

REGULATORY SUB COMMITTEE
Tuesday 23 November 2021 at 7.30pm
Council Chamber

AGENDA

1. Apologies for Absence
2. Declarations of Interest
3. Procedure for the Meeting (Page 2)
4. Application for Street Trading Licence - Mill Hatch (Pages 3 - 27)
5. Application for Street Trading Licence - Edinburgh Place (Pages 28 - 57)

LICENSING SUB-COMMITTEE

Determination of Licence Application (With Representations) Determination of Licence Renewal Application

Procedure (Guidance)

1. The Chairperson introduces Members of the Licensing Sub-Committee. All other parties, including Officers of the Council, should be identified.
2. **The Chair of the Licensing Sub-Committee will announce whether the decision of the Licensing Sub-Committee will be given at the end of the hearing with written confirmation sent to the Licence Holder/Applicant within 10 working days of the hearing, or whether it will just be given in writing within 10 working days of the hearing.**
3. Presentation of the report from Licensing Department, including the calling of any witnesses and production of any relevant documentation.
4. Members of the Sub-Committee, Applicant/Licence holder and Objectors may ask questions of Officers from Licensing Department [and witnesses] which are relevant to the proceedings in hand.
5. Applicant/Licence Holder or his/her representative to present their case, calling any witnesses and producing any relevant documentation.
6. Members of the Sub-Committee, Officers from Licensing Department and Objectors may ask questions of the Applicant/Licence Holder [and witnesses] which are relevant to the proceedings in hand.
7. Objectors or their representative to present their case calling any witnesses and producing any relevant documentation.
8. Members of the Sub-Committee, Officers from Licensing Department and Applicant may ask questions of the Objectors [and witnesses] which are relevant to the proceedings in hand.
9. Licensing Department to briefly sum up.
10. Applicant/Licence Holder or their representative to briefly sum up.
11. Objectors or their representative to briefly sum up.
12. Members of the Sub-Committee to ask any final questions.
13. Applicant/Licence Holder, Objectors and members of the public and press, Members of the Council not being members of the Licensing Sub-Committee, Officers of the Council not being the Committee Officer or Legal Advisor, will be requested to leave the hearing whilst Members of the Licensing Sub-Committee determine the case.

REPORT TO: REGULATORY SUB COMMITTEE

DATE: 23 NOVEMBER 2021

TITLE: APPLICATION FOR STREET TRADING LICENCE – MILL HATCH

LEAD OFFICER: MICHAEL PITT, ENVIRONMENT AND LICENSING MANAGER
(env.health@harlow.gov.uk)

CONTRIBUTING OFFICER: ROWLAND W WILSON, SENIOR LICENSING OFFICER
(licensing@harlow.gov.uk)

RECOMMENDED that:

- A** Members consider the report, and determine:
- i) To grant the application as applied for; or
 - ii) Grant the application with any variation deemed reasonably necessary subject to the Council's approved standard conditions and any other specific conditions or restrictions the Committee deem reasonable and appropriate; or
 - iii) To refuse the application.

BACKGROUND

1. The Local Government (Miscellaneous Provisions) Act 1982 contains adoptive provisions enabling local councils to control street trading by designating streets as Licence Streets, Consent Streets or Prohibited Streets.
2. Street trading is only permitted in Licence or Consent Streets if the Council has given permission by way of a licence or consent. Permission cannot be given to trade in Prohibited Streets. Street trading is not controlled in streets that have not been designated by the Council, or in areas covered by one of the exemptions within the legislation.
3. Harlow Council has designated all the streets within the Harlow district as either "PROHIBITED" or "LICENCE" streets for the purposes of street trading. A list of Street Trading Prohibited and Licence Streets is attached at Appendix 1 to the report.

4. In September 2001 the Council adopted Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982. This made it an offence for any person to carry out certain street trading activities in Harlow without first obtaining a Street Trading licence issued by Harlow Council.
5. The Council under the legislation can make suitable licencing requirements and in determining applications may apply appropriate conditions within the scope of the law with a view to minimising any adverse impact of street trading. The standard licence conditions are attached in Appendix 2 to the report.
6. In accordance with the Council's Street Trading Licensing Procedure, as set out in Appendix 3 to the report, applications that do not attract objections can be dealt with via delegated powers to officers. However, if an objection is received, the application would be a 'Contentious Application'.
7. Within the Street Trading Licensing Procedure it states:

"Determination of contentious applications will be undertaken by Harlow Council's Licensing Committee (who may delegate the matter to a Licensing Sub Committee) or Licensing Manager under delegated authority. The main reasons why an application will be deemed contentious are:

- a) An objection from consultees have been received which are relevant to grounds for refusal*
- b) An objection has been received as a result of the public notices*
- c) An Officer decision has been taken to refuse an application and a notice to that effect has been served on the applicant. The applicant then has seven days in which to make a relevant representation and this will be referred to a Licensing Sub Committee. "*

8. The Mill Hatch car park referred to in this report is freehold land owned by Harlow Council but adopted by Essex Highways under Section 38 of the Highways Act 1980. An adopted highway is a highway that was a privately-owned road, but has/becomes a public road, managed and maintained by the highway authority (in this case, Essex Highways). They can also be referred to as a 'maintained highway'. A highway is a legal right over land. It does not imply freehold ownership of the land. The majority of the freehold on which there is highway maintainable at public expense are not owned by the highway authorities, as is the case here. A freehold owner of land on which there are highway rights cannot obstruct or interfere with such public rights the legal maxim is 'once a highway always a highway' which means highways can only be extinguished by statutory power. It is not possible to adversely

possess a highway so as to claim ownership after 12 years. There are no limitation periods on unlawful encroachments of a highway.

9. A plan of the Mill Hatch car park and surrounding roads which shows the extent of the adopted highway is set out in Appendix 4 to the report. The adopted highway, denoted by the black hatching, completely surrounds the Mill Hatch shops and includes the car park to the front of the shops and to the rear of the shops.
10. There is an active traffic order in place at Mill Hatch, in the car park at the front of the shops. A map detailing the parking restrictions is set out in Appendix 5 to the report. The blue dashed line on this map indicates a limited waiting Mon-Fri 7am-7pm 1hr and no return within 2hrs (blue dashed line). The orange line indicates no waiting Mon-Fri 7am-7pm. The blue dashed lines are the parking bay areas of the Mill Hatch car park.
11. Mill Hatch itself is a small parade of shops consisting of a barbers, bookmakers, double café unit with sit in and takeaway services and a takeaway Greggs bakers. There is a petrol station with small convenience store immediately adjacent to these shops. Within a short walking distance (approximately 500m away) is a large Tesco Supermarket. Mill Hatch is located just off the very busy A414 that links the M11 to the A10. The area surrounding Mill Hatch is predominantly industrial with a mix of warehousing and manufacture with large retail outlets within a short distance.
12. Records held by the Council show that there has been a hot food street trader in Mill Hatch since 2008. The street trading licence was previously only ever issued for evening trade right through to February 2020.
13. Ms Zeyep Icboyun commenced trading at this location from 25 October 2018 which was on an evening basis only. (5.00 pm to 05.00am).
14. On 18 December 2019 an application was received from Ms Zeynep Icboyun for trading hours from 06.00am to 10.00pm (i.e. extending the permitted hours into the daytime).
15. On 21 January 2020 the Licensing Team started the consultation period for that application. The application was not sent to external stakeholders (on the basis that it was a renewal application with no complaints on file) so Essex Highways were not on the consultation list.
16. No objections were received and so the street trading licence was granted from 8 February 2020 to 7 February 2021 for the extended hours of 6am to 10pm.

17. On 14 February 2020 a complaint was received via the Council's Environmental Health team from a local business about the Don and Bun trailer trading during daytime hours. The complainant was a local business and related to Don and Bun being a large trailer, taking up space in the car park and making it difficult to get in and out of the car park. The complaint was registered in respect of the licence and noted that **consideration should be given when reviewing any further application or renewal.**
18. Ms Icboyun submitted a renewal application, as set out in Appendix 6 to the report, in early February 2021, requesting the trading times of 6am to 10pm 7 days a week. The application was not submitted correctly with all the necessary documents required until early March 2021. As the previous licence expired on 7 February 2021 the application was now treated as a new application rather than a renewal.
19. On 3 March 2021 the Licensing team started the consultation process for the application. All internal stakeholders and Essex Highways were consulted as a complaint had been received (as detailed above) in the previous year's licence period. The consultation period was scheduled to end on 17 March 2021.
20. On 3 March 2021 Essex Highways objected to the application insofar as it related to daytime trading hours, and stated that the substance of the objection relates to public safety and public access to this location: On 24 March 2021 the below comments were received;
- a) The serving hatch must not open into another parking space as there would be a conflict between pedestrians and vehicles, this would be classed as a Health and Safety Issue.
 - b) If the serving hatch opened on to a verge this would discriminate against all pedestrians being able to gain access, for example disabled and mobility impaired not being able to get up the kerb.
 - c) During inclement weather the verge would become water logged, therefore slips and falls might occur which is another Health and Safety Issue.
 - d) It is not acceptable that more than one parking space is used by one vehicle during opening hours of the businesses.
21. By way of consultation with the applicant, she was asked via e mail if she was willing to accept the officers comments and revert back to the previous evening only trading times, but this was declined.

22. On 16 April 2021, the Council's Environment and Licensing Manager determined that due to the objection from Highways, in their capacity of 'managing and maintaining' this land that the daytime trading hours could not be granted. Therefore, the Council would grant a Licence on principal terms different from those specified in the application i.e. reduced trading hours (6.00pm-10.00pm).
23. A letter dated 30 April 2021, as set out in Appendix 7 to the report, was sent to Ms Icboyun informing her of the Council's decision, and also explaining her right of appeal to the Magistrates Court within 21 days of the date of the letter.
24. In early May 2021 Ms Icboyun did lodge an appeal to the Clerk to the Justices at Essex Magistrates' Courts regarding the council's decision.
25. On 11 May 2021 a meeting was held between the Council's Environment & Licensing Manager, the Council's Legal Team and members of the Licensing Team to consider communication received from the business and to review future options available to the business.
26. During this meeting it was confirmed that the decision not to renew the Licence was correct and would be maintained; and that the business was not permitted to trade in accordance with regulation 6 (11) of Schedule 4 to the Local Government (Miscellaneous Provisions) Act 1982 as they had failed to complete the street trading consent renewal process prior to the consent expiry date.
27. It is understood that following the granting of the licence on 22 June 2021 by the Council's Environment and Licensing Manager, as set out in Appendix 8 to the report, Ms Icboyun began trading on 23 June 2021.
28. The business was granted a street trading licence for Mill Hatch to trade from 6pm to 10pm, with consent from Essex Highways but with specific conditions as specified in conditions A to K as set out in Appendix 2 to the report. Trade was not permitted before 6pm due to the parking restrictions in place.
29. Following consultation with the Council's legal representative, (Cornerstone Chambers) advice was received dated 21 July 2021 in which it stated the decision made by the Council's Environment and Licensing Manager and the letter of grant being sent to the applicant contained incorrect information concerning the accuracy of a right of appeal to the Magistrates Court within 21 days.
30. It has been established that the applicant in accordance with the Council's Street Trading Licensing Procedure Page 2 – Contentious Applications, as set out in Appendix 3 to the report, should have been informed in writing that

she did have the right of appeal to the Councils Licensing Sub Committee within 7 days of the date of the letter sent, and not to the Magistrates Court.

31. The applicant has since stated that had this decision been correctly notified to her then she would have lodged an appeal to the Councils Licensing Sub Committee.
32. As a result of this incorrect information being provided to the applicant, and following further consultation with her, the full costs for the application fee, together with all fees previously accrued with her solicitor for preparation in the appeal has now been refunded.

ISSUES/PROPOSALS

33. Having taken into account this report and all other evidence provided, the Licensing Sub-Committee should now determine this application with consideration to the points below:

- a) Each application shall be looked at on its own merits;
 - b) Using the Councils Street Trading Licensing Procedure;
 - c) Dealing with the hearing in a balanced and impartial manner;
 - d) Ensuring that the rules of natural justice are applied in any hearings held;
 - e) Giving all parties sufficient opportunity to present their case and ask questions;
 - f) Present information for consideration
34. That Members consider the report, and determine:
- a) To grant the application as applied for; or
 - b) Grant the application with any variation deemed reasonably necessary subject to the Council's approved standard conditions and any other specific conditions or restrictions the Committee deem reasonable and appropriate; or
 - c) To refuse the application.

IMPLICATIONS

Environment and Planning (Includes Sustainability)

As contained within the report.

Author: Andrew Bramidge, Director of Strategic Growth and Regeneration

Finance (Includes ICT, and Property and Facilities)

None specific.

Author: Simon Freeman, Deputy to the Chief Executive and Director of Finance

Housing

As outlined in the report.

Author: Andrew Murray, Director of Housing

Community Wellbeing (Includes Equalities and Social Inclusion)

None specific.

Author: Jane Greer, Director of Communities and Environment

Governance (Includes HR)

Members must have due regard to the application before them, the representations received (including any from statutory bodies) and determine the application in accordance with policy. Further legal advice in relation to any aspect of this application will be provided by an Officer at the Sub-Committee hearing to enable the process to be fair to all parties.

Author: Julie Galvin, Legal Services Manager on behalf of Simon Hill, Director of Governance and Corporate Support

Appendices

Appendix 1- Copy of Street Trading Prohibited and Licence Streets

Appendix 2 - Copy of Street Trading Licence conditions

Appendix 3 - Copy of Street Trading Licensing Procedure

Appendix 4 - Copy of plan of Mill Hatch car park

Appendix 5 - Copy of Traffic Order for Mill Hatch

Appendix 6 - Copy of application for a street trading licence

Appendix 7 - Copy of Council decision letter dated 30 April 2021

Appendix 8 - Copy of Licence issued 22 June 2021

Local Government (Miscellaneous Provisions) Act 1982

Street Trading Prohibited and Licence Streets (schedule A)

In accordance with Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982, Harlow Council has designated all the streets within the Harlow district as either "PROHIBITED" or "LICENCE" streets for the purposes of street trading.

It is an offence for any person to engage in street trading:

- i) in a PROHIBITED street
- ii) in a LICENCE street, unless he is authorised to trade in that street by a Street Trading Licence granted by the Council.

The list of streets is set out below:-

Prohibited Streets

(a) Town Centre

Street Trading is not permitted in the streets and pedestrianised areas of the Town centre, namely:-

Linkway	Birdcage Walk
Post Office Road	Post Office Walk
Crown Gate	Cross Street
South Gate	The Rows
East Walk	

A limited number of designated trading pitches are licenced in Broad Walk, Harvey Centre Approach and West Walk. Details of availability can be provided on request.

(b) Regional Primary Routes

The A414 (for its entire length between the Town boundary)

(c) Principal Urban Distributor Roads

Elizabeth Way
 Velizy Avenue
 Third Avenue
 Second Avenue
 Katherines Way
 Water Lane (Town Boundary to Katherines Way)
 Fifth Avenue (A414 to Second Avenue/Allende Avenue)
 A1184 (A414 to Town boundary)

(d) Secondary Distributor Roads

Gilden Way (London Road to Town boundary)
First Avenue/Mandela Avenue
Fourth Avenue
Southern Way
Howard Way
Tillwicks Road
Abercrombie Way

(e) Local Distributor or Other Roads

Roydon Road (Elizabeth Way to Town boundary)
Burnt Mill Lane
Harlow Town Station Approach Road
Harlow Mill Station Approach Road
Station Road
London Road
Haydens Road
Wayre Street
Service Road to south of Old Harlow Shopping Precinct
Church Langley Way
Kiln Lane
Flex Meadow

Licence Streets

Every street or part of a street which is not to be a PROHIBITED street will be a LICENCE street.

8 March 2006

Local Government (Miscellaneous Provisions) Act 1982

Street Trading Subsidiary Terms – (Conditions)

In this Licence the term "licence holder" means the person to whom the Licence is issued and includes any person employed by or working for him in the course of the trading which is licensed to be carried on.

This Licence is valid for a maximum of 12 months or shorter if specified in the licence from the date of issue and allows the holder to trade in Harlow in designated Licence Streets specified in Schedule A* only, and on the days and between the hours specified, and is subject to the following conditions:

- (a) This Licence is personal to the trader to whom it is issued and is not transferable. Any change of vehicle must be notified to the Licensing Team, and the new vehicle must then be made available for inspection when requested.
- (b) The trader must not, in exercising the rights granted under this Licence, cause, allow or permit any
 - (i) obstruction of the street or danger to persons using it, or
 - (ii) nuisance or annoyance (whether to persons using the street or otherwise).
- (c) This Licence, or a photocopy of it, must be displayed on the vehicle or stall whilst trading is in progress and must be shown on request to a Licensing Officer or other authorised officer of the Council, or to a Police Officer.
- (d) The Licence holder must comply with any relevant statutory requirements as relevant to their type of business.
- (e) No waste water or other material may be deposited down any public or private sewer (including any surface water gully or sewer) other than at a location and in a manner approved by the Council.
- (f) A waste transfer agreement must be made available on request for all waste connected from the operation of this licence.
- (g) For mobile licence holders, no form of street trading may be carried on in any one place for a continuous period of more than 30 minutes, and the licence holder must not then again trade at that location within a period of 5 hours.
- (h) For mobile licence holders no street trading may be carried on at any location on any bus route for any continuous period of more than 10 minutes.
- (i) For mobile licence holders upon request by a council officer evidence of the vehicle MOT and Insurance shall be provided.
- (j) The Licence holder must notify the Licensing Team of any new employees within 28 days of them starting.
- (k) The Licence holder must notify the Licensing Team of any conviction for any offence since their last application for grant or renewal of a licence was made, within 7 days of conviction.

- (l) If any of the conditions attached to this licence are not complied with or strictly observed, the Council may refuse to renew or revoke the licence. Failure to trade in compliance with the Principal Terms of the licence i.e. in Licence Streets only, and in articles stated on the Licence, may result in prosecution, leading to a fine of up to £1000.

This licence does not in any way protect the licence holder from prosecution for obstruction of the highway (NB. "highways" includes lay-bys) or from civil action for trespass onto private land.

Agreed by Environment and Community Committee 19th January 2010

Amended: 22 July 2014

LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982

PROCEDURE FOR THE GRANT OF A STREET TRADING LICENCE

Legislative Background

Harlow Council has adopted Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982 and all street trading within the boundaries of the district is controlled by the Council.

Street trading is not permitted whatsoever in any of the designated Prohibited Streets. Street trading is not permitted in the remaining streets, designated Licence Streets, unless a Street Trading Licence has been issued by the Council's Licensing Team. The list of Prohibited and Licence Streets is available as a separate advice note.

In addition to the Principal Terms (the street, position within that street, permitted days and times, and permitted articles) the Council will attach conditions known as the Subsidiary Terms, details of which are contained on a separate advice note.

Definitions

"Street trading" means the selling or exposing or offering for sale of any article (including a living thing) in a street, with the following exceptions:

- (a) Any person acting as a pedlar under Pedlars Act of 1871.
- (b) Anything done in a market or fair which has been properly and legally established.
- (c) Trading as a news vendor.
- (d) Trading carried on at premises used as a petrol filling station.
- (e) Trading which is carried on at premises used as a shop or in a street adjoining premises so used and which is part of the business of the shop.
- (f) Selling things or offering or exposing them for sale as a roundsman.

"Street" includes any road, footway, beach or other area to which the public have access without payment and it also includes any part of a street.

New Application

Any person wishing to apply for the grant of a licence must submit a completed application form to:

Harlow Council
Licensing Team
Civic Centre
The Water Gardens
Harlow CM20 1WG

Together with the following:

- Correct fee
- One full-faced passport sized photo
- One photograph of vehicle or stall/barrow etc. to be used
- Copy of waste transfer agreement
- Copy of public liability insurance
- Landowner details (where trading is on private land)
- Details of employees that will work at vehicle
- Location plan where vehicle is to be sited (for fixed site applications only)
- A copy of MOT and insurance certificate (for mobile licences only)

New Application – Continued - Fee

Fee:

All fee levels are set in accordance with the provisions of Schedule 4 (9) of the Local Government (Miscellaneous Provisions) Act 1982 and Harlow Council's Corporate Charging Policy.

Fee levels will be reviewed on a periodic basis.

Current fee is included on the application form.

Consultation

As part of an application for the grant of a licence the Licensing Team will undertake the following consultation.

- Public notice placed in local newspaper – for new applications for a mobile street trading licence.
- Notice prominently displayed at fixed site for 14 days.
- Landowner
- Harlow Council Environmental Health – Commercial Team
- Harlow Council Properties and Facilities Management – Parking Services
- Harlow Council Properties and Facilities Management – Property Officer
- Harlow Council Regeneration (for premises/locations within the Town Centre)
- Harlow Council Community Safety Team

Determining the Application

Non-Contentious Applications

Harlow Council Licensing Team will undertake determination of non-contentious applications.

Contentious Applications

Determination of contentious applications will be undertaken by Harlow Council's Licensing Committee (who may delegate the matter to a Licensing Sub Committee) or Licensing Manager under delegated authority.

The main reasons why an application will be deemed contentious are:

- An objection from consultees have been received which are relevant to grounds for refusal
- An objection has been received as a result of the public notices
- An Officer decision has been taken to refuse an application and a notice to that effect has been served on the applicant. The applicant then has seven days in which to make a relevant representation and this will be referred to a Licensing Sub Committee. [If the application is still refused then there is a right of appeal to the Magistrates Court.]

Renewal Application

Existing licence holders wishing to apply for the renewal of a licence must submit a completed application form to:

Harlow Council
Licensing Team
Civic Centre
The Water Gardens
Harlow CM20 1WG

Together with the following:

- Correct fee
- One full-faced passport sized photo
- One photograph of vehicle or stall/barrow etc. to be used
- Copy of waste transfer agreement
- Copy of public liability insurance
- Details of employees that will work at vehicle
- A copy of MOT and insurance certificate (for mobile licences only)

Fee

Fee: All fee levels are set in accordance with the provisions of Schedule 4 (9) of the Local Government (Miscellaneous Provisions) Act 1982 and Harlow Council's Corporate Charging Policy.

Fee levels will be reviewed on a periodic basis.

Current fee is included on the application form.

Consultation

As part of an application for the grant of a licence the Licensing Team will undertake the following consultation.

- Harlow Council Environmental Health – Commercial Team
- Harlow Council Properties and Facilities Management – Parking Services
- Harlow Council Properties and Facilities Management – Property Officer
- Harlow Council Regeneration (for premises/locations within the Town Centre)
- Harlow Council Community Safety Team

Determining the Application

Non-Contentious Applications

Harlow Council Licensing Team will undertake determination of non-contentious applications.

Contentious Applications

Determination of contentious applications will be undertaken by Harlow Council's Licensing Committee (who may delegate the matter to a Licensing Sub Committee) or Licensing Manger under delegated authority.

The main reasons why an application will be deemed contentious are:

- An objection from consultees have been received which are relevant to grounds for refusal
- An objection has been received as a result of the public notices

Determining the Application - Continued

- An Officer decision has been taken to refuse an application and a notice to that effect has been served on the applicant. The applicant then has seven days in which to make a relevant representation and this will be referred to a Licensing Sub Committee. [If the application is still refused then there is a right of appeal to the Magistrates Court.]

Conditions

All licences issued will be subject to the Council's standard conditions and any other specific conditions, relevant to the licence in question, as may be reasonable necessary. See advice note for standard conditions.

RIGHT OF APPEAL

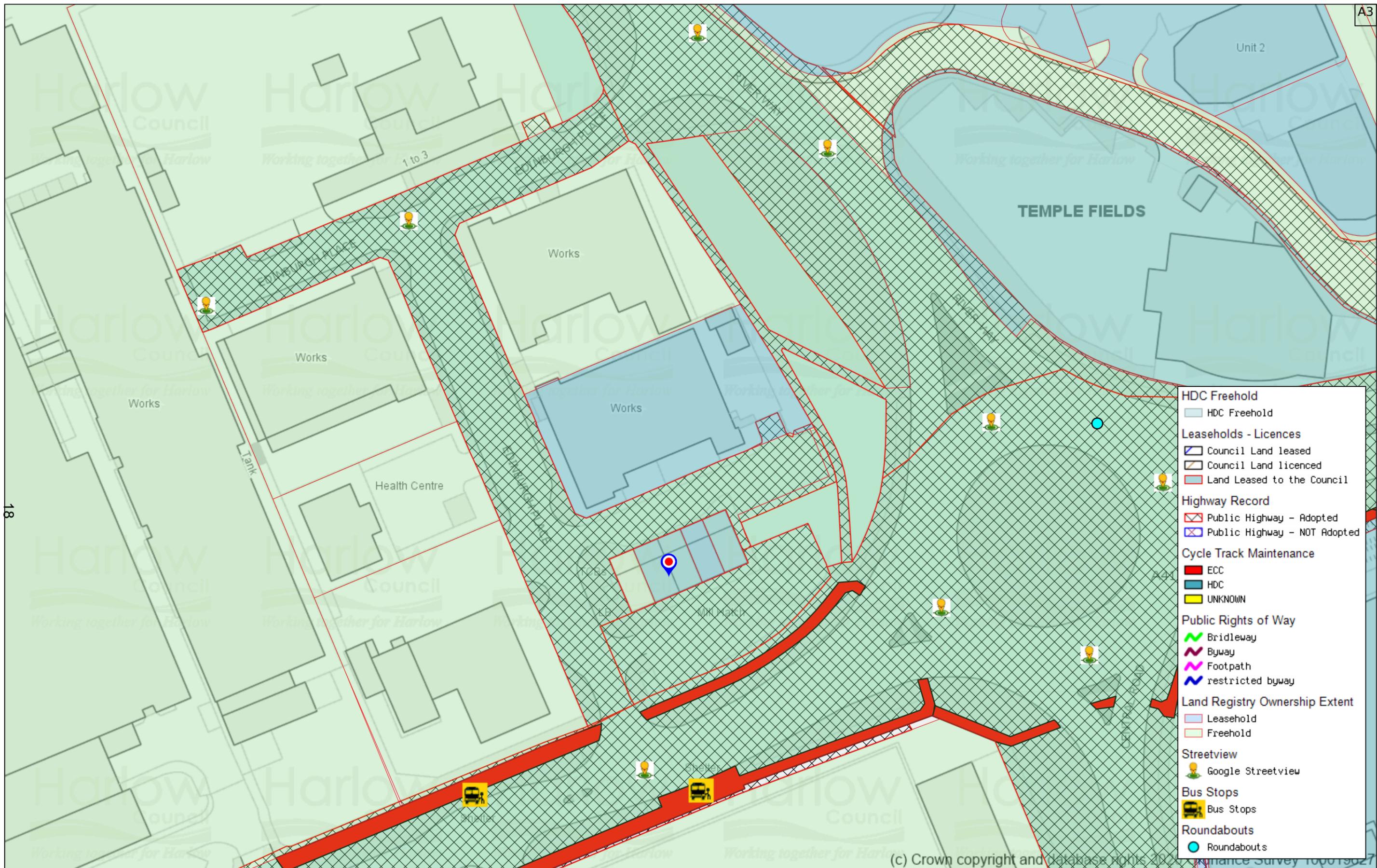
Under Section 6 of Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982 there is a right of appeal to the Magistrates Court against the refusal of the Local Authority to grant, renew, revoke or vary the principle terms of a Street Trading Licence.

ENFORCEMENT

Failure to obtain an appropriate licence or failure to comply with the principle terms and/or conditions of the licence will result in enforcement action being instigated. Any enforcement action instigated will be in accordance with the provisions of the Licensing Team General Enforcement Policy.

Agreed by Environment and Community Committee 19th January 2010

Amended: 23 May 2016



18

Title:
 Edinburgh Place
 Harlow
 Essex

Scale: 1:709
 Date/Time: 2021-05-18 14:21:01
 Drawn By: rachel.crouch@HARLOW_GIS



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Local Government (Miscellaneous Provisions) Act 1982

Application for [Grant] [Renewal] of Street Trading Licence

New application Renewal of existing application

Name Zeynep Icbayon

Address DON & BUN BURGERS VAN
 EDINBURGH way,
 Post Town MILLHATCH, HARLOW
 CM20 2DG
 Postcode
 Telephone 01279 909 577
 E-mail

Date of Birth	
Previous Names/Alias	
Place of Birth	

Hereby make application for the [renewal] of a Street Trading Licence in accordance with section 3 of and Schedule 4 to the Local Government (Miscellaneous Provisions) Act 1982

My present Licence was granted on and expires on 8th February 2020 till 7th February 2021

The street in which I wish to trade is (street & position) AS ABOVE

and I wish to operate between the hours of And 06:00 ~~and~~ till 22:00 (Same as current, no changes)

On (days) MONDAY to SUNDAY

The articles in which I wish to trade are (description)

Kebabs, Burgers
and hot & cold Drinks

The stall, vehicle or container that I wish to use is (description, including dimensions & registration number)

MOBILE CATERING TRAILER
Reg: GPO4 WVV (Don & Bun)

Local Government (Miscellaneous Provisions) Act 1982
Application for [Grant] [Renewal] of Street Trading Licence - continued

CHECK LIST:	Tick Box
• I declare that I am not under the age of 17 years	<input checked="" type="checkbox"/>
• Have you been convicted of any criminal offences as listed below (please see suitability criteria below)	Yes <input checked="" type="radio"/> No
• I have contacted the Planning Team with regard to planning permission (new applications only)	<input checked="" type="checkbox"/>
I attach the following documentation/photographs:	
• One full-faced passport sized photo	<input checked="" type="checkbox"/>
• One photograph of the vehicle, stall/barrow etc. to be used for street trading	<input checked="" type="checkbox"/>
• Copy of waste transfer agreement	<input checked="" type="checkbox"/>
• Copy of Public Liability Insurance (minimum of five million pounds of cover)	<input checked="" type="checkbox"/>
• Landowner details (if trading on private land)	<input checked="" type="checkbox"/>
• Location plan for fixed site (new application only)	<input checked="" type="checkbox"/>
• Copy of MOT and insurance (mobile traders only)	<input checked="" type="checkbox"/>
• Details of employees that will work at said vehicle (include unpaid help)	<input checked="" type="checkbox"/>
• Enclose the fee of £410 - cheques made payable to 'Harlow Council'. Payment can be made at Contact Harlow quoting reference: 19241 2772 and also over the phone on 01279 446655. Please write your payment reference number here:	<input checked="" type="checkbox"/>
• I will notify the Licensing Team within 28 days of employment of any new members of staff or unpaid staff	<input checked="" type="checkbox"/>
• I will notify the Licensing Team immediately if I am charged with any offence	<input checked="" type="checkbox"/>
• To comply with the Immigration, Asylum & Nationality Act 2006 this Council is required to check your eligibility to live and work in the UK. Please confirm that you are able to live and work in the UK and that on request, you will be able to provide evidence of this.	PLEASE TICK <input checked="" type="radio"/> YES <input type="radio"/> NO

Payment Ref:

004937

Ref: ~~001737~~

SUITABILITY CRITERIA

Section 6 of Schedule 4 gives the reasons for refusal of a licence; one reason, (d), is that the applicant is unsuitable to hold the licence by reason of having been convicted of an offence or for any other reason*.

When considering whether a person is unsuitable to hold a street trading licence the following will be taken into account:

Any conviction or caution for:

- A Sexual offence

- A Violent offence
- Offences under Trade Mark legislation
- Offences under the Food Safety legislation – catering vendors only
- Offence under Copyright, Designs and Patents legislation
- Offences of Forgery and Counterfeiting
- Offences under Customs and Excise legislation
- Trade Description offences
- Theft and theft related offences
- Any licensing offence under Street Trading or other relevant legislation.
- Limited driving offences (Mobile licences only)
- Any other offence that may be deemed relevant on a case by case basis.

When considering cautions or convictions the Rehabilitation of Offenders Legislation will be taken into consideration.

Consideration may also be given to the applicant's conduct as a Street Trader.

Where there is concern that an applicant is not suitable the application will become contentious and dealt with accordingly.

How information about you will be used

Harlow Council understands that your privacy is important to you. The information you provide on this form will be kept private and confidential and used for the purpose of processing your application.

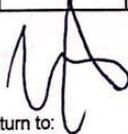
However, Harlow Council is under a duty to protect the public funds it administers, and to this end may use the information provided for the prevention and detection of fraud. It may also share this information with other bodies responsible for auditing or administering public funds for these purposes. The Cabinet Office currently requires us to participate in a data matching exercise to assist in the prevention and detection of fraud. Further information about the data matching exercise is available on Harlow Council's website at www.harlow.gov.uk/data-matching

In order to process the application Harlow Council will share your information with Harlow Police so that checks can be carried out to check your suitability to hold a street trading licence and with Teams within Harlow Council as part of the consultation process as outlined within the street trading procedure documentation.

Note: making deliberately a false statement in connection with this application is an offence, punishable on summary conviction by a fine of up to £1000

Signed:	Date:
---------	-------

29/01/2021



Please return to:

Licensing Team, Harlow Council, Civic Centre, The Water Gardens, Harlow, Essex, CM20 1WG

Email: licensing@harlow.gov.uk

Ms Zeynep Icboyun
[REDACTED]
[REDACTED]
[REDACTED]

Licensing Team
Harlow Council
Civic Centre
The Water Gardens
Harlow
Essex CM20 1WG
www.harlow.gov.uk

Our Ref: STREET/21/00006
Your Ref:
Date: 30 April 2021

Dear Ms Icboyun

Local Government (Miscellaneous Provisions) Act 1982

**Application for a Street Trading Licence
GP04 WV, Mill Hatch Car Park, Harlow, CM20 2DG**

I write with regard to the application for the grant/renewal of a street trading licence for the above location, to trade on Monday to Sunday during 06:00 hours to 22:00 hours.

As a result of Harlow Council's consultation process, an objection has been received from Essex County Council Highways to the grant of the licence. They are the caretakers of the public highway and this area falls within the public highway.

The substance of the objection relates to public safety and public access to this location:

- The serving hatch must not open into another parking space as there would be a conflict between pedestrians and vehicles, this would be classed as a Health and Safety Issue.
- If the serving hatch opened on to a verge this would discriminate against all pedestrians being able to gain access, for example disabled and mobility impaired not being able to get up the kerb.
- During inclement weather the verge would become water logged, therefore slips and falls might occur which is another Health and Safety Issue.
- It is not acceptable that more than one parking space is used by one vehicle during opening hours of the businesses.

Under delegated authority, I have determined on this matter and the licence will not be granted for all the hours applied for. Reduced trading hours of 17.00 hours to 22.00 hours are granted.

This shall not take effect until the time for bringing an appeal has expired or, where an appeal is duly brought, until the determination or abandonment of the appeal.

Your right of appeal

As the applicant you have the right to appeal to the Magistrates' Court against this decision.

Under Section 6 of Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982 there is a right of appeal to the Magistrates' Court against the refusal of the Local Authority to grant, renew, revoke or vary the principal terms of a Street Trading Licence.

How to make an appeal

An appeal must be made within a period of **21 days** from the date of this letter.

The notice of appeal must be sent to:

Clerk to the Justices
Essex Magistrates' Courts
Osprey House
Hedgerows Business Park
Colchester Road
Springfield
Chelmsford
CM2 5PF

Tel: 01245 313500

Do not hesitate to contact me should you require any further information.

Yours sincerely



Michael Pitt
Environment & Licensing Manager
e-mail: licensing@harlow.gov.uk

Harlow Council, Licensing Team
 Civic Centre, The Water Gardens
 Harlow, Essex, CM20 1WG
 Tel: 01279 446655
 licensing@harlow.gov.uk



Local Government (Miscellaneous Provisions) Act 1982
Street Trading Licence - STREET/21/00112

Harlow District Council being the Licensing authority under section 3 of the above act, HEREBY GRANT RENEWAL OF A STREET TRADING LICENCE to:

Name Ms Zeynep Icbayun

Address [REDACTED]

Principal Terms of the Licence listed a to e below:

To trade (Schedule A)	(a) Mill Hatch Car Park (in specified parking bay), Edinburgh Way, Harlow, CM20 2DG
On	(b) Monday to Sunday
Between the hours of	(c) 18:00 hours to 23:00 hours
In the articles of the following description	(d) Kebabs and Burgers and Hot and Cold drinks
Using	(e) Mobile Catering Trailer - Reg: GP04 WVV (Don & Bun)

This LICENCE is **granted** subject to the condition(s) set out below.

A fee of £430 has been paid for this Licence.

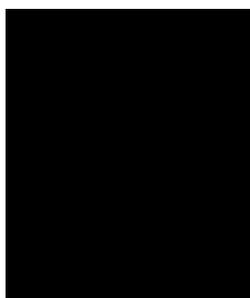
This Licence shall remain in force from the **22 June 2021 until and including 21 June 2022**

Signed:

Dated: 22 June 2021

On behalf of the authority

Photograph of licence holder

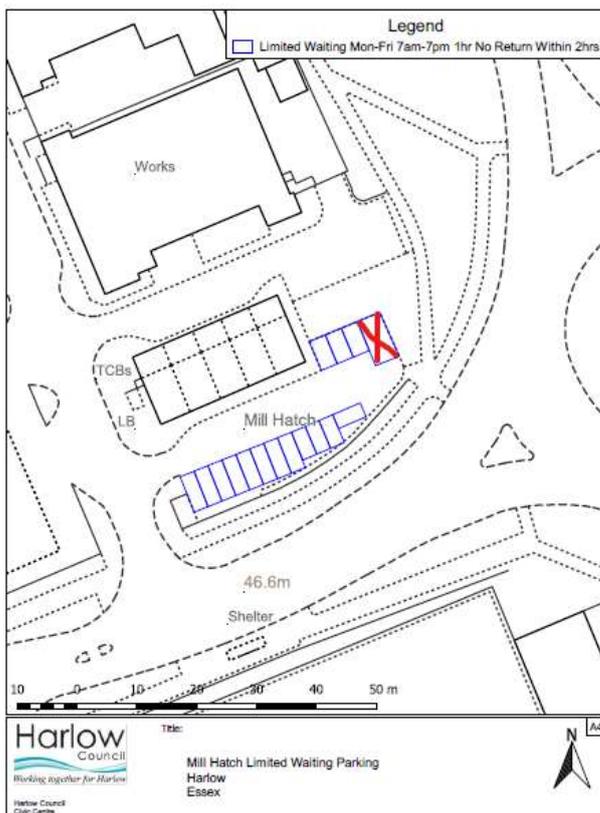


SCHEDULE

1. The licence holder shall ensure compliance at all times with the Principal Terms of the Licence (a-e above). Contravention of the Principal Terms is an offence, liable to a fine not exceeding £1000.
2. The licence holder shall ensure that the attached Subsidiary Terms are complied with at all times. Failure to do so may result in the refusal to renew or revocation of the licence.
3. This licence does not in any way protect the licence holder from prosecution for obstruction of the highway (NB. "highways" include lay-bys) or from civil action for trespass onto private land. This licence does not allow the licence holder access to land where permission has not been obtained from the owner or occupier of that land. It does not give permission for access to Council property including car parks.
4. The food van must be parked in the end parking bay as shown in the attached plan, nose out (facing Edinburgh Way) and so that the serving hatch faces the roundabout: the serving hatch must not open into another parking space.
5. The food van must not take up more than one parking bay.
6. There must be no conflict between vehicles using the car park and pedestrians. Leave a footpath width between your serving hatch and the kerbstone / grass area to enable customers to queue / stand on the concrete at your serving hatch but still be protected from reversing / manoeuvring vehicles in the car park.
7. Access to the food van must be accessible to all customers.
8. You cannot park / trade from Mill Hatch until 18.00 hours due to the parking restrictions in place (you can trade up to 23.00 hours).
9. The food van must be removed from the trading location no later than one hour after the end of the trading period.

SCHEDULE OF PERMITTED STREETS FOR TRADING

Mill Hatch Car Park – in parking bay as marked with a red cross



Local Government (Miscellaneous Provisions) Act 1982

Street Trading Subsidiary Terms – (Conditions)

In this Licence the term "licence holder" means the person to whom the Licence is issued and includes any person employed by or working for him in the course of the trading which is licensed to be carried on.

This Licence is valid for a maximum of 12 months or shorter if specified in the licence from the date of issue and allows the holder to trade in Harlow in designated Licence Streets specified in Schedule A* only, and on the days and between the hours specified, and is subject to the following conditions:

- (a) This Licence is personal to the trader to whom it is issued and is not transferable. Any change of vehicle must be notified to the Licensing Team, and the new vehicle must then be made available for inspection when requested.
- (b) The trader must not, in exercising the rights granted under this Licence, cause, allow or permit any
 - (i) obstruction of the street or danger to persons using it, or
 - (ii) nuisance or annoyance (whether to persons using the street or otherwise).
- (c) This Licence, or a photocopy of it, must be displayed on the vehicle or stall whilst trading is in progress and must be shown on request to a Licensing Officer or other authorised officer of the Council, or to a Police Officer.
- (d) The Licence holder must comply with any relevant statutory requirements as relevant to their type of business.
- (e) No waste water or other material may be deposited down any public or private sewer (including any surface water gully or sewer) other than at a location and in a manner approved by the Council.
- (f) A waste transfer agreement must be made available on request for all waste connected from the operation of this licence.
- (g) For mobile licence holders, no form of street trading may be carried on in any one place for a continuous period of more than 30 minutes, and the licence holder must not then again trade at that location within a period of 5 hours.
- (h) For mobile licence holders no street trading may be carried on at any location on any bus route for any continuous period of more than 10 minutes.
- (i) For mobile licence holders upon request by a council officer evidence of the vehicle MOT and Insurance shall be provided.
- (j) The Licence holder must notify the Licensing Team of any new employees within 28 days of them starting.
- (k) The Licence holder must notify the Licensing Team of any conviction for any offence since their last application for grant or renewal of a licence was made, within 7 days of conviction.
- (l) If any of the conditions attached to this licence are not complied with or strictly observed, the Council may refuse to renew or revoke the licence. Failure to trade in compliance with the Principal Terms of the licence i.e. in Licence Streets only, and in articles stated on the Licence, may result in prosecution, leading to a fine of up to £1000.

This licence does not in any way protect the licence holder from prosecution for obstruction of the highway (NB. "highways" includes lay-bys) or from civil action for trespass onto private land.

Agreed by Environment and Community Committee 19th January 2010
Amended: 22 July 2014

REPORT TO: REGULATORY SUB COMMITTEE

DATE: 23 NOVEMBER 2021

TITLE: APPLICATION FOR STREET TRADING LICENCE – EDINBURGH PLACE HARLOW

LEAD OFFICER: MICHAEL PITT, ENVIRONMENT AND LICENSING MANAGER
(env.health@harlow.gov.uk)

CONTRIBUTING OFFICER: ROWLAND W WILSON,
SENIOR LICENSING OFFICER
(licensing@harlow.gov.uk)

RECOMMENDED that:

- A** That Members consider the report, and determine:
- i) To grant the application as applied for; or
 - ii) Grant the application with any variation deemed reasonably necessary subject to the Council's approved standard conditions and any other specific conditions or restrictions the Committee deem reasonable and appropriate; or
 - iii) To refuse the application.

BACKGROUND

1. The Local Government (Miscellaneous Provisions) Act 1982 contains adoptive provisions enabling local councils to control street trading by designating streets as Licence Streets, Consent Streets or Prohibited Streets.
2. Street trading is only permitted in Licence or Consent Streets if the Council has given permission by way of a licence or consent. Permission cannot be given to trade in Prohibited Streets. Street trading is not controlled in streets that have not been designated by the Council, or in areas covered by one of the exemptions within the legislation.
3. Harlow Council has designated all the streets within the Harlow district as either "PROHIBITED" or "LICENCE" streets for the purposes of street trading. A list of Street Trading Prohibited and Licence Streets is set out at Appendix 1 to the report.

4. In September 2001 the Council adopted Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982. This made it an offence for any person to carry out certain street trading activities in Harlow without first obtaining a Street Trading licence issued by Harlow Council.
5. The Council under the legislation can make suitable licencing requirements and in determining applications may apply appropriate conditions within the scope of the law with a view to minimising any adverse impact of street trading. The standard licence conditions are set out in Appendix 2 to the report.
6. In accordance with the Council's Street Trading Licensing Procedure, as set out in appendix 3 to the report, applications that do not attract objections can be dealt with via delegated powers to officers. However, if an objection is received, the application would be a 'Contentious Application'.
7. Within the Street Trading Licensing Procedure it states:

"Determination of contentious applications will be undertaken by Harlow Council's Licensing Committee (who may delegate the matter to a Licensing Sub Committee) or Licensing Manager under delegated authority. The main reasons why an application will be deemed contentious are:

- a) *An objection from consultees have been received which are relevant to grounds for refusal*
- b) *An objection has been received as a result of the public notices***
- c) *An Officer decision has been taken to refuse an application and a notice to that effect has been served on the applicant. The applicant then has seven days in which to make a relevant representation and this will be referred to a Licensing Sub Committee."*

8. Edinburgh Place referred to in this report is freehold land owned by Harlow Council but adopted by Essex Highways under Section 38 of the Highways Act 1980. An adopted highway is a highway that was a privately-owned road, but has/becomes a public road, managed and maintained by the highway authority (in this case, Essex Highways). They can also be referred to as a 'maintained highway'. A highway is a legal right over land. It does not imply freehold ownership of the land. The majority of the freehold on which there is highway maintainable at public expense are not owned by the highway authorities, as is the case here. A freehold owner of land on which there are highway rights cannot obstruct or interfere with such public rights the legal maxim is 'once a highway always a highway' which means highways can only be extinguished by statutory power. It is not possible to adversely possess a

highway so as to claim ownership after 12 years. There are no limitation periods on unlawful encroachments of a highway.

9. A plan of the proposed location in Edinburgh Place Harlow and surrounding roads which shows the extent of the adopted highway is set out in Appendix 4 to the report.
10. There is an active traffic order in place in Edinburgh Place. A map detailing the parking restrictions is set out in Appendix 5 to the report. This indicates no waiting Mon-Fri 7am-7pm.
11. Edinburgh Place itself is a road consisting of industrial units including a scrap metal yard, a timber merchants, a tyre shop and MOT garage, and a petrol station. Edinburgh Place is located just off the very busy A414 that links the M11 to the A10. The area surrounding it is predominantly industrial with a mix of warehousing and manufacture with large retail outlets within a short distance.
12. On 22 September 2021 a completed application, as set out in Appendix 6 to the report, was received for a new Street Trading Licence. The applicant Ms Zeynep Icbayun is requesting to trade from private land situated at Unit 6, 2 Edinburgh Place, Templefields, Harlow, CM20 2DJ.
13. Within the application it states that trading would take place from a mobile catering van to operate at this location Monday to Sunday between the hours of 6.00am and 6.00pm. A picture of the van is set out in Appendix 7 to the report.
14. Following receipt of the application on 22 September 2021 the Licensing Team started the consultation period (14 days) for this application. The application process includes:
 - a) A Public notice placed in local newspaper – for new applications for a mobile street trading licence.
 - b) Notice prominently displayed at fixed site for 14 days
 - c) Landowner
 - d) Harlow Council Environmental Health – Commercial Team
 - e) Harlow Council Properties and Facilities Management – Parking Services
 - f) Harlow Council Properties and Facilities Management – Property Officer
 - g) Harlow Council Regeneration (for premises/locations within the Town Centre)
 - h) Harlow Council Community Safety Team
 - i) Essex Highways

15. The consultation period closed on 6 October 2021, and it was noted that none of the statutory bodies had any representations in connection with the application.
16. Three representations were received from businesses operating within the immediate vicinity of the location of the proposed application. A copy of the complaints are set out in Appendix 8 to the report.
17. To comply with the current Street Trading Licensing procedure this application is required to be determined by a Licensing Committee.

ISSUES/PROPOSALS

18. Having taken into account this report and all other evidence provided, the Licensing Sub Committee should now determine this application with consideration to the points below:
 - a) Each application shall be looked at on its own merits;
 - b) Using the Council's Street Trading Licensing Procedure;
 - c) Dealing with the hearing in a balanced and impartial manner;
 - d) Ensuring that the rules of natural justice are applied in any hearings held;
 - e) Giving all parties sufficient opportunity to present their case and ask questions;
 - f) Present information for consideration
19. That Members consider the report, and determine:
 - a) To grant the application as applied for; or
 - b) Grant the application with any variation deemed reasonably necessary subject to the Council's approved standard conditions and any other specific conditions or restrictions the Committee deem reasonable and appropriate; or
 - c) To refuse the application

IMPLICATIONS

Environment and Planning (Includes Sustainability)

As contained within the report.

Author: Andrew Bramidge, Director of Strategic Growth and Regeneration

Finance (Includes ICT, and Property and Facilities)

None specific.

Author: Simon Freeman, Deputy to the Chief Executive and Director of Finance

Housing

As outlined in the report.

Author: Andrew Murray, Director of Housing

Community Wellbeing (Includes Equalities and Social Inclusion)

None specific.

Author: Jane Greer, Director of Communities and Environment

Governance (Includes HR)

Members must have due regard to the application before them, the representations received (including any from statutory bodies) and determine the application in accordance with policy. Further legal advice in relation to any aspect of this application will be provided by an Officer at the Sub-Committee hearing to enable the process to be fair to all parties.

Author: Julie Galvin, Legal Services Manager on behalf of Simon Hill, Director of Governance and Corporate Support

Appendices

Appendix 1- Copy of Street Trading Prohibited and Licence Streets

Appendix 2 - Copy of Street Trading Licence conditions

Appendix 3 - Copy of Street Trading Licensing Procedure

Appendix 4 - Copy of plan of Edinburgh Place Harlow

Appendix 5 - Copy of Traffic Order for Edinburgh Place Harlow

Appendix 6 - Copy of application for a street trading licence

Appendix 7 - Picture of mobile catering van.

Appendix 8 - Copy of 3 representations received.

Local Government (Miscellaneous Provisions) Act 1982

Street Trading Prohibited and Licence Streets (schedule A)

In accordance with Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982, Harlow Council has designated all the streets within the Harlow district as either "PROHIBITED" or "LICENCE" streets for the purposes of street trading.

It is an offence for any person to engage in street trading:

- i) in a PROHIBITED street
- ii) in a LICENCE street, unless he is authorised to trade in that street by a Street Trading Licence granted by the Council.

The list of streets is set out below:-

Prohibited Streets

(a) Town Centre

Street Trading is not permitted in the streets and pedestrianised areas of the Town centre, namely:-

Linkway	Birdcage Walk
Post Office Road	Post Office Walk
Crown Gate	Cross Street
South Gate	The Rows
East Walk	

A limited number of designated trading pitches are licenced in Broad Walk, Harvey Centre Approach and West Walk. Details of availability can be provided on request.

(b) Regional Primary Routes

The A414 (for its entire length between the Town boundary)

(c) Principal Urban Distributor Roads

Elizabeth Way
 Velizy Avenue
 Third Avenue
 Second Avenue
 Katherines Way
 Water Lane (Town Boundary to Katherines Way)
 Fifth Avenue (A414 to Second Avenue/Allende Avenue)
 A1184 (A414 to Town boundary)

(d) Secondary Distributor Roads

Gilden Way (London Road to Town boundary)
First Avenue/Mandela Avenue
Fourth Avenue
Southern Way
Howard Way
Tillwicks Road
Abercrombie Way

(e) Local Distributor or Other Roads

Roydon Road (Elizabeth Way to Town boundary)
Burnt Mill Lane
Harlow Town Station Approach Road
Harlow Mill Station Approach Road
Station Road
London Road
Haydens Road
Wayre Street
Service Road to south of Old Harlow Shopping Precinct
Church Langley Way
Kiln Lane
Flex Meadow

Licence Streets

Every street or part of a street which is not to be a PROHIBITED street will be a LICENCE street.

8 March 2006

Local Government (Miscellaneous Provisions) Act 1982

Street Trading Subsidiary Terms – (Conditions)

In this Licence the term "licence holder" means the person to whom the Licence is issued and includes any person employed by or working for him in the course of the trading which is licensed to be carried on.

This Licence is valid for a maximum of 12 months or shorter if specified in the licence from the date of issue and allows the holder to trade in Harlow in designated Licence Streets specified in Schedule A* only, and on the days and between the hours specified, and is subject to the following conditions:

- (a) This Licence is personal to the trader to whom it is issued and is not transferable. Any change of vehicle must be notified to the Licensing Team, and the new vehicle must then be made available for inspection when requested.
- (b) The trader must not, in exercising the rights granted under this Licence, cause, allow or permit any
 - (i) obstruction of the street or danger to persons using it, or
 - (ii) nuisance or annoyance (whether to persons using the street or otherwise).
- (c) This Licence, or a photocopy of it, must be displayed on the vehicle or stall whilst trading is in progress and must be shown on request to a Licensing Officer or other authorised officer of the Council, or to a Police Officer.
- (d) The Licence holder must comply with any relevant statutory requirements as relevant to their type of business.
- (e) No waste water or other material may be deposited down any public or private sewer (including any surface water gully or sewer) other than at a location and in a manner approved by the Council.
- (f) A waste transfer agreement must be made available on request for all waste connected from the operation of this licence.
- (g) For mobile licence holders, no form of street trading may be carried on in any one place for a continuous period of more than 30 minutes, and the licence holder must not then again trade at that location within a period of 5 hours.
- (h) For mobile licence holders no street trading may be carried on at any location on any bus route for any continuous period of more than 10 minutes.
- (i) For mobile licence holders upon request by a council officer evidence of the vehicle MOT and Insurance shall be provided.
- (j) The Licence holder must notify the Licensing Team of any new employees within 28 days of them starting.
- (k) The Licence holder must notify the Licensing Team of any conviction for any offence since their last application for grant or renewal of a licence was made, within 7 days of conviction.

- (l) If any of the conditions attached to this licence are not complied with or strictly observed, the Council may refuse to renew or revoke the licence. Failure to trade in compliance with the Principal Terms of the licence i.e. in Licence Streets only, and in articles stated on the Licence, may result in prosecution, leading to a fine of up to £1000.

This licence does not in any way protect the licence holder from prosecution for obstruction of the highway (NB. "highways" includes lay-bys) or from civil action for trespass onto private land.

Agreed by Environment and Community Committee 19th January 2010

Amended: 22 July 2014

LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982

PROCEDURE FOR THE GRANT OF A STREET TRADING LICENCE

Legislative Background

Harlow Council has adopted Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982 and all street trading within the boundaries of the district is controlled by the Council.

Street trading is not permitted whatsoever in any of the designated Prohibited Streets. Street trading is not permitted in the remaining streets, designated Licence Streets, unless a Street Trading Licence has been issued by the Council's Licensing Team. The list of Prohibited and Licence Streets is available as a separate advice note.

In addition to the Principal Terms (the street, position within that street, permitted days and times, and permitted articles) the Council will attach conditions known as the Subsidiary Terms, details of which are contained on a separate advice note.

Definitions

"Street trading" means the selling or exposing or offering for sale of any article (including a living thing) in a street, with the following exceptions:

- (a) Any person acting as a pedlar under Pedlars Act of 1871.
- (b) Anything done in a market or fair which has been properly and legally established.
- (c) Trading as a news vendor.
- (d) Trading carried on at premises used as a petrol filling station.
- (e) Trading which is carried on at premises used as a shop or in a street adjoining premises so used and which is part of the business of the shop.
- (f) Selling things or offering or exposing them for sale as a roundsman.

"Street" includes any road, footway, beach or other area to which the public have access without payment and it also includes any part of a street.

New Application

Any person wishing to apply for the grant of a licence must submit a completed application form to:

Harlow Council
Licensing Team
Civic Centre
The Water Gardens
Harlow CM20 1WG

Together with the following:

- Correct fee
- One full-faced passport sized photo
- One photograph of vehicle or stall/barrow etc. to be used
- Copy of waste transfer agreement
- Copy of public liability insurance
- Landowner details (where trading is on private land)
- Details of employees that will work at vehicle
- Location plan where vehicle is to be sited (for fixed site applications only)
- A copy of MOT and insurance certificate (for mobile licences only)

New Application – Continued - Fee

Fee:

All fee levels are set in accordance with the provisions of Schedule 4 (9) of the Local Government (Miscellaneous Provisions) Act 1982 and Harlow Council's Corporate Charging Policy.

Fee levels will be reviewed on a periodic basis.

Current fee is included on the application form.

Consultation

As part of an application for the grant of a licence the Licensing Team will undertake the following consultation.

- Public notice placed in local newspaper – for new applications for a mobile street trading licence.
- Notice prominently displayed at fixed site for 14 days.
- Landowner
- Harlow Council Environmental Health – Commercial Team
- Harlow Council Properties and Facilities Management – Parking Services
- Harlow Council Properties and Facilities Management – Property Officer
- Harlow Council Regeneration (for premises/locations within the Town Centre)
- Harlow Council Community Safety Team

Determining the Application

Non-Contentious Applications

Harlow Council Licensing Team will undertake determination of non-contentious applications.

Contentious Applications

Determination of contentious applications will be undertaken by Harlow Council's Licensing Committee (who may delegate the matter to a Licensing Sub Committee) or Licensing Manager under delegated authority.

The main reasons why an application will be deemed contentious are:

- An objection from consultees have been received which are relevant to grounds for refusal
- An objection has been received as a result of the public notices
- An Officer decision has been taken to refuse an application and a notice to that effect has been served on the applicant. The applicant then has seven days in which to make a relevant representation and this will be referred to a Licensing Sub Committee. [If the application is still refused then there is a right of appeal to the Magistrates Court.]

Renewal Application

Existing licence holders wishing to apply for the renewal of a licence must submit a completed application form to:

Harlow Council
Licensing Team
Civic Centre
The Water Gardens
Harlow CM20 1WG

Together with the following:

- Correct fee
- One full-faced passport sized photo
- One photograph of vehicle or stall/barrow etc. to be used
- Copy of waste transfer agreement
- Copy of public liability insurance
- Details of employees that will work at vehicle
- A copy of MOT and insurance certificate (for mobile licences only)

Fee

Fee: All fee levels are set in accordance with the provisions of Schedule 4 (9) of the Local Government (Miscellaneous Provisions) Act 1982 and Harlow Council's Corporate Charging Policy.

Fee levels will be reviewed on a periodic basis.

Current fee is included on the application form.

Consultation

As part of an application for the grant of a licence the Licensing Team will undertake the following consultation.

- Harlow Council Environmental Health – Commercial Team
- Harlow Council Properties and Facilities Management – Parking Services
- Harlow Council Properties and Facilities Management – Property Officer
- Harlow Council Regeneration (for premises/locations within the Town Centre)
- Harlow Council Community Safety Team

Determining the Application

Non-Contentious Applications

Harlow Council Licensing Team will undertake determination of non-contentious applications.

Contentious Applications

Determination of contentious applications will be undertaken by Harlow Council's Licensing Committee (who may delegate the matter to a Licensing Sub Committee) or Licensing Manger under delegated authority.

The main reasons why an application will be deemed contentious are:

- An objection from consultees have been received which are relevant to grounds for refusal
- An objection has been received as a result of the public notices

Determining the Application - Continued

- An Officer decision has been taken to refuse an application and a notice to that effect has been served on the applicant. The applicant then has seven days in which to make a relevant representation and this will be referred to a Licensing Sub Committee. [If the application is still refused then there is a right of appeal to the Magistrates Court.]

Conditions

All licences issued will be subject to the Council's standard conditions and any other specific conditions, relevant to the licence in question, as may be reasonable necessary. See advice note for standard conditions.

RIGHT OF APPEAL

Under Section 6 of Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982 there is a right of appeal to the Magistrates Court against the refusal of the Local Authority to grant, renew, revoke or vary the principle terms of a Street Trading Licence.

ENFORCEMENT

Failure to obtain an appropriate licence or failure to comply with the principle terms and/or conditions of the licence will result in enforcement action being instigated. Any enforcement action instigated will be in accordance with the provisions of the Licensing Team General Enforcement Policy.

Agreed by Environment and Community Committee 19th January 2010

Amended: 23 May 2016



HDC Freehold

- HDC Freehold

Leaseholds - Licences

- Council Land leased
- Council Land licenced
- Land Leased to the Council

Highway Record

- Public Highway - Adopted
- Public Highway - NOT Adopted

Cycle Track Maintenance

- ECC
- HDC
- UNKNOWN

Public Rights of Way

- Bridleway
- Byway
- Footpath
- restricted byway

Land Registry Ownership Extent

- Leasehold
- Freehold

Streetview

- Google Streetview

Bus Stops

- Bus Stops

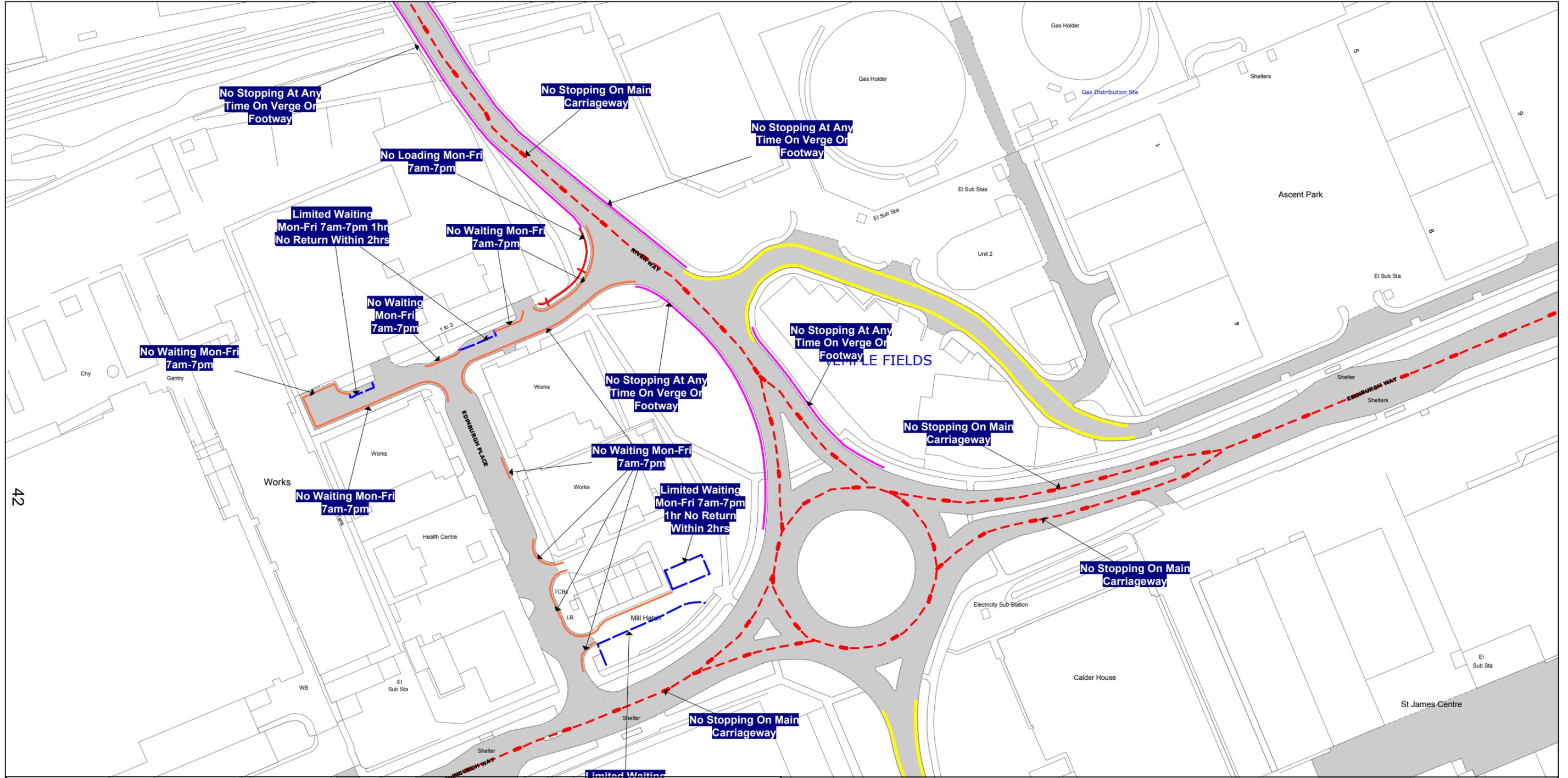
Roundabouts

- Roundabouts

Title:
 Harlow
 Essex

Scale: 1:709
 Date/Time: 2021-11-02 15:04:42
 Drawn By: rachel.crouch@HARLOW_GIS





SEE STATIC MAP SCHEDULE LEGEND FOR RESTRICTIONS DISPLAYED



CONFIRMED

Scale - 1 : 1250 @ A3 0 Metres 100

Title - North Essex Partnership -Street Waiting, Loading and Parking Plans

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Local Government (Miscellaneous Provisions) Act 1982

Application for [Grant] [Renewal] of Street Trading Licence

New Application

Renewal of existing application

Name: ZEYNEP ICBOYUN

Address: 2, UNIT 6
EDINBURGH PLACE

Post town: HARLOW

Postcode: CM20 2DJ

Telephone: 07597489559 Email: ali-ic@hotmail.com

PRIVATE LAND

Date of birth: [REDACTED]

Previous names/Alias: [REDACTED]

Place of birth: [REDACTED]

Hereby make application for the grant [~~renewal~~] of a Street Trading Licence in accordance with section 3 of and Schedule 4 to the Local Government (Miscellaneous Provisions) Act 1982

My present licence was granted on _____ and expires on _____

The street in which I wish to trade is (street and position): AS ABOVE
2 UNIT 6
EDINBURGH PLACE CM20 2DJ

and I wish to operate between the hours of: 6 AM And 18:00 PM

On (days): MONDAY TO SUNDAY

The articles in which I wish to trade are (description):
BURGERS, KEBABS
DRINKS

The stall, vehicle or container that I wish to use is (description, including dimensions and registration number):
GPO4 WVV
MOBILE CATERING VAN.

Local Government (Miscellaneous Provisions) Act 1982

Application for [Grant] [Renewal] of Street Trading Licence - continued

CHECKLIST:	Tick box
• I declare that I am not under the age of 17 years	<input checked="" type="checkbox"/>
• Have you been convicted of any criminal offences as listed below (please see suitability criteria below)	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
• I have contacted the Planning Team with regard to planning permission (new applications only)	<input checked="" type="checkbox"/>
I attach the following documentation/photographs:	<input checked="" type="checkbox"/>
• One full-faced passport sized photo	<input checked="" type="checkbox"/>
• One photograph of the vehicle, stall/barrow etc. to be used for street trading	<input checked="" type="checkbox"/>
• Copy of waste transfer agreement	<input checked="" type="checkbox"/>
• Copy of Public Liability Insurance (minimum of five million pounds of cover)	<input checked="" type="checkbox"/>
• Landowner details (if trading on private land)	<input checked="" type="checkbox"/>
• Location plan for fixed site (new application only)	<input type="checkbox"/>
• Copy of MOT and insurance (mobile traders only)	<input checked="" type="checkbox"/>
• Details of employees that will work at said vehicle (include unpaid help)	<input checked="" type="checkbox"/>
• Enclose the fee of <u>£430</u> - cheques made payable to 'Harlow Council'. Payment can be made at Contact Harlow quoting reference: <u>19241 2772</u> and also over the phone on 01279 446655. Please write your payment reference number here:	<input checked="" type="checkbox"/>
• I will notify the Licensing Team within 28 days of employment of any new members of staff or unpaid staff	<input checked="" type="checkbox"/>
• I will notify the Licensing Team immediately if I am charged with any offence	<input checked="" type="checkbox"/>
• To comply with the Immigration, Asylum & Nationality Act 2006 this Council is required to check your eligibility to live and work in the UK. Please confirm that you are able to live and work in the UK and that on request, you will be able to provide evidence of this.	PLEASE TICK YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>

PAYMENT
Reference number: for £430
IR2001157 →

SUITABILITY CRITERIA

Section 6 of Schedule 4 gives the reasons for refusal of a licence; one reason, (d), is that the applicant is unsuitable to hold the licence by reason of having been convicted of an offence or for any other reason".

When considering whether a person is unsuitable to hold a street trading licence the following will be taken into account:

Any conviction or caution for:

- A Sexual offence
- A Violent offence

- Offences under Trade Mark legislation
- Offences under the Food Safety legislation – catering vendors only
- Offences under Copyright, Designs and Patents legislation
- Offences of Forgery and Counterfeiting
- Offences under Customs and Excise legislation
- Trade Description offences
- Theft and theft related offences
- Any licensing offence under Street Trading or other relevant legislation.
- Limited driving offences (Mobile licences only)
- Any other offence that may be deemed relevant on a case by case basis.

When considering cautions or convictions the Rehabilitation of Offenders Legislation will be taken into consideration.

Consideration may also be given to the applicant's conduct as a street trader.

Where there is concern that an applicant is not suitable the application will become contentious and dealt with accordingly.

How information about you will be used

Harlow Council understands that your privacy is important to you. The information you provide on this form will be kept private and confidential and used for the purpose of processing your application.

However, Harlow Council is under a duty to protect the public funds it administers, and to this end may use the information provided for the prevention and detection of fraud. It may also share this information with other bodies responsible for auditing or administering public funds for these purposes. The Cabinet Office currently requires us to participate in a data matching exercise to assist in the prevention and detection of fraud. Further information about the data matching exercise is available on Harlow Council's website at www.harlow.gov.uk/data-matching

In order to process the application Harlow Council will share your information with Harlow Police so that checks can be carried out to check your suitability to hold a street trading licence and with Teams within Harlow Council as part of the consultation process as outlined within the street trading procedure documentation.

Note: making deliberately a false statement in connection with this application is an offence, punishable on summary conviction by a fine of up to £1000

Signed:



Date:

07.09.2021

Please return to:

Licensing Team, Harlow Council, Civic Centre, The Water Gardens, Harlow, Essex, CM20 1WG

Email: licensing@harlow.gov.uk

Local Government (Miscellaneous Provisions) Act 1982

Details of Employees for Street Trading Application - Applicant:

Name
Address
Post town
Postcode

I declare that the above named employee is not under the age of 17 years

Name
Address
Post town
Postcode

I declare that the above named employee is not under the age of 17 years

Name
Address
Post town
Postcode

I declare that the above named employee is not under the age of 17 years

Name
Address
Post town
Postcode

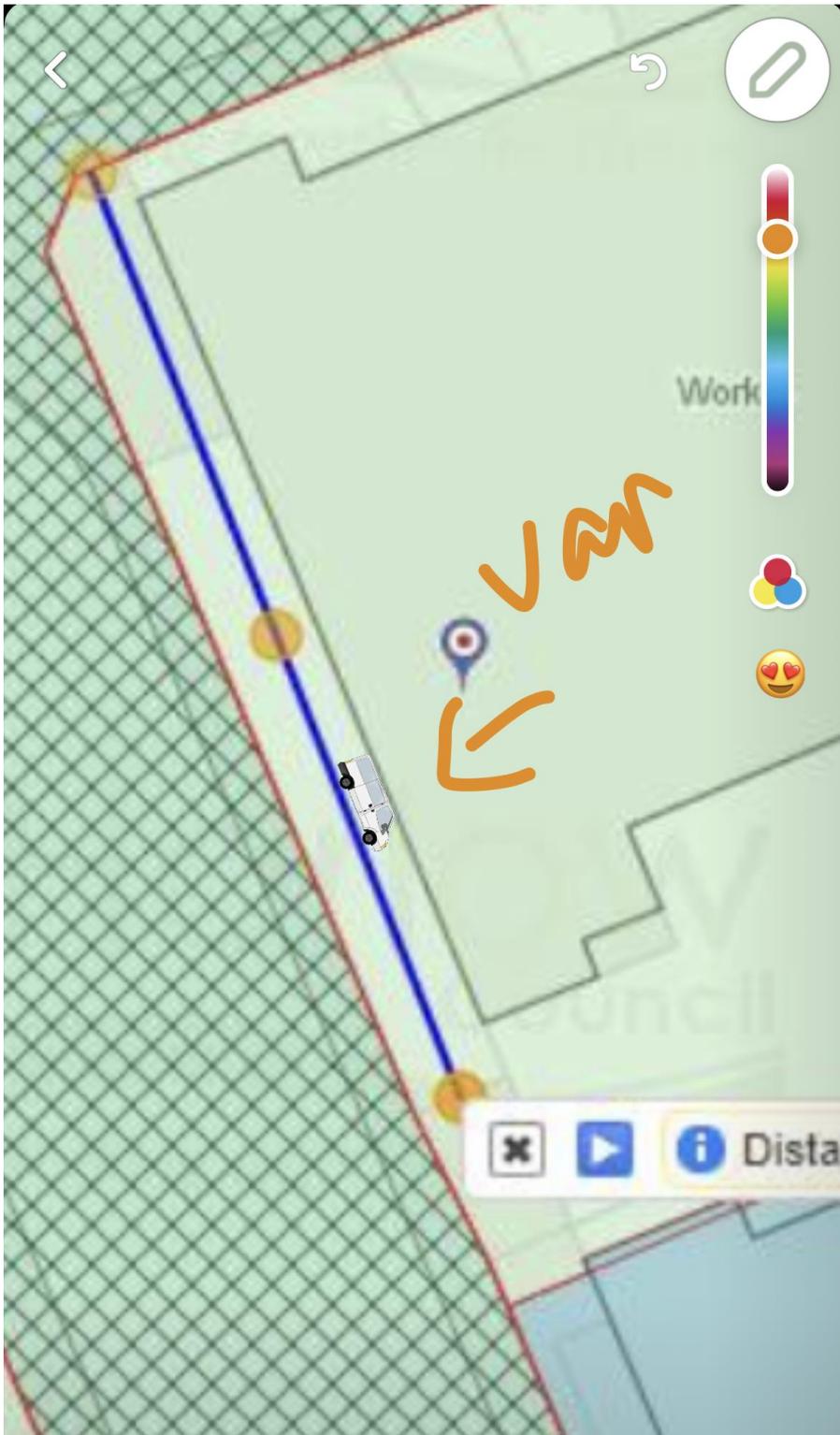
I declare that the above named employee is not under the age of 17 years

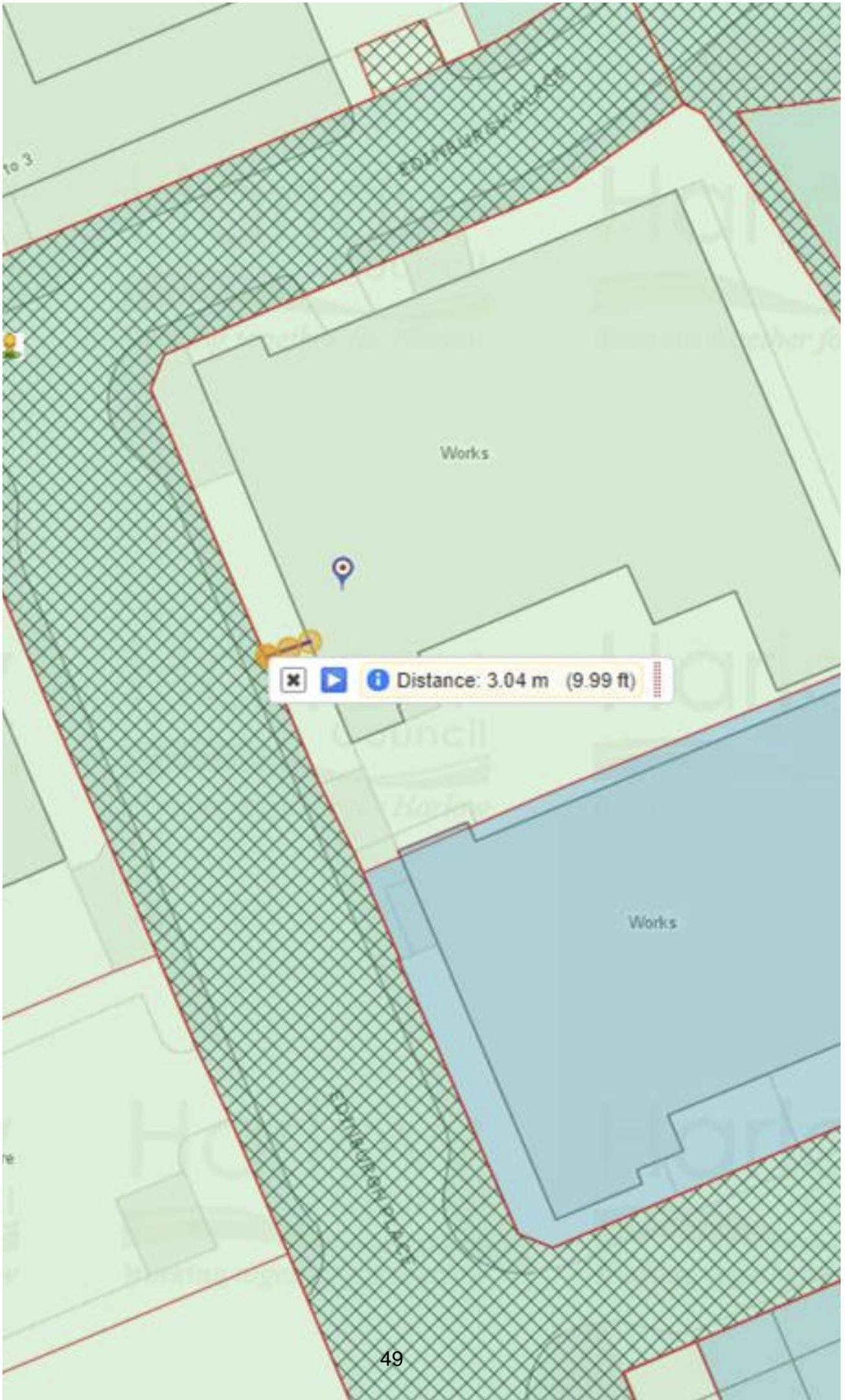
Signed: Date:

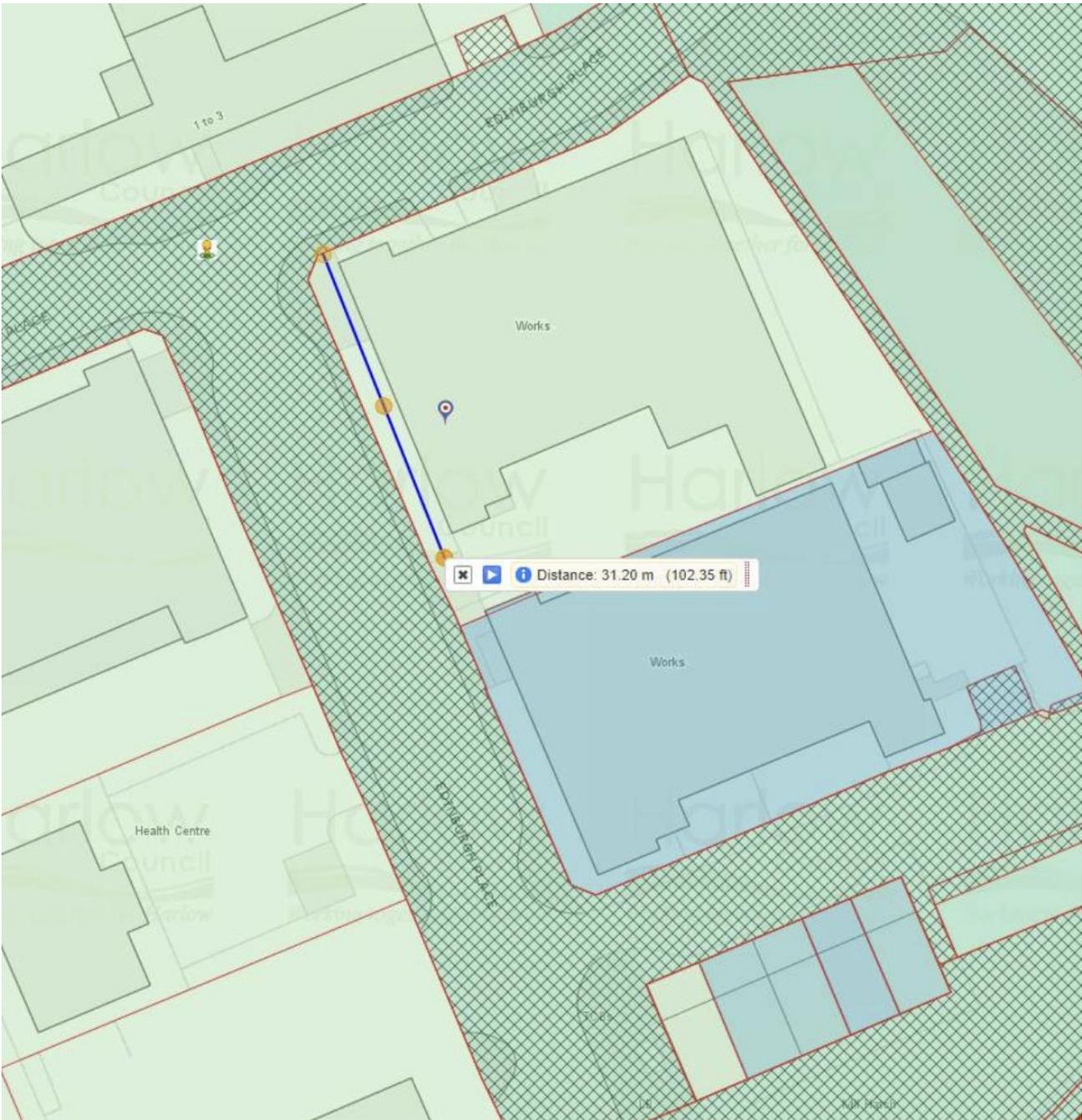
Images of mobile van



Site location details – Parked outside Unit 6 2 Edinburgh Place Harlow Essex CM20 2DJ







Edinburgh Pl, Harlow, England



To whom it may concern,

I give permission for Don & Bun
to use our waste Bin, as shared
usage. As already in place
it to be continued as usual

From Cornish Cafe, Edinburgh
way.



Land owners permission

I, Sohail Khan, proprietor of Unit 6, 2 Edinburgh Place, Harlow CM20 2DJ give consent and permission for Catering Van GR04 WVV – “Don & Bun” to trade and use my private land/space for their trading requirements.

This is my forecourt and not part of the public street/Highway.

Sohail Khan





Objections received in regard to Street Trading Licence

OBJECTION 1

We are writing with regard to the Application made for a Kebab & Burger Van to be located in Edinburgh Place, to strongly object to this proposal. We have been having ongoing issue with planning already regarding [REDACTED] Edinburgh Place which was [REDACTED]

[REDACTED] which has caused absolute chaos with Parking in this small turning, the [REDACTED] dump broken down cars in the street until they have time to fix them so we can at any time of the day have up to 10 Cars parked on a permanent basis on both sides of the road which causes our Customers difficulty in parking if our Yard in busy. Regular Customer to all Business have to double park.

We have more than sufficient food outlets:- Greggs Cornish Café Costa Coffee in Tesco Edinburgh Place KFC literally a couple minutes' walk away BP Petrol Station in Edinburgh Place also caters for Hot Food Sandwiches and Drinks.

Having another food outlet would take up precious parking (which the businesses here need to be able to operate) and actually create more of a problem with people driving here with nowhere to park. We do not think that any of the business's in the Street will want the smell of Burgers and Kebabs all day long either and, where would he get his electricity from ?? a generator would be a noisy solution.

There is no Street Rubbish Facilities, each morning we have to clean up the roadway from the previous night with the influx of family housing in River Way who use this street as a cut through and dumping ground, without the added headache of having to clean up Food from a Burger Van. This would also increase the vermin in the area

We had our planning application rejected for office space as "it would not be in keeping with the street" how in the name of common sense would a Burger Van enhance the Area.

OBJECTION 2

I have been made aware today of an application to have a Street Trader located in the lay-by on the opposite side of the road to our health centre – Stephen Taylor House – in Edinburgh Place.

I was very surprised that the companies affected by this application were not informed individually as has been the case in the past, but by way of the Notice being appended to a lamp post in Edinburgh Place, and that objections have to be lodged by the 30th June 2021.

For the companies resident in Edinburgh Place, the main problem is the volume of traffic that comes down this small road on a daily basis. I took the picture below @ 10.08 today when I went out to read the Application on the lamp post.

The burger van that wishes to be re-sited to this lay-by, will currently see from the photo that double-parking is common place here. I would be very worried about the prospect of people queuing – where would they be queuing ... in the road?

As Harlow Council will know, [REDACTED] is extremely busy with [REDACTED]
[REDACTED]
the pressure on cars, vans and juggernauts that are often double-parked in the road.

I have had to report the matter to Essex Police before, as cars park too close to either side of our entrance, which hinders our view on exiting. We are very lucky that an accident has not happened yet, but with the promise of more people and cars visiting the burger van, I am afraid it is an accident waiting to happen.

Along-side my comments above, there will be an increase in the litter problem and where people will be eating their purchases. [REDACTED] and I see no reason why it cannot stay there.

It will be the third eatery there and queues are common, but at least they are not on a road. People sit on the wall enclosing this area, out of the way of traffic. This would certainly not be the case if it was relocated to the lay-by. There is already insufficient parking for companies resident in Edinburgh Place, and taking way 2 -3 car spaces permanently will only mean increased congestion in this area. Please DO NOT approve this Application.



OBJECTION 3

Hi I am writing reference for a mobile catering trailer outside unit 6 2 Edinburgh Place

I have already objected to this before and object to this again.

This would be [REDACTED]

This would look terrible and the smell of kebabs and burgers coming in through our entrance and office windows would be unbearable.

The other problem is parking, there is not enough parking as it is, we have mentioned this many times to the council and at least 6 cars have no MOT or tax, the council and the DVLA do nothing as these are still there, I can guarantee if I went over 1 day of my tax I would be fined, but seems the garages must know somewhere at the council as the problem has only come about since these moved in and nothing ever done.

Also by having a burger van outside and no parking where are the cars going to stop, this means these would be parking in the road blocking in lorries that come to me on a daily basis.

We have been here [REDACTED] and caused no problems to the council So I object very highly of this and would take this further and the parking if this goes ahead.