



GUILDFORD  
BOROUGH

**James Whiteman**  
Managing Director

[www.guildford.gov.uk](http://www.guildford.gov.uk)

Contact Officer:

Sophie Butcher Committee Officer  
Tel no: 01483 444056

15 May 2018

Dear Councillor

Your attendance is requested at a meeting of the **LICENSING REGULATORY SUB-COMMITTEE** to be held in the Council Chamber, Millmead House, Millmead, Guildford, Surrey GU2 4BB on **WEDNESDAY 23 MAY 2018** at 2.00 pm.

Yours faithfully

James Whiteman  
Managing Director

**MEMBERS OF THE LICENSING REGULATORY SUB-COMMITTEE**

Councillor David Elms (Chairman)  
Councillor David Quelch  
Councillor David Wright

**QUORUM 3**



## THE COUNCIL'S STRATEGIC FRAMEWORK

### Vision – for the borough

For Guildford to be a town and rural borough that is the most desirable place to live, work and visit in South East England. A centre for education, healthcare, innovative cutting-edge businesses, high quality retail and wellbeing. A county town set in a vibrant rural environment, which balances the needs of urban and rural communities alike. Known for our outstanding urban planning and design, and with infrastructure that will properly cope with our needs.

### Five fundamental themes that support the achievement of our vision:

- **Our Borough** – ensuring that proportional and managed growth for future generations meets our community and economic needs
- **Our Economy** – improving prosperity for all by enabling a dynamic, productive and sustainable economy that provides jobs and homes for local people
- **Our Infrastructure** – working with partners to deliver the massive improvements needed in the next 20 years, including tackling congestion issues
- **Our Environment** – improving sustainability and protecting our countryside, balancing this with the needs of the rural and wider economy
- **Our Society** – believing that every person matters and concentrating on the needs of the less advantaged

Your Council – working to ensure a sustainable future to deliver improved and innovative services

### Values for our residents

- We will strive to be the best Council.
- We will deliver quality and value for money services.
- We will help the vulnerable members of our community.
- We will be open and accountable.
- We will deliver improvements and enable change across the borough.

### Mission – for the Council

A forward looking, efficiently run Council, working in partnership with others and providing first class services that give the community value for money, now and in the future.

## AGENDA

### **ITEM NO.**

#### **1 LOCAL CODE OF CONDUCT - DISCLOSURE OF INTERESTS**

In accordance with the local Code of Conduct, a councillor is required to disclose at the meeting any Disclosable Pecuniary Interest (DPI) that they may have in respect of any matter for consideration on this agenda. Any councillor with a DPI must not participate in any discussion or vote regarding that matter and they must also withdraw from the meeting immediately before consideration of the matter.

If that DPI has not been registered, you must notify the Monitoring Officer of the details of the DPI within 28 days of the date of the meeting.

#### **2 STREET TRADING APPLICATIONS - SUMMARY OF PROCEDURE**

(Pages 1 - 2)

#### **3 STREET TRADING CONSENT APPLICATION - OLLO FOODS, GUILDFORD HIGH STREET (Pages 3 - 22)**

**Please contact us to request this document in an  
alternative format**

This page is intentionally left blank



**LICENSING REGULATORY SUB-COMMITTEE  
STREET TRADING APPLICATIONS:  
SUMMARY OF PROCEDURE**

- Chairman introduces Sub-Committee Members and invites those persons present to identify themselves (their details will be set out on a separate sheet).
- Chairman informs those persons present that they may have five minutes each to address the Sub-Committee. The same maximum period of time is to be allowed for each person. (Where possible persons with the same interest are encouraged to nominate one spokesperson to speak on their behalf, this could be a local resident or Ward Councillor. Additional speakers will be permitted at the Chairman's discretion if different points are going to be raised).
- The Chairman will remind speakers that any person wishing to question anybody else should ask permission from the Sub-Committee, and should say why they feel questioning will assist the Sub-Committee.
- Chairman invites the Licensing Officer to present his/her report and to draw to the attention of Members any specific matters referred to in the report.
- Chairman to confirm in circumstances where the applicant or any of the persons who have made representations are not present that their application (if the applicant is not present) or written representations (if any of the objectors are not present) will be considered by the Sub-Committee at the meeting.
- Chairman confirms that Members have all read the report and reminds speakers that there is no need to repeat any matter that is covered in the report and supporting paperwork.
- Speakers invited to address Sub-Committee in the following order:
  - (a) Applicant
  - (b) Objector(s)
- Members may ask questions of any person present
- Chairman invites speakers to make closing speeches, reminding them not to raise any new matters. If they do not wish to say anything in closing, Chairman may wish to remind the speakers that they do not need to feel obliged to do so. Closing speeches to be in the following order –
  - (a) Objector(s)
  - (b) Applicant
- Chairman asks the Licensing Officer to sum up for the benefit of the Members.
- Chairman asks the legal adviser whether they wish to give any legal guidance to Members.
- The Sub-Committee comes to a decision about the application in public and announces their decision to the attendees.

This page is intentionally left blank

Licensing Regulatory Sub-Committee Report  
Report of the Licensing Team Leader  
Author: Mike Smith  
Tel: 01483 444387  
Email: [mike.smith@guildford.gov.uk](mailto:mike.smith@guildford.gov.uk)  
Date: 23 May 2018

**Local Government (Miscellaneous Provisions) Act 1982  
Application for a Street Trading Consent**

**1. Purpose of Report**

- 1.1 The report asks the Licensing Regulatory Sub-Committee to consider an application for the grant of a Street Trading Consent for a mobile food catering 'pod' on the High Street, on the corner with The Shambles, outside GAP Clothing. A site location map is attached as Appendix 1.

**2. Strategic Priorities**

- 2.1 The aim of local authority Street Trading regulation is to create a street trading environment which complements premises-based trading, is sensitive to the needs of residents, provides diversity and consumer choice, and seeks to enhance the character and safety of the local environment. We aim to ensure this by only issuing Street Trading Consents to those businesses that meet these objectives.
- 2.2 The Council has adopted a Street Trading Licensing Policy in relation to issuing Street Trading Consents, giving guidance on the approach to be taken when considering whether applicants and existing licence holders are suitable to hold a consent in Guildford in line with the aims above. This Policy helps us maintain a consistent approach, builds public confidence and assists in supporting business.
- 2.3 The Council's decision must balance the right of a Street Trading Consent holder to hold that permission against the right of the needs of residents and established retail businesses. A successful regime will help Street Trading businesses to operate and provide assurance to the public and existing retailers. This assists in the strategic priorities of supporting business and maintaining the safety and wellbeing of our residents.

**3. Background**

- 3.1 There is no current street trading consent in place for the unit. This is a new application seeking permission to trade on Guildford High Street.
- 3.2 The business however does trade at the Friday and Saturday Market on North Street, and monthly Farmers Market on the High Street.
- 3.4 An application was submitted for the unit and subject to the public consultation standards outlined in the Street Trading Policy. A copy of the application form is attached as Appendix 2.
- 3.5 The applicant requests to trade between the hours of 09:00 to 19:00 on Friday and Saturday for up to 28 days per year. The proposed trading location is on the High Street,

on the corner with The Shambles, outside GAP Clothing. The application is to sell ready to eat Indian street food, packaged sauces, pickles, spices and frozen ready meals. The application describes the unit as a purpose built orange catering pod.

3.6 An image of the pod provided by the applicant is attached as Appendix 3.

3.7 The Hygiene standards are rated as 5 out of 5 by Waverley Borough Council.

#### **4. Public Consultation**

4.1 The application was in consultation from 21 March to 18 April 2018. Copies of the application were distributed to the responsible authorities and local ward councillors as per the Street Trading Policy.

4.2 Representations were received from the following Responsible Authorities and are attached as Appendix 4:

4.3 The Environmental Health (Food and Safety) service made comment on the potential risk to public safety by the stall being located on the High Street outside of pedestrianised hours.

4.4 The Parking service, who manage the Friday and Saturday North Street Market, made comments that the application may negatively impact on the long standing and successful North Street Market.

4.5 The Street Cleansing service raised concern around the potential additional litter caused and the disposal of any waste that is produced.

4.6 The Council's Economic Development Team have advised that there are two events on where trading should not be permitted. 30 June is National Armed Forces Day and the Rural Craft Association are holding a Summer Festival Craft market between 15 and 23 June on the High Street.

4.7 The Experience Guildford BID have objected on the grounds of public safety due to the proposed hours being when the High Street is not pedestrianised, and potential impact on footfall for the GAP store.

4.8 There were no representations from other persons.

4.9 The applicant submitted an email to the Licensing Service on 25 April in response to the representations received. This email is attached as Appendix 5.

#### **5. Main Considerations/Evaluation**

5.1 The aim of local authority Street Trading Consents is to create a street trading environment which compliments premises-based trading, is sensitive to the needs of residents, provides diversity and consumer choice, and seeks to enhance the character and safety of the local environment.

5.1 The applicant seeks to sell Indian 'street food' from a position on the High Street on a Friday and Saturday. The applicant currently trades on those days at the North Street Market.



- 5.2 Potential concerns about safety have been raised during the consultation arising from the applicant seeking to trade whilst the High Street is not pedestrianised. The applicant has offered to only trade during pedestrianised hours to negate this concern.
- 5.3 Concern has also been raised about the unit potentially obstructing an established retailer.
- 5.4 Concern has also been expressed that the granting of a Consent to this unit may detract from the successful North Street Market, which also operates on a Friday and Saturday.
- 5.5 The Street Trading Policy sets out the criteria used to determine suitable trading sites (Section 2.3) and applications (section 2.4). The criteria are:
- **Public Safety:** The location of the proposed street trading activity should not present a substantial risk to the public in terms of road safety, obstruction and fire hazard.
  - **Public Order:** The street trading activity should not present a risk to good public order in the locality in which it is situated.
  - **Avoidance of Nuisance:** The street trading activity should not present a substantial risk of nuisance from noise, rubbish, potential for the harbourage of vermin, smells or fumes to households and businesses in the vicinity of the proposed street trading site.
  - **Character of the Area:** In determining the area for the proposed activity, the following will be taken into consideration:
    - The presence of like outlets already existing in the immediate locality of the proposed street trading site.
    - The general needs of a locality, should no comparable outlets exist. Applicants may be asked to demonstrate to the Council the need for the proposed street trading activity.
    - The quality of the goods sold by the applicant.
    - The appearance of the applicant's stall, van, barrow, cart etc.
  - **Compliance with legal requirements:** The proposed street trading activity should be carried out from a trading unit that complies with all relevant legislation such as food hygiene and health and safety.
  - **Consultees' Observations:** In relation to the points above, consideration will be given to written observations from consultees. Any representations made to the proposed street trading activity will be considered in terms of relevance to the application that has been made.
- 5.6 The Policy also seeks to ensure that there is no conflict between street trading and established markets or significant events taking place in the town centre. As the trader currently trades at North Street Market and seeks to trade on the same days, albeit on the High Street, this application may undermine this objective of the Street Trading Policy.

## 6. Legal Implications

- 6.1 Street trading is governed by Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982 ("the Schedule"). Paragraph 7 of the Schedule states that, when an authority receives an application for a street trading consent, it may grant it "if they think

fit". The Council may attach such conditions to a consent as they consider reasonably necessary. A consent can be granted for any period not exceeding 12 months and can be revoked at any time.

- 6.2 The Local Government (Miscellaneous Provisions) Act 1982 does not make provision for an unsuccessful applicant to appeal against the decision of the Council in relation to the refusal of a Street Trading Consent.

## **7. Human Rights Implications**

- 7.1 Under Article 6 of the First Protocol of the Human Rights Act 1998, everyone, in the determination of his civil rights and obligations, is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law. Whilst there is no statutory right of appeal, a dissatisfied applicant has the right to judicially review the Council's decision. This procedure is therefore compliant with Article 6.

## **8. Conclusion**

- 8.1 The applicant seeks approval for a mobile catering pod offering Indian street food on the High Street on a Friday and Saturday, for 28 days in the year.
- 8.2 Representations have been received to the application and the Sub-Committee are invited to consider the application on its merits.
- 8.3 The Street Trading Policy, revised on 26 March 2018 seeks to ensure that there is no conflict between street trading and established markets or significant events taking place in the town centre. This application may undermine this aim.
- 8.4 Consents will be subject to Standard Consent Conditions in all cases in order to promote public safety and avoid obstructions, nuisance and annoyance. Other conditions may be attached to a Consent at the discretion of the Sub-Committee and should be relevant to the particular site and nature of the goods being sold.
- 8.5 The Sub-Committee may take the following options:
- To grant the application as made, subject to the standard conditions, or
  - To grant the application with or without variation, subject to the standard conditions and any other conditions considered necessary to uphold the objectives of the Street Trading Policy, or
  - To refuse the application entirely.

## **9. Background Papers**

[Guildford Borough Council Street Trading Policy](#)

[The Local Government \(Miscellaneous Provisions\) Act 1982](#)

## **10. Consultation**

Report agreed by:

Environmental Health Manager: Justine Fuller, 1 May 2018.

Legal Services: Bridget Peplow, 14 May 2018.

**Appendices:**

Appendix 1: Site Location

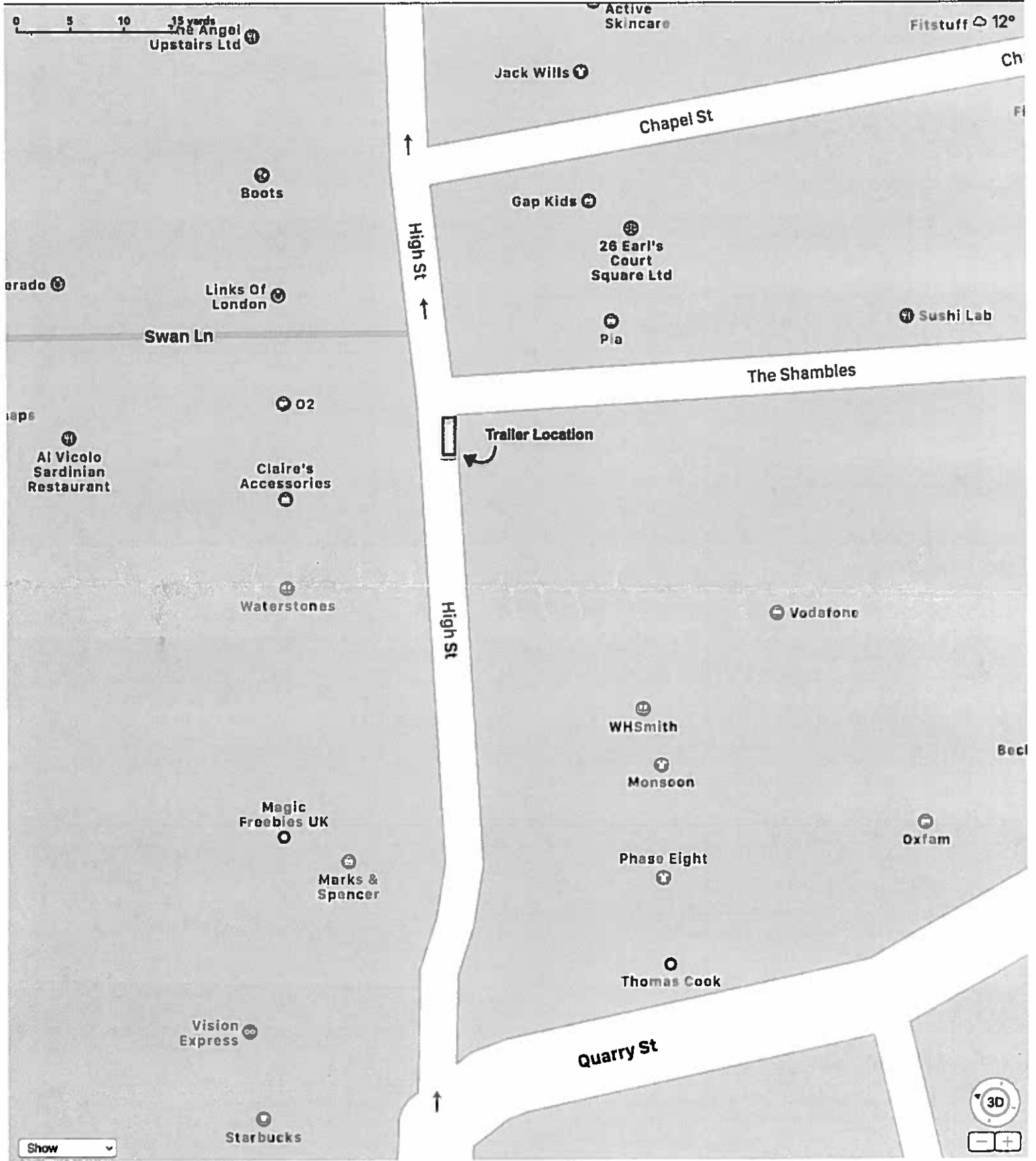
Appendix 2: Application Form

Appendix 3: Pictures

Appendix 4: Consultation Responses from Responsible Authorities

Appendix 5: Consultation Responses from Other Persons

This page is intentionally left blank



This page is intentionally left blank



**GUILDFORD**  
**B O R O U G H**

**APPLICATION FOR STREET TRADING CONSENT**  
**LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982**

This application must be accompanied by the following documents:

The full fee, paid by cheque or card	PAID VIA PHONE 0250 4723	✓
Proof of Public Liability Insurance		✓
Plan, showing precise location of intended trading location		✓
Proof of Planning Permission (if intending to trade more than 28 days in a year)		
Two passport photographs of the applicant		✓
Proof of Identity & RTW (passport or residence permit)		✓

**Applicant Details**

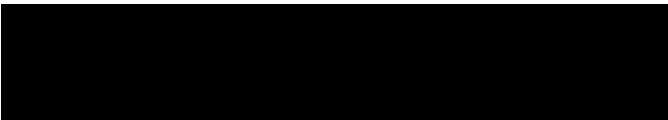
Full Name	Dileep Sharma		
Date of Birth (dd/mm/yyyy)	[REDACTED]	Country of Birth	UK
Address	[REDACTED]		
Postcode	[REDACTED]		
Telephone Number	[REDACTED]		
Mobile Number	[REDACTED]		
Email Address	[REDACTED]		

**Trading Location**

Street	High St		
Town	Guildford		
Precise Description of Location (e.g. outside no. 175)	Pitch position, on the High Street and the corner of The Shambles. Currently we use the same position for the Farmers Market.		
Proposed Trading Hours	9am	to	7pm
Proposed Trading Days (please attach if space required)	<p>Proposal is to trade on Fridays and Saturdays of every month. Initially for a period of 28 days and depending on the success extend by obtaining planning consent for extension.</p> <p>Starting May 2018 and ending the first weekend in August 2018.</p>		

COMMUNITY CARE  
19 MAR 2018

Business Details Appendix 2	
Name of Trading Business	ollo foods
Registered Address of Business	43, Cornfields, Godalming, Surrey, GU7 3PH
Is your business trading in food?	<b>YES</b> / NO
If yes, which Local Authority is your business registered with?	Waverley Borough Council
Please note that all food vendor's vehicles will, prior to trading commencing, need to be inspected by the Environmental Health Food & Safety Team	
Articles to be traded (full description)	Indian Street Food which includes the following dishes. Samosas, Pakoras, Chaats, Paratas, Dosas, Idlis, Curries. Packaged retail jars and bottled products of sauces, pickles frozen ready meals, spices and condiments. Many of our foods are Vegan & Gluten free which there is nothing similar in Guildford and would not be competitive to any other business in the area. The proposed location on the High St we currently trade at on the first Tuesday of the month during the Guildford Farmers Market
Dimensions/Nature of Trading Stall (full description)	We operate from a catering pod which is purpose built for catering and uses LPG gas for cooking and battery power for lighting. The pod is orange in colour and has a single opening to the trading side. The unit is 2m wide & 4m long comprising 3m pod and 1m trailer hitch. See image provided.

Declaration and Signature	
<p>I hereby make an application to Guildford Borough Council for the grant of a Street Trading Consent, subject to the Statutes, Regulations, Policies, Byelaws and Conditions relating to the same for the time being in force.</p> <p>I declare that I have checked the information on this application and, to the best of my knowledge and belief, it is correct. I understand that it is an offence for any person to knowingly or recklessly make a false statement or to omit material information for which I could be prosecuted, and any consent issued revoked.</p> <p>I declare that I have supplied all the appropriate supporting documentation listed in the above checklist, and I am aware that if any of the information supplied on this application should change, I need to inform the Council in writing and pay the fee for amending the consent, if applicable.</p> <p>I understand that I must undertake to comply with the legislation, byelaws, policy and conditions of consent as are now, or may hereafter be in force, for regulating street trading.</p>	
Dileep Sharma	Proprietor
NAME	CAPACITY OF SIGNATORY
	11/03/2018
SIGNATURE	DATE





This page is intentionally left blank

**Appendix 4 – Representations Received from Responsible Authorities**

30 June is National Armed Forces Day so no traders are allowed on the High Street on that day. The Rural Craft Association are holding a Summer Festival Craft market between 15<sup>th</sup> and 23 on the High Street.

Apart from those dates I can't think of any which spring to mind. However have cced Simon, Kate and Steve in case I have missed something.

Regards

Diana

Diana Parker  
Projects Officer  
Economic Development Service

Good morning

Thank you for the inclusion in terms of feedback on this proposal. From a Street Cleaning point of view my only concerns would be around the potential additional litter caused and the disposal of any waste that is produced by this vendor. In the past some temporary vendors have thought it correct to use the on street litter bins to dispose of their own commercial waste, this is in fact unlawful.

Many Thanks

Gary Kirk  
Street Scenes Operations Manager

Good afternoon

I am writing on behalf of the retail and leisure businesses of Guildford town centre (specifically in this case GAP clothing) and I am compelled to object to this application.

Primarily the position of this site is directly outside GAP's shop front. This pitch already affects footfall into the store on farmers' market days, therefore we feel it is unacceptable for the shop to suffer a loss of footfall and revenues on the busiest trading days for them over a period of 14 weeks. GAP pay high rates and rent to operate from that address, they should have precedence over any street trader.

Also the application requests trading hours of 9am to 7pm. This is potentially dangerous for their own patrons as the road is only pedestrianised between 11am and 4pm.

Although we generally support traders who bring something different to the experience of shopping in Guildford, we believe this proposal will be detrimental to both GAP's business and public safety.

Please do contact me directly if you wish to discuss this further.

With thanks  
Amanda

**Amanda Masters** | General Manager | Experience Guildford Business Improvement District

Dear Licensing,

Thank you for inviting me to comment on the attached application on behalf of the Food & Safety Team.

I regret that I feel obliged to object on the application as it stands because the proposed trading hours of 09:00 to 19:00 include hours when the High Street is open to vehicular traffic. I am concerned that allowing a 2m wide x 4m long 'catering pod' to trade whilst the High Street is open for vehicular traffic constitutes a risk to public safety. Currently customers are aware that traders only operate in the High Street when the street is closed to vehicular traffic (e.g. Farmers Market, Christmas Market etc., ) so the public could wrongly assume that the presence of this food vehicle means that the High Street is closed to traffic and they could put themselves at potential risk when crossing the High street to purchase food without paying due care and attention to traffic passing up the High Street. A vehicle of this size will also limit the visibility that customers have of traffic coming up the High street when attempting to cross the High Street from behind the vehicle. I disagree with the whole principle of Guildford Borough Council allowing a food vehicle to share the public highway with vehicular traffic.

However, I would be prepared to withdraw this objection if the proposed trading hours were limited to the hours that the High Street is pedestrianised.

If this application were to be approved on limited hours, I would like to see conditions imposed relating to the provision of a litter bin in the immediate vicinity of the vehicle and a litter pick at the end of trading hours to remove any Ollo foods packaging and waste food from the High Street, Shambles and surrounding area.

I have no objections on food safety grounds as this business is currently rated 5 out of 5 for food hygiene.

Thank you for your attention.

Best regards,

Chris  
**Chris Woodhatch**  
**Team Leader (Food and Safety)**  
**Health and Community Care Services**

For the Attention of Mike Smith.

As per our discussion, I feel that allowing street food trading consents on to the High Street on a Friday and Saturday, would directly clash with our well established North Street Market which operates also on a Friday and Saturday.

We currently have a trader selling eat on the spot Sicilian food, Mr Sharma currently sells Indian eat on the spot food on the market and we of course have a long established eat on the spot trader selling, burgers, sausages and other products.

The regular traders at the North Street market would probably not be too happy to see rival food trade on the High Street on Fridays and Saturdays considering that they pay £14.94 per metre of space per day which for the average trader equates to between £60 and £100 per day. They are all licensed for two days per week, every week, so the rent on North Street does produce a good income for the Council.

I don't feel it is in the benefit of North Street Market to see similar products being sold on the High Street on market days.

Kind regards

Tracy Banks  
Enforcement Officer  
Parking Services

Hi Mike

The team, including myself are very concerned about this and feel it would significantly alter the control and use of the town centre and negatively impact on long standing provision for town centre street trading on Fridays and Saturdays using the market area.

We would like the application refused and for street trading to be focused in the existing market area on Fridays and Saturdays.

If this is not sufficient, further information on grounds for objection would be useful.

Thanks  
Chris Wheeler  
Waste, Fleet and Parking Services Manager



## Appendix 5 – Applicant Response to Representations

Dear Mr Smith,

Thank you for your response to the application to trade on the High St in Guildford. We have been trying without success for some time now to get a pitch position in Guildford without success. No one at the council licensing team has been interested in offering us possible solutions, just objections which is not only frustrating but very unhelpful. We definitely wish to continue with this application as it's now been almost a year in trying to get this far and the objections can easily be addressed if I am given the opportunity to make representation.

Regarding the list of objections being cited as reasons to prevent us from trading as proposed, I have the following responses to offer a counter position.

Response is inline;

- The Councils Street Cleaning Team have raised concern about litter and disposal of waste.

This is no different to trading anywhere in Guildford and we provide a litter collection bin at our stall.

- The Councils Economic Development Team have advised that there are two events on where trading should not be permitted, 30 June is National Armed Forces Day and the Rural Craft Association are holding a Summer Festival Craft market between 15th and 23 June on the High Street.

We were unaware of these dates and they can be worked around, we can choose others in lieu.

- The Councils Environmental Health Service have objected on the grounds of public safety, due to your proposed hours being when the High Street is not pedestrianised.

Our intention is to trade in the High St during the hours that then High Street is pedestrianised. If the application is NOT stating that it can be easily changed to reflect that intent

- The Council's Market Team have objected on the grounds that your application may undermine the viability of the long established and popular North Street Market.

This is nonsense. We are currently trading at the North St market and it is NOT the place for street food it is for vegetables, bread, flowers and groceries. I have mentioned this to you before, but we are giving this a go. North Street market does NOT work for us after our three month trial.

- The Experience Guildford BID have objected on the grounds of public safety (again due to your proposed hours being when the High Street is not pedestrianised) and potential impact on footfall for the GAP store.

As mentioned in the response above to trading hours, those can be changed to suit when the High St is pedestrianised. There is already a trailer selling Hot Dogs, Candy Floss & Slushy Ice parked in front of the GAP. I have already verbally asked to manager at the GAP if they had objections, which they have told they didn't. We use the same spot for the Farmers market and have never had any complaints.

In closing, I must add that I have asked on multiple occasions now if we could take the vacant pitch of the baked potato stall at the bottom of the High street, but no one has come back to us on this. If it's free why can't we get a license to trade there?. Surely, that would be the easiest solution.

Kind regards,

Dileep Sharma

[www.ollofoods.com](http://www.ollofoods.com)