town and, indeed, county so there is not even an argument that we would be supporting a local business and local employment. Moreover, by allowing this, we are concerned this would set a precedent to allow a whole range of mobile outlets in the town centre with a similar negative effect on local businesses.

Should the consent be granted, I would point out that one of the businesses selling clothes has vigorously complained that the odours from such mobile franchises have lingered on his stock during summer months, so location ought to be considered and a condition of consent, in light of this.

Yours sincerely

Bill Richards
Chesham Town Clerk



Dear Jackie

I refer to the application (ref. 11/000639/STREET) made by Mr Khushi Mohammed to trade in the High Street, Chesham between the hours of 09.00-17.00 on Monday, Tuesday and Thursday. I have no objection to this application in principle, however would like to make the follow comments:

Three complaints of noise have been received concerning noise from market traders between 2006-2008. Therefore I would recommend that the mobile trailer is located at a position in the High Street away from residential properties to reduce the likelihood of noise/odour complaints. I am aware that Mr Mohammed currently trades in the High Street, Chesham and Wednesday's during market day. The current position where he trades has not received complaints from residents or businesses therefore this may be a suitable location for trading on these additional weekdays.

Regards

Nick Phillips
Environmental Health Officer
Health and Housing Division
Chiltern District Council
Tel: 01494 732234
Fax: 01494 586504

Report It Online: www.chiltern.gov.uk/environmentalhealth

CHILTERN DISTRICT COUNCIL
LICENSING AND REGULATION COMMITTEE
12 OCTOBER 2011

Background Papers, if any, are specified at the end of the Report

WORK PROGRAMME

Contact Officer: Martin Holt 01494 732055

RECOMMENDATIONS

To review the Work Programme for Licensing.

Background

- 1 Members are requested to note the Work Programme for the Licensing and Regulation Committee for October 2011 to November 2012 attached as **Appendix 7**, and to comment on the potential topics for consideration.

Background Papers: None

**Licensing & Regulation Committee
Forward Plan 2011/12**

Date to Licensing & Regulation Committee	Report title	Report detail
12 October 2011	Meeting with the Taxi and Private Hire Trade	The Taxi and Private Hire Trade will present issues of concern to the licensing committee for consideration at a future meeting
12 October 2011	Street Trading Consent	To consider an application for street trading in Chesham
24 November 2011	Lean Licensing	Presentation on how the council has reviewed the licensing process and achieved savings
24 November 2011	Question and Answer session with Officers over the various licensing policies – Alcohol, Taxi, Gambling,	Opportunity for Members to gain knowledge of the range of licenses issued by the council and the enforcement activity of issues that arise
24 November 2011	Hackney Carriages - Options for extra charges	The Committee at the meeting held on 2 June 2011 requested a report detailing the various options for increasing extra charges in relation to Hackney Carriages
19 January 2012		
1 March 2012	Options report on the review of the Taxi and Private hire Policy	Draft Proposals for the review of Taxi and Private hire Policy
12 April 2012		
24 May 2012		
19 July 2012	Hackney Carriages Fares	Review of the Hackney Carriages Fares
6 September 2012		
18 October 2012	Draft Policy amendments following Consultation	Consider the draft Taxi and Private hire Policy
29 November 2012		

