



GUILDFORD
BOROUGH

James Whiteman
Managing Director

www.guildford.gov.uk

Contact Officer:

Sophie Butcher

Tel no: 01483 444056

26 October 2018

Dear Councillor

Your attendance is requested at a meeting of the **LICENSING REGULATORY SUB-COMMITTEE** to be held in the Room 2 - Newlands, Millmead House, Millmead, Guildford, Surrey GU2 4BB on **MONDAY 5 NOVEMBER 2018** at 10.00 am.

Yours faithfully

James Whiteman
Managing Director

MEMBERS OF THE LICENSING REGULATORY SUB-COMMITTEE

Councillor Mike Hurdle (Chairman)
Councillor Jennifer Jordan
Councillor David Quelch

QUORUM 3



Guildford Borough Council
Millmead House, Millmead, Guildford, Surrey GU2 4BB

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.

Three fundamental themes and nine strategic priorities that support our vision:

Place-making	Delivering the Guildford Borough Local Plan and providing the range of housing that people need, particularly affordable homes
	Making travel in Guildford and across the borough easier
	Regenerating and improving Guildford town centre and other urban areas
Community	Supporting older, more vulnerable and less advantaged people in our community
	Protecting our environment
	Enhancing sporting, cultural, community, and recreational facilities
Innovation	Encouraging sustainable and proportionate economic growth to help provide the prosperity and employment that people need
	Creating smart places infrastructure across Guildford
	Using innovation, technology and new ways of working to improve value for money and efficiency in Council 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.

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.

Councillors are further invited to disclose any non-pecuniary interest which may be relevant to any matter on this agenda, in the interests of transparency, and to confirm that it will not affect their objectivity in relation to that matter.

2 STREET TRADING APPLICATIONS - SUMMARY OF PROCEDURE (Pages 1 - 2)

3 STREET TRADING CONSENT APPLICATIONS - FAMILY FAVOURITES (Pages 3 - 22)

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alternative format**

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**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.

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Licensing Regulatory Sub-Committee Report

Report of the Licensing Team Leader

Author: Mike Smith

Tel: 01483 444387

Email: mike.smith@guildford.gov.uk

Date: 5 November 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 applications for the grant of two Street Trading Consents for mobile food catering stalls on the High Street, outside GAP Kids Clothing and Vodafone. The Applications are included as Appendix 1 to this report. A site location map is attached as Appendix 2.

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 consent 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 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 The Applicant has been trading in this location for a number of years (the earliest records licensing hold indicate that trading has been authorised since at least 2008) and has two stalls selling German Sausages and Dutch Pancakes. The Applicant holds planning permission for the stalls.
- 3.2 The applicant also assists the Council's Economic Development team with the organisation of the Christmas Market.

- 3.4 Applications were submitted for the units and were subject to the public consultation standards outlined in the Street Trading Policy. This is the first time that the applications have been considered against the new Street Trading Policy.
- 3.5 The applicant requests to trade on 28 dates (Saturdays and Sundays) between October and April:
- October 2018: 13, 20, 21
 - December 2018: 29, 30
 - January 2019: 05, 06, 12, 13, 19, 20, 26
 - February 2019: 02, 03, 09, 10, 16
 - March 2019: 02, 03, 09, 10, 16, 17
 - April 2019: 06, 07, 13, 14, 20
- 3.6 An image of the stalls provided by the applicant is attached as Appendix 3.
- 3.7 The Hygiene standards are rated as 5 by Rushmoor Borough Council.

4. Public Consultation

- 4.1 The applications were in consultation from 8 September to 9 October 2018. Copies of the applications were distributed to the responsible authorities and local ward councillors as per the Street Trading Policy.
- 4.2 A representation was received from Experience Guildford and is attached as Appendix 4.
- 4.3 Experience Guildford made comment on the potential obstruction to the two established High Street retailers, and that there was already provision on the North Street Market.
- 4.4 There was one other representation from 'other persons' received from a local business owner, Mr Shah of iFix Gadgets at no 64 High Street which is attached as Appendix 5.
- 4.5 Mr Shah has made an objection on the basis of the obstruction to his retail frontage, and the odour from sausages. Mr Shah made a similar complaint about the obstruction of his shop frontage earlier in the year.

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 renew permissions to sell German sausages and Dutch pancakes from two stalls positioned on the High Street. The applicant has been trading for over 10 years from this location, however this is the first occasion that the applications have been consulted upon and considered against the new Street Trading Policy requirements.
- 5.2 Potential concerns about obstruction to established High Street retailers has been raised by Experience Guildford and one of the retailers.
- 5.3 The retailer has also mentioned that they suffered odour from the stall earlier this year.

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 seeks to trade on a Saturday on the High Street, these applications 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 to renew the approvals for two catering stalls offering German sausages and Dutch pancakes on the High Street on a Saturday and Sunday, for 28 days in the year between October and April.
- 8.2 Representations have been received to the applications and the Sub-Committee are invited to consider the applications on their 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. The applications 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 either or both of the applications as made, subject to the standard conditions, or
 - To grant either or both of the applications 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 either or both of the applications entirely.

9. Background Papers

[Guildford Borough Council Street Trading Policy](#)

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

10. Consultation

Report agreed by:

Regulatory Services Manager: Justine Fuller, 16 October 2018.

Legal Services: Bridget Peplow, 18 October 2018.

Appendices:

Appendix 1: Application Form

Appendix 2: Site Location

Appendix 3: Pictures

Appendix 4: Consultation Responses from Responsible Authorities

Appendix 5: Consultation Responses from Other Persons

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Appendix 1

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

Tick off each of the following required documents you are submitting with this application form.

The full fee, paid by card by calling 01483 505050	<input type="checkbox"/>	<input type="checkbox"/>
Proof of Public Liability Insurance	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Plan, showing precise location of intended trading location	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Proof of consent from land owner ABC	<input type="checkbox"/>	<input type="checkbox"/>
Proof of Planning Permission (if intending to trade more than 28 days in a year)	<input checked="" type="checkbox"/>	<input type="checkbox"/>
One passport photographs of the applicant	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Proof of Identity & RTW (passport or residence permit) if not a limited company	<input checked="" type="checkbox"/>	<input type="checkbox"/>
A Basic Disclosure Certificate (Dated within the last 3 years) for the applicant AWAITING ISSUE	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Colour photographs showing the front, side and rear aspects of the stall, van, barrow, cart etc	<input checked="" type="checkbox"/>	<input type="checkbox"/>


Applicant Details

Full Name	Mr Gary Joseph Mayne (MRS) J. MAYNE.		
Date of Birth (dd/mm/yyyy)	<input type="text"/>	Country of Birth	<input type="text"/>
Address	<input type="text"/>		
Postcode	<input type="text"/>		
Telephone Number	<input type="text"/>		
Mobile Number	<input type="text"/>		
Email Address	<input type="text"/>		

Trading Location

Street	High Street		
Town	Guildford		
Precise Description of Location (e.g. outside no. 175)	Outside/Vacinity Vodafone 66 High Street/Gap Kids 68 High Street		
Proposed Trading Hours	10:00 hrs	to	18:00 hrs
Proposed Trading Days (please attach if space required)	As home address		

Business Details	
Name of Trading Business	Family Favourites
Registered Address of Business	As home address
Is your business trading in food?	
If yes, which Local Authority is your business registered with?	Rushmoor 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)	German Sausages: Pre-cooked and vacuum packed. Candy floss bags. Cold drinks.
Dimensions/Nature of Trading Stall (full description including vehicle registration number(s) if applicable).	Stall details attached to this application. Transported via: WK 55 ACV or EU 55 OXE. each a red Mercedes Sprinter van.

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>	
NAME Mr Gary Mayne	CAPACITY OF SIGNATORY Co-Owner/applicant
SIGNATURE 	DATE 07-09-2018



GUILDFORD
B O R O U G H

Appendix 2
APPLICATION FOR STREET TRADING CONSENT
LOCAL GOVERNMENT (MISCELLANEOUS
PROVISIONS) ACT 1982

Tick off each of the following required documents you are submitting with this application form.

The full fee, paid by card by calling 01483 505050	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Proof of Public Liability Insurance	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Plan, showing precise location of intended trading location	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Proof of consent from land owner <small>GBC</small>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Proof of Planning Permission (if intending to trade more than 28 days in a year) <small>1982</small>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
One passport photographs of the applicant	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Proof of Identity & RTW (passport or residence permit) if not a limited company	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
A Basic Disclosure Certificate (Dated within the last 3 years) for the applicant	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Colour photographs showing the front, side and rear aspects of the stall, van, barrow, cart etc	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Applicant Details

Full Name	Mrs Joanne Mayne		
Date of Birth (dd/mm/yyyy)	<div></div>	Country of Birth	<div></div>
Address	<div></div>		
Postcode	<div></div>		
Telephone Number			
Mobile Number	<div></div>		
Email Address	<div></div>		

Trading Location

Street	High Street		
Town	Guildford		
Precise Description of Location (e.g. outside no. 175)	Outside/Vacinity Vodafone 66 High Street/Gap Kids 68 High Street		
Proposed Trading Hours	10:00 hrs	to	18:00 hrs
Proposed Trading Days (please attach if space required)	As home address <i>- See Seperate Sheet .</i>		

Business Details	
Name of Trading Business	Family Favourites
Registered Address of Business	As home address
Is your business trading in food?	Yes
If yes, which Local Authority is your business registered with?	Rushmoor 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)	Poffertjes: mini Dutch pancakes and occasional candy floss bags pancakes made from a dry mix via added water
Dimensions/Nature of Trading Stall (full description including vehicle registration number(s) if applicable).	Stall details attached to this application. Transported via: WK 55 ACV or EU 55 OXE. each a red Mercedes Sprinter van.

Declaration and Signature

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.

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.

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.

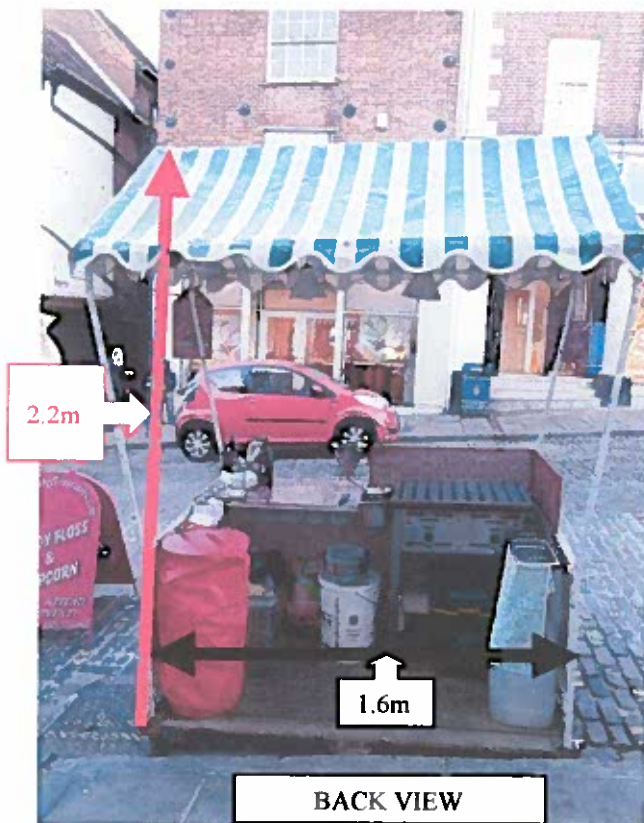
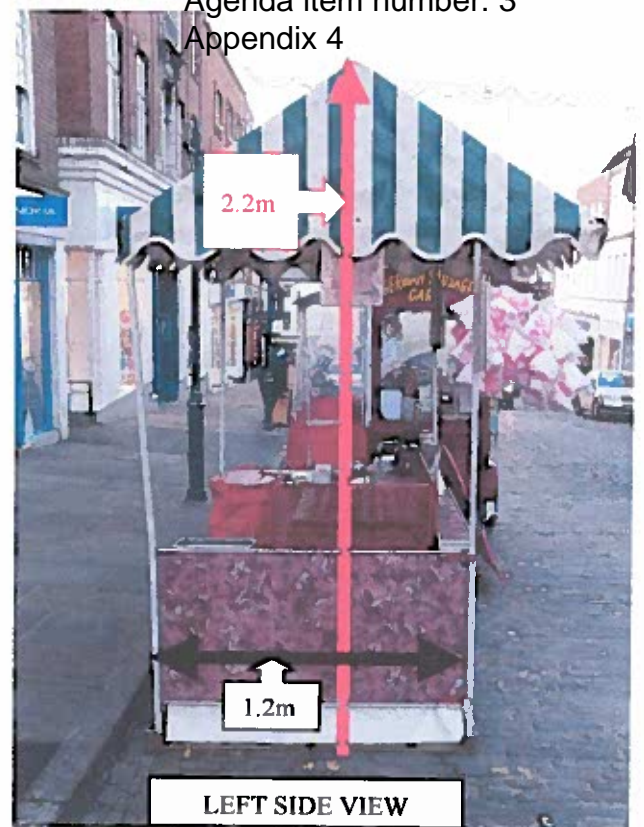
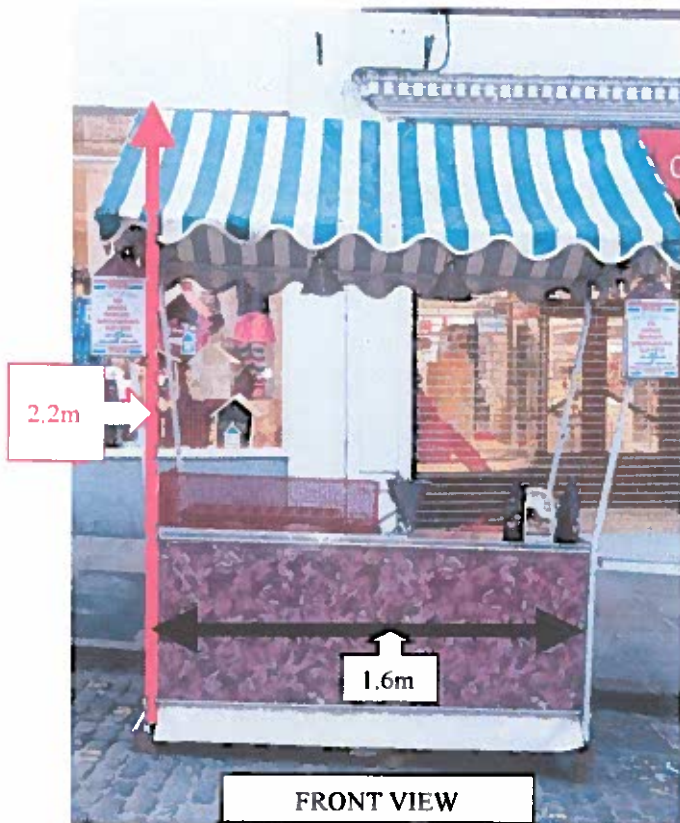
I understand that I must undertake to comply with the legislation, byelaws, policy and conditions of consent as are now, or may hereafter be in force, for regulating street trading.

NAME Mrs Joanne Mayne	CAPACITY OF SIGNATORY Co-Owner/applicant
-----------------------	---

SIGNATURE

DATE 07-09-2018

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Dear Mike,

On behalf of the High Street traders, I must object to the application for street trading consent from Family Favourites.

It is unfair to obscure the frontage of 2 High Street stores, both of whom pay high rents and rates to operate their business from Guildford's High Street. Also, there is ample provision for stalls at the monthly Farmers' Market and weekly North Street Market.

Please let me know if you wish to discuss further

Thank you
Amanda

Amanda Masters | General Manager
Experience Guildford Business Improvement District
[REDACTED] | [REDACTED] | www.experienceguildford.com



Agenda item number: 3
Appendix 6

Dear Mike

On behalf of the High Street traders, I must object to the application for street trading consent from Family Favourites, this time to sell pancakes.

It is unfair to obscure the frontage of 2 High Street stores, both of whom pay high rents and rates to operate their business from Guildford's High Street. Also, there is ample provision for stalls at the monthly Farmers' Market and weekly North Street Market.

Please let me know if you wish to discuss further

Thank you
Amanda

Hi,

Dear Mike Smith , Guildford Borough Council

Thank you very much for your pre consulting notice regard street trading license renewal for "Family favorites sausages "

Let me make very clear for every one we are not against anyone business at all but we are completely independent high street trade with no high bank balance reserve at all, who is completely reliant on day to day business.

The main reason to be in the high street and paying premium business rates which is 40K at the moment plus 65K Plus VAT rent, I presuming we have every right to be seen and noticed from every angle.

Earlier this year due to the stalls "Family favorites sausages " who continued trading in front of our shop 64 High Street, our shop front were completely covered and our business were hardly noticed also all day long re processing foods smell were coming in to the shop which was also making customers very uncomfortable.

Being a dying high street business we strongly demanding Guildford Council that please if you move above name stalls further down or up as this area is already tight and very congested

I am looking forward to receive positive decision as my privies grievance and concern was interpreted wrongly.

Thanks

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iFix Gadgets.ltd
64 High Street Guildford Surrey
GU1 3ES

www.ifixgadgets.uk.com

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