

LICENSING COMMITTEE AGENDA

Wednesday, 14th September 2016 at 7:15pm

Committee Room 1, Braintree District Council, Causeway House,
Bocking End, Braintree, CM7 9HB

THIS MEETING IS OPEN TO THE PUBLIC
(Please note this meeting will be audio recorded)

www.braintree.gov.uk

Members of the Licensing Committee are requested to attend this meeting to transact the business set out in the Agenda.

Membership:-

Councillor Mrs J Allen

Councillor M Banthorpe (Chairman)

Councillor J Baugh (Vice Chairman)

Councillor S Canning

Councillor J Elliott

Councillor J Goodman

Councillor A Hensman

Councillor H Johnson

Councillor Mrs J Money

Councillor Mrs J Pell

Councillor R van Dulken

Councillor Mrs L Walters

Councillor Mrs S Wilson

Members unable to attend the meeting are requested to forward their apologies for absence to the Governance and Members Team on 01376 552525 or email demse@braintree.gov.uk by 3pm on the day of the meeting.

N BEACH
Chief Executive

INFORMATION FOR MEMBERS - DECLARATIONS OF INTERESTS

Declarations of Disclosable Pecuniary Interest, Other Pecuniary Interest or Non-Pecuniary Interest

Any member with a Disclosable Pecuniary Interest, other Pecuniary Interest or Non-Pecuniary Interest must declare the nature of their interest in accordance with the Code of Conduct. Members must not participate in any discussion of the matter in which they have declared a Disclosable Pecuniary Interest or other Pecuniary Interest or participate in any vote, or further vote, taken on the matter at the meeting. In addition, the Member must withdraw from the chamber where the meeting considering the business is being held unless the Member has received a dispensation from the Monitoring Officer.

Question Time

The Agenda allows for a period of up to 30 minutes when members of the public can speak. Members of the public wishing to speak are requested to register by contacting the Governance and Members Team on 01376 552525 or email demse@braintree.gov.uk no later than 2 working days prior to the meeting. The Council reserves the right to decline any requests to register to speak if they are received after this time. Members of the public can remain to observe the public session of the meeting.

Please note that there is public Wi-Fi in the Council Chamber, users are required to register in order to access this. There is limited availability of printed agendas.

Health and Safety

Any persons attending meetings in the Council offices are requested to take a few moments to familiarise themselves with the nearest available fire exit, indicated by the fire evacuation signs. In the event of an alarm you must evacuate the building immediately and follow all instructions provided by officers. You will be assisted to the nearest designated assembly point until it is safe to return to the building.

Mobile Phones

Please ensure that your mobile phone is switched to silent during the meeting in order to prevent disturbances.

Webcast and Audio Recording

Please note that this meeting will be audio recorded only.

Documents

Agendas, reports and minutes for all the Council's public meetings can be accessed via www.braintree.gov.uk

We welcome comments from members of the public to make our services as efficient and effective as possible. If you have any suggestions regarding the meeting you have attended, you can send these via demse@braintree.gov.uk

| PUBLIC SESSION | | Page |
|-----------------------|---|----------------|
| 1 | Apologies for Absence | |
| 2 | Declarations of Interest To declare the existence and nature of any Disclosable Pecuniary Interest, other Pecuniary Interest or Non-Pecuniary Interest relating to items on the agenda having regard to the Code of Conduct for Members and having taken appropriate advice where necessary before the meeting. | |
| 3 | Minutes of the Previous Meeting To approve as a correct record the minutes of the meeting of the Licensing Committee held on 20th July 2016 (copy previously circulated). | |
| 4 | Public Question Time (See paragraph above) | |
| 5 | Hackney Carriage Proprietors' Licence - Allocation | 4 - 6 |
| 6 | Application for a Street Trading Consent - The Best Kebab, Junction of Cranes Lane and B1024, KELVEDON | 7 - 33 |
| 7 | Licensing Committee Update | 34 - 35 |
| 8 | Urgent Business - Public Session To consider any matter which, in the opinion of the Chairman should be considered in public by reason of special circumstances (to be specified) as a matter of urgency. | |
| 9 | Exclusion of the Public and Press To agree the exclusion of the public and press for the consideration of any items for the reasons set out in Part 1 of Schedule 12(A) of the Local Government Act 1972. | |
| | <i>At the time of compiling this agenda there were none.</i> | |

| PRIVATE SESSION | | Page |
|------------------------|--|-------------|
| 10 | Urgent Business - Private Session To consider any matter which, in the opinion of the Chairman, should be considered in private by reason of special circumstances (to be specified) as a matter of urgency. | |

| | | |
|---|---|---------------------|
| HACKNEY CARRIAGE PROPRIETORS' LICENCE - ALLOCATION | | Agenda No: 5 |
| Portfolio | Environment and Place | |
| Corporate Outcome: | A prosperous district that attracts business growth and provides high quality employment opportunities | |
| Report presented by: | John Meddings, Licensing Officer | |
| Report prepared by: | John Meddings, Licensing Officer | |
| Background Papers: | Public Report | |
| 1. Hackney Carriage Proprietors' Licences Allocation Policy | Key Decision: No | |
| 2. 61 Expressions of Interest (2 Invalid/59 Valid) | | |
| Executive Summary: | | |
| <p>This report provides details for the allocation of the Hackney Carriage Proprietors' Licence currently held by Braintree District Council.</p> <p>Once the licence is allocated, all 84 Hackney Carriages will then be in service within the District.</p> | | |
| Recommended Decision: | | |
| <p>To issue the Hackney Carriage Proprietors' Licence by random ballot in accordance with the Hackney Carriage Proprietors' Licences Allocation Policy.</p> | | |
| Purpose of Decision: | | |
| <p>Once the remaining Hackney Carriage Proprietors' Licence held by Braintree District Council has been issued, a full complement of 84 Hackney Carriages will be in service within the District.</p> | | |
| Corporate Implications | | |
| Financial: | None arising out of this report | |
| Legal: | The Town Police Clauses Act 1847 and the Local Government (Miscellaneous Provisions) Act 1976 place on Braintree District Council, as the Licensing Authority, the duty to carry out its licensing functions in respect of Hackney Carriages and Private Hire Vehicles. | |
| Safeguarding: | None arising out of this report | |

| | |
|---|--|
| Equalities/Diversity: | The Equality Act 2010 consists of a general duty for the Authority, as both employer and service provider, to have due regard to the need to: <ul style="list-style-type: none"> • Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act. • Advance equality of opportunity between people who share a protected characteristic and people who do not share it. • Foster good relations between people who share a protected characteristic and people who do not share it. |
| Customer Impact: | Proprietors and prospective applicants of Hackney Carriage Vehicles could both be affected by this decision. The general public may also be affected by the reduced number of Hackney Carriages presently operating within the District. |
| Environment and Climate Change: | None arising out of this report. |
| Consultation/Community Engagement: | The local Taxi Association has been consulted and the Council conducts an Unmet Demand Survey every three years, which involves consultation and community engagement |
| Risks: | None arising out of this report. |
| Officer Contact: | John Meddings |
| Designation: | Licensing Officer |
| Ext. No: | 2213 |
| E-mail: | john.meddings@braintree.gov.uk |

1. Background

- 1.1 The Council currently limits the number of Hackney Carriage Proprietors' Licences it issues to 84.
- 1.2 The Policy for the allocation of Hackney Carriage Proprietors' Licences was introduced by the Licensing Committee on 14th February 2014.

2. Consultation

- 2.1 All current Braintree District Council Private Hire and/or Hackney Carriage Drivers and Private Hire Operators were notified in writing that a Hackney Carriage Proprietor's Licence had become available.
- 2.2 Potential applicants had a month to express an interest in the available Hackney Carriage Proprietor's Licence.
- 2.3 During the expression of interest period the Council received 61 responses.
- 2.4 Two of these expressions of interest were deemed invalid as they did not meet the criteria stipulated within the Hackney Carriage Proprietors' Licences Allocation Policy.

2.5 The remaining 59 expressions of interest were deemed valid and entered into the ballot for the Hackney Carriage Proprietor's Licence.

3. Allocation

3.1 The Hackney Carriage Proprietor's Licence will be issued by random ballot.

3.2 A Lot will be drawn to cover the available Hackney Carriage Proprietor's Licence. Then a reserve will be drawn to allow for a potential unsuccessful application.

3.2.1 Example: If one Licence is required to be allocated, then the random ballot will take place as soon as practicable. Two lots will be drawn; Lot 1 will have the opportunity to apply for the available Proprietor's Licence and complete the application within 28 days. If the applicant is unsuccessful with their application then Lot 2 will have the opportunity to apply.

4. Successful Applicant

4.1 The successful candidate will need to licence a wheelchair accessible vehicle within 28 days of the ballot.

4.2 The vehicle will also need to meet the current Braintree District Council vehicle criteria.

4.3 The applicant will be required to complete a declaration that the Licence will not be sold or transferred for a period of five years.

4.4 Should the successful applicant already be an existing Hackney Carriage Proprietor, they will also be required to complete a declaration not to sell or transfer any existing Licence.

| | | |
|--|---|---------------------|
| APPLICATION FOR STREET TRADING CONSENT - THE BEST KEBAB, JUNCTION OF CRANES LANE AND B1024, KELVEDON | | Agenda No: 6 |
| Portfolio | Environment and Place | |
| Corporate Outcome: | A sustainable environment and a great place to live, work and play | |
| | A prosperous district that attracts business growth and provides high quality employment opportunities | |
| Report presented by: | John Meddings, Licensing Officer | |
| Report prepared by: | John Meddings, Licensing Officer | |
| Background Papers: | Public Report | |
| <ol style="list-style-type: none"> 1. Application made by Mr Mehmet Dari (Appendix 1). 2. Representations received during the consultation period (Appendix 2). 3. Braintree District Council Street Trading and Collections Policy. | Key Decision: No | |
| Executive Summary: | | |
| <p>To consider an application by Mr Mehmet Dari for a Street Trading Consent at the junction of Cranes Lane and B1024, Kelvedon. The Council's Street Trading and Collections Policy specifies that where representations are received the application is required to be determined by the Licensing Committee.</p> | | |
| Recommended Decision: To agree one of the following options:- | | |
| <ol style="list-style-type: none"> 1. To GRANT the application for a Street Trading Consent. 2. To GRANT the application for a Street Trading Consent with amendments. 3. To GRANT the application for a Street Trading Consent with additional conditions. 4. To REFUSE the application for a Street Trading Consent. | | |
| Purpose of Decision: | | |
| <p>Members of the Licensing Committee are requested to consider an application for a Street Trading Consent made by Mr Mehmet Dari with respect to Cranes Lane and B1024, Kelvedon.</p> | | |

| Corporate Implications | |
|---|--|
| Financial: | If the application is unsuccessful the fee will be returned to the applicant. |
| Legal: | There is no right of appeal given to the applicant. |
| Safeguarding: | Not applicable |
| Equalities/Diversity: | Not applicable |
| Customer Impact: | The decision made could have an impact on the applicant's business and that of surrounding businesses. |
| Environment and Climate Change: | Not applicable |
| Consultation/Community Engagement: | Application subject to a 14 day consultation period in accordance with Braintree District Council's Street Trading Policy. |
| Risks: | None |
| Officer Contact: | John Meddings |
| Designation: | Licensing Officer |
| Ext. No: | 2213 |
| E-mail: | john.meddings@braintree.gov.uk |

1. Application

- 1.1 The Licensing Authority received an application for a Street Trading Consent from Mr Mehmet Dari on 8th August 2016 which was validated on 8th August 2016.
- 1.2 In accordance with the Council's Street Trading Policy the Licensing Department consulted with the following:
- Essex Police
 - Essex County Council Highways
 - Local Ward Members
 - Parish/Town Council
 - Braintree District Council – Planning Department
 - Braintree District Council – Environmental Health
 - Relevant local traders selling similar commodities within 500m radius of the proposed site
- 1.3 During the consultation period, the Authority received three representations from Essex Police, Essex County Council (Highways) and the Local Ward Member, Councillor Robert Mitchell (**Appendix 2**).
- 1.4 The hours that the applicant is proposing to trade are set out below:
- Monday to Sunday 17:00 to 05:00
- 1.5 The applicant proposes to sell lamb doner, burgers, chicken kebabs, shish kebabs, veggie burgers, chips, sausages and hot and cold drinks (non-alcoholic).

2. Decision

- 2.1 Following the determination of an application by the Committee, the applicant and any objectors will be notified of the decision at the end of the hearing. The Licensing Team will then send confirmation in writing, as soon as possible after the decision, or in any case within seven days of the meeting.

There is **no right of appeal against refusal** to issue consent; therefore any applicant that is aggrieved by the Council's decision has an option to seek a Judicial Review. Where an application is refused, **payment of the application fee shall be refunded.**

b'kue - 357 857 £540.00

APPENDIX 1
ST235

16/01232/STR



Braintree
Application for a street trading licence or consent
Local Government (Miscellaneous Provisions) Act
1982

For help contact

Telephone: 01376 557790

* 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

Not Currently In Use

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

Your reference

The Best Kebab

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?

Yes

No

Put "no" if you are applying on your own behalf or on behalf of a business you own or work for.

Applicant Details

First name

Mehmet

Family name

Dari

E-mail address

[Redacted]

Main telephone number

[Redacted]

Include country code.

Other telephone number

[Redacted]

Indicate here if the applicant would prefer not to be contacted by telephone

Is the applicant:

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 the applicant is applying so the applicant can be employed, or for some other personal reason, such as following a hobby.

Applicant Business

Is the applicant's business registered in the UK with Companies House?

Yes

No

Is the applicant's business registered outside the UK?

Yes

No

Business name

The Best Kebab

If the applicant's business is registered, use its registered name.

VAT number

- None

Put "none" if the applicant is not registered for VAT.

Continued from previous page...

Legal status

Applicant's position in the business

Home country

The country where the applicant's headquarters are.

Applicant Business Address

If the applicant has one, this should be the applicant's official address - that is an address required of the applicant by law for receiving communications.

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Agent 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:

- An agent that is a business or organisation, including a sole trader
- A private individual acting as an agent

A sole trader is a business owned by one person without any special legal structure.

Continued from previous page...

Your Address

Address official correspondence should be sent to.

| | |
|-------------------------------|----------------|
| Building number or name | 159 |
| Street | Victoria Road |
| District | Laindon |
| City or town | Basildon |
| County or administrative area | Essex |
| Postcode | SS15 6RB |
| Country | United Kingdom |

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 | 169 |
| Street | High Street |
| District | |
| City or town | Maldon |
| County or administrative area | Essex |
| Postcode | CM9 5BS |
| Country | United Kingdom |

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)

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

What You Want To Trade

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

Lamb doner, burgers, chicken kebabs, shish kebabs, veggie burger, chips, sausages, hot and cold drinks (non-alcoholic)

Does this include selling food or drink?

Yes No

Are you registered as a food business?

Yes No

Where will goods be stored when not on sale?

All food is cooked from frozen, so all unused food will be stored in freezers within the van and in freezers at my client's premises.

When You Want To Trade

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

Day or days

From

To

Continued from previous page...

Add another day

Where You Want To Trade

Type of trading

- Mobile
 Stationary

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

Corner of Cranes Lane and B1024, Cranes Lane, Kelvedon, Braintree, CO9 9BP

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

Provide details of the vehicle

Make
Model
Colour
Registration number

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

Van length - 4.7 m, van width - 2.2m, van height - 2.8m
The van is specially converted long wheel base Ford transit box van. It contains the usual kebab shop utensils, such as a kebab machine, chips fryer, grill, bain marie, hot and cold water facilities, fridge and freezer, work surfaces and under cabinet storage space. The cooking area has an extractor canopy above and there is a long canopy on the side of the van, above the serving windows.

Where will the unit be stored when not in use?

The unit will be parked at a parking space at Mr Darl's home address.

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

State what steps you are taking to obtain such insurance

Once Street Trading Consent has been granted and once we are ready to commence trading, we will arrange Public Liability Insurance.

Continued from previous page...

Section 8 of 11

PREVIOUS APPLICATIONS

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

PAYMENT DETAILS

This fee must be paid to the authority. If you complete the application online, you must pay it by debit or credit card.

Street Trading (1 days' trading per week per annum) 108.00 Street Trading (2 days' trading per week per annum) 189.00
Street Trading (3 days' trading per week per annum) 259.00 Street Trading (4 days' trading per week per annum) 324.00
Street Trading (5 days' trading per week per annum) 431.00 Street Trading (6 days' trading per week per annum) 486.00
Street Trading (7 days' trading per week per annum) 540.00 1 days trading 22.00 Up to 10 traders 43.00 Between 11 and 19 traders 59.00 Over 20 traders 75.00

Fee amount (£)

DECLARATION

I am aware of the provisions of The Local Government (Miscellaneous Provisions) Act 1982 concerning street trading. The details contained in the application form and any attached documentation are correct to the best of my knowledge and belief.

- Ticking this box indicates you have read and understood the above 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

Continued from previous page...

Add another signatory

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/braintree/apply-1> to upload this file and continue with your application.

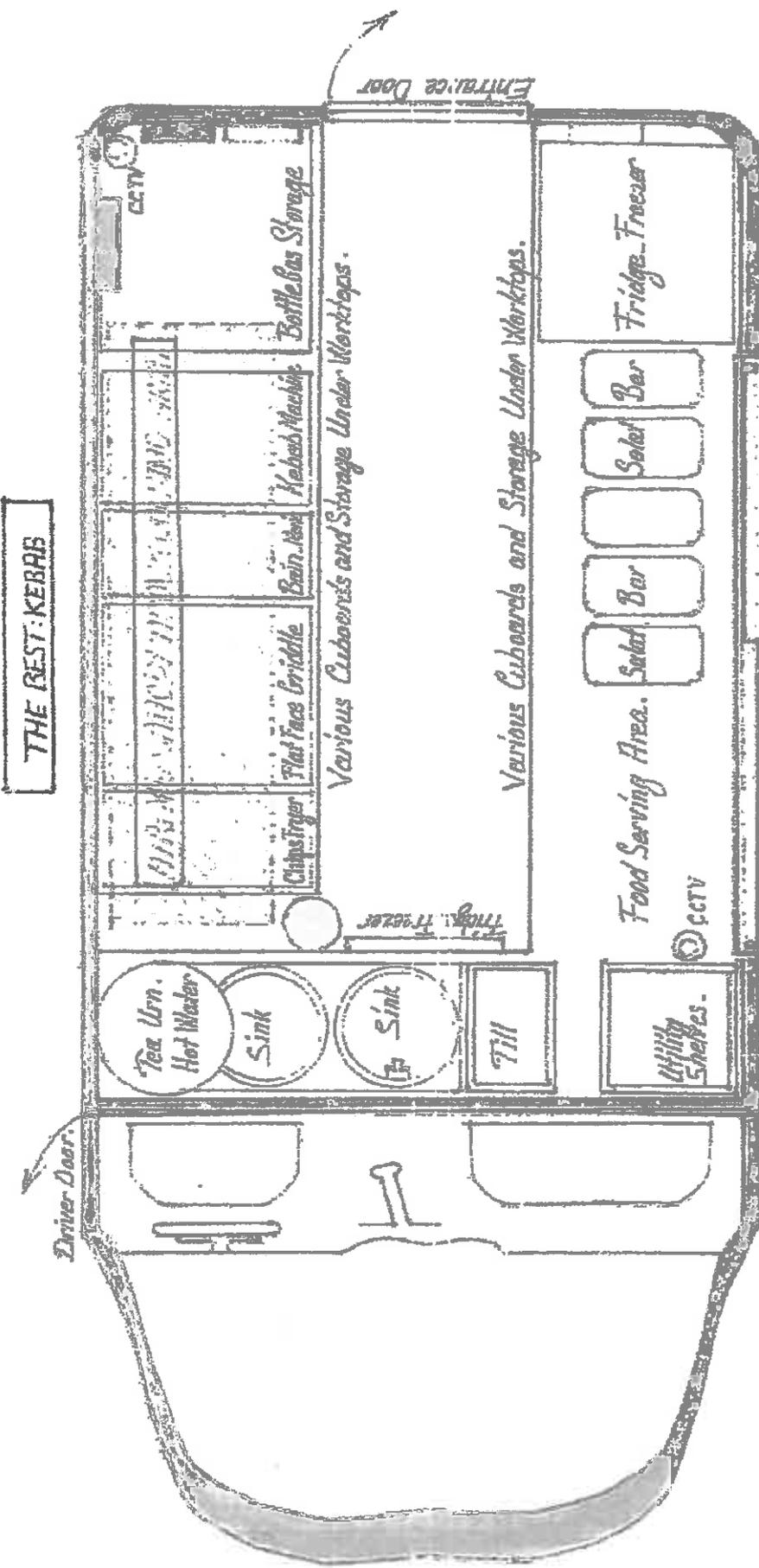
Don't forget to make sure you have all your supporting documentation to hand.

OFFICE USE ONLY

| | |
|----------------------------|---|
| Applicant reference number | <input type="text" value="The Best Kebab"/> |
| 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 >





THE BEST KEBABS

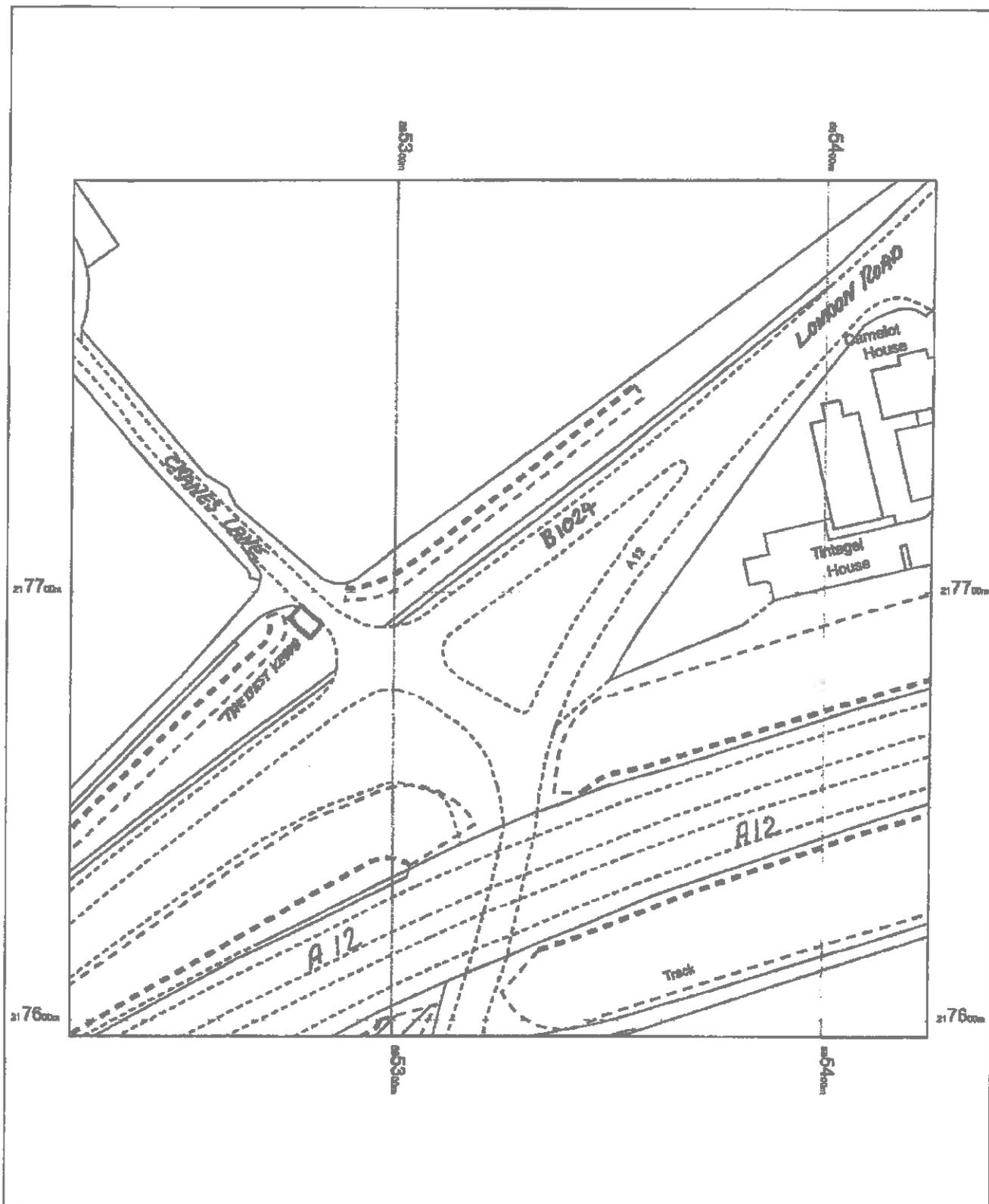
| | |
|--------------------|--|
| CCTV | |
| Fire Extinguisher. | |
| Fire Blanket. | |
| First Aid Kits. | |
| Fuses. | |
| Switches. | |

Two Press Sliding Glass Serving Windows. Long Canopy Above

ILLUMINATED THE BEST KEBABS SIGN ON ROOF

Converted: LWB FORD TRANSIT BOX VAN

DATE 12-07-2016
SCALE 1:20
M O AYDENIZ



"THE BEST KEBAB"
 CRANES LANE
 KELVEDON
 BRAINTREE
 CO9 9BP

OS MasterMap 1250/2500/10000 scale
 12 July 2016, ID: CM-00544635
www.centremapslive.co.uk

1:1250 scale print at A4, Centre: 585325 E, 217898 N

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 100019880



Google Maps *Kelvedon in the Braintree District*



Imagery ©2016 Infoterra Ltd & Bluesky, Map data ©2016 20 m

Google

The location of the van is marked in RED ABOVE

Latimer, Lacey

From: cllr.ritchell@braintree.gov.uk
Sent: 09 August 2016 09:14
To: Mann, Jessica; Community Safety and Development Team; ehlicensing; Essex Highways (essex.enquiries@essex.gov.uk); Essex Police; Public Health and Housing Team; PlanningEnforcement; Whyte, Janet
Cc: Clr.jelliott@braintree.gov.uk; Kelvedon PC; Feering Parish Council; cllr.jabbott@braintree.gov.uk; Cllr Lady Newton, Member CC
Subject: RE: Street Trading - Corner of Cranes Lane, Cranes Lane, Kelvedon, Essex, CO9 9BP

Thank you Jessica,

I find it very difficult to comprehend the rationale behind this application for numerous reasons:

1. Signage would likely be needed on the A12 to advertise the facility, but would need to be approved by ?HE &/or BDC.
2. This is likely to result in significant litter, mostly in the villages of Kelvedon & Feering as vehicle customers coming off the A12, Northbound, will only be able to complete their directional journey by going through the villages.
3. Customers attracted to the location from the Witham direction will most likely only visit in vehicles, and likely add to potential litter on the A12, Southbound, when they return.
4. There would need to be significant conditions imposed on the applicant for litter collection in the immediate & village vicinity.
5. Cranes Lane is regularly used for wedding receptions - possibly not a particularly encouraging invitation instruction "turn into the lane by the Kebab van"
6. Vehicles exiting Cranes Lane will have their sight line significantly blocked from fast (40-60mph at this junction) traffic that has just left the A12.
7. This is not a natural vehicle stop for anyone and, located at the bottom of a downhill off-slip from a national speed limit dual carriageway, should be regarded as a significant safety risk, if approved.
8. The van is proposed to be parked across the, recently installed, Witham-Kelvedon cycleway.
9. Any customers from the local village will be unlikely to walk to this location, encouraging inappropriate use of vehicles and additional parking/safety problems.

On the above grounds, I object to this application very comprehensively.

I have copied this to both Parish Councils and local County Members.

Kind regards
 Robert Mitchell

Braintree District Councillor
Kelvedon & Feering

01376 570254

From: Mann, Jessica [jesma@braintree.gov.uk]
Sent: 08 August 2016 16:24
To: Community Safety and Development Team; ehlicensing; Essex Highways (essex.enquiries@essex.gov.uk); Essex Police; Public Health and Housing Team; PlanningEnforcement; Whyte, Janet
Cc: Clr.jelliott@braintree.gov.uk; cllr.ritchell@braintree.gov.uk
Subject: Street Trading - Corner of Cranes Lane, Cranes Lane, Kelvedon, Essex, CO9 9BP

Dear Colleagues,

Please find attached a copy of an application for a Street Trading Consent in respect of Mr Mehmet Dari. I have also attached a photo of the vehicle and the proposed site where Mr Dari will be trading.

I would be most grateful if you could let me have your observations within 10 working days of the date of this email.

If I have not heard from you by the required date I will assume that you have no objections.

Thank you for your assistance in this matter.

Kind regards,

Jessica

Jessica Mann

Licensing Administration Officer

Braintree District Council | Causeway House, Bocking End, Braintree, CM7 9HB

☎ 01376 552525 Ext. 2644 | www.braintree.gov.uk | Jessica.Mann@braintree.gov.uk

Latimer, Lacey

From: Olive Porter <Olive.Porter@essexhighways.org>
Sent: 10 August 2016 07:27
To: Mann, Jessica
Subject: RE: Street Trading - Corner of Cranes Lane, Cranes Lane, Kelvedon, Essex, CO9 9BP

Good morning

Thank you for giving me the opportunity to comment on this application.

The land in question is not deemed as public highway, but is private land and therefore consent from us cannot be given, however having said this, there is nowhere for proposed customers to park, Cranes Lane goes to properties and parking along this road would obstruct highway users.

The speed in which traffic leaves the A12 also causes concern, as continual cars turning left may cause accidents, and it would also make the junction from Cranes Road going across the line of traffic which has exited the A12 become more dangerous.

We would not support this application.

Regards

**Olive Porter | Network Assurance Officer
Highways**

Ringway Jacobs | Essex County Council
Seax House 2nd Floor Annexe , Victoria Road South, Chelmsford, CM1 1QH

T: 01245 342895

E: Olive.Porter@essexhighways.org

W: www.essex.gov.uk/highways

Please consider the environment before printing this email

From: Mann, Jessica [<mailto:jesma@braintree.gov.uk>]

Sent: 08 August 2016 16:27

To: Olive Porter

Subject: FW: Street Trading - Corner of Cranes Lane, Cranes Lane, Kelvedon, Essex, CO9 9BP

From: Mann, Jessica

Sent: 08 August 2016 4:25 PM

To: Community Safety and Development Team; ehlicensing; Essex Highways (essex.enquiries@essex.gov.uk); Essex Police; Public Health And Housing Team; Planning Enforcement; Whyte, Janet

Cc: Clr.jellott@braintree.gov.uk; clr.rmltchell@braintree.gov.uk

Subject: Street Trading - Corner of Cranes Lane, Cranes Lane, Kelvedon, Essex, CO9 9BP

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Please find attached a copy of an application for a Street Trading Consent in respect of Mr Mehmet Dari. I have also attached a photo of the vehicle and the proposed site where Mr Dari will be trading.

I would be most grateful if you could let me have your observations within 10 working days of the date of this email.

If I have not heard from you by the required date I will assume that you have no objections.

Thank you for your assistance in this matter.

Kind regards,

Jessica

Jessica Mann

Licensing Administration Officer

Braintree District Council | Causeway House, Bocking End, Braintree, CM7 9HB

☎ 01376 552525 Ext. 2644 | www.braintree.gov.uk | Jessica.Mann@braintree.gov.uk

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Licensing Department
Braintree District Council
Causeway House
Bocking End, Braintree
Essex. CM7 9HB
Ref: Street Trading Application - Corner of Cranes
Lane

Vicky Powell 42072551
Licensing Officer
Braintree Police Station
Blyths Meadow
Braintree
Essex. CM7 3DJ
Tel. 01376 556250
12/08/2016

Dear Sir/Madam,

On **10 August 2016** Essex Police received an application for Street Trading Consent in respect of Mr Mehmet Dari.

Essex Police are satisfied the granting of this application is likely to undermine one or more of the licensing objective contained within the Licensing Act 2003.

The details supporting this belief are as provided below:

Essex Police have serious concerns regarding the suitability of the location of this proposed application under the Licensing Objective – Public Safety.

The Police are satisfied that the granting of the Licence would undermine the Public Safety Objective and are opposed to a trader at this location.

Of principal concern would be approach speeds for vehicles coming off the A12 down towards London Road and the ability for vehicles to park and use the facility and not to cause an obstruction to vehicles using Cranes Lane.

There is no parking facility at this location and Essex Police have concerns for potential visitors to the kebab van parking on the highway. It is not suitable for vehicles to be parked on the highway at this location. There is a significant turning movement by lorries at this junction, and by fire vehicles travelling to the nearby Fire HQ.

Essex Police would not permit signage for this proposed outlet on the A12. There would also be concern about road users visiting this site wanting to re-join the northbound A12. They would need to go through Kelvedon to join at Jct 24 or head south to U-turn at Rivenhall or Witham north (Jct 22). There are safety concerns about unnecessary U-turn movements at either Rivenhall or Witham,



Protecting and serving Essex

RESTRICTED

and also for motorists unfamiliar with the area attempting to re-join the A12 by travelling the wrong way up the slip road.

The granting of this application may also contravene legislation contained in Section 147A of the Highways Act 1980 which creates provisions relating to the control of road-side sales and includes exemptions from and defences to, offences related thereto.

147A(1) Subject to subsection (4) below, no person shall, for the purpose of selling anything, or offering or exposing anything for sale, use any stall or similar structure or any container or vehicle, kept or placed on -

- (a) the verge of a trunk road or a principal road;*
- (b) a lay-by on any such road; or*
- (c) unenclosed land within 15 metres of any part of any such road,*

where its presence or its use for that purpose causes or is likely to cause danger on the road or interrupts or is likely to interrupt any user of the road.

147A(2) Any person who contravenes this section shall be guilty of an offence. (penalty - see below).

147A(3) It shall be a defence for a person charged with an offence under this section to prove that he took all reasonable precautions and exercised all due diligence to avoid commission of the offence.

147A(4) This section does not apply -

- (a) to the sale or offer or exposure for sale of things from or on a vehicle which is used only for the purposes of itinerant trading with the occupiers of premises, or is used only for that purpose and for purposes other than trading;*
- (b) to the sale or offer or exposure for sale of newspapers;*
- (c) to anything done at a market in respect of which tolls, stallages (see note (i) below) or rents are payable; or*
- (d) to the sale or offer or exposure for sale of anything by way of street trading which has been authorised under Schedule 4 to the Local Government (Miscellaneous Provisions) Act 1982 or under any local enactment which makes provision similar to that made by that Schedule, either by the person so authorised or by a person acting as assistant to the person so authorised.*

Notes

(i) A stallage is either a right to set up a stall in a fair or a market or it is the rent paid for such a stall.

(ii) If a defendant continues the conduct for which he has been convicted after being convicted he can become liable for a continuing offence under section 311 of this Act and be also liable to a fine for each day on which the offence is continued

Yours faithfully
Vicky Powell

41/29/186

CERTIFIED TRUE COPY
AN EXECUTIVE OFFICER OF THE
HIGHWAYS AGENCY
AUTHORISED BY THE SECRETARY
OF STATE

STATUTORY INSTRUMENTS

2005 No. 1841

ROAD TRAFFIC

**THE A12 TRUNK ROAD (M25 BRENTWOOD, ESSEX – IPSWICH,
SUFFOLK) (24 HOURS CLEARWAY)**

ORDER 2005

Made 23rd June 2005

Coming into force 7th July 2005

The Secretary of State for Transport in exercise of the powers conferred by sections 1(1), 2(1) and (2) and 4(1) of, and paragraph 27 (1) of Schedule 9 to, the Road Traffic Regulation Act 1984 (a), and of all other powers enabling him in that behalf, hereby makes the following Order :-

1. This Order may be cited as the A12 Trunk Road (M25 Brentwood, Essex – Ipswich, Suffolk) (24 Hours Clearway) Order 2005 and shall come into force on 7th July 2005.

2. In this Order:

“the trunk road” means the A12 Trunk Road from the centre point of the eastern bridge at Brook Street Interchange at Brentwood, Essex (Junction 28) to its roundabout junction with the A14 at Ipswich, Suffolk (Junction 33);

(a) 1984 c.27; sections 1(1) and 2(1) and (2) were amended by the New Roads and Street Works Act 1991 (c.22), section 168 and Schedule 8, paragraphs 17(2) and 18(2) and (3).

[DfT]

| | |
|--------------------------|--|
| "a slip road" | means any slip road leading to or from the trunk road; |
| "a road" | means the trunk road or a slip road; |
| "a verge" | means any part of the trunk road which is not a carriageway; |
| "layby" | means an area of carriageway intended for the waiting of vehicles and bounded partly by a traffic sign of the type shown in diagram 1010 in Schedule 6 to the Traffic Signs Regulations 2002(a) and partly by the outer edge of the carriageway on the same side of the road as that on which the traffic sign is placed; and in this definition "carriageway" means any way (other than a cycle track) comprised in the trunk road over which the public have a right of way for the passage of vehicles and which has a surface suitable for the exercise of that right; |
| "a bus stop area" | means an area of carriageway comprised in a road which is intended for the waiting of buses, and is comprised within and indicated by a road marking complying with either diagram 1025.1 or diagram 1025.3 in Schedule 6 to the Traffic Signs Regulations 2002; |
| "bus" | means a vehicle being used to provide a local service; |
| "local service" | has the meaning given in section 2 of the Transport Act 1985 (b); and |

(a) S.I. 2002/3113, Pt 1.

(b) 1985 c.67.

"the Schedule" means the Schedule to this Order.

3. Save as provided in articles 5 and 6 below, no person shall cause or permit any vehicle to wait on any part of a road, other than a layby or (in the case of a bus) in a bus stop area, except upon the direction of, or with the permission of, a police officer in uniform or a parking attendant.

4. Save as provided in article 6 below, no person shall cause or permit any vehicle to wait on a verge immediately adjacent to a road.

5. Nothing in article 3 above would apply to the length of A12 Trunk Road which runs adjacent to the northbound carriageway of the trunk road at Marks Tey, known as Old London Road, between its junctions with 228 Old London Road and the entrance to Marks Tey Village Hall.

6. Nothing in articles 3 and 4 above shall apply -

(a) so as to prevent a vehicle waiting on any part of a road, other than a layby or a bus stop area, for so long as may be necessary to enable that vehicle to be used in connection with -

(i) any building operation or demolition,

(ii) the removal of any obstruction to traffic,

(iii) the maintenance, improvement or reconstruction of that road, or

(iv) the laying, erection, inspection, maintenance, alteration, repair, renewal or removal in or near that road of any sewer, main, pipe conduit, wire, cable or other apparatus for the supply of gas, water or electricity, or any

telecommunications apparatus as defined in Schedule 2 to the Telecommunications Act 1984(a);

- (b) in relation to a vehicle being used -
- (i) for fire brigade, ambulance or police purposes,
 - (ii) by a Highways Agency Traffic Officer in pursuance of statutory powers or duties,
 - (iii) by the Vehicle and Operator Services Agency for observation purposes,
 - (iv) by the Suffolk and Essex Safety Camera Partnership for the purposes of speed limit enforcement,
 - (v) by the Highways Agency's contractors for observation purposes,
 - (vi) in the service of a local authority in pursuance of statutory powers or duties,
 - (vii) in the service of a water or sewerage undertaker within the meaning of the Water Industry Act 1991(b), or
 - (viii) by a universal service provider for the purpose of the provision of a universal postal service as defined in the Postal Service Act 2000 (c);

(a) 1984 c.12.

(b) 1991 c.56.

(c) 2000 c.26.

(c) in relation to a vehicle waiting on a road while any gate or other barrier at the entrance to premises, to or from which that vehicle is proceeding, is opened or closed, if it is not reasonably practicable for the vehicle to wait elsewhere; or

(d) in relation to a vehicle waiting when the person in control of it is –

(i) required by law to stop,

(ii) obliged to stop in order to avoid an accident, or

(iii) prevented from proceeding by circumstances outside his or her control.

7. No person shall cause or permit any vehicle to wait on any part of a road or a verge for the purpose of selling, or dispensing of, goods from that vehicle, unless the goods are immediately delivered at, or taken into, premises adjacent to the land on which the vehicle stood at the time when the goods were sold or dispensed.

8. No person shall cause or permit any vehicle to wait in a layby for the purpose of loading or unloading goods from that vehicle.

9. The Orders specified in the Schedule are hereby varied by deleting any reference to a road.



Signed by authority of
the Secretary of State
23rd June 2005

P J Smith
An Area Performance Manager in
the Highways Agency

THE SCHEDULE

The Orders which are varied by deleting any reference to a road.

1. The Various Trunk Roads (Prohibition of Waiting) (Clearways) Order 1963(a).
2. The London – Great Yarmouth Trunk Road (Prohibition of Waiting) (Clearways) Order 1969 (b).
3. The London – Great Yarmouth Trunk Road (Prohibition of Waiting) (Clearways) Order 1971 (c).
4. The London – Great Yarmouth Trunk Road (Prohibition of Waiting) (Clearways) Order 1973 (d).
5. The London – Ipswich – Great Yarmouth Trunk Road (Prohibition of Waiting) (Clearways) Order 1974 (e).
6. The London – Great Yarmouth Trunk Road (Prohibition of Waiting) (Clearways) Order 1977 (f).
7. Any other Order made under the Road Traffic Regulation Act 1984 or any enactment replaced by that Act which prohibits or restricts the waiting of vehicles on any length of a road.

-
- (a) 1963/S.I.1172.
 - (b) 1969/S.I.1694.
 - (c) 1971/S.I.1927.
 - (d) 1973/S.I.1357.
 - (e) 1974/S.I.687.
 - (f) 1977/S.I.964.

**CERTIFICATE UNDER REGULATION 4 OF THE STATUTORY
INSTRUMENTS REGULATIONS 1947**

**The Secretary of State for Transport hereby certifies that the instrument
entitled**

**THE A12 TRUNK ROAD (M25 BRENTWOOD, ESSEX – IPSWICH,
SUFFOLK) (24 HOURS CLEARWAY)
ORDER 2005**

Is local.



**Signed by authority of
the Secretary of State
23rd June 2005**

**P J Smith
An Area Performance Manager
in the Highways Agency**

| | | |
|--|---|-------------------------|
| Licensing Committee Update | | Agenda No: 7 |
| Portfolio | | |
| Corporate Outcome: | Environment and Place | |
| | Delivering better outcomes for residents and businesses and reducing costs to taxpayers | |
| Report presented by: | John Meddings, Licensing Officer | |
| Report prepared by: | John Meddings, Licensing Officer | |
| Background Papers: | | Public Report |
| None | | Key Decision: No |
| Executive Summary: | | |
| To update Members on applications determined since the last Committee cycle. | | |
| Recommended Decision: | | |
| To note the information detailed. | | |
| Purpose of Decision: | | |
| To update Members. | | |
| Corporate Implications | | |
| Financial: | None arising from this report | |
| Legal: | None arising from this report | |
| Safeguarding: | None arising from this report | |
| Equalities/Diversity: | None arising from this report | |
| Customer Impact: | None arising from this report | |
| Environment and Climate Change: | None arising from this report | |
| Consultation/Community Engagement: | None arising from this report | |
| Risks: | None arising from this report | |
| Officer Contact: | John Meddings | |
| Designation: | Licensing Officer | |
| Ext. No: | 2213 | |
| E-mail: | john.meddings@braintree.gov.uk | |

1. Background

- 1.1 Members have requested regular updates on applications determined by the Licensing Sub-Committee and Drivers' Panel. A summary of all applications determined since the last Committee cycle is listed below.

2. Hackney Carriage & Private Hire Drivers' Licences

- 2.1 There has been one application presented to the Drivers' Panel since the previous meeting of the Licensing Committee. The licence was granted subject to the standard conditions.

3. Licensing Act 2003

- 3.1 There has been an application from Essex Police for a review of the premises licence at Lakeview, Bangladesh & Indian Restaurant, Gosfield Resort, Church Road, Gosfield.