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18 October 2017

LICENSING COMMITTEE

A meeting of the Committee will be held in Committee Room 1 (the Pink Room) at the Arun Civic Centre, Littlehampton on **Friday, 27 October 2017 at 9.30 a.m.** and you are requested to attend.

Members : Councillors Cooper, Cates and Warren.

AGENDA

1. ELECTION OF CHAIRMAN

2. DECLARATIONS OF INTEREST

Members and Officers are reminded to make any declaration of personal and/or prejudicial/pecuniary interests that they may have in relation to items on this agenda.

You should declare your interest by stating:

- a) the item you have the interest in
- b) whether it is a personal interest and the nature of the interest
- c) whether it is also a prejudicial/pecuniary interest
- d) if it is a prejudicial/pecuniary interest, whether you will be exercising your right to speak under the normal procedure rules applicable to the Committee

You then need to re-declare your prejudicial/pecuniary interest at the commencement of the item or when the interest becomes apparent.

3. ITEMS NOT ON THE AGENDA WHICH THE CHAIRMAN OF THE MEETING IS OF THE OPINION SHOULD BE CONSIDERED AS A MATTER OF URGENCY BY REASON OF SPECIAL CIRCUMSTANCES

4. APPLICATION FOR A STREET TRADING CONSENT IN LONDON ROAD, BOGNOR REGIS

This report asks members to consider an application for a street trading consent for London Road, Bognor Regis.

5. EXEMPT INFORMATION

The Subcommittee is asked to consider passing the following resolution:-
That under Section 100A(4) of the Local Government Act 1972, the public and accredited representatives of newspapers be excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in Part 1 of Schedule 12A of the Act by virtue of the paragraph specified against the item.

6. COMPLAINT ABOUT HACKNEY CARRIAGE/PRIVATE HIRE DRIVER

To consider the attached report.

7. APPLICATION FOR A HACKNEY CARRIAGE/PRIVATE HIRE DRIVER LICENCE [EXEMPT PARAGRAPH 1 - INFORMATION RELATING TO INDIVIDUALS]

To consider the attached report.

Note : *Indicates report is attached for Members of the Licensing Committee only and the press (excluding exempt items). Copies of reports can be obtained on request from the Committee Manager or accessed via www.arun.gov.uk

Note : Members are reminded that if they have any detailed questions would they please inform the Chairman and/or relevant officer in advance of the meeting.

ARUN DISTRICT COUNCIL

LICENSING SUBCOMMITTEE 27 OCTOBER 2017

Decision Paper

Subject: Application for a street trading consent in London Road, Bognor Regis

Report by: Licensing Officer

Report date: 29th September 2017

EXECUTIVE SUMMARY

This report asks members to consider an application for a street trading consent for London Road, Bognor Regis.

RECOMMENDATIONS

It is recommended that the members consider the application and make an appropriate decision from the options available to them at section 4.0 of this report.

1.0 Introduction

- 1.1 An application for a street trading consent has been received from Sebastian Ghermans. This application is for a period of 12 months. A copy of this application is at appendix 1.
- 1.2 The application is for consent to sell Chimney Cake, in London Road pedestrian precinct, Bognor Regis; photographs of the product and stall that will be used are shown at appendix 2. The applicant has stated that due to vehicle restrictions in London Road and the High Street he is willing to use a gazebo and table with a small oven, rather than use the vehicle on site. The applicant has requested the sale of the goods from Monday to Sunday 08.00 hours to 18.00 hours. At this stage it has not been determined where the exact position of the stall shall be situated.
- 1.3 Members are advised that three existing street trading consents are in place for the precinct. i) for the Bognor Regis Town Centre Manager to operate a market with a maximum of 25 stalls Monday to Sunday 08.00 hours to 23.00 hours; and ii) a donut, hotdog and beverage seller on Fridays, Saturday, Sundays and bank holidays between 09.00 hours and 17.00 hours; iii) Popcorn seller operating from 10.00 hours to 17.00 hours Monday to Sunday. The donut trader and popcorn seller have worked with the Town Centre Manager when the market consent is being used and has been willing to relocate if requested. Therefore it would be expected that the applicant liaises with the Town Centre Manager on the appropriate days to ensure there is no conflict of interest.

- 1.4 Consultation forms have been sent to the relevant consultees, a summary of the comments are at 2.1 below and the full comments attached at appendix 3. Any further consultation received will be copied for members and provided at the meeting.
- 1.6 A concession strategy was agreed in 2012 for street traders. A copy of the document is attached at appendix 4.
- 1.7 Conditions can be placed on a street trading consent. A copy of the standard conditions for consents is at appendix 5. If the committee decides to grant the consent other conditions may be attached to the consent should the committee think it appropriate.
- 1.8 If the committee refuses to grant the consent there is no right of appeal to a Magistrates Court.

2.0 **Consultation**

2.1

| Consultee | Date sent | Date returned | Summary (see appendix 3) |
|----------------------------|-----------|---------------|--|
| Cllr J Brooks | 14/9/17 | | No comments received |
| Cllr D Maconachie | 14/9/17 | | No comments received |
| Cllr S Reynolds | 14/9/17 | | No comments received |
| Cllr P Wells | 14/9/17 | | No comments received |
| Bognor Regis Town Council | 14/9/17 | | No comments received |
| Sussex Police | 14/9/17 | | No comments received |
| WSCC Highways | 14/9/17 | 14/9/17 | Comments regarding vehicle restrictions within the area |
| Bognor Chamber of Commerce | 14/9/17 | | No comments received |
| ADC regeneration team | 14/9/17 | | No comments received |
| Bognor town center manager | 14/9/17 | 3/10/17 | Contradiction to the street trading consent held by the Town Centre Manager and could disrupt planned events |

3.0 Legislation

3.1 **Local Government (Miscellaneous Provisions) Act 1982**

This legislation relating to street trading states that:-

- (i) section 7(1) an application for a street trading consent or the renewal of such a consent shall be made in writing to the district council.
- (ii) section 7(2) subject to sub-paragraph (3) below, the council may grant a consent if they think fit.
- (iii) section 7(3) a street trading consent shall not be granted -
 - (a) to a person under the age of 17 years; or
 - (b) for any trading in a highway to which a control order under section 7 of the Local Government (Miscellaneous Provisions) Act 1976 is in force, other than trading to which the control order does not apply
- (iv) section 7(4) when granting or renewing a street trading consent, the council may attach such conditions to it as they consider reasonably necessary.
- (v) section 7(5) without prejudice to the generality of sub-paragraph (4) above, the conditions that may be attached to a street trading consent by virtue of that sub-paragraph include conditions to prevent-
 - (a) obstruction of the street or danger to persons using it; or
 - (b) nuisance or annoyance (whether to persons using the street or otherwise).
- (vi) section 7(6) the council may at any time vary the conditions of a street trading consent.
- (vii) section 7(7) subject to sub-paragraph (8) below, the holder of a street trading consent shall not trade in a consent street from a van or other vehicle or from a stall, barrow or cart.
- (viii) section 7(8) the council may include in a street trading consent permission for its holder to trade in a consent street-
 - (a) from a stationary van, cart, barrow or other vehicle; or
 - (b) from a portable stall.

- (ix) section 7(9) if they include such a permission, they may make the consent subject to conditions-
 - (a) as to where the holder of the street trading consent may trade by virtue of the permission; and
 - (b) as to the times which or periods for which he may so trade.
 - (x) section 7(10) a street trading consent may be granted for any period not exceeding 12 months but may be revoked at any time.
 - (xi) section 7(11) the holder of a street trading consent may at any time surrender his consent to the council and it shall then cease to be valid.
- 3.3 There is no right of appeal under the legislation if a street trading consent application is refused.

4.0 Options

- 4.1 To Issue the consent subject to the times and days specified in the application and:-
- (i) The position of the stall being specified.
 - (ii) The articles to be sold by the vendors to be specified.
 - (iii) Stall to be inspected by a Food Safety Officer and to comply with food hygiene and health and safety standards.
 - (iv) Standard conditions for street traders, attached at appendix 5, be applied to the consent.
 - (vi) Other conditions deemed appropriate and specified by the committee.
- 4.2 Agree to issue the street trading consent, with the conditions in appendix 5 and subject to 4.1(i) to (vi) above, but to change any of the proposed trading days or times. The Committee to specify the altered operating days and times.
- 4.3 To refuse the application.

Background Papers:

Contact: Licensing Officer Ext. 37681



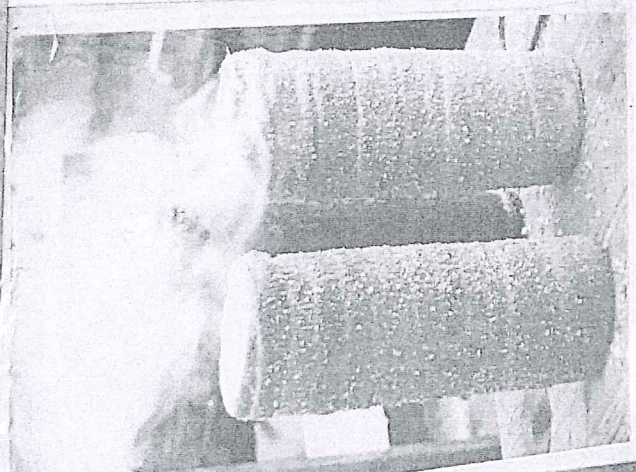
Chimney Cake,

Kurtos Kalacs

With sugar: £3.00

With coconut: £3.50

With cinnamon: £3.50



Allergy advice

- Flour
- Milk
- Yeast
- Vanilla sugar
- Sugar
- Salt
- Lemmon zest
- Sunflower oil

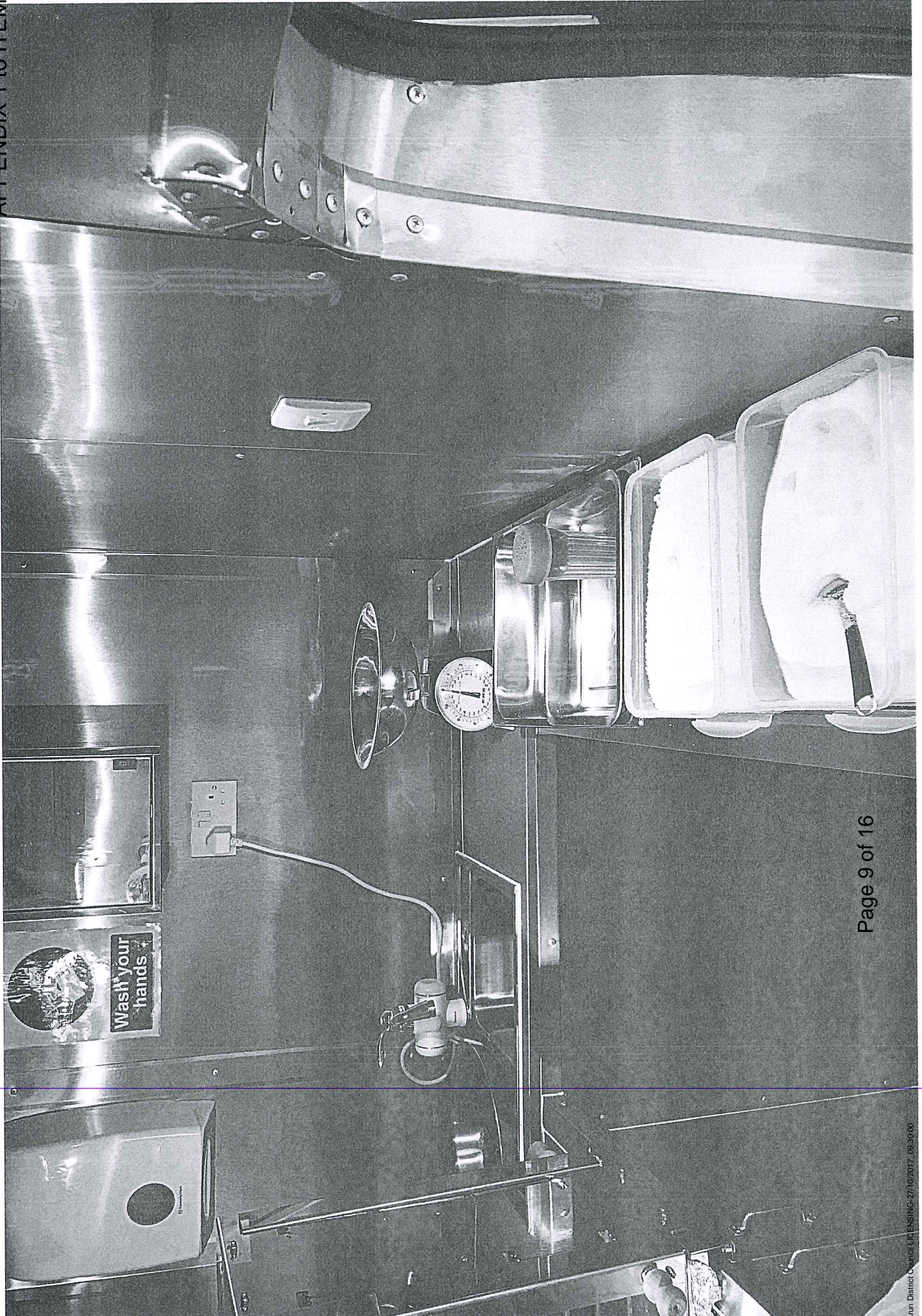
„Chimney cake“ is made from sweet, yeast dough (raised dough), of which a strip is spun and then wrapped around a truncated cone-shaped baking spit, and rolled in granulated sugar. It is roasted over charcoal white basted with melted butter, until its surface cooks to a golden-brown colour. During the baking process the sugar stuck on the „Chimney cakes“ caramelises and forms a shiny, crispy crust. The surface of the cake can then be topped with additional ingredients such as ground walnut or powdered cinnamon

Food Standards Agency

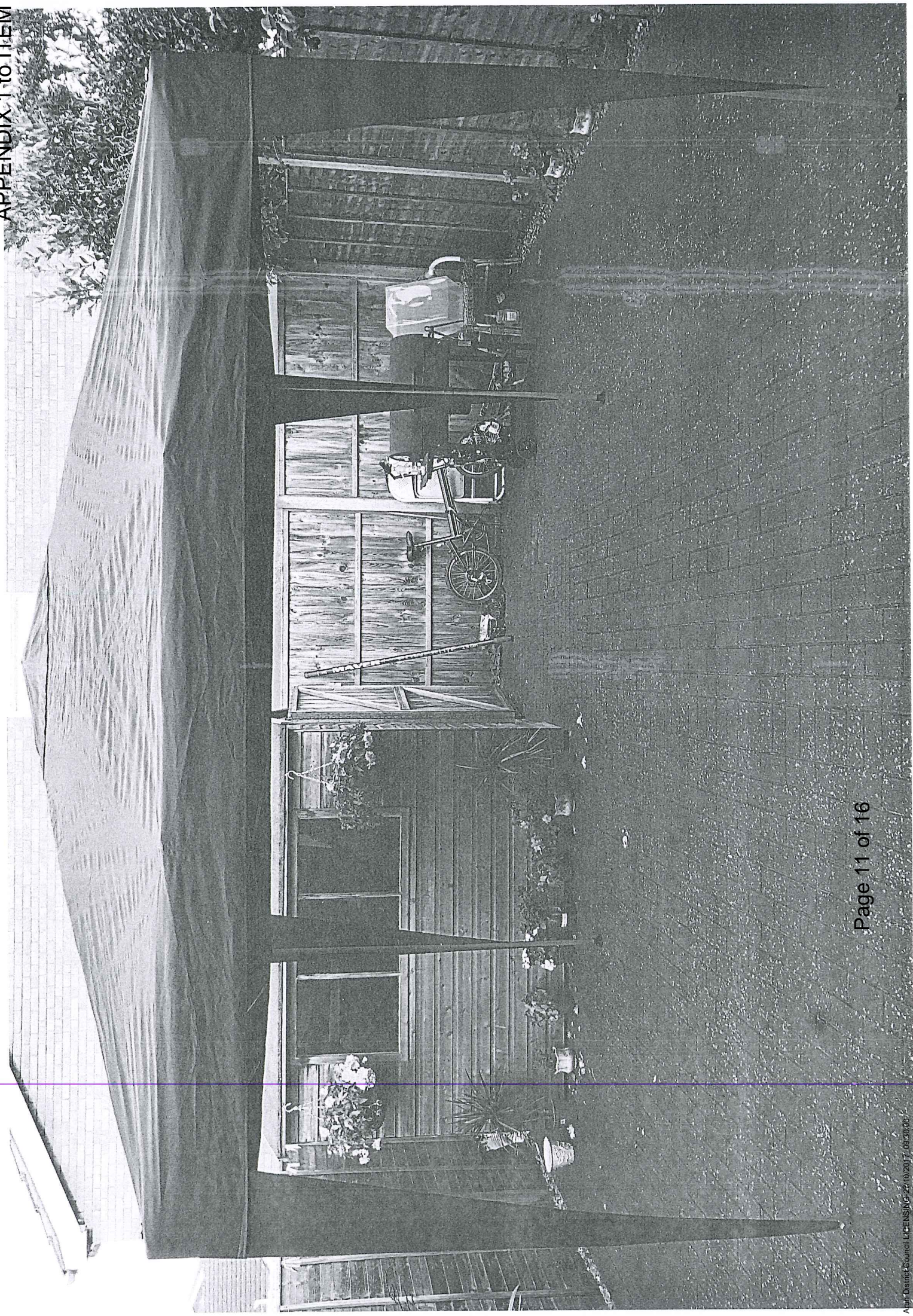
FOOD HYGIENE RATING

0 1 2 3 4 5

Very Good









ARUN DISTRICT COUNCIL

STREET TRADING CONSENT CONSULTATION FORM (ST 1a)

URGENT

TO INCLUDE YOUR COMMENTS AT THE COMMITTEE MEETING PLEASE RETURN THIS FORM NOT LATER THAN: Wednesday 27th September 2017

Name of Consultee: Bognor Regis Town Centre Manager

Name of Applicant: Sebastian Gherman

Name of Street: London Road Pedestrian Precinct, Bognor Regis

Date of Licensing Subcommittee: 6th October 2017

Comments:.....

.. Bognor Regis Town Centre Management currently holds a Street Consent for London Rd, pedestrian precinct for seven days a week, 8am to 11pm to provide up to 25 stalls.

Consent Number: 130501.

Bognor Regis Town Centre Management object to this street trading licence application because it is in contradiction to the street trading license that we have and could disrupt the events that we have planned.

If the licence were granted, we would request that a number of conditions are placed on the operator to ensure that the high standards we are trying to achieve are maintained. We would ask the licencing committee to consider the conditions listed, taken from the terms and conditions for stall holders operating under the Bognor Regis Town Centre Street Trading Consent:

The consent was sought to ensure an ongoing programme of quality street trading is provided in London Road in Bognor Regis. The programme is pro-actively managed to ensure the appropriate quality of offer, appearance, merchandising and customer service. The aim is to complement and enhance the offer of the permanent retailers in London Road and bring vitality and animation to the town centre.

Vehicles/market stalls/mobile units of various dimensions/designs have been used depending on the street trading operator commissioned. There is an existing street trader who operates from the precinct (Mr Hiller providing doughnuts) and the street trading programme takes account of his presence and accommodate it. This consent needs to be aware of the flexibility required when events and activities are taking pace and accommodate them.

The programme has been under the curation and control of Bognor Regis Town Centre Management. The consent was awarded to ensure that the investment in the public spaces is enhanced through proactive management of the appearance and quality of street trading activity in the precinct. The street trading events and activities have been carefully managed to high standards generating extra footfall and additional turnover for the businesses located there.

Proposed Conditions

Stall Layout Set-up and breakdown

- If the trader wishes to take part in a market or event being operated by Bognor Regis Town Centre Management, then the appropriate fee, terms and conditions should be adhered to.
- Each Trader is responsible for making their pitch and stall look attractive, approachable and clean at all times to make buying from your stall a pleasant experience.
- Traders can drive up to their allocated pitch to unload stock. All vehicles must be removed before trading begins. In Bognor Regis vehicles are not allowed in the pedestrian area between 0900-1700. Therefore, traders must make alternative arrangements should they need additional stock or equipment
- All vehicles must be cleared before 0900 hrs. All vehicles can re-entre after 1700.
- No stalls are permitted to on the central carriageway of London Rd, a 4.5 meters width is required at all times, should emergency services need access.
- All stalls are to be open on both sides or as many sides as possible, this is to ensure that the views to permanent retail frontages are maintained and customers can approach from both sides.
- Bognor Regis Town centre Management reserves the right to allocate pitches to traders, to determine their location, and to relocate any pitch or any stallholder at any time.
- No pitches and stalls emitting loud noise or strong smelling food can be located outside Specsavers.
- No pitches and stalls can be located outside of Polkadot Stripes
- No loud traders or those selling strong smelling foods should be located near Specsavers
- All traders must hide all boxes, equipment and ancillary items under their table to provide the best possible presentation.
- All stalls must have adequate weights for their stalls. The London Rd Market is located on hard standing. All weights should be placed on mats to avoid rust stains on the pavement
- Any catering stalls must have matting on the floor in front of the serving area and underneath cooking areas in case of spillages; the paving can easily be stained. If you see anyone spill anything around your stall please could you make a concerted effort to clean it up before it stains the pavement. Sand can be made available to absorb oil spillages.
- Hot food stalls must have a bin located with their stall so that customers can place their rubbish.
- All stalls must display business/group name and address

Goods& services on sale

- Our aim is to complement and enhance the offer of the permanent retailers in London Road and bring vitality and animation to the town centre.
- There is no exclusive right to sell a particular item or service, we wish to ensure and promote fair-trading wherever possible.
- Prohibited Items: The following products are NOT permitted: - jewellery, watches, alcohol, E-cigarette or similar products, legal/illegal highs, smoking/drugs paraphernalia, knives, firearms, pornographic material counterfeit or fake goods or livestock.
- No games of chance shall be permitted without the written consent
- No political propaganda or the raising of any petitions etc. will be allowed on any stall or other part of London Rd

Stall Holder Conduct

- Traders shall at all times conduct their business in an honest, civil and business-like manner, without causing nuisance, obstruction or interference in any way with the general public or with the business of any other trader or retailer.
- Traders must wear appropriate clothing to ensure customer confidence, and the fulfilling of food hygiene standards.
- Traders must refrain from smoking or using vaporisers anywhere on their stalls and within the market site.
- Traders and assistants are required to maintain the highest standards of stall and product presentation, personal appearance and customer relations.
- Any customer complaints should ideally be recorded and certainly dealt with by traders in a civil, welcome and helpful manner in order to meet customer expectations.
- No aggressive selling techniques will be permitted, traders are not allowed to call out or use any public address systems, or other practices, which may cause annoyance to other producers and customers.
- All Traders are expected to adhere to reasonable standards of behaviour and treat your fellow traders, market staff and the public with respect, courtesy and professionalism. Traders must respond co-operatively to and act upon any direction given by Bognor Regis Town Centre Management in relation to the operation and occupation of their pitch, stall, equipment, goods and vehicle during operating times and any direction of a security or safety nature. Traders must not act in an abusive, dangerous, or disruptive manner.

Cleaning and Waste Disposal

- Traders are expected to keep their pitch, stall and surrounding area as clean as possible throughout the event. All waste and litter is to be removed by the traders at the end of the event.
- Traders must keep the allocated stall or space and its immediate surroundings, including their own facilities, in a clean and tidy condition. Traders shall not bring any items or refuse onto the site for disposal or abandonment. Traders must not dispose of food waste in the general waste facilities. The trader shall remove all refuse from the market area and dispose of legally and responsibly. Traders' refuse must not be deposited in public litterbins. At the end of the trading times traders must remove all unsold and uncollected items and all trade equipment from the site.

Damage

- The use or attachment of anything likely to cause damage to street furniture, paving, floors, buildings, vehicles, fixtures or fittings is strictly prohibited. The cost of repairing or making good any damage caused by the trader, his/her employees, assistants, or agents to fixtures and fittings or other market property, shall be charged to the trader.

Additional information

A Business Improvement District (BID) has just been established, one of the key priorities is for more good quality events and activities in the town centre. With the closure of the general mar-

ket on the seafront a regular market is being trialled during 2017 with a view to making this a weekly market in 2018. The aim of such activity is to draw in customers who do not normally come into town.

We would ask that application is refused and the applicant is encouraged to operate under Town Centre Management’s existing street trading consent. If that is not possible, then the licence should include the conditions listed above and to co-operate and work with Town Centre Management, including using a specified pitch and relocating on request.

A representative WILL NOT be attending the Licensing and Enforcement Committee meeting.

Name of Representative (if applicable).....

Please return this form to:

Mr G James, Licensing Officer,
Arun District Council, The Civic Centre, Maltravers Road, Littlehampton, West Sussex, BN17 5LF
Tel: 01903 737755 Fax: 01903 723936

Sent: Thu 14/09/2017 15:59
From: Benjamin Whiffin <benjamin.whiffin@westsussex.gov.uk>
To: Glenn James
Subject: RE: Street trading application

Hi Glenn,

There is a prohibition of waiting on the precinct area of London Road and therefore the transit van wouldn't be permitted. If we did allow it, it could potentially cause confusion and result in vehicles entering the precinct area when they are not permitted!

Thanks

Ben Whiffin

Area Highway Manager – Arun District
Economy, Infrastructure and Environment – Highways and Transport
West Sussex County Council

Location: Western Area Office, Drayton Depot , West Sussex, PO20 2AJ **Contact: Internal:** 23823 | **External:** 01243 642105/07894589434|