



Regulatory Sub-Committee agenda

Date: Thursday 13 April 2023

Time: 10.30 am

Venue: Amersham Council Chamber, King George V House, King George V Road,
Amersham HP6 5AW

Membership:

J Rush, J Towns and A Wood (Chairman)

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Agenda Item

Page No

1 **Introductory Remarks by the Chairman**

2 **Apologies for absence**

3 **Declarations of interest**

To receive any disclosure of disclosable pecuniary interests by Members relating to any items on the agenda. If any Member is uncertain as to whether an interest should be disclosed, he or she is

asked if possible to contact the District Solicitor prior to the meeting.

Members are reminded that if they are declaring an interest, they should state the nature of that interest whether or not they are required to withdraw from the meeting.

- 4 Mr Ahmed Morjane in respect of Market Square, Chesham, HP5 1ES 3 - 34**
To consider an application under Local Government (Miscellaneous Provisions) Act 1982, Part III and Schedule 4 for a Street Trading Licence in respect of Mr Ahmed Morjane in respect of Market Square, Chesham, HP5 1ES.

If you would like to attend a meeting, but need extra help to do so, for example because of a disability, please contact us as early as possible, so that we can try to put the right support in place.

For further information please contact: Liz Hornby democracy@buckinghamshire.gov.uk

Buckinghamshire Council

Regulatory Sub-Committee Hearing Date:
13 April 2023, 1030hours

Agenda Item No: 4

SUBJECT:	APPLICATION FOR A STREET TRADING CONSENT BY: Mr Ahmed Morjane in respect of Market Square, Chesham, HP5 1ES
REPORT OF:	Application under Local Government (Miscellaneous Provisions) Act 1982, Part III and Schedule 4.
Responsible Officer	Brian Whittall – Licensing Officer
Report Author	Brian Whittall – Licensing Officer
Ward/s Affected	Chess Valley

1. Purpose of Report

- 1.1. To provide Members with information to enable the determination of an application for a new street trading consent, which is subject to representation.

2. Background

- 2.1. The Local Government (Miscellaneous Provisions) Act 1982 contains adoptive provisions enabling local councils to control street trading by designating streets as Licence Streets, Consent Streets or Prohibited Streets.
- 2.2. Street trading is only permitted in Licence or Consent Streets if the Council has given permission by way of a licence/consent. Permission cannot be given to trade in Prohibited Streets. Street trading is not controlled in streets that have not been designated by the Council.
- 2.3. The former Chiltern District Council adopted these provisions in 1984 and following a consultation exercise designated a large number of streets throughout the former district as Consent Streets which are primarily in and around town centres.
- 2.4. In accordance with the transformation regulations that applied to the creation of the new unitary Council, the associated policies and procedures previously adopted in the legacy District Council areas continue to apply until such time as Buckinghamshire Council resolves to adopt a single approach. In accordance with the Licensing Service's harmonisation workplan, the service intends to adopt a single policy, set of procedures and fee structure for street trading for the Council over the next 12 months. In the meantime, the former District Councils' policies and procedures relating to street trading matters continue to apply in the respective legacy areas.
- 2.5. In accordance with the Street Trading Policy for the Chiltern area, adopted in 2012 and attached as **Appendix 1**, applications that attract objections must be determined by the

Regulatory Sub-Committee (formerly Licensing & Regulation Committee for the Chiltern area).

- 2.6. There are currently no other authorised traders within the consent area. There is another street trader the opposite end of the High Street on The Broadway with the following consent times Monday to Tuesday 0800 – 1800; Thursday to Friday 0800 – 1800.

3. The application

- 3.1. An application has been made by Mr Ahmed Morjane for a street trading consent to trade from the Market Square, Chesham to sell Italian styles food, including pizza, pasta and burgers. The application is to trade 6 days a week between 17:00 – 23:00 (see **Appendix 2**).
- 3.2. The proposed location is within an area of craft beer bars, and retail food outlets. (See **Appendix 3** for application site plans).
- 3.3. The application was originally received on 23 December 2022 and was deemed to be valid on the 17 January 2023 when all relevant documentation had been made as part of the application.
- 3.4. The former Chilterns District Council did not designate any streets Licence Streets and only Consent Streets and a Prohibited Street exist in the former Chiltern District Council and South Bucks legacy area. In light of this whilst the applicant at Section 5 to 11 has identified the type of application as “Street Trading licence” it has been accepted and treated as an application for “Street Trading Consent” and processed in accordance with the Chiltern District Council Street Trading Policy 2012.

4. Consultation

- 4.1. Consultation letters were sent to Ward Councillors, Chesham Town Council, Thames Valley Police and Buckinghamshire Council Highways.
- 4.2. A Public Notice was also displayed at the proposed site and the expiry date for consultation was set for 14 February 2023
- 4.3. During the consultation period representations were received from Chesham Town and Buckinghamshire Councillors, Buckinghamshire Council Highways and Environmental Health Services, and three local businesses, one of whom is supportive of the proposal.
- 4.4. The representations are shown in **Appendix 4** and summaries of the comments are provided below:
- 4.4.1. Councillors and the Parish Council objected on grounds that:
- The application is not in line with Council plans to re-generate the area and improve the Night Time Economy (NTE).
 - If granted the applicant would undercut existing rate paying retail food businesses that are currently experiencing financial hardship due to a loss of footfall.
 - There are already existing complaints regarding the current food van located on the Broadway. It is considered that if granted this application would lead to further complaints.
 - It would be detrimental to the aesthetics of the clock tower area.
- 4.4.2. Buckinghamshire Council Highways Service objected on grounds that:

- Market Square has limited space and is designated as a pedestrian zone (with vehicles only permitted for loading/unloading).
 - There is likely insufficient space to accommodate both a towing van and mobile food van.
 - It is unclear from the submitted application whether the food will be 'take away' only, or if there is a desire to place some tables / chairs by the mobile unit. If this is the case, the applicant would need to apply for a Pavement Licence from Buckinghamshire Highways. If needed, and if granted, it could further reduce available highway space.
- 4.4.3. Buckinghamshire Environmental Health Service commented that the following matters needed to be considered:
- Access to WCs for staff during trading hours.
 - Arrangements for access to power and water.
 - Refuse arrangements.
- 4.4.4. The Fire Service had no representation.
- 4.4.5. Two local businesses objected on grounds that:
- A food van "dilutes the integrity" of the local heritage and conservation area.
 - A fast food van fails to encourage healthy eating habits.
 - Lack of available seating and increase in rubbish.
 - The application would detract from retail food businesses in that locality.
 - There is no power supplier for non-retail traders, so noisy generators would need to be used.
 - Potential damage to existing infrastructure.
 - There is already a food van in the town.
- 4.4.6. One local business supports the proposal on grounds that:
- Adds to cultural diversity and promotes food offering in the town.
 - No evidence that healthy eating will not be promoted.
 - A condition can be added to the licence to provide bins and recycle packaging.
 - Outside eating in Market Square should be permitted. Local residents will benefit from the facility.
 - Can be of benefit to the local economy.
 - The infrastructure issue related to the "ancient" Culvert has been resolved.
 - A mix of street food and traditional restaurants should be promoted.

5. Consideration

5.1. In considering applications for the grant of a Street Trading Consent, as well as the individual merits of the application and the relevant legislation, the Street Trading Policy provides that the following factors should be considered:

5.1.1. Public Safety

Whether the street trading activity represents, or is likely to represent, a substantial risk to the public from the point of view of obstruction, fire hazard, unhygienic conditions or danger that may occur when a trader is accessing the site.

5.1.2. Public Order

Whether the street trading activity represents, or is likely to represent, a substantial risk to public order.

5.1.3. The Avoidance of Public Nuisance

Whether the street trading activity represents, or is likely to represent, a substantial risk of nuisance to the public from noise or misbehaviour particularly in residential areas.

5.1.4. Highway

The location and operating times will be such that the highway can be maintained in accordance with Buckinghamshire Council's requirements and that there are no dangers to those who have a right to use the highway and no obstruction for emergency access.

5.2. The Council's Street Trading Policy states that the Council will normally grant a street trading consent unless, in its opinion:

- a) A significant effect on road safety would arise either from the siting of the trading activity itself, or from customers visiting or leaving the site;
- b) Where there are concerns over the recorded level of personal injury accidents in the locality where the street trading activity will be sited;
- c) There would be a significant loss of amenity caused by traffic, noise, rubbish, potential for the harbourage of vermin, odour or fumes;
- d) There is already adequate like provision in the immediate vicinity of the site to be used for street trading purposes but note that competition issues will not be a consideration;
- e) There is a conflict with Traffic Orders such as waiting restrictions;
- f) The site or pitch obstructs either pedestrian or vehicular access, or traffic flows, or places pedestrians in danger when in use for street trading purposes;
- g) The trading unit obstructs the safe passage of users of the footway or carriageway;
- h) The pitch interferes with sight lines for any road users such as at road junctions, or pedestrian crossing facilities;
- i) The site does not allow the consent holder, staff and customers to park in a safe manner;
- j) The street trading activity is carried out after dusk and the site is not adequately lit to allow safe access and egress from the site for both customers and staff

6. Decision

6.1. Schedule 4 paragraph 7 (2) of the 1982 Act provides that the Council may grant a consent if they think fit subject to the Mandatory grounds for refusal at subparagraph (3).

6.2. The Council is not under any duty to grant a Street Trading Consent and need not specify any of the statutory grounds for refusal. Therefore, the matter to grant or refuse an application for a Street Trading Consent is at the total discretion of the Council. However, the Council must have regard to its Street Trading Policy, which outlines the approach that it will take in determining applications of this sort and will need to give full reasons for its decision.

6.3. Accordingly, the Sub-Committee may

- 6.3.1. Grant the application as it stands in which case it will be subject to the Council's approved standard conditions.

- 6.3.2. Grant the application with any variation deemed reasonably necessary subject to the Council’s approved standard conditions and any other specific conditions or restrictions the Committee deem reasonable and necessary.
- 6.3.3. Refuse the application.
- 6.4. The Council has already approved a set on standard conditions which are attached at **Appendix 5** which will apply to and will be imposed on any Street Trading Consent that is granted in the Chesham legacy area.
- 6.5. There is no statutory right of appeal against the Council’s decision to refuse to grant a Consent but any decision could be the subject of a judicial review which would result in legal fees to defend the review and further costs which we would seek to recover if the review was unsuccessful. In the event of a successful review the Council may also have to pay the other parties costs

Informative/s -

Officer Contact:	Brian Whittall (01494 421 346) – email address: brian.whittall@buckinghamshire.go.uk
Background Papers:	Application papers The Local Government Miscellaneous Provisions Act 1982. The Council’s Street Trading Policy (Chesham area).

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Buckinghamshire
Application for a street trading licence or consent

For help contact

Telephone: 01296 585605

* required information

Section 1 of 11

You can save the form at any time and resume it later. You do not need to be logged in when you resume.

System reference This is the unique reference for this application generated by the system.

Your reference You can put what you want here to help you track applications if you make lots of them. It is passed to the authority.

Are you an agent acting on behalf of the applicant? Put "no" if you are applying on your own behalf or on behalf of a business you own or work for.

- Yes
- No

Applicant Details

First name

Family name

E-mail address

Main telephone number Include country code.

Other telephone number

Indicate here if you would prefer not to be contacted by telephone

Are you:
 Applying as a business or organisation, including as a sole trader
 Applying as an individual
A sole trader is a business owned by one person without any special legal structure. Applying as an individual means you are applying so you can be employed, or for some other personal reason, such as following a hobby.

Applicant Business

Is your business registered in the UK with Companies House? Yes No

Is your business registered outside the UK? Yes No

Business name If your business is registered, use its registered name.

VAT number Put "none" if you are not registered for VAT.

Legal status

Continued from previous page...

Your position in the business

Home country

The country where the headquarters of your business is located.

Business Address

If you have one, this should be your official address - that is an address required of you by law for receiving communications.

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Section 2 of 11

FURTHER DETAILS ABOUT THE APPLICANT

Former name(s)

If currently or previously known by any other name(s), you must record them here.

Home Address

Is the address the same as (or similar to) the address given in section one?

If "Yes" is selected you can re-use the details from section one, or amend them as required. Select "No" to enter a completely new set of details.

Yes No

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Further Details

Date of birth / /
dd mm yyyy

Place of birth

National Insurance number

Section 3 of 11

DIRECTORS, PARTNERS, OWNERS AND MANAGERS

Continued from previous page...

You must provide details of all COMPANY DIRECTORS and the SECRETARY (if the applicant is a company), all PARTNERS (if it is a partnership), OFFICE BEARERS (if it is a club or association), all OWNERS of the business or premises and all MANAGERS of the business or organisation, including day-to-day MANAGERS OF THE PREMISES. Check for local guidance notes and conditions which may clarify exact requirements.

Are there any such people for whom you need to provide details?

- Yes No

Section 4 of 11

TYPE OF APPLICATION

Type of application: New Renewal Temporary

Specify the period for which the licence is required (if applicable)

for ever

Section 5 of 11

APPLICATION DETAILS

Check for local guidance notes and conditions before completing this section. Some of the questions may not be relevant to local circumstances or your responses may have to provide very specific information

Type of application?

- Street trading licence Street trading consent

Trading name

Hungry Yasmine 2022

What You Want To Trade

List all the goods and services you want to offer for sale

Food business with pizza pasta and burger mainly italian food

Does this include selling food or drink?

- Yes No

Are you registered as a food business?

- Yes No

Local authority where you are registered

buckinghamshire council

Registration number

PZE7EH-MLDCLD-PDJ8RX

Where will goods be stored when not on sale?

HOME

When You Want To Trade

Proposed trading times for each day of the week (if applicable)

Continued from previous page...

Day or days

MONDAY TO SATURDAY

From

5 PM

To

11 PM

Add another day

Where You Want To Trade

Type of trading

- Mobile
 Stationary

Street(s) / location(s) where you wish to trade

HP5 1ES
MARKET SQUARE (CHESHAM)

Section 6 of 11

DETAILS OF VEHICLE, STALL AND/OR CONTAINER

Will you be using a vehicle in connection with your work as a trader?

- Yes No

Description of unit from which you intend to trade, including dimensions

FORD TRANSIT 1997 3.5 METER LENGHT 2.5 WIDE

Where will the unit be stored when not in use?

NEAR WHERE I LIVE

Section 7 of 11

PUBLIC LIABILITY INSURANCE

You must have a suitable level of public liability insurance to cover this activity – check local requirements.

Do you have public liability insurance?

- Yes No

Provide details of the policy

Insurance company

SIMPLY BUSINESS

Policy number

CHGB3769529XB1

Period of cover

12/12/2022 TO 11/12/2023

Amount of cover (£m)

1

Section 8 of 11

PREVIOUS APPLICATIONS

Continued from previous page...

Have you, or any person named in or associated with this application, previously applied for a similar licence or registration? (check all that apply)

- No Yes - application granted and revoked
 Yes - application granted Yes - application refused

Section 9 of 11

CONVICTIONS

Have you, or any person named in or associated with this application, been convicted of any crime or offence?

- Yes No

Section 10 of 11

ADDITIONAL DETAILS

Provide any additional information which is required or relevant to your application (check for local guidance notes and conditions which may provide details of specific requirements in your area)

Section 11 of 11

DECLARATION

This section should be completed by the applicant, unless you answered "Yes" to the question "Are you an agent acting on behalf of the applicant?"

Full name

Capacity

Date / /
dd mm yyyy

Once you're finished you need to do the following:

1. Save this form to your computer by clicking file/save as...
2. Go back to <https://www.gov.uk/apply-for-a-licence/street-trading-licence/buckinghamshire/apply-1> to upload this file and continue with your application.

Don't forget to make sure you have all your supporting documentation to hand.

OFFICE USE ONLY

Applicant reference number	<input type="text"/>
Fee paid	<input type="text"/>
Payment provider reference	<input type="text"/>
ELMS Payment Reference	<input type="text"/>
Payment status	<input type="text"/>
Payment authorisation code	<input type="text"/>
Payment authorisation date	<input type="text"/>
Date and time submitted	<input type="text"/>
Approval deadline	<input type="text"/>
Error message	<input type="text"/>
Is Digitally signed	<input type="checkbox"/>

[< Previous](#) [1](#) [2](#) [3](#) [4](#) [5](#) [6](#) [7](#) [8](#) [9](#) [10](#) [11](#) [Next >](#)

APPENDIX 2 8 Market Square, Chesham, HP5 1ES



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Appendix 3

Representations objecting to the application to consent**COUNCILLORS**

28/01/2023

Hi Karishma,

I have canvassed councillors in Chesham and we are all opposed to this. Main concerns :

- Not in keeping with the push to regenerate this area as a centre of evening / night time economy.
- These vans often undercut the rate paying businesses who are already struggling to make ends meet on the High Street.
- We have had a lot of complaints about the van at the other end of the street, near the war memorial.
- We are trying to raise the quality/ tone of the area and such a van would be a retrograde step.

What are the next steps when it comes to considering this? I would hope the views of local members carry weight here?

Kind regards
Gareth Williams
Deputy Leader
Councillor for Chess Valley ward
Buckinghamshire Council

18/01/2023

Hi Gareth,

We just had the Crazy Goat going out of business after only a few months, Burger-In are now complaining that not enough is being done to improve footfall at their end of the high street, which hasn't recovered post covid and fortunately Brimm has opened ... which I hope will be successful.

To be honest, in the past, I had alot on my plate with complaints about the Kebab Van on the Broadway, and would shy away from more food vans.

I can wholeheartedly support new businesses that rent a shop, but I believe a food van doesn't add much more value to the high street, and especially NOT to the aesthetics of the clock tower area.

Perhaps they would do better alongside the ice cream van in Lowndes park, especially if they sold coffee.

Kind regards,

Wilford

Cllr Wilford L. Augustus
Deputy Mayor &
Conservative Councillor,
St Mary's Ward
Chesham Town Council

Wed 01/02

Hi Brian

My inbox has exploded with angry of Chesham messages about a new licensing application for a food truck in Market Square. I note the consultation end date is 14th February and I'm urging everyone to make a proper submission to the licensing mailbox. Are you making the decision on this application or another officer?

Residents of Chesham are very angry that we have continued to have a fast food kebab van next to our War Memorial on our High Street in spite of numerous objections from a large number of residents. A submission from Chesham Town Council that they were not consulted on the original application and had objected to a previous application was felt to be summarily ignored. The owner's license was due to expire in December '21, yet despite various remonstrations to the licensing officers he has either remained on our High Street without a license or the licensing function has ignored all the objections to his presence. I have personally tried to encourage him into a nearby vacant retail unit but he has not engaged. We would like the kebab van removed and documented all the objections and lack of proper process last summer.

Now there is a new application for a permanent food van in Market Square. We run a regular market on a Wednesday and a Saturday and welcome traders and food trucks of all varieties participating in it. We also welcome them to supplement town centre events when and where appropriate. However, our High Street is a conservation area and is populated with listed buildings and nobody wants permanent food trucks on it as evidenced by the many comments coming through in resident and trader objections.

In addition, Chesham is now the subject of extensive regeneration scoping work and I can assure you that at no point in the preparation of the Chesham Neighbourhood Plan, the Buckinghamshire Council Regeneration Vision or any recent master planning process has our ancient and revered conservation area high street been nominated as the new mobile fast food capital of Buckinghamshire. The town council planning committee met recently and voted unanimously to reject this proposal, and a formal notice of this will be submitted. I hope our community and our parish council will be listened to this time and I sincerely hope that this application is going to be soundly rejected!

Thanks,

Jane

Cllr Jane MacBean
Buckinghamshire Council – Chiltern Ridges
Chesham Town Council – Lowndes

6/2/23

Dear Sir/ Madam,

Further to the Chesham Town Council Planning Meeting on Monday 30th January, to confirm that the councillors refused an application by Hungry Yasmine to have a van on Market Square, Chesham, HP5 1ES.

Reasons:

There is already a good range of quality food outlets in the vicinity which serves the demographic and we do not want existing businesses to be impacted.

Not in keeping with the market square.

Encourages people to congregate in the high street – noise

Feedback from local restaurant owners is very negative – whilst they are paying rates a van pays a permit and would potentially take away business from them.

It does not sit favourably with the night-time culture/ economy we are trying to develop in Chesham.

Please could you confirm receipt of this email.

Kind Regards,

Georgina Fernandez
Democratic Services Officer
Chesham Town Council

HIGHWAYS RESPONSE

26/01/2023

Dear Karishma,

Thank you for your email regarding the below street trading application consultation. I have read through the supplied documentation (attached) and have the following comments to make from a highways perspective:

1. I can confirm the proposed location of the mobile food vehicle does form part of the publicly maintained highway for which we are responsible;
2. It is unclear from the application as to what type of mobile food vehicle would be utilised. The applicant has stated they will be selling mostly Italian food (pizza, pasta and burgers) and wish to apply for a mobile trading permission. However, Under Section 6, they have answered 'No' to the question "Will you be using a vehicle in connection with your work as a trader?". The following question then asks "Description of unit from which you intend to trade, including dimensions", to which the applicant has responded "FORD TRANSIT 1997 3.5 METER LENGHT 2.5 WIDE". No other vehicle details/dimensions have been provided. Does the applicant intend to cook and serve food from a standard Ford Transit? Or is this being used to tow the mobile food unit? If so, what are the dimensions of the mobile food unit itself and where does the applicant intend to park the Ford Transit once the mobile unit has been located on site each trading day? I'm sure you can appreciate, Market Square has limited space and is designated as a pedestrian zone (with vehicles only

permitted for loading/unloading), even if the applicant is proposing to set up in the 'widest' available area. We need to minimise obstruction to the highway and still allow free-passage of highway users; there is likely insufficient space to accommodate both a towing van and mobile food van. As such, further information needs to be submitted by the applicant addressing these points;

3. Under Section 7 the applicant has stated they have £1 Million public liability insurance; we require a minimum of £5 Million for any trading / activity of this nature on the public highway;
4. It is unclear from the submitted application whether the food will be 'take away' only, or if there is a desire to place some tables / chairs by the mobile unit. If this is the case, the applicant would need to apply for a Pavement Licence from Buckinghamshire Highways (<https://www.buckinghamshire.gov.uk/parking-roads-and-transport/highway-licences-and-permits/apply-for-a-pavement-licence/>). If needed, and if granted, it could further reduce available highway space so would need to be considered in accordance with the information required in my point 2 above. I have copied in my colleagues in the Street Works Licences Team who would process any such application.

For the reasons given above, until further clarification is supplied addressing my queries above, I raise an objection to this application on behalf of the Highways team and cannot support it in its current submission.

Kind regards,

Karen Smith
Highways Technical Liaison Officer

Communities Directorate
Buckinghamshire Council

Environmental Health Response

14/2/23

Further to the application.

1. Identified Environmental Services issues relevant to the application:

- Noise from the proposed activity.
- Odour from the proposed activity.

2. Conclusion

Environmental Health have reviewed the application for the Street Trading Consent and have also been in contact with the applicant to discuss their proposals and gain further information.

The proposed site is within the busy and vibrant town centre of Chesham which consists of a mix of building uses including both commercial and residential. Of particular relevance from an Environmental Health perspective are the residential properties that are above the majority of the premises on Market Square as they have the potential to be impacted by both noise and odour from the proposed street trading activity.

It is noted that there are a number of food vendors within Market Square that are operational at the same times as proposed in the application and as such it may be argued that the introduction of a similar business operation may not have a significant detrimental impact on residents. However, the nature of a street trader is very different to a permanent premises as it does not benefit from the same mitigations and protections that come with a building, such as sound insulation (i.e. solid walls, doors and windows being closed etc.) nor does it benefit from odour mitigation (i.e. extraction and filtration systems).

It is noted that, if granted, the consent would be required to comply with the standard conditions as outlined in the Council's Street Trading Policy, most notably condition 18:

18. The consent holder shall conduct his/her business in such a manner to ensure that he/she does not:

(a) Cause a nuisance from noise, vibration, smoke or smell to the occupiers of adjoining property.

(b) Cause an obstruction to the vehicles or pedestrians in the street.

(c) Cause a danger to occupiers of adjoining property or to other users of the street.

This does provide considerable reassurance and control if this application were to be granted, as non-compliance with this condition may result in the consent being revoked. However, there are a number of concerns that still remain following my conversation with the applicant. This is due to a number of aspects remaining unclear at this stage of the applicant's plans. From the conversation, it was noted that the applicant does not yet have the vehicle that they would intend to use as part of the activity; this means that some aspects of operating such a business are also unknown.

Particular concern relates to the methods of cooking. For example, whether pizzas will be fired in a gas oven, solid fuel over (i.e. wood), or by other means. Similarly, whether any deep frying or other high temperature methods will be used. This will impact on the level of odour and other waste product such as smoke. Equally, it is unclear how the applicant intends on powering the vehicle/equipment. If a generator is required, this could result in unreasonable noise levels.

3. Recommendation:

In light of the above, Environmental Health would welcome more information relating to the practical operation of the proposed activities, however if this is not provided prior to a decision being made and the Licensing Authority are minded to grant the consent, Environmental Health would support the following conditions being imposed in addition to the standard conditions:

- No fumes, steam, smoke or odours shall be emitted from the licensed premises so as to cause a public nuisance to any persons living in the area where the premises are situated.
- The use of any generator in connection with the street trading activities shall not result in noise that causes a public nuisance to any persons living in the area where the premises are situated.

Charlie Robinson

Environmental Protection Officer
Housing and Regulatory Services
Planning, Growth and Sustainability Directorate
Buckinghamshire Council

30/1/23

A couple of comments / observations from me

- I have spoken with the applicant as we received his completed food business registration form
- As the business is not currently trading, I have been unable to inspect & therefore cannot provide any insight as to how legally compliant the business is in relation to matters of food safety/hygiene
- Before granting a licence, there are some issues as regards on site provisions to consider e.g. access to a WC for the staff during the trading hours, arrangements for access to power supply and possibly water supply and refuse arrangements.

If and when this business begins trading I will obviously carry out my routine food hygiene inspection. However, I was just wondering as part of their street trading licensing conditions if there is any requirement for them to have a Food Hygiene Rating Score at any particular level (possibly 3 or above)? This is a particularly useful measure if there were any food hygiene issues, as their right to trade is linked with them being able to maintain a good level of hygiene and is a huge incentive for a Food Business Operator to maintain required standards.

I hope these are helpful comments

Kind regards

Julie Snelling

Food & Safety Officer
Commercial Team (South)
Housing and Regulatory Services
Buckinghamshire Council

Fire & Rescue Service Response



Buckinghamshire
FIRE & RESCUE SERVICE
we save lives

Form FSD025

THE LICENSING ACT 2003 SECTION 5(3) CONSULTATION

LICENSING REFERENCE NO:	NOT CURRENTLY IN USE	FOR ATTN: LICENSING
PLANS NO:	YES	
DATE RECEIVED:	18/01/2023	
PREMISES ADDRESS	HUNGRY YASMINE 2022, MOBILE FOOD VAN, 1 DEANSWAY, CHESHAM. HP5 2NU	
OUR REF. (FILE NO).	C2433	FSEC Cat. I

SECTION A - THIS AUTHORITY DOES NOT WISH TO MAKE "RELEVANT REPRESENTATION" UNDER THE FOLLOWING SECTION OF THE ABOVE ACT

- Application for a premises licence under section 17
- Application for a premises licence under section 18(6) and 18(6)b
- Variation of a premises licence under section 34 and or section 35(5) or 36(6)
- Application for a club premises certificate under section 72(3)
- Application for variation of a club premises certificate under section 85(3)

THE GROUNDS FOR "RELEVANT REPRESENTATION" ARE: -

NO REPRESENTATION

NOTES

A fire risk assessment must be completed by the Responsible Person in accordance with the Regulatory Reform (Fire Safety) Order 2005

Signature and Role of officer: *C. Moore*

Carrie-Anne Moore

Date: 20/02/2023

Business Fire Safety Inspector

Correspondence address: Buckinghamshire Fire & Rescue Service,
Headquarters, Stocklake,
Aylesbury, Buckinghamshire
HP20 1BD

Telephone Numbers

Office: 01296 744417

Mobile: 07771973739

Email address: cmoore@bucksfire.gov.uk

PUBLIC RESPONSE - OBJECTION

Mon 30/01

Dear All

I have just been made aware of an application for an Italian food van to be permanently placed in Market Square.

I would like to object to this application for a number of reasons:

There are two weekly markets Wednesday and Saturday and also our monthly Local Produce market, The Italian van could be part of this?

The Clock Tower Traders along with the council are trying to encourage Market Square to become the heart of our food and restaurant offer in Chesham but through **proper premises not through casual vans.**

Market Square is the heart of our town and heritage and within our conservation area and a permanent food truck dilutes the integrity of both.

A fast food van does not encourage healthy eating habits to members of our local community and as a casual van they will not be in a position to supply adequate seating to customers and will also vast increase in rubbish and detritus in Market Square, further diminishing its heritage and conservation status. There is already too much rubbish that's left from Peri Peri customers.

The van would detract from our established food and drink outlets without contributing anything to business rates or the local economy.

Where is their power supply coming from? I assume they will have to use a generator, which is totally at odds with the environmental commitments and ambitions made by the town council, local traders and residents of Chesham.

As a small business in Market Square we would not appreciate the noise of a generator going all the time.

Market Square has an ancient culvert running under it and permanent vehicles and excessive vehicle movements without proper regard for damage to the culvert present a danger to the culvert.

There is already a fast food van in The Broadway which I understand a team is working with to get them into a permanent premises to get the van off the street.

Why would another one be allowed?

At the end of the day you have to ask is this really the look and feel we want for our town, fast food vans cluttering our high streets.? I think not, Chesham deserves more than this.

Chesham is a beautiful heritage town nestling in the valley of the Chiltern Hills, this is what we should be on the map for not the junk food capital of Buckinghamshire.

Many thanks

Laura Collins
Orbitpress Ltd
11 Market Square, Chesham, HP5 1HG

31 January 2023

Hi Everyone

I know so of you have already become aware of this, forgive me contacting you again.

There was a town council planning meeting last night 30th Jan! Jane MacBean has kindly drawn our attention to no 9 on this attached agenda. Basically, there has been an application to permanently site an "Italian" food truck on Market Square.

The reasons so far for objecting as follows :-

- we welcome all traders to participate in our weekly Wednesday and Saturday markets and also our monthly Local Produce market but we do not support permanent trucks on our High Street.
- we are trying to encourage Market Square to become the heart of our food and restaurant offer in Chesham but through proper premises not through casual vans.
- Market Square is the heart of our heritage quarter and within our conservation area and a permanent food truck dilutes the integrity of both.
- a fast food van does not encourage healthy eating habits to members of our local community.
- a casual mobile provider will not be in a position to supply adequate seating or eating infrastructure to customers and will also foster an increase in rubbish and detritus in Market Square, further diminishing its heritage and conservation status.
- a casual provider will detract from our established food outlets without contributing anything to business rates or the local economy.
- there is no power supply for private traders so assume they will have to use a generator, which is totally at odds with the environmental commitments and ambitions made by the town council, local traders and residents of Chesham.
- Market Square has an ancient culvert running under it and permanent vehicles and excessive vehicle movements without proper regard for damage to the culvert present a danger to our infrastructure.
- we are already working with a current provider near the War Memorial to move him into a permanent shop rather than a mobile vehicle due to the high level of complaints from the public about environmental health concerns, noise pollution, lack of support for a fast food van and the demeaning of a valuable heritage structure.

While we have empty retail units on our High Street, there really shouldn't be a need for 'permanent' food vans.

Hazel, Blue Haze Arts & Crafts, 2 Church Street, Market Square, Chesham, Buckinghamshire, HP5 1HT

4/2/23

I own a business in Market Square and have been supporting Chesham and its community in this location for at least 25 years here at JPS Stationers, 7 Market Square.

I am disappointed that this Application has even reached this stage, when other businesses have endured enormous pressure over the last 3 years. I firmly object to this application for the following reasons :

- I welcome all traders to participate in the weekly Wednesday and Saturday markets and also the monthly Local Produce market but I do not support permanent trucks on the High Street.
- I firmly believe Market Square can become the heart of our food and restaurant offer in Chesham but through proper premises not through casual vans.
- Market Square is the heart of the heritage quarter and within the conservation area and a permanent food truck dilutes the integrity of both.
- a fast food van does not encourage healthy eating habits to members of our local community.
- a casual mobile provider will not be in a position to supply adequate seating or eating infrastructure to customers and will also foster an increase in rubbish and detritus in Market Square, further diminishing its heritage and conservation status.
- a casual provider will detract from the established food outlets without contributing anything to business rates or the local economy.
- there is no power supply for private traders so assume they will have to use a generator, which is totally at odds with the environmental commitments and ambitions made by the town council, local traders and residents of Chesham.
- Market Square has an ancient culvert running under it and permanent vehicles and excessive vehicle movements without proper regard for damage to the culvert present a danger to our infrastructure.
- we are already working with a current provider near the War Memorial to move him into a permanent shop rather than a mobile vehicle due to the high level of complaints from the public about environmental health concerns, noise pollution, lack of support for a fast food van and the demeaning of a valuable heritage structure.
- In addition there are residents in Market Square, to whom a food van will detract from their enjoyment and facilities of the square.

Thank you for listening.

Ray Williams

PUBLIC SUPPORT OF THE APPLICATION

Tue 31/01

Hi Kathryn,

I'm not sure if you are the right person in the council to respond to, therefore please forward to who it concerns:

- We have a well-supported food van in the Broadway that adds to the cultural diversity of the High Street
- I agree that the Market Square should be promoted as the food and restaurant offering of Chesham. Therefore, a different offering would strengthen this feature of the High Street scene
- I disagree that a "food truck" dilutes from Chesham's heritage integrity. The opposite is true in that street food reflects Chesham's cultural diversity, providing food that is accessible to all pockets
- While fast food is not everyone's choice and we should always promote healthy eating. From the information given there is no evidence that this business will not provide healthy choices.
- It should be a condition of the licence that the trader provides adequate bins and the use of recyclable packaging. The Market Square is a place where people should be able to sit and eat outside. However, there are a lot of homes in the High Street, Watemeadow and Red Lion Street who would be natural customers of this type of business.
- This type of business does contribute to the local economy in many ways, depending on where the staff live, suppliers used, and more importantly the of local business that will benefit from the greater food offering.
- This type of business will have a positive impact on the area by promoting the evening economy and increasing the feeling of safety at night due to the increased numbers of people.
- The objections below assume a certain type of generator will be used, but this should be a question raised. There are many silent generators available on the market now.
- The issue of the Culvert had been resolved and is no longer "ancient".
- Lastly the Market Square, should be promoted as a place where both "street food" more traditional restaurants can sit side by side. Although not all the "bricks and mortar" offerings in the Market Square match the profile suggested below.

Kind regards,

Martin Parkes

Salon Owner

5 High Street, Chesham, HP5 1BG

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APPENDIX 4

Ahmed morjane [REDACTED]
14/2/23

I have read the file attached and I have seen a lot of complain , but I have nothing to say just need a licence to start trading in chesham hopefully I will be no rejected .

Sent from [Outlook for Android](#)

From: Brian Whittall <Brian.Whittall@buckinghamshire.gov.uk>
Sent: Tuesday, February 14, 2023 12:04:02 PM
To: [REDACTED]
Subject: Street Trading consent - Chesham

Mr Morjane,

Please refer to the attached representation received by the authority with respect to your application.

Before I complete my report for the authority to determine the application have you any comments or observations on the basis of the attached that you would like the authority to take into consideration.

I would be grateful if any comments are made in writing before the close of business on **Monday 20th February 2023.**

Regards,

Brian Whittall
Licensing Officer
Communities Directorate
Buckinghamshire Council

Tel: 01494 421346
Email: Brian.Whittall@buckinghamshire.gov.uk
Address: The Gateway, Gatehouse Road, Aylesbury, HP19 8FF

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Standard Conditions Applicable to Street Trading Consents

General

- a) These Standard Conditions will apply to all licences unless disapplied or varied by the Head of Health and Housing.

Standard Conditions

1. Definitions
 - i) 'street' includes –
 - [a] any road, footway, beach or other area to which the public have access without payment ;and
 - [b] a service area as defined in section 329 of the Highways Act 1980 and also includes any part of a street;
 - (ii) 'street trading' means –
 - the selling or exposing for sale of any article (including a living thing) in a street;
2. The Consent granted by the Council is personal to the holder.
3. The street trading consent only relates to the vehicle/premises stipulated within the consent.
4. The consent holder can only trade in the goods stipulated in the consent.
5. Ancillary items can be sold where relevant to the goods being traded.
6. Any van, vehicle, barrow, cart or stall shall only be positioned within the designated area as outlined on the plan attached to the Consent.
7. Where appropriate the consent holder of any street trading consent and the stall and/or vehicle must comply with all relevant road traffic and highways legislation.
8. Where appropriate the consent holder of the street trading consent and the stall and/or vehicle must comply with all relevant food hygiene legislation.
9. The consent holder shall only trade from a stall or vehicle approved by the Council in writing.
10. The Consent may only be transferred to another person with the prior written consent of the Head of Health and Housing.
11. The consent holder shall not use the street for any trading purpose other than the purpose as permitted by the Consent and then only during the permitted hours.
12. The 'permitted hours' will be those stipulated within the consent but will not include any Bank Holiday, Easter Sunday and Christmas Day and New Year's Day when falling on a weekend.

13. Unless stipulated within the Consent, the van, vehicle, barrow, cart or stall shall be removed from the site at the end of each trading day.
14. The consent holder will vacate the site within 15 minutes of the end of the permitted hours.
15. The consent holder shall not trade in any street designated by the Council as a prohibited street.
16. WC facilities must be made available for staff and members of the public if seating is made available for consumption of food on site.
17. The consent holder shall maintain the stall or vehicle in a clean state and its structure shall be kept in good order, repair and condition to the satisfaction of an Officer of the Council authorised in writing under the appropriate legislation.
18. The consent holder shall conduct his/her business in such a manner to ensure that he/she does not:
 - (a) Cause a nuisance from noise, vibration, smoke or smell to the occupiers of adjoining property.
 - (b) Cause an obstruction to the vehicles or pedestrians in the street.
 - (c) Cause a danger to occupiers of adjoining property or to other users of the street.
19. The holder shall not seek to attract attention or custom by shouting or making undue noise or by permitting the playing of music, music re-producing or sound amplification apparatus or any musical instruments, radio or television sets whilst trading under this Consent, other than as specified in the Consent.
20. Refuse storage must be provided adjacent to the sale area. The storage must be of a substantial construction, waterproof and animal proof. The trade waste must be removed at the end of each working day or if the amount of refuse warrants it, when the container is full, whichever is the sooner.
21. The consent holder shall ensure that the whole of the lay-by and adjacent verge/ footpath (but not the carriageway) to a distance of 10 metres be kept free of litter and refuse at all times whilst resident.
22. A copy of the consent, suitably protected against the weather shall be displayed in a prominent position on the stall or vehicle at all times when trading is taking place.
23. The holder, or any employee of the holder, shall produce a copy of the Consent on demand when required by a Police Officer or an authorised officer of the Council.
24. Nothing in any consent shall purport to grant to the holder any other licence or permissions required under any other Enactment or requirement and the consent holder is specifically advised to obtain such other approvals as may be required.
25. The holder shall not place on the street any furniture or equipment or advertisement other than as specified in the Consent.
26. No poster, advertisement, signage or decoration of an unsuitable material or nature shall be displayed, sold or distributed on or about the vehicle or premises. For the purpose of this condition, material is unsuitable if in the opinion of an Officer of the Council authorised

under the appropriate legislation, it is indecent, scandalous, offensive or likely to be harmful to any person likely to apprehend it. Material may also be considered to be unsuitable if it is of such a nature as to distract motorists driving on the highway.

27. The name and business address of the consent holder and other address at which the trailer is normally kept or garaged must be conspicuously and legibly displayed upon it in a place where the public may view it. Where this is a private address, suitable contact details must be displayed. The sign must be approved in writing by the Head of Health and Housing.
28. No signage or objects shall be placed on the highway or area surrounding the vehicle / premises without the appropriate permit.
29. Where a structure is not removed at the end of the trading day, no additional permanent or semi-permanent additions or paving shall be erected or constructed adjacent to the structure for which consent has been granted.
30. Failure to comply with any condition attached to the street trading consent may result in the revocation of such consent.
31. The holder shall notify the Head of Health and Housing at Council Offices, King George V House, King George V Road, Amersham, Bucks, HP6 5AW in writing of any criminal convictions or other legal proceedings arising out of the use or enjoyment of the Consent.
32. The holder of a Consent shall carry public liability insurance of not less than £10 million, evidence of which shall be supplied to the Council prior to the grant of the Consent.
33. The Council may revoke the Consent at any time.
34. The holder will return the Consent to the Council immediately upon revocation or surrender.
35. In the event of the Consent being surrendered or revoked before the expiry date no refunds will be given.
36. The Council may at any time vary these Conditions without notice.

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