

# Cheltenham Borough Council

## Licensing Sub-Committee – 1 November 2017

### Local Government (Miscellaneous Provisions) Act 1982

#### Application for a Street Trading Consent

Mr Okkes Silgi

#### Report of the Licensing Officer

##### 1. Summary and recommendation

- 1.1 An application has been made by Mr Okkes Silgi for a street trading consent to sell hot food and cold drinks on Colletts Drive, Cheltenham. **Appendix A** shows the location of the proposed trading pitch.
- 1.2 Mr Silgi has applied for consent to trade every day between 17.30 and 23.00 hours.
- 1.3 An image of the trading unit is attached at **Appendix B**. The unit measures 14 ft x 7 ft.
- 1.4 The proposed trading location is outside the town centre zone of street trading control, therefore there are no policy restrictions on the location.
- 1.5 The application has attracted several objections. These are reproduced below at paragraph 4.1.
- 1.6 **The Committee can:**
  - 1.6.1 **Approve the application because Members are satisfied that the location, size of unit and type of goods are suitable;**
  - 1.6.2 **Approve the application for a trial period as explained in paragraph 5.6 of the report; or**
  - 1.6.3 **Refuse the application because Members consider the location, size of unit or goods being sold to be unsuitable.**

## 1.7 Implications

### Legal

The Local Government (Miscellaneous Provisions) Act 1982 provides that a local authority can grant a trading consent for an individual within their area. Under the legislation consent can be granted for a period not exceeding 12 months. Consent must therefore be reviewed every 12 months. A local authority can apply reasonable conditions to the consent.

Any application should be considered in line with the Council's policy on Street Trading.

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## 2. Policy Principles, Aims & Objectives

This section outlines the policies the council will apply when making decisions on applications for street trading consents.

Each application will be determined on individual merits and in view of promoting the principles and objectives contained in this policy.

In particular the policy aims to promote the following aims and objectives in reference to street trading activities:

- prevent the obstruction of the streets by street trading activities;
- sustain established shopkeepers in the town;
- maintain the quality of the townscape and add value to the town;
- encourage inward investment; and
- promote quality markets.

### 2.1 Permitted locations for street trading

The council's adopted policy prescribes a number of permitted trading locations and associated permitted trading goods. These locations and permitted goods are outlined in the council's adopted policy that is available on the council's website. In the town centre zone of control, several limited locations have been identified as suitable for street trading. No such restriction applies outside the town centre, where each application is determined on its own merits.

### 2.2 Assessment criteria

In considering applications for the grant or renewal of a consent the following factors will be considered:

- **Needs of the Area** - The retail offer of each individual pitch. The goods complement and do not conflict with the goods sold by other retailers (including other street traders) within vicinity. This criterion permits the council to undertake a qualitative assessment of the goods to be sold by each competing applicant against those on sale in the adjacent area. The council does however recognise that the surrounding retail offer is subject to change therefore it will apply this criterion to applications for new or renewal applications.
- **Public Nuisance** – Whether the street trading activity represents, or is likely to represent, a substantial risk of nuisance to the public or properties in the vicinity from noise, misbehaviour, emissions, smells etc.

- **Public Safety** – Whether the street trading activity represents, or is likely to represent, a substantial risk to the public from the point of view of obstruction, fire hazard, unhygienic conditions or danger that may occur when a trader is accessing the site.
- **Appearance of the Stall or Vehicle** – Trading units must enhance the visual appearance of the street rather than detract from it and be constructed in a suitable scale, style and of appropriate materials. It should also be designed to be fully accessible for all customers and advertising material must be limited to the name of the stall, the type of product sold and a simple price list and be professionally designed and printed. The council will generally not permit trading units over 3 meters tall to avoid obstruction of sight.
- **Environmental Credentials** - The impact of the proposed operation on the local environment including street surfaces, tree pits & materials, power supply, carbon footprint, supply chain, packaging, waste minimisation, waste disposal and waste created by customers.

## 4. Consultee Comments

4.1 During the consultation process comments were received from 10 people:

- i. I am concerned this application for a burger van it's likely to cause anti social behaviour in the area around the river chelt bridge. I also have concerns regarding increased littering.  
The desired placement is not on a main thoroughfare for either local business or residents especially at that hour of the evening / night.
- ii. With reference to the above subject, i would like to voice my concerns to the above proposal. I am hugely concerned with the overall potential detrimental presence of the trader to my business, the possible lack of parking available to my business and also the likely potential increase in litter. I am also disappointed with the lack of communication about this, with no tenants of Colletts Drive being notified despite the solid fact we are the persons that are directly effected. Also, there is no information available of these plans, just a proposal.  
Is this a permanent fixture when out of the proposed hours of trading? What are the local restrictions in place for this individual whilst trading?
- iii. Would like to reject the Application for a burger van in Collette drive Cheltenham.dont feel it's right we have a problem with drugs ....rubbish ....never mind a burger van ..... just getting the area up to a better standard .... this just lowers it
- iv. I would like to raise these concerns with yourself before you approve the license:
  - The steps sited directly by Colletts Drive that lead to the bridge over the river are already a hot spot for anti-social behaviour. Only recently have we had a fire on the old gas works site where people were breaking and entering frequently.
  - I suspect there is a drugs problem occurring on the steps also as there are many little metal capsules which I am led to believe are drug related.
  - There will be an increase in foot fall on Arle Avenue, this is already high due to it being a shortcut to Tesco. It will only increase the amount of traffic as people are attracted to get said food from the van.
  - Not only foot fall but increased road traffic, there is already an issue with a speeding moped and several speeding cars, I wouldn't want to see this increase as it is a risk to both person and property. People could be hurt by people driving without due care and attention and cars could easily be clipped.
  - With more people coming down Arle Avenue this will naturally create more noise in anti-social hours. Both me and my wife get up early in the morning, increased noise after 21:00 will affect our sleep.
  - Once the new flats/houses are built on the old gas works club there will no doubt be a direct noise issue for the people living in those abodes.
  - Smell should also be considered as it will no doubt be in the air each night.

- One final huge problem at the bridge already is littering, this will only increase with fast food packets strewn everywhere. Who will foot the bill to tidy this up? I do not want to see masses more litter deposited in the local river. It is still a wildlife hotspot. How long will it stay so if more litter is thrown in it?

- v. I would like to object to the Burger/Kebab Van being granted its Street Trading license...Ref 17/01624/STA

Being a local resident I don't see the need for such a van with fast food outlets only a couple of minutes up the Gloucester Road and Tewkesbury Road and even the Lower High Street offering the same food and open for far more hours.

This will create I'm sure more rubbish to the area and into the river Chelt possibly and also more cars using Arle Avenue as a short cut to get to the Van.

With a development of houses hopefully on the old Gas Club site in the future again feels the wrong location.

Please take into consideration our concerns.

- vi. I have a few concerns with a 'burger van' being on Colletts Drive:

We have a problem with drug users sitting on the steps at the moment would this increase ? As they could say they are waiting for food?

It is very intimidating walking to Tesco when there is groups of people hanging around on the steps.

The litter in the river Chelt is only going to get worse. Surely this is going to be a major factor?

The smells at night from the van ? Does this mean we will have to have our windows closed now ?

More traffic coming down the street so they dont have to drive all the way round ?

I would like to know your thoughts on these issues?

I look forward to your response.

- vii. I am a resident of Arle Avenue and I strongly object to the proposed siting of the Burger and Kebab van on Colletts Drive. I was going to write to the council regarding this area in the near future anyway. The area around the bridge seems to be a gathering point for a small number of people to sit drinking (alcohol) or eating during the day. Items are purchased at Tesco and the wrappers, bottles cans etc. are then discarded either in the river or in the bushes or just dropped onto the ground. The area constantly looks a mess due to the behaviour of the people that 'use' it in this way. An area left looking in this state encourages a feeling of neglect and other forms of unacceptable behaviour. (was the fire at the pub a case of arson?).  
A Burger van would lead to a large increase in littering and would probably be a noise nuisance to the residents of Arle Avenue. Rowdy revellers would be drawn into the area and then leave via Arle Avenue, discarding their litter in gardens on the way.  
I have also witnessed drugs being dealt in this same area. Due to the lay out of the roads and paths, it's an ideal place for such dealings, i.e. the buyers/sellers can leave the area without being followed by vehicles (i.e. police officers).  
Should this proposal be accepted, will provisions such as litterbins and CCTV be installed?

- viii. I am a resident in ARLE AVENUE CHELT, I have received a copy for the application for a Burger van in colletts drive,  
after seeing the position on the map and the time in which the van wants to open, Then No ,I can not see what you are even thinking of, by putting it there, Living here for as long as i have ,We can see everything that goes on here, and that corner is a mecca for youngsters to hang around, They already Hang around and loiter around the small bridge ,Quite intimidating to cross it sometimes, I fell that putting it where you said, will only encourage this, This time period will only attract people going home from town, We the residents of Arle avenue already have youngsters using this street as a cut though on their way home, and get eggs, or half eaten hotdogs or the like chucked at our windows now, So No Thankyou i am very much against this and can not see way it would even be considered in the place where you said,

- ix. I am writing to give my disapproval for the placement of a burger van on Colletts Drive. We feel this will bring an increase of drunken individuals down our road along with an increase in littering.

- x. I write with reference to the application made for a Street Trading License on Colletts Drive. I am opposed to this application for the following reasons:  
I live on the corner of Arle Road and Arle Avenue. Arle Avenue leads to the footbridge that crosses the river to reach Colletts Drive, and ultimately the Tesco superstore. This therefore means this route is used as a walkway for people travelling to and from the Tesco store.  
Unfortunately, there is no bin on Arle Avenue and therefore our front garden and the road and pavement adjacent to us are continually covered in rubbish. Mostly this takes the form of food and beverage wrappers and containers most likely purchased at Tesco: pasty wrappers, crisp wrappers, energy drink cans, sandwich wrappers, soft drink bottles and sweat wrappers. All food items consumable whilst walking from Tesco and discarded as their owners reach the corner of Arle Avenue and Arle Road. This rubbish, which we have to clear up each week and put into our own bin or recycling boxes, also includes unfinished foods (which already includes kebabs purchased in other local outlets).  
I therefore believe that providing another outlet for waste production will considerably contribute to the production of litter on both the pavement and in our garden.  
We have already been the victim of several incidents of vandalism including our car windows being smashed on various occasions and graffiti on our garden fences, gate and vehicles. I believe that the proposed licence could contribute further to the anti-social behaviour already prevalent in this area.  
I would therefore ask that on this occasion the application is not granted.

- 4.2 In relation to comments relating to antisocial behaviour in the relevant location, officers have made enquiries with the police and the council's antisocial behaviour coordinator, whose responses are enclosed in background papers.

## **5. Licensing Comments**

- 5.1 The sub-committee must determine the application with a view to promoting the council's adopted policy and Members should not deviate from the council's policy unless there are clear and justifiable reasons to do so.
- 5.2 The overarching aims of Cheltenham Borough Council's street trading policy are to:
- Prevent the obstruction of the streets by street trading activities;
  - Sustain established shopkeepers in the town;
  - Maintain the quality of the townscape and add value to the town;
  - Encourage inward investment; and
  - Promote quality markets.
- 5.3 Other considerations when deciding whether street trading is appropriate are:
- The needs of the area;
  - The potential for public nuisance;
  - Public safety;
  - The appearance of the trading unit; and
  - The impact on the environment.
- 5.4 Several objectors have referred to matters such as antisocial behaviour and littering in the vicinity. As this is a new application, any such problems cannot be attributed to the applicant. However Members may consider those issues to be relevant if there are reasons or evidence to suggest that the trading unit will cause an increase in such issues.
- 5.5 Members are advised that any street trading consent, once granted, can be reviewed at any time if problems occur and are reported.
- 5.6 The sub-committee has the option, if Members consider it appropriate, of granting street trading consent on a trial basis, for example for 3 months. Thereafter the sub-committee can delegate

authority to officers to extend consent for the full year if no complaints have been received during that period, or to refer it back to the sub-committee if complaints have been received.

- 5.7 All applications should be determined on their individual merits taking into account the policy considerations and the comments made, whilst balancing the needs of the community with the legitimate aspirations of businesses.

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**Background Papers**

Service Records

Adopted Street Trading Policy

**Case Officer**

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