



Regulatory Sub-Committee agenda

Date: Tuesday 16 May 2023

Time: 10.30 am

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

Membership:

A Baughan, T Green (Chairman) and A Wood

Agenda Item	Page No
1 Introductory Remarks by the Chairman	
2 Apologies for absence	
3 Declarations of interest	
4 Application for Street Trading Consent in respect of The Broadway, Chesham, HP5 1EG	3 - 44
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 Khushi Mohammed in respect of The Broadway, Chesham, HP5 1EG.	

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

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SUBJECT:	APPLICATION FOR A STREET TRADING CONSENT BY: Mr Khushi Mohammed in respect of The Broadway, Chesham, HP5 1EG
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).

3. The application

- 3.1. A renewal application has been made by Mr Khushi Mohammed for a street trading

consent to trade from The Broadway, Chesham to sell Asian style food. The application is to trade for 4 days: Monday – Tuesday and Thursday - Friday between 08:00 – 18:00 (see **Appendix 2**)

- 3.2. The proposed location is within an area of retail units. (See Appendix 3 for application site plans), the war memorial and close to the taxi rank in Chesham town centre, The Broadway. (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 24 March 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. This is 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 20 April 2023
- 4.3. During the consultation period representations were received from Chesham Town and Buckinghamshire Councillors 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 Three councillors and the Town Council objected on grounds of:
 - That ward councillors had received a number of objections from constituents to the location of the street vendor in the town centre.
 - They consider the van to be an eyesore
 - The Town Council state they have received complaints regarding the current food van located on the Broadway. It is considered that if granted this application would lead to further complaints.
 - 4.4.2 One ward councillor has given approval to the renewal application and states that the van has been there for over 10 years and that he fully supports it remaining in its current location.
 - 4.4.3 Thames Valley Police – No objection.
 - 4.4.4 Buckinghamshire Council Highways Authority – No objection
 - 4.4.5 Public Response – Two objections were received from local residents on the following grounds:
 - That it is an eyesore for the town
 - Illegal parking and obstruction of the highway.
 - There were a number of representations made and sent to the licensing unit from members of the public that are historical in nature. These have been omitted from the report as they do not reference the current renewal application before the authority.

- Additionally, one member of the public gave their support to the renewal application.

4.4.6 Applicant comments – the applicant was given an opportunity to respond to the objections and his comments are at **Appendix 5**.

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.gov.uk
Background Papers:	Application papers The Local Government Miscellaneous Provisions Act 1982. The Council's Street Trading Policy (Chesham area).

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CHILTERN District Council



CHILTERN
District Council

Health and Housing Division

**LOCAL GOVERNMENT (MISCELLANEOUS
PROVISIONS) ACT 1982**

**STREET TRADING POLICY
2012**

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1.0 Introduction

- 1.1 The aim of this policy is to set out Chiltern District Council's framework for the management of street trading with the aims to prevent obstruction of the streets, ensure the safety of persons using them and prevent nuisance to neighbouring residents and businesses. In doing so, it recognises the importance of licensed businesses to the local economy and the character of the area whilst trying to ensure that the activities do not cause nuisance or annoyance to the people of the area.
- 1.2 Whilst these factors will be under consideration it should be stressed that the following fundamental principles will also be observed: -
- a) the right of any individual or body to apply for a permission is not undermined and that each application will be determined on its merits;
 - b) the statutory right of any person to make appropriate representations;
 - c) that the statutory function of licensing is primarily concerned with the regulation of activities within the legislation and that any terms and conditions will focus on:
 - i) matters within the control of individual consent holders who are granted any relevant permissions;
 - ii) the premises and places being used for licensable activities;
 - iii) the direct impact of the activities taking place at the relevant premises on the public living, working or engaged in normal activity in the area concerned;
- 1.3 This document will guide the Licensing Authority when it considers applications for Street Trading Consents. It will inform applicants of the parameters in which the authority will make decisions and how their needs will be addressed.
- 1.4 It also highlights the Council's undertaking to avoid duplication with other statutory provisions and the commitment to work in partnership with other enforcement agencies.

Consultation

- 1.5 In determining this policy, the Council has consulted the following people and bodies:
- a) Thames Valley Police;
 - b) Buckinghamshire Fire and Rescue;
 - c) Existing consent holders;
 - d) Representatives of businesses and residents in the Chiltern DC area;
 - e) Town and Parish Councils;
 - f) Chiltern DC Estates Officer

- 1.6 The views of all the appropriate bodies and organisations have been taken into account in the drafting of this policy.

Review of the Policy

- 1.7 This policy will be reviewed every five years at which time, further consultation will be undertaken. Additionally, the policy will be reviewed to take account of changes in legislation or Government guidance.

2.0 Legislation and current provision

- 2.1 At a meeting of the Environmental Health Committee held on 31st May 1984, it was resolved that Schedule 4 to the Local Government (Miscellaneous Provisions) Act 1982 should apply to its area with the result that a number of streets were designated as consent streets. This means that anyone who wishes to trade on these streets must hold a street trading consent. In May 2005, the A413 was designated as a prohibited street.
- 2.2 Annex 1 and 2 list and map the streets in the District that are designated as prohibited streets or consent streets.
- 2.3 Street Traders that serve hot food or drink at any time between 11.00pm and 05.00am the following day or sell alcohol will also require a Premises Licence under the Licensing Act 2003.
- 2.3 'Street Trading' is defined as "*the sale and exposing or offering for sale any article, including a living thing, in a street.*" Streets are further defined as to include any road, footway, beach, or other area to which the public have access without payment.
- 2.4 The main purpose of this legislation is to establish an appropriate licensing regime which prevents undue nuisance, interference or inconvenience to the public brought about by street trading. This legislation provides local authorities with the power (but no duty) to designate specific areas within their administrative boundaries as either:
- Prohibited Streets: those which are not open to street traders
 - Consent Streets: where street trading is prohibited without local authority consent
 - Licence Streets: where trading is prohibited without a local authority licence
- 2.5 Local authorities can place conditions on any Consent or Licence. The Act also creates offences associated with trading in Consent or Licence streets without the necessary authority: the person guilty of such an offence may be

liable, on conviction, to a fine of up to £1000. However, the Act makes certain activities exempt from the requirement to hold a consent. These are:

- a) Pedlars acting under the authority of a pedlar's certificate granted under the Pedlars Act 1871
- b) Any trade in a market or fair, the right to hold which having been obtained by a grant, enactment or order.
- c) Trading on a trunk road picnic area under Section 112 of the Highways Act 1980
- d) news vendors selling only newspapers or periodicals
- e) petrol filling stations
- f) shops forecourts
- g) rounds men (as they have defined customers, defined routes, this is the traditional milk round delivering to order).
- h) objects or structures placed on, in or over a highway under Part VIIIA of the Highways Act 1980
- i) operation of facilities for recreation or refreshment under Part VIIA of the Highways Act 1980
- j) Street Collections

3.0 The Licensing Process and Delegation of Functions

- 3.1 This part of the document sets out how applications for Street Trading Consents in the Chiltern District will be dealt with. The Council aims to provide a clear, consistent licensing service for service users whilst at the same time aiming to protect the safety of highway users and to prevent nuisance or annoyance.
- 3.2 Delegation is laid out in the Council's Constitution. In certain circumstances, e.g. when a representation has been made to a licence application, applications will be referred to the Licensing and Regulation Committee for determination.

4.0 Applications for a Street Trading Consent

Advice for New Applicants

- 4.1 New applicants are advised to contact the Council, Thames Valley Police and Transport for Bucks at their earliest opportunity, preferably before an application is made. This allows the Authorised Officers to provide advice, as well as clarifying any areas of uncertainty.
- 4.2 The Council can also provide advice in relation to other legal requirements of a new licence holder, for example, planning permission or building control approval.

Applications

- 4.3 Applications will only be considered for sites in 'Consent Streets'. All applications must be made on the Council's prescribed application form.
- 4.4 Each application must be accompanied by the prescribed, non-refundable application fee. An application will not be considered as duly made until the prescribed application fee has been received.
- 4.5 The following will also be required to be submitted with the application:
- Where the proposed street activity is from a fixed position, a copy of a map of at least 1:1250 scale. The map should clearly identify the proposed site position by marking the site boundary with a red line. The map should also indicate the locations of other street traders and outlets trading in similar commodities to those proposed;
 - Details of the proposed activity, including the nature of goods being sold, times and days of operations and written permission of the landowner if on private land;
 - Confirmation that adequate levels of third party and public liability insurance is, or will be, in place during street trading activity.

Processing of an Application

- 4.6 On receipt of the application form an acknowledgment will be sent to the applicant.
- 4.7 An officer may visit the applicant and inspect the vehicle, barrow, cart, van, portable stall or other vehicle or premises/site which the applicant intends to trade from.
- 4.8 The application will either be:
- Granted and a trading consent will be issued with conditions attached, or
 - Refused.
- 4.9 Before a Street Trading Consent is granted or renewed the Council will carry out a consultation process with various persons and groups. In particular the following organisations or persons are consulted:
- Thames Valley Police,
 - Bucks Fire and Rescue Service,
 - Transport for Bucks, Bucks County Council.
 - Environmental Health (Food, safety and noise)
 - Ward and Parish or Town Councillors

- 4.10 Twenty-eight days will be given to consultees to make comments / objections. If no comments are received, the application will be granted in the terms applied for with standard conditions attached to the consent. If representations are received, then the Licensing and Regulation Committee will be engaged, who will make a decision based upon the application, representations made and in accordance with this policy.
- 4.11 Written observations from the above organisations and occupiers of properties will be taken into consideration when determining an application.

Key Considerations

- 4.12 The Council may have regard to the number, nature and type of traders already trading within a consent area when determining an application.
- 4.13 In considering applications for the grant or renewal of a Street Trading Consent the following factors will be considered:
- a) **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.
 - b) **Public Order**
Whether the street trading activity represents, or is likely to represent, a substantial risk to public order.
 - c) **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.
 - d) **Highway**
The location and operating times will be such that the highway can be maintained in accordance with the Buckinghamshire County 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.
- 4.14 The Council will normally grant a street trading consent unless, in its opinion:
- 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;
 - Where there are concerns over the recorded level of personal injury accidents in the locality where the street trading activity will be sited;
 - There would be a significant loss of amenity caused by traffic, noise, rubbish, potential for the harbourage of vermin, odour or fumes;

- 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*;
- There is a conflict with Traffic Orders such as waiting restrictions;
- 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;
- The trading unit obstructs the safe passage of users of the footway or carriageway;
- The pitch interferes with sight lines for any road users such as at road junctions, or pedestrian crossing facilities;
- The site does not allow the Consent Holder, staff and customers to park in a safe manner;
- 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.

Departure from Policy

- 4.15 In exercising its discretion in carrying out its regulatory functions, Chiltern District Council will have regard to this Policy document and the principles set out therein.
- 4.16 Notwithstanding the existence of this Policy, each application will be considered on its own merits based on the licensing principles detailed in this Policy.
- 4.17 Where it is necessary for the Council to depart substantially from this Policy, clear and compelling reasons for doing so will be given. The Head of Health and Housing may authorise a departure from the policy in accordance with this section if he/she considers it necessary in the specific circumstances and will advise Councillors via the Members Services.
- 4.18 There is no right of appeal against a variation of a condition, or refusal to grant or renew a trading Consent.
- 4.19 Any proposed change to standard conditions will be consulted with consent holders and others, if relevant.

Consents

- 4.20 Consents may be issued for a period of up to consecutive 12 months or quarterly.
- 4.21 All Consents that have not been renewed by their expiry date will cease to exist and trading must cease until such time as a new Consent has been granted.

- 4.22 Upon renewal, the Council may consult further to determine if the street trader is a cause for concern or has been the subject of complaints.
- 4.23 Where a renewal application has been made and there have been no justifiable complaints, no enforcement issues and all fees have been paid on time, the consent will be renewed.
- 4.24 Where a renewal application has been made and there have been complaints or enforcement issues or fees have not been paid on time, then the application may be referred to the Licensing and Regulation Committee.
- 4.25 A Street Trading Consent cannot be transferred or sold to another person except that the Consent may be transferred to a member of the Consent Holder's immediate family in the event of the Consent Holder's death or incapacity on payment of a fee. The sub letting of a pitch is prohibited.
- 4.26 Where an application is referred to the Licensing and Regulation Committee, it will determine each application on its own merits. Members of the Committee will consider all information attached to the application. If a member of the Committee has an interest in a neighbouring premise or knows an applicant personally, they must declare an interest in accordance with Local Authorities (Model Code of Conduct) Order 2007the Code of Conduct adopted in accordance with the Local Government Act 2000. Members should take advice from the legal officer present at the meeting as to whether or not the interest prevents them from determining the particular application.
- 4.27 Following the determination of an application, the Head of Health and Housing will notify the applicant of the decision in writing as soon as possible after the decision.
- 4.28 There is no statutory right of appeal against refusal to issue a consent.

5.0 Consent Conditions

- 5.1 Standard conditions will be attached to every street trading consent detailing the holder's responsibilities to maintain public safety, avoid nuisance and generally preserve the amenity of the locality. These are detailed in Annex 3.
- 5.2 Specific conditions will also be attached such as the days and hours when street trading is permitted, the goods which may be sold and the size and location of the pitch.
- 5.3 Failure to comply with conditions may lead to revocation or non renewal of consent.
- 5.4 In certain circumstances, the Council may wish to add, alter or amend the conditions on a trading Consent. Any amendments or variations to consents

or conditions that are requested by consent holders must be made in writing. An administration fee will be charged to the consent holder for any amendments or variations made. There is no right of appeal against the Council's decision to refuse to amend or vary a consent.

6.0 Fees

- 6.1 Fees will be set and reviewed annually on a full cost recovery basis. The level of fees applicable takes into account the duration of the consent and the trading hours. Details of the current fees can be found on the Council's website or on application to the Licensing Section. Fees must be paid in advance and arrangements are in place to enable annual fees to be paid quarterly in advance. One month's notice of ceasing to trade must be given. Where trading ceases during the term of a consent, refunds will not be given for any outstanding period of less than 1 month.
- 6.2 Applications for annual consents should be accompanied by a non-refundable application fee. If the application is approved, the balance of the quarterly fee will be due in advance of the consent being issued. If the application is not successful the application fee will be retained to cover the cost incurred in processing the application.

Street Trading Consents for which fees are not payable

- 6.3 Chiltern District Council will not require the payment of fees for the following street trading activities:
- fetes, carnivals or similar community based and run events
 - non-commercial or charitable events
 - farmers markets (producer-managed marketplace for local producers to sell their own produce direct to local people)
 - sales of articles by householders on land contiguous with their homes
 - the authorised street markets at Amersham and Chesham

7.0 Markets and Special Events

- 7.1 The Authorised Amersham and Chesham weekly markets are outside the scope of the street trading scheme.
- 7.2 For special events such as Christmas or Continental Street Markets, the Council will issue one consent to the person organising the event, rather than to each individual trader. This policy is aimed at promoting events and encouraging more traders to attend them.

- 7.3 The Council will require that the company produces a list of the individual traders before the trading day and that the traders hold and are able to produce some authorisation from the company organising the event.
- 7.4 The Council will require the operating company to hold an insurance certificate covering all the individual traders.
- 7.5 If the event is being held on behalf of raising funds for a charity, etc the fee will be waived.

8.0 Enforcement

- 8.1 The Council is committed to enforcing the provisions contained within the relevant legislation and to work in partnership with all enforcement agencies, to provide consistent enforcement on licensing issues.
- 8.2 It is recognised that well-directed enforcement activity by the Council benefits not only the public but also responsible members of the trade.
- 8.3 In pursuing its objectives of detailed in this Policy, the Council will operate a proportionate enforcement regime in accordance with the Council's Enforcement Policy.
- 8.4 The responsibility for the overall supervision of street trading lies with the Head of Health and Housing.

9.0 Further Information

Further information on the Authority's licensing policy and application process can be obtained from:

Licensing Team

Chiltern District Council

King George V House

King George V Road

Amersham

Bucks HP6 5AW

T: 01494 732068

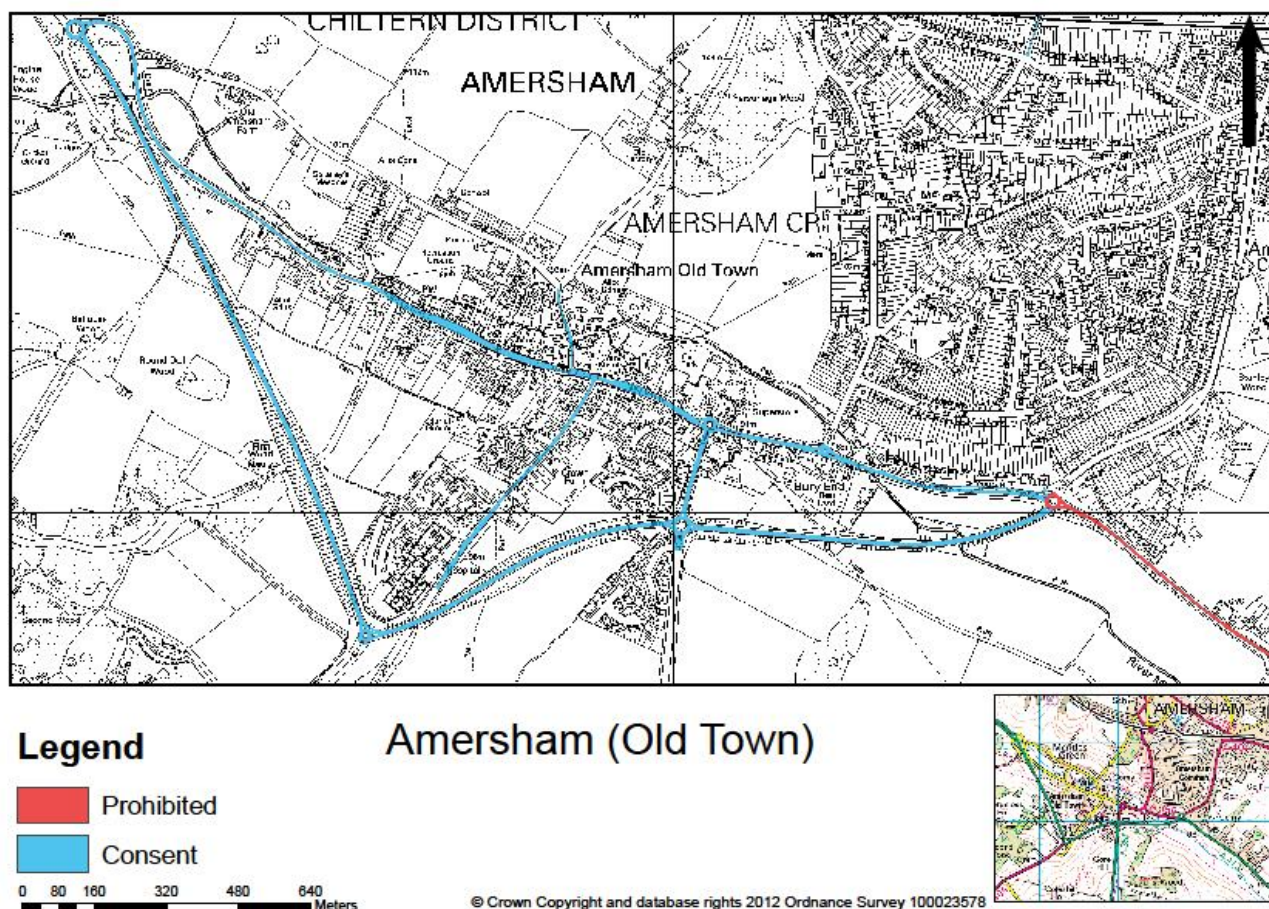
F: 01494 586504

E: licensing@chiltern.gov.uk

Website: www.chiltern.gov.uk

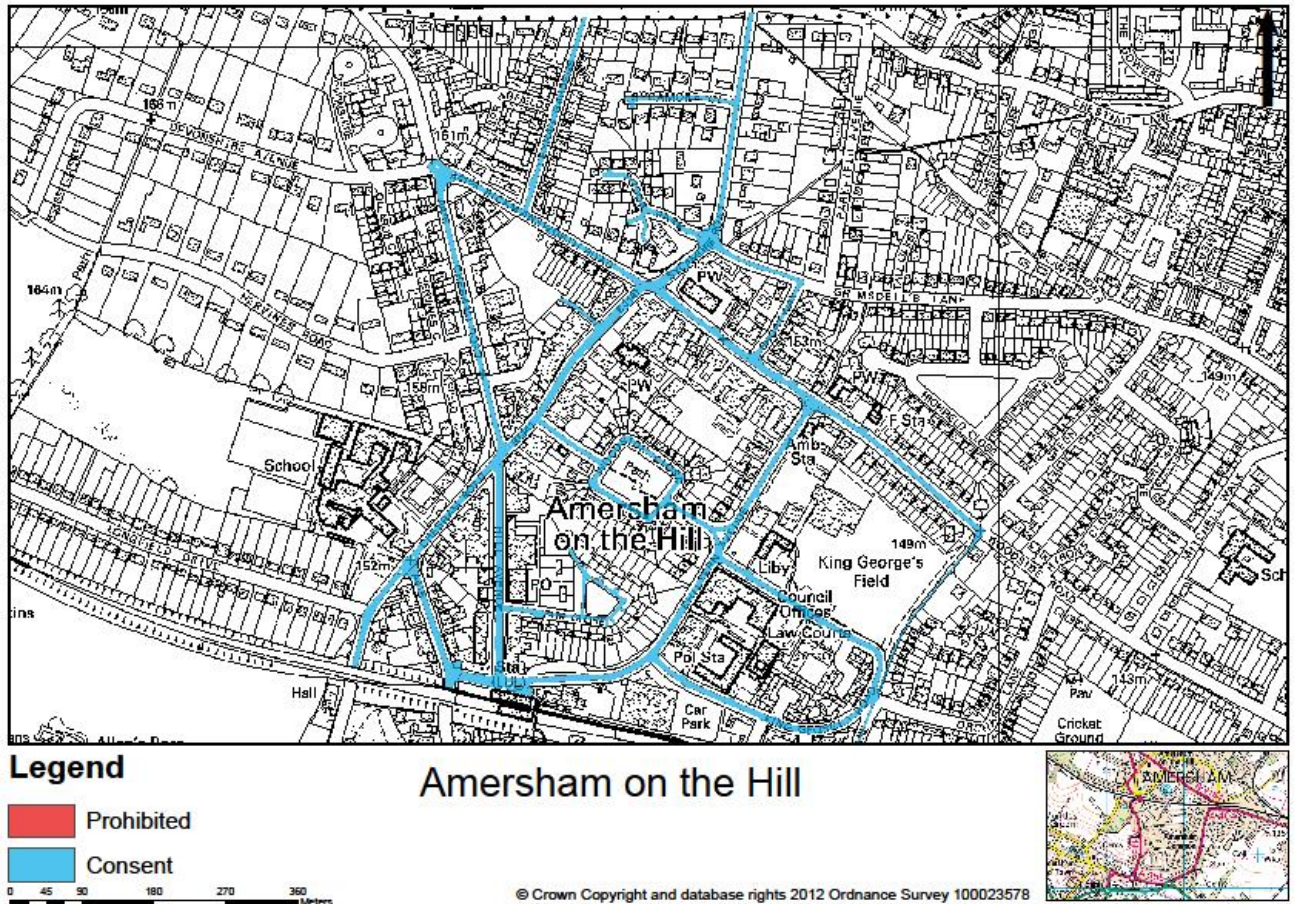
Annex 1 Consent Streets

Amersham



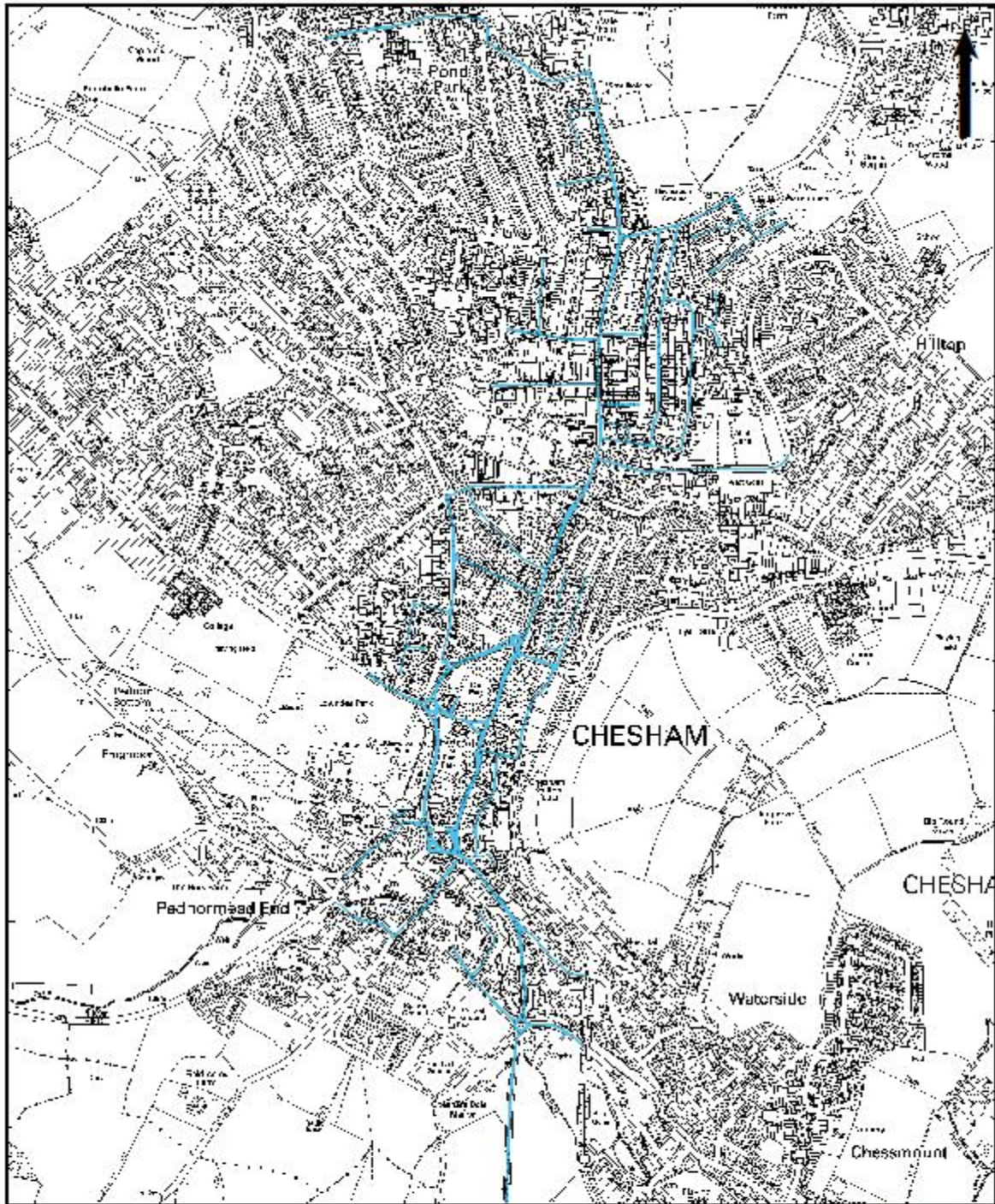
London Road West, also known in part as Chequers Hill;
The Broadway;
Market Square;
High Street;
Missenden Road (otherwise known as Wendover Road) all forming part of the traffic route A413 from the junction of Stanley Hill westwards to the point where the road passes over the River Misbourne west of the layby in front of the main entrance to the Shardeloes Estate;
Church Street;
Whielden Street/Whielden Lane from the junction of the A413 to a point opposite the Southern boundary of the Amersham Hospital Car Park;
That section of Gore Hill from The Broadway to the junction with Fieldway.
London Road (A413) towards Chalfont St Giles

Amersham-on-the-Hill





- Chesham Road from the junction with Devonshire Avenue to the junction with Station Road;
- Rectory Hill from the junction with Station Road to LRT overbridge;
- Station Road from the junction of Chesham Road to the LRT overbridge;
- Station Approach, Hill Avenue;
- Elm Close, Chiltern Avenue;
- King George V Road;
- Hyrons Lane from the junction of Woodside Road to the LRT overbridge;
- Woodside Road from the junction of Hyrons Lane to Rickmansworth Road;
- Woodside Close, Sycamore Close;
- Sycamore Road;
- Service Road off Sycamore Road leading to Car Park;
- Short Way, Tudor Park;
- Grimsdells Lane from the junction with Shortway to Sycamore Road;
- Lexham Gardens;
- Rickmansworth Road from the junction with Devonshire Avenue to Woodside Road.

Chesham



Legend

-  Prohibited
-  Consent

Chesham



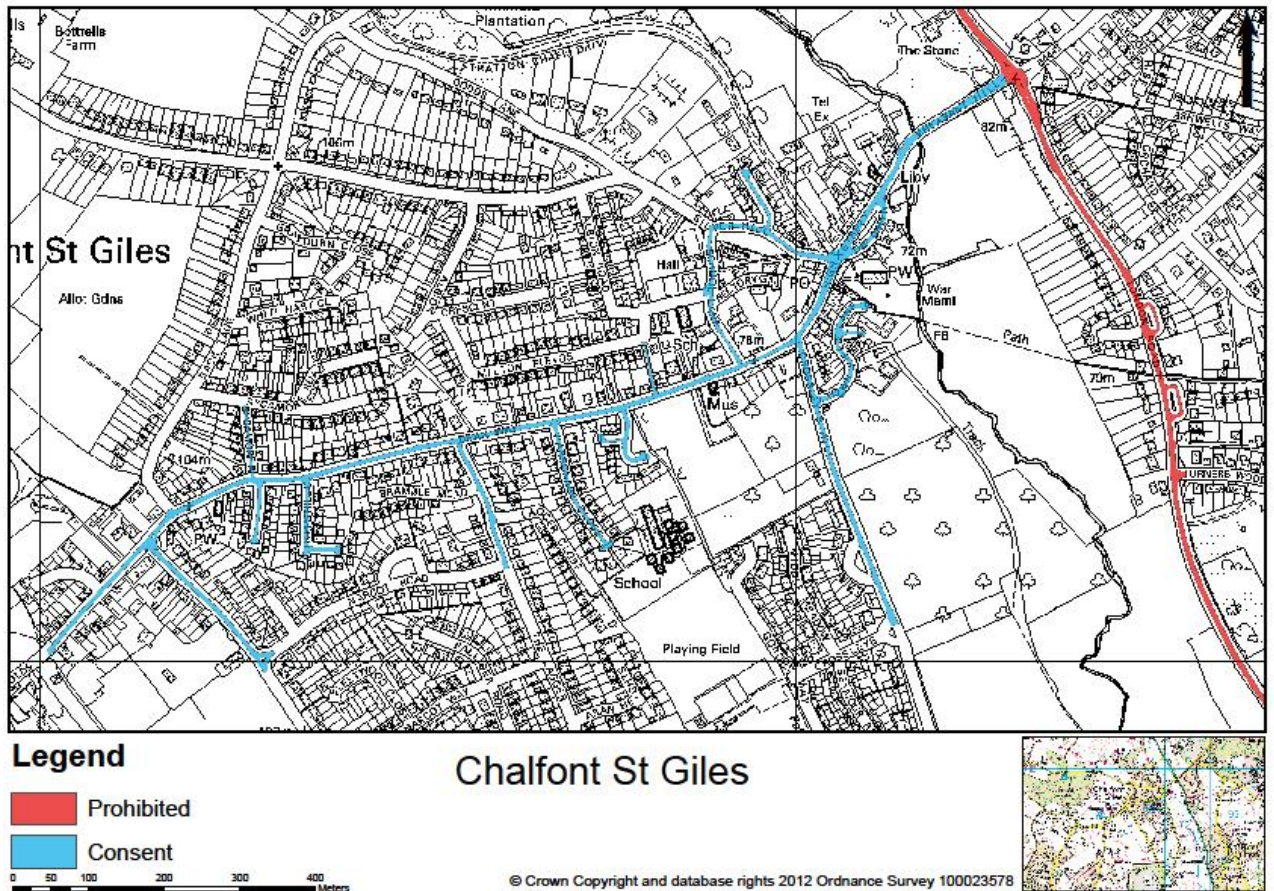
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Broad Street;
High Street;
Red Lion Street;
Market Square;
Waterside from the junction of Red Lion Street to the LRT overbridge;
Moor Road from the junction of Amersham Road to the LRT overbridge;
Amersham Road;
Amy Lane;
Meades Lane;
Germain Street from the junction with Fullers Hill and Wey Lane to the junction with Red Lion Street and Market Square;
Wey Lane;
Church Street;
St Mary's Way;
Blucher Street;
The Broadway;
Park Road from the junction of St Mary's Way to junction with Stanley Avenue;
Bellington Road from the junction of St Mary's Way to the junction with Sunnyside Road;
Sunnyside Road;
Higham Road;
Townsend Road;
Elgiva Lane;
Wesley Hill;
East Street;
Station Road;
The Backs;
White Hill from the junction of Victoria Road to the junction with Broad Street, High Street and St Mary's Way;
Townfield;
Gladstone Road;
Victoria Road;
Bury Lane;
Albert Road;
Abbotts Place;
Abbotts Vale;
Addison Road;
Alexander Street;
Alma Road;
Berkhampstead Road;
Birch Way;
Britannia Road;
Brockhurst Road;
Cameron Road (to junction with Stoney Grove);
Cherry Tree Walk;
Chilton Road;
Essex Road;
Frances Street;

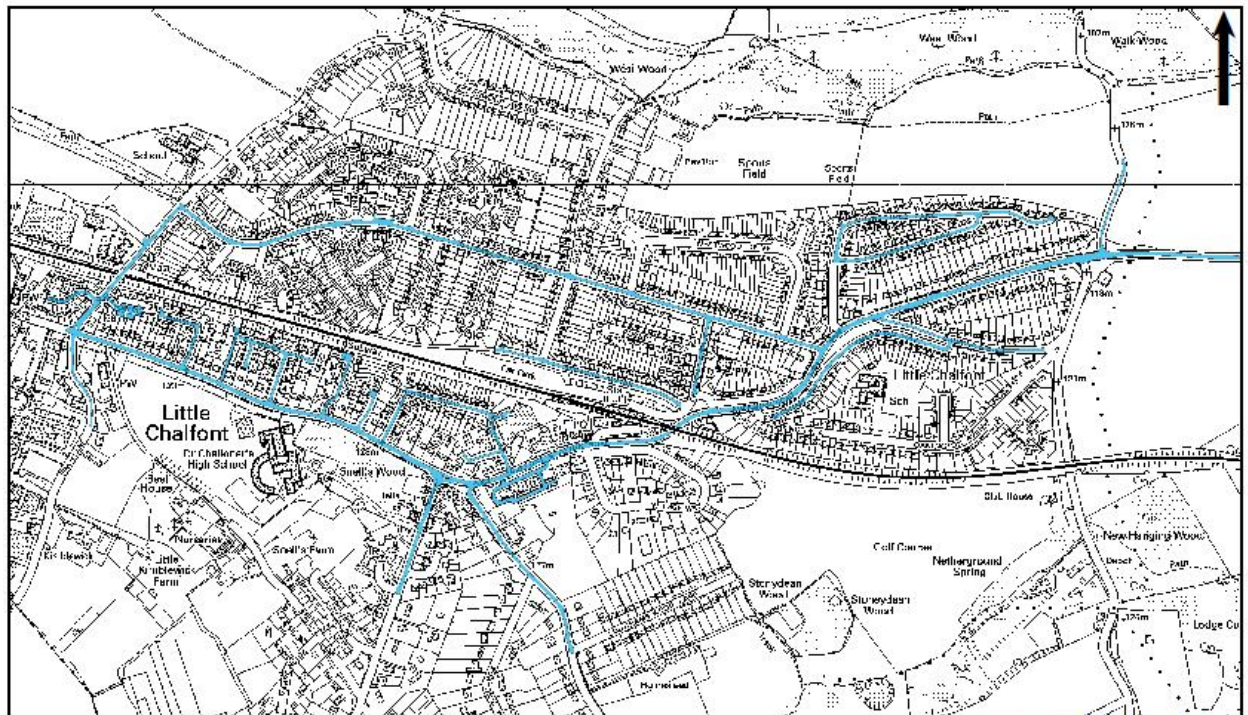
George Street;
Greenway;
Nashleigh Hill (to junction with Preston Hill);
Nutkins Way;
Preston Hill;
Russell Court;
Sayward Close;
Severalls Avenue;
Treachers Close;
Vale Rise;
Vale Road (to junction with Greenway).

Chalfont St Giles



Pheasant Hill;
High Street (including The Green);
Silver Hill (from the junction with High Street to the junction with School Lane);
Up Corner Close;
School Lane;
Bowstridge Lane (from the junction with High Street to the junction with Crossleys);
Townfield Lane;
Dean Way;
Hillside Close;
Parsonage Road;
The Lagger (from the junction with Dean Way to the junction with Narcot Road);
Tripps Hill Close;
Bowlers Orchard;
Milton Hill;
Sycamore Rise;
Narcot Lane (from the junction with Three Households to the junction with Narcot Road);
Three Households (from the junction with Narcot Lane to 10 metres beyond "Old Beams").
London Road/Amersham Road (A413) towards Chalfont St Peter

Little Chalfont



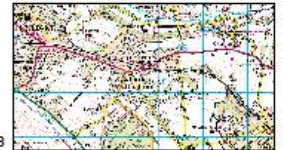
Legend

- Prohibited
- Consent

0 75 150 300 450 600 Meters

Little Chalfont

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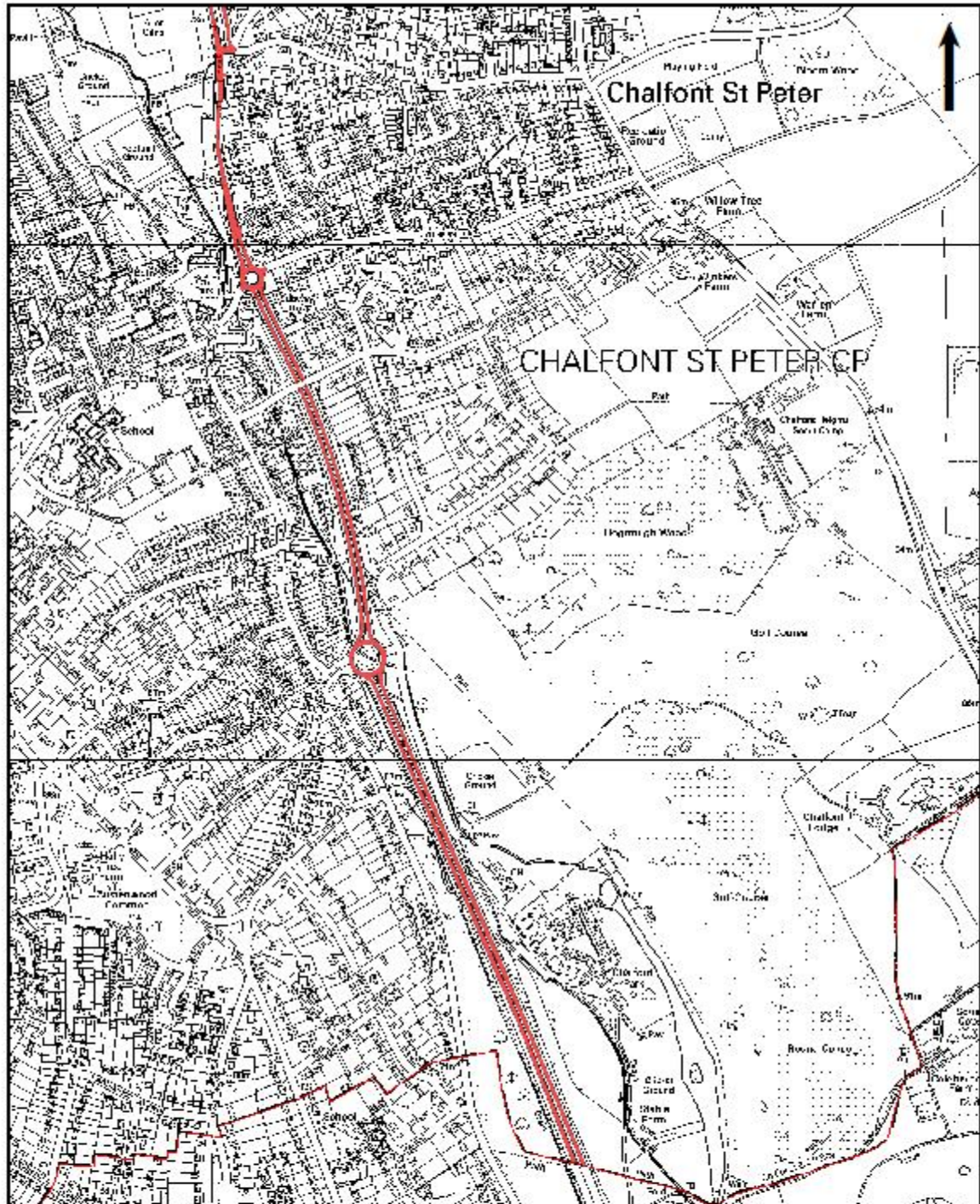


Amersham Place;
Amersham Road;
Amersham Way;
Applefield;
Arbour View;
Bedford Avenue;
Bell Lane (to junction with Elizabeth Avenue);
Beel Close;
Burtons Lane (to junction with Loudhams Wood Lane);
Chalfont Avenue;
Chalfont Station Road;
Chenies Parade;
Chessfield Park;
Church Grove;
Clayton Walk;
Cokes Lane (to junction with Snells Wood Court);
Cumberland Close;
Derwent Close;
Elizabeth Avenue;
Finch Lane (200 yards from junction with White Lion Road);
Kenway Drive;
Loudhams Road;
St Nicholas Close;

Stoney Lane (200 yards from junction with Amersham Road);
White Lion Road (to junction with Bell Lane).

Chalfont St Peter

Gravel Hill/Chalfont St Peter By-Pass to the district boundary



Legend

-  Prohibited
-  Consent
-  District Boundary

Chalfont St Peter



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Annex 2 Prohibited Street

A413 from its junction with Stanley Hill, Amersham to the District Boundary at Chalfont St Peter

Annex 3

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.

Additional Conditions Applicable To Special Events/Markets

1. All stalls to be issued with a number that must be displayed on the stall.
2. The consent holder should keep records of each stallholder present on the market, to include the stallholder's pitch number, name and company name, their address, vehicle registration and a contact telephone number. This must be produced on request to an authorised officer.
3. The consent holder must not allow the sale of offensive weapons (including imitation fire-arms, firearms, airguns, swords and crossbows)
4. If the Public Conveniences are required to open beyond 20:00 a charge will be levied in accordance with the Council's fees and charges.
5. If additional Street Cleaning is required as a result of the event, a charge will be levied in accordance with the Council's fees and charges.



BUCKINGHAMSHIRE COUNCIL
STREET TRADING CONSENT - RENEWAL

Existing Consent Number: 21/00051/STREET	
Applicant Details	
Full Name: Khushi Mohammed	
Full Address: [REDACTED] Slough	
Postcode: [REDACTED]	Date of Birth: [REDACTED]
Telephone (Home):	Telephone (Mobile): [REDACTED]
Email Address: [REDACTED]	
Assistant Details	
Full Name:	
Full Address:	
Postcode:	Date of Birth:
Telephone (Home):	Telephone (Mobile):
Email Address:	
Business Details	
Trading Name: Kebab House	
List all the goods and services you want to offer for sale: Asian food - full menu can be provided upon request	
Are you selling food and drink? Yes /No)	
If yes, are you registered as a food business? Yes /No)	
Local Authority where you are registered: Slough Borough Council	

Where will goods be stored if not on sale? Fridge/Freezer

Which days do you wish to trade:

(Please use a 24hr clock e.g. 10:00 to 19:00)

	(Tick where appropriate)	Time from:	Time to:
Monday	✓	08:00	18:00
Tuesday	✓	08:00	18:00
Wednesday			
Thursday	✓	08:00	18:00
Friday	✓	08:00	18:00
Saturday			
Sunday			

Details of Vehicle/Stall

Type of Trading (mobile or stationary): Mobile

Registration Number of Vehicle (if applicable): RF58OOH

Description of vehicle or stall including dimensions:

2ftx6ft

Catering trailer - which include fridge, freezer, cooker, frying unit. As well as food preparation area and serving.

Where will the unit or vehicle be stored when not in use?

At business kitchen location in Slough.

Please confirm the Street or Location you wish to trade from:

(If different from your current consent location you will need to submit a new application)

The Broadway

Have you, or any person named in or associated with this application been convicted of any crime or offence? If yes, please provide relevant details:

No

DECLARATION

I HEREBY DECLARE THAT I AM THE PERSON REFERRED TO AS THE APPLICANT ABOVE AND THAT THE INFORMATION SUPPLIED IN THIS APPLICATION IS TRUE AND CORRECT

Signature



Date 06.03.23

This application, when complete, should be returned to licensing@buckinghamshire.gov.uk with:

- A copy of a map of at least 1:1250 scale clearly identifying the proposed site position by marking the site boundary with a red line
- Copy of your current third party and public liability insurance certificate
- Permission from the landowner (if trading on private land)
- Application Fee of £66

69 The Broadway, High Street, Chesham, HP5 1BX



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Representations

28/3/63

Thank you for forwarding this application to us. We Councillors have received a vast number of objections to this food van in the time that it has held a permit for its present site. I'm happy for the van to be parked in a car park to the rear of the high street but not to be cooking hot food outside the Café Nero. It regularly blocks seating in the area, drops grease on the ground and emits strong smells. There is presently a pizza van to the rear of Darsham Walk and I would be very happy for this food van to be placed near to it.

Emily Culverhouse

Parish Councillor - Chesham (Townsend)

Buckinghamshire Council Member for Chess Valley

Mobile: 07540 410130

Parish email: ECulverhouse@chesham.gov.uk

From: Georgina.Fernandez <Georgina.Fernandez@chesham.gov.uk>

Sent: 20 April 2023 14:48

To: Planning Mailbox: Planning <planning.csb@buckinghamshire.gov.uk>

Cc: Francis Holly <fholly@chesham.gov.uk>

Subject: [EXTERNAL] Kebab Van Application Chesham High Street

I am passing on comments with regards to the application to continue street trading in Chesham High Street by the Kebab Van from:

Councillor Francis Holly who objects to this application:-

- on the grounds that it is situated too closely to the War Memorial
- in support of the many local businesses and residents who are opposed to it.

28/3/23

Dear Licensing,

Councillor Jane MacBean has kindly brought the above mentioned renewal application to our attention.

I can only refer back to my previous objections to this scruffy looking Kebab Van, being positioned in the middle of our town. When it was only on the Broadway on the Market Days, it wasn't so bad, but now it seems to have become a permanent fixture and detracting from our lovely town.

I'd be amazed if this is popular with our proper Bricks & Mortar eateries, especially the Lebanese restaurant which is opposite. It never seems to be busy. Is it really a viable business?

It has also impacted on Café Nero, not being able to have tables & chairs there, like they did in 2020.

The Broadway is one of the most photographed areas of our pretty town centre, there are a lot of folks who try to look after the War Memorial area and then to have that eyesore in the background, this van just totally detracts from the image which we are trying to portray!

It is not a very good advert for healthy eating now is it! Over the last few months the comments I have been receiving from my customers is how scruffy Chesham High Street is looking, with the increase of litter, being the main concern.

I look forward to hearing from you soon.

Yours hopeful

Hazel Hopkinson
Local Resident & Business Owner
Blue Haze Arts & Crafts
2 Church Street, Market Square, Chesham, Buckinghamshire, HP5 1HT

From: Jane Macbean (Cllr) <Jane.MacBean@buckinghamshire.gov.uk>

Sent: 18 April 2023 21:10

To: Georgina.Fernandez <Georgina.Fernandez@chesham.gov.uk>

Cc: Nick Southworth <nsouthworth@chesham.gov.uk>

Subject: The pedestrian only area near the Chesham War Memorial.

Objection email highlighting highways concerns but references the problems the kebab ban exacerbates.

Dear Jane,

I would like to bring your attention to the flouting in this pedestrian only area.

There is a sign although faded at the east side (there used to be two signs) and also there is a sign within the area (see photos) One of the problems is made worse by the food wagon with drivers blatantly parking in the area some even in front of the sign. Most days there are lots of children running across.

Surely the answer would be to install a clearer sign with a camera. It's a no brainer, once they got a £60 fine they wouldn't do it any more. Plus revenue for the cash stopped council.

But the paramount solution is to make it a safe area and we don't want to wait until someone gets run over! There was a woman hit by a taxi , albeit on the other side a couple of weeks ago.

I look forward to your comments and hopefully you can remedy this area of concern.

Best wishes.

David Smallman



From: Georgina.Fernandez <Georgina.Fernandez@chesham.gov.uk>
Sent: 19 April 2023 10:29
To: Planning Mailbox: Planning <planning.csb@buckinghamshire.gov.uk>
Subject: FW: Kebab Van on The Broadway, Chesham

Dear Sir/Madam,

Please find enclosed our responses for the renewal application for the Kebab van on Chesham High Street.

**STREET TRADING CONSENT RENEWAL APPLICATION - CONSULTATION
CHESHAM HIGH STREET**

Renewal application for a mobile catering trailer to be in place at The Broadway (outside Café Nero), Chesham at the following times:

Monday, Tuesday, Thursday, Friday: 08:00 – 18:00

CHESHAM TOWN COUNCIL RESPONSE:

- The original license for this trading application was granted by Bucks licensing team in 2021 without consultation with Chesham Town Council.
- At the time there were many complaints from members of the public, letters of complaint to Your Chesham magazine and the Bucks Free Press.
- A number of residents asked for the license to be revoked on the basis of non-consultation. To this request we didn't get a very strong response from the BC licensing team unfortunately and Charlie Robinson left the team shortly after we started the discussion.

Kind Regards,

Georgina Fernandez, Democratic Services Officer, Chesham Town Council

Supportive of the application

From: Parveiz Aslam <paslam@chesham.gov.uk>

Sent: 30 March 2023 23:04

To: Georgina.Fernandez <Georgina.Fernandez@chesham.gov.uk>

Subject: Re: Planning Agenda & Reports

Street trading application for food van: they have brought in a trade that is well accepted by the majority with a few who object for no real reason. The High Street is quite alive as a result of them. I don't know any other who are as consistent and reliable and dedicated 6 days a week. I also know that many enjoy their lunch while school students always look forward to a snack after school . Finally, although they have become expensive due to the recent increase in food prices they are still a competitive food stall. They are also a sourced of income for us- please do not lose trade in the high street.

Parveiz

28/3/23

Dear Brian,

Market Square is a new application which is not supported by several members and residents because we'd like to encourage a more upmarket nighttime economy in that end of the High Street and Market Square is already well served when it comes to eateries.

The Kebab Van on the Broadway on the other hand is a renewal of a permit that has been on the Broadway for over a decade, and with an expanded permit post covid.

Both applications are actually in St Mary's, my ward.

I fully support the renewal of the Broadway permit. One resident and his cohort had objected strongly to the renewal of the permit the last time, but it was not the majority. There was a concerted campaign to try and get objections, which led to a meeting with officers.

I was present at said meeting when two officers came down and met with the vendor and he was promised that if there were any problems in future with the renewal of his permit, Buckinghamshire Council would relocate him to at the entrance of Star Yard car park, across from the Library.

It was also discussed that since this particular street vendor has been in Chesham for well over a decade, there is an established market he serves and we'd continue supporting him.

The Kebab van is in my ward, and Kushi Mohammed has my full support, as I'd much rather support a small business that's in business, than to push him out of business and potentially on benefits.

Kindest regards,

Wilford

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

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Brian Whittal

From: Khushi Mohammed [REDACTED]
Sent: 22 April 2023 23:15
To: Brian Whittal
Subject: [EXTERNAL] Re: Street Trading renewal

Dear Mr Whittal,

Thanks for giving me an opportunity to provide further information.

I would like to add that whilst I would prefer the permit to be renewed on the Broadway where I currently am, when Joanne Bowles and Caroline Steven met with me in Chesham on Wednesday 23 March 2022, along with Cllr Augustus and Cllr Macbean, the officers suggested a potential solution.

We discussed potentially moving my Kebab Van to the entrance of Star Yard outside of market days, on Mondays, Tuesdays, Thursdays and Fridays, and on the Broadway on Market days.

Please note that I have a long standing clientele in Chesham that I have been serving for over 10 years, and since Star yard is so close to the Broadway, they would still be able to easily find me there.

Lastly, this is my livelihood, and my only source of income. I have a mortgage to pay, a family to support, and many other financial obligations, so I am seeking a balanced compromise if necessary.

Thank you for your support, and I look forward to hearing from you.

Kind regards,

Khushi Mohammed

Sent from Samsung Mobile on O2
Sent from [Outlook for Android](#)

From: Brian Whittal <Brian.Whittal@buckinghamshire.gov.uk>
Sent: Thursday, 20 April 2023, 14:50
To: khushimohammed@hotmail.com [REDACTED]
Cc: Licensing Mailbox <Licensing@buckinghamshire.gov.uk>
Subject: Street Trading renewal

Mr Mohammed,

Further to your application to renew a street trading consent for The Broadway, Chesham.

We have received a number of objections to the application as attached plus a two representations that are supportive of 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? The committee shall determine your application on the 16th May at 10:30, Amersham Council offices.

I would be grateful if any comments are made in writing before the close of business on **Monday 24th April 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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