

TEWKESBURY BOROUGH COUNCIL

Report to:	Licensing Sub-Committee (Street Trading and Hackney Carriage and Private Hire Vehicles, Drivers and Operators)
Date of Meeting:	18 June 2024
Subject:	Application for a Street Trading Consent
Report of:	Licensing Team Leader
Head of Service/Director:	Director: Communities
Lead Member:	Lead Member for Environmental Services
Number of Appendices:	8

Executive Summary:

Mr Huseyin Kasap has applied for a Street Trading Consent for a kebab van known as 'Tigers Kebab' to be located at Cheltenham Rugby Club, Newlands Park, Southam Lane, Cheltenham, GL52 3PE.

The application has received objections from local Ward Members and the Parish Council.

Recommendation:

To DETERMINE whether or not to grant the street trading consent to Mr Kasap in respect of the application and the objections received.

Financial Implications:

None.

Legal Implications:

There is no right to appeal against a decision to grant or refuse a street trading consent.

Full reasons will need to be given should Members resolve to refuse the application.

Environmental and Sustainability Implications:

The Standard Conditions that are attached to a Street Trading Consent when granted specify requirements regarding waste.

Resource Implications (including impact on equalities):

The Licensing Officer must notify the applicant of the Licensing Sub-Committee's decision.

Safeguarding Implications:

The applicant is subject to a PNC (Police National Computer) search.

Impact on the Customer:

None.

1.0 INTRODUCTION

1.1 The Local Government (Miscellaneous Provisions) Act 1982 (Schedule 4) provides the legal framework for the control of street trading in England and Wales. This activity is defined as 'the sale and exposing or offering for sale any article, including a living thing, in a street.'

1.2 The main purpose of this legislation is to establish an appropriate regulatory regime which prevents undue nuisance, interference or inconvenience to the public brought about by street trading. This legislation provides local authorities with the power to designate specific areas within their administrative boundaries as either:

- Prohibited Streets: those which are not open to street traders
- Consent Streets: where street trading is prohibited without local authority consent
- Licence Streets: where trading is prohibited without a local authority licence

2.0 APPLICATION

2.1 On 16 April 2024, Mr Huseyin Kasap applied for a Street Trading Consent for the following:

Business Name: Tigers Kebab

Location: Cheltenham Rugby Club, Newlands Park, Southam Lane, Cheltenham, GL52 3PE

Types of goods: Hot food and cold food/drinks

Days: Monday to Sunday

Hours: 1600 – 2300 hours

2.2 A copy of the application form is attached at **Appendix A**.

2.3 A location plan is attached at **Appendix B**.

2.4 A photograph of the proposed trailer is attached at **Appendix C**.

2.5 There are no other Street Trading Consents issued for this location.

2.6 The applicant has landowner consent.

3.0 CONSULTATION

3.1 The application has been subject the 28 day consultation as specified in [Tewkesbury Borough Council's Street Trading Licensing Policy](#).

3.2 Consultees include:

- Gloucestershire Police
- Gloucestershire Highways
- Tewkesbury Borough Council's Environmental Protection team
- Tewkesbury Borough Council's Food Safety team
- Tewkesbury Borough Council's Planning team
- Relevant Town / Parish Council(s)
- Borough Councillor(s) for the relevant Ward(s)

3.3 Additionally, the application must be advertised locally by way of a notice being displayed at the proposed location for at least 14 days to give residents and businesses the opportunity to comment.

3.4 Objections were received from both Ward Councillors and Southam Parish Council. Copies are attached at **Appendix D**.

3.5 The agent acting for the applicant was asked for comments to alleviate concerns raised by the objectors. He confirmed that waste bins would be provided, and that the area would be cleared of rubbish every day. A letter was also submitted from Cheltenham Rugby Club in support of the application. A copy of this is attached at **Appendix E**.

3.6 The objectors did not withdraw their concerns and further correspondence is attached at **Appendix F**.

4.0 OTHER INFORMATION

4.1 If the consent is granted, it would be subject to the Standard Conditions, which include waste arrangements. A copy is attached at **Appendix G**.

4.2 A Street Trading Consent can be issued for a maximum of a 12-month duration.

4.3 A procedure for the meeting is attached at **Appendix H**.

5.0 OPTIONS FOR THE LICENSING SUB COMMITTEE

5.1 The Sub-Committee may:

- (a) grant consent to the applicant as applied for;
- (b) grant consent to the applicant subject to modifications to any of the following matters:
 - (i) the days on which trading can take place;
 - (ii) the times during which trading can take place;
 - (iii) the location(s) where trading can take place;
 - (iv) the articles that can be traded;
 - (v) the conditions attached to the Consent;
 - (vi) the duration of the Consent; or
- (c) refuse to grant Consent.

6.0 ASSOCIATED RISKS

6.1 None.

7.0 MONITORING

7.1 None.

8.0 RELEVANT COUNCIL PLAN PRIORITIES/COUNCIL POLICIES/STRATEGIES

8.1 [Tewkesbury Borough Council's Street Trading Licensing Policy 2024.](#)

Background Papers: Local Government (Miscellaneous Provisions) Act 1982

Tewkesbury Borough Council Street Trading Policy 2024

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Appendices:

- Appendix A: Application form
- Appendix B: Location Plan
- Appendix C: Photograph of trailer
- Appendix D: Copy of objections
- Appendix E: Copy of supporting letter from Cheltenham Rugby Club
- Appendix F: Objectors response to agent
- Appendix G: Standard Conditions
- Appendix H: Procedure