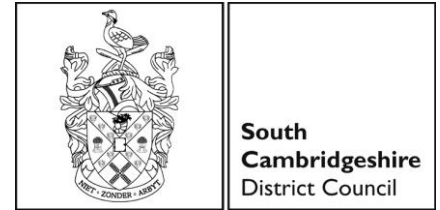


South Cambridgeshire Hall
Cambourne Business Park
Cambourne
Cambridge
CB23 6EA

t: 01954 713000
f: 01954 713149
www.scambs.gov.uk



Wednesday 23 August 2023

To: Chair – Councillor Anna Bradnam
Councillors Jose Hales and Sunita Hansraj

Dear Councillor

You are invited to attend the next meeting of **Licensing Appeals Sub-Committee**, which will be held in **Hybrid - Swansley A+B - South Cambs Hall** at South Cambridgeshire Hall on **Thursday, 31 August 2023 at 10.30 a.m.** **This meeting will not be streamed live, anyone wishing to view this meeting must attend virtually or in person.**

Members are respectfully reminded that when substituting on committees, subcommittees, and outside or joint bodies, Democratic Services must be advised of the substitution ***in advance of*** the meeting. It is not possible to accept a substitute once the meeting has started. Council Standing Order 4.3 refers.

Yours faithfully
Liz Watts
Chief Executive

Requests for a large print agenda must be received at least 48 hours before the meeting.

Agenda

Pages

1. **Declarations of Interest**

As a Councillor, you are reminded of the requirements under the Council's Code of Conduct to register interests and to disclose interests in a meeting. You should refer to the requirements set out in the Code of Conduct which are summarised in the notes at the end of this agenda frontsheet.

2. **Introductions / Procedure**

The Chair of the Sub-Committee will welcome those present and introduce him/herself; the remaining members of the Sub-Committee and the officers will then introduce themselves.

A copy of the Sub-Committee appeals procedure will be attached later.

3. **Application for the Grant of a Street Trader Consent**

5 - 32

Guidance For Visitors to South Cambridgeshire Hall

Disclosable pecuniary interests

A “disclosable pecuniary interest” is an interest of you or your partner (which means spouse or civil partner, a person with whom you are living as husband or wife, or a person with whom you are living as if you are civil partners) which falls within the categories in [Table 1 of the code of conduct, which is set out in Part 5 of the Constitution](#).

Where a matter arises at a meeting which directly relates to one of your disclosable pecuniary interests you must:

- disclose the interest;
- not participate in any discussion or vote on the matter; and
- must not remain in the room unless you have been granted a dispensation.

If it is a ‘sensitive interest’, you do not have to disclose the nature of the interest, just that you have an interest. Dispensation may be granted in limited circumstances, to enable you to participate and vote on a matter in which you have a disclosable pecuniary interest.

It is a criminal offence to:

- fail to notify the monitoring officer of any disclosable pecuniary interest within 28 days of election
- fail to disclose a disclosable pecuniary interest at a meeting if it is not on the register
- fail to notify the Monitoring Officer within 28 days of a disclosable pecuniary interest that is not on the register that you have disclosed to a meeting
- participate in any discussion or vote on a matter in which you have a disclosable pecuniary interest
- knowingly or recklessly provide information that is false or misleading in notifying the Monitoring Officer of a disclosable pecuniary interest or in disclosing such interest to a meeting.

Other registerable interests

These are categories of interest which apply to the Councillor only (not to their partner) and which should be registered. Categories are listed in [Table 2 of the code of conduct, which is set out in Part 5 of the Constitution](#). Where a matter arises at a meeting which directly relates to the financial interest or wellbeing of one of your Other Registerable Interests, you must disclose the interest. You may speak on the matter only if members

of the public are also allowed to speak at the meeting but otherwise must not take part in any discussion or vote on the matter; and must not remain in the room unless you have been granted a dispensation.

If it is a 'sensitive interest', you do not have to disclose the nature of the interest.

Disclosure of non-registerable interests

Where a matter arises at a meeting which directly relates to your financial interest or well-being (and is not a Disclosable Pecuniary Interest set out in Table 1) or a financial interest or well-being of a relative or close associate, you must disclose the interest. You may speak on the matter only if members of the public are also allowed to speak at the meeting. Otherwise you must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation.

If it is a 'sensitive interest', you do not have to disclose the nature of the interest.

Where a matter arises at a meeting which affects – a. your own financial interest or well-being; b. a financial interest or well-being of a relative or close associate; or c. a financial interest or wellbeing of a body included under Other Registrable Interests as set out in Table 2 you must disclose the interest.

In order to determine whether you can remain in the meeting after disclosing your interest the following test should be applied. Where a matter (referred to in the paragraph above) affects the financial interest or well-being: a. to a greater extent than it affects the financial interests of the majority of inhabitants of the ward affected by the decision and; b. a reasonable member of the public knowing all the facts would believe that it would affect your view of the wider public interest, you may speak on the matter only if members of the public are also allowed to speak at the meeting. Otherwise you must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation.

If it is a 'sensitive interest', you do not have to disclose the nature of the interest.

[Where you have an Other Registerable Interest or Non-Registerable Interest on a matter to be considered or is being considered by you as a Cabinet member in exercise of your executive function, you must notify the Monitoring Officer of the interest and must not take any steps or further steps in the matter apart from arranging for someone else to deal with it]

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Agenda Item 3



South Cambridgeshire District Council

Report to: Licensing Sub-Committee
Author/s: Licensing Technical Officer
Date: 15 August 2023
Lead Officer: Natasha Wade-Guest

Application for the Grant of a Street Trader Consent – Unal Teksin, T/A Kebab Wrap

Purpose

1. To request the Sub-Committee determine a street trader consent application which has been subject to representation.

Background

2. On 17 April 2023, an application for a static street trader consent was submitted to trade Tuesday to Saturday between 16:00 and 23:00 every week at Abington Social Club, Pampisford Road, Great Abington, CB21 6AH.
3. The application form is attached as **Appendix A**, and a copy of the location plan is attached as **Appendix B**. (A previous application was submitted to trade in Bar Hill, however as the Parish Council had a blanket ban of street trading, this was refused in February 2023, and not progressed further).
4. In line with the Council's current Street Trading Policy, views were sought on the application by consulting with:
 - Ward & Division Councillors
 - Parish or Town Councils
 - South Cambridgeshire Council Environmental Health
 - Cambridgeshire Constabulary
 - Shared Planning Service
 - Cambridgeshire County Council Highways

5. Where valid representations have been received against an application, the application will be referred to the Licensing Sub-Committee for determination. There is no formal right of appeal against refusal of an application following the decision.
6. The application has been opposed by a local business and Great Abington Parish Council. A copy of the representations are attached as **Appendices C1 and C2**.

Key Considerations

7. A representation against an application must relate to one of the following criteria; Public Safety, Public Nuisance or “General”.
8. The Council will normally grant a Street Trading Consent unless one or more of the criteria below are identified.

(a) Public Safety

- (i) Road Safety: A significant effect on road safety would arise either from the siting of the trading activity itself such as interference with sight lines for any road users or pedestrian crossings, or from customers using, visiting or leaving the site;
- (ii) Accidents: Where there are concerns over the recorded level of personal injury accidents in the locality where the street trading activity will be sited;
- (iii) Traffic Orders: There is a conflict with traffic orders such as waiting restrictions;
- (iv) Access: The site or pitch obstructs either pedestrian or vehicular access, or traffic flows, or places pedestrians in danger when in use for street trading purposes;
- (v) Obstruction: The trading unit obstructs the safe passage of users of the footway or carriageway;
- (vi) Food Safety: the trader has failed to meet adequate food safety/hygiene standards.
- (vii) Health and Safety: the trader has breached or failed to meet any health and safety standards

(b) Public Nuisance

- (i) Loss of amenity: There would be a significant loss of amenity caused by traffic, noise, rubbish, potential for the harbourage of vermin, odour, or fumes.

(c) General

- (i) Commodity duplication: That within the proposed pitch location, there are already traders or businesses offering the same service or providing the same principal food/commodity during the hours the consent is applied for. This is to ensure a diverse offering of services. Competition issues will not be a consideration;
- (ii) Unit unsuitability: The trading unit is not considered to be suitable in style or in keeping with the location(s) requested.
- (iii) Fees: In the case of a renewal application the previous year's fees have not been paid.
- (iv) Complaints: The consent holder has been the subject of a serious substantiated complaint or multiple substantiated complaints relating to public safety and/or public nuisance as detailed above
- (v) Suitability of applicant: This Licensing Authority will only issue a street trader consent to an applicant which it considers to be 'fit and proper' to hold a consent i.e. they have not disclosed any convictions that would bring into question their suitability to be issued a licence and has the right to work under UK immigration law,

9. All applications will be determined on their own merit.

Recommendations

10. The Sub-Committee are requested to determine this application.

11. When determining an application, the Sub-Committee may:

- (a) Grant consent to the applicant as applied for;
- (b) Grant consent to the applicant subject to modifications to the days, times or locations on which trading may take place; attach additional conditions to the consent
- (c) Refuse to grant the Consent

Legal Implications

12. The Committee must have regards to the Policy, and only take into consideration the relevant factors of the representation. There is no right of appeal to a Magistrate's Court should the application be refused.

Contact Officer: Natasha Wade-Guest

Appendix A	Copy of application form
Appendix B	Location map
Appendix C1-C2	Copy of representations.

Background Paper: South Cambridgeshire District Council Street Trading Policy effective March 2022 [Street Trading Policy March 2022 \(scambs.gov.uk\)](https://www.scambs.gov.uk)

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APPENDIX A

Form title: Street Trader Application Form - Standard Consent

Your ref no: QXWDKWTJ

Page:

This form was started at:17/04/2023 13:43:31
This form was completed at:17/04/2023 14:07:42
Internal form classification:N / A

Form title: Street Trader Application Form - Standard Consent

Your ref no: QXWDKWTJ

Page: Vehicle / Trailer / Unit details

Description of vehicle / trailer / unit	KEBAB VAN
Registration number (if applicable)	[REDACTED]
Make and model (if applicable)	VAUXHALL MOVANO BOX VAN
Address at which the trailer / vehicle / unit is normally kept	[REDACTED]

Form title: Street Trader Application Form - Standard Consent**Your ref no:** QXWDKWTJ**Page:** Trading details

Trading name	KEBAB WRAP
Types of goods traded	KEBABS,BURGERS,SIDES AND SOFT DRINKS
Local Authority which registered your food business (food vendors only)	
Full address(es)/location(s) at which trading will take place (specific sites/streets required).	Abington Social Club, Pampisford Road, Great Abington CB21 6AH
How many locations?	1

Section: Locations

Location	Abington Social Club
Days of the week	<input type="checkbox"/> Monday <input checked="" type="checkbox"/> Tuesday <input checked="" type="checkbox"/> Wednesday <input checked="" type="checkbox"/> Thursday <input checked="" type="checkbox"/> Friday <input checked="" type="checkbox"/> Saturday <input type="checkbox"/> Sunday

Section: Times in which you will be trading on each day, if not trading on any days please type NA

Monday	0
Tuesday	1600/2300
Wednesday	1600/2300
Thursday	1600/2300
Friday	1600/2300
Saturday	1600/2300
Sunday	0
How often are you at this location?	Every week
Where the application is to trade on private land do you have planning permission or the owner's consent for the location(s) from which you plan to trade?	Yes

Form title: Street Trader Application Form - Standard Consent

Your ref no: QXWDKWTJ

Page: Declarations and checklist

Declaration of Previous Consent or Licence Refusal, Revocation or Suspension

Have you ever been refused a street trading consent or street trading licence or had such a Consent or Licence revoked or suspended?	Yes
Please give details of which Local authority, the date(s) and reason(s).	Bar Hill Parish Council refusal for application

Declaration Of Convictions, Fixed Penalties and Formal Cautions

Has any person named on this application been convicted of any foreign or domestic offences, or received any Police cautions, or warnings? NB: There is no need to declare any offences considered "spent" under the Rehabilitations of Offenders Act 1974.	No
---	----

Declaration of Right to Work and Application

I am entitled to work in the UK and am not subject to a condition preventing me from doing work relating to the carrying on of a licensable activity. I understand that my licence will become invalid if I cease to be entitled to live and work in the UK.

It is a criminal offence to knowingly supply information, which is false or misleading for the purposes of obtaining a licence. Evidence of any statements made in this application with regard to the property concerned may be required at a later date. We may approach other authorities, such as the Police, Fire and Rescue Service, Office of Fair Trading etc. for additional information and verification. Signing of the application will be taken as your agreement to any such action. If we subsequently discover something which is relevant and that you should have disclosed, or which has been incorrectly stated or described, your licence may be cancelled, or other action taken. It is an offence under section 24B of the Immigration Act 1971 to work illegally.

Your attention is drawn to Schedule 4 Paragraph 10(3) of the Local Government (Miscellaneous Provisions) Act 1982 in that any person who, in connection with an application for a street trading licence or for a street trading consent, makes a false statement which he knows to be false in any material respect, or which he does not believe to be true, shall be guilty of an offence.

I declare that to the best of my knowledge and belief the answers given above are true. If a consent is granted, I undertake to comply with the conditions attached to the consent.

Name	Unal Teksin
Date (DD/MM/YYYY)	17/04/2023

Uploaded files*

**Abington
Social
Club.pdf
Level
2**

.pdf
Gas
Certificate.pdf
MHGB3815669XB1-
Unal
Teksin-
Business-
Policy
schedule
(3).pdf
IMG-
20230123-
WA0000.jpg
IMG-
20230124-
WA0002.jpg

*
If
empty,
no
files
were
uploaded

Application checklist

- Application form completed in full**
- Proof of right to work e.g., passport of the applicant and any employee/assistant**
- A clear map of the location(s)/ area(s)/ route(s) in which you intend to trade from**
- Two identical passport style photographs of yourself and any employees/assistants, clearly named on the reverse of the image
- Colour photographs of the trading vehicle/unit and its specifications (if not yet purchased, a brochure or drawing from the supplier)**
- Where the application is to trade on private land, which is not a Consented Premises, written confirmation of authority to trade on the land**
- Certificate of public liability insurance (plus employers liability insurance if required)**
- Where gas cylinders are used, a valid gas safety certificate**
- Where the vehicle/unit has a 240-volt electrical system, a valid electrical installation certificate
- Where food is sold, please provide your food hygiene certificates for yourself and any employee/assistant**
- Minimum accredited Level 2 food hygiene certificates (needed for all staff involved in the preparation of food)**
- Evidence of an FSA food hygiene rating score of 3 or more (for food vendors)

Form title: Street Trader Application Form - Standard Consent

Your ref no: QXWDKWTJ

Page: Declaration

[Open a read only view of the answers you have given \(this will open in a new window\)](#)

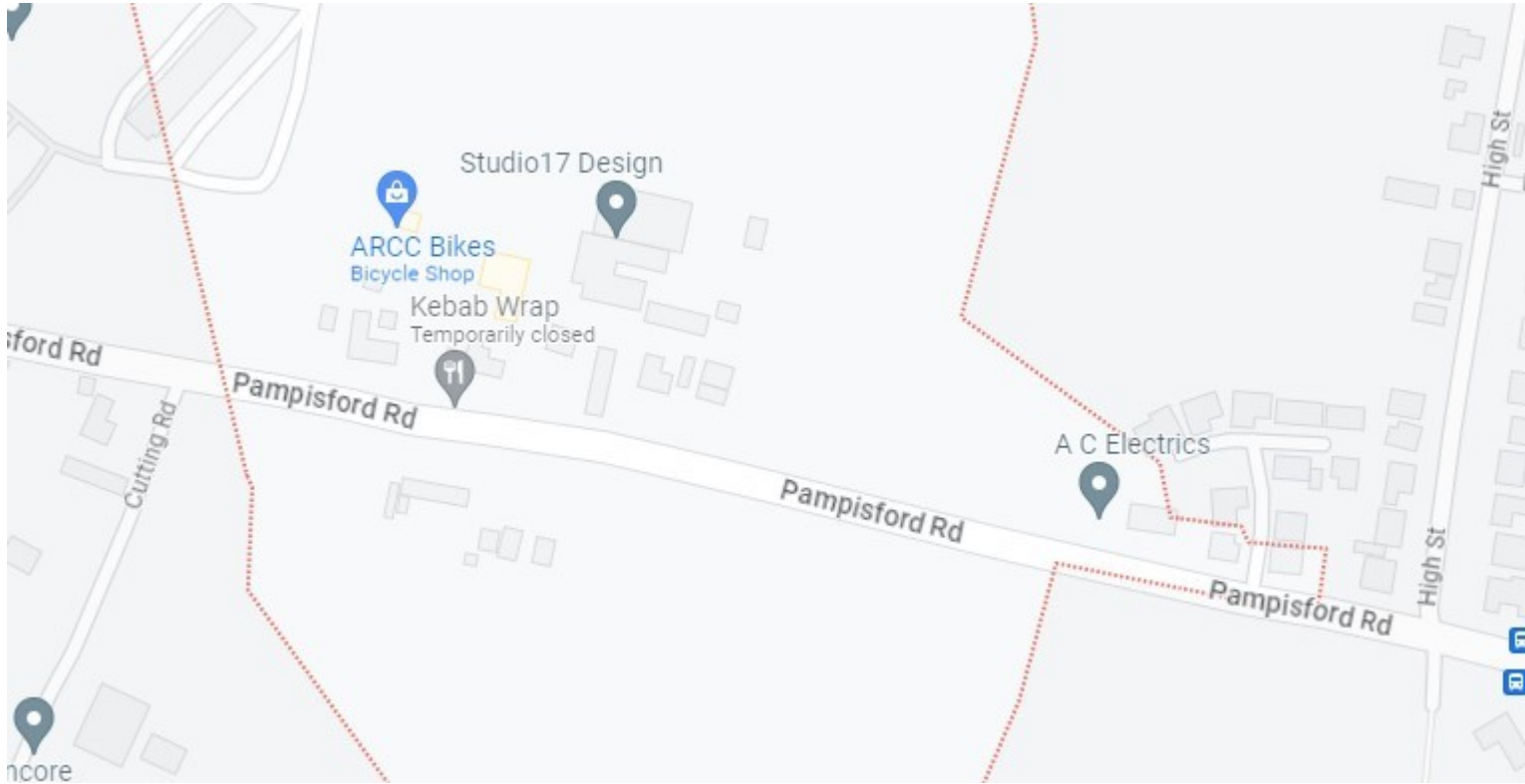
Please note: If you are using Internet Explorer as your browser, you will not be able to view your answers via the link above as this is not supported in Internet Explorer.

Declaration

By submitting this claim you are agreeing to the following declaration.

I declare that the information I have provided on this form is accurate

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APPENDIX C1

From: [REDACTED]
To: [Licensing \(SCDC\)](#)
Cc: [REDACTED]
Subject: Abington Food Truck Appeal
Date: 09 May 2023 12:51:33
Attachments: [image001.png](#)
[image002.jpg](#)
[image003.jpg](#)
[image004.jpg](#)
[image005.jpg](#)
[image006.jpg](#)
[image007.jpg](#)
[image008.jpg](#)
[image009.jpg](#)
[image010.jpg](#)
Importance: High

Hi,

I'm writing to object to the "Abington Kebab & Chips" van at the Great Abington Social Club on Pampisford Road, CB21 6AH. This is to the left of the driveway when you drive in, and it leads up to our company, ARCC Innovations.

I've been informed that this van is now permanently located on the social club grounds, serving from 4:30pm to 11pm, Monday through to Friday.

On behalf of my Site Director and our company's employees, we want to appeal the following points in order to have the food van removed:

1. As you can see from the photos enclosed, the social club premises is small, resulting in serious concerns about obstructions on the driveway. Our business is open from 9am to 5pm, so if their car park becomes or is full, this will have a significant impact on our business, preventing customers, staff, and couriers from driving in and out of the driveway.
2. We don't want people assuming our company is linked to this food van, granting them permission to park on our private property.
3. As we exit the driveway to the right, the sign chained to the post blocks our vision. This causes us to accelerate further into the road, which can lead to an accident if oncoming vehicles does not stop in time.
4. There are no pavements or yellow markings on Pampisford Road, which immediately causes traffic congestion if lorries, vans, and cars decide to pull over if they are unable to park on the premises.

Can you please confirm that this food van has a license to trade? If so, why weren't businesses and residential premises notified about this application? It appears strange that this has suddenly occurred and that we have had no communication or agreement about it. We had no pre-warning of this food van, therefore we were unable to propose or make any changes with regards to our premises and the surrounding areas.

IMG_2803.jpg



I look forward to hearing from you.

Thanks,

Kind Regards,



ARCC Innovations Ltd
Pampisford Road
Great Abington
Cambridge
CB21 6AH

Phone: 

www.arccinnovations.com | www.arccbikes.com





















GREAT ABINGTON Council

Clerk: Mrs. PM Harper

Telephone: [REDACTED]
Email: [REDACTED]

Marc Smeets

Business Support Officer

Licensing Team

Emailed to: Licensing@scamb.gov.uk>

6th May 2023

Dear Mr Marc Smeets

Ref application 268868 - Abington , from applicant Unal Teksin of Kebab Wrap for the location of Abington Social Club – Car Park

Great Abington Parish Council recommends that the application for Street Trading consent in Abington for applicant Unal Teksin of Kebab Wrap for the location of the car park of Abington Social Club be refused.

The reasons the council recommend that the application be refused are:

- The Parish Council understands that for the business Kebab Wrap to trade in this location, the Social club also needs to apply for a Premises license. The Parish Council has **not** received any notification of an application for a Premises license at the site. The food van has been trading for some weeks (apparently, since Easter), without either of the required licenses. If it has not already done so, SCDC should make the Social Club aware that approval of both license is required for street trading in this location.
- The trading license are granted for trading on an ad hoc/occasional basis, and this particular application is for trading days of Tuesday to Saturday inclusive between 16:00 – 23:00 each day. Trading for 35 hours a week is excessive and disproportional for the Social Club's opening times which (according to their website) are Tuesday 7pm-close, Friday 4pm-12pm, Saturday 6-12pm and Sunday 4.30-9pm, so the van would be trading on days the club doesn't open (Wednesday and Thursday).
- The Parish Council considers that trading from 4 pm until 11pm five nights a week, when the trading van is located close to several homes, is not reasonable and council do not want this location to become a trading zone. The disturbance to local residents, particularly at night would be a nuisance, with car doors slamming and headlights flashing.

- The council has concerns about highway safety as the site has poor sight lines/visibility splay onto a fairly busy country road, when leaving the location. The car park in which the food trader is located, seemingly on a permanent basis, is appropriate for the size of the village social club, but the lack of a path from the village to this location is also a safety concern, as pedestrians tend to use the road rather than the uneven verges. As there are no pavements to the location, this will attract more traffic to site , which may cause disturbance, particularly late at night. Adhoc cars entering and leaving the car park late at night will disturb the households living close to this location.
- Street Trading Consent License requires food waste to be taken away from the location, however black bin bags have been seen stacked up by the van. All waste generated by the trader should be removed from the location.

For all of the above reason the Parish Council recommends that the **Street Trading consent is refused.**

Kind regards,

Paula Harper,

Clerk Great Abington Parish Council

Notes to help those attending meetings in person at South Cambridgeshire Hall

Notes to help those people visiting the South Cambridgeshire District Council offices – please also refer to the Covid-security measures relating to meetings in the Council Chamber which are on the website page for each relevant meeting.

Members of the public wishing to view the meeting will be able to watch the livestream via the link which will be publicised before this meeting.

Members of the public wishing to attend the meeting in person, please contact Democratic Services at democratic.services@scambs.gov.uk

While we try to make sure that you stay safe when visiting South Cambridgeshire Hall, you also have a responsibility for your own safety, and that of others.

Security

When attending meetings in non-public areas of the Council offices you must report to Reception, sign in, and at all times wear the Visitor badge issued. Before leaving the building, please sign out and return the Visitor badge to Reception.

Public seating in meeting rooms is limited. For further details contact Democratic Services on 03450 450 500 or e-mail democratic.services@scambs.gov.uk

Emergency and Evacuation

In the event of a fire, a continuous alarm will sound. Leave the building using the nearest escape route; from the Council Chamber or Mezzanine viewing gallery this is via the staircase just outside the door. Go to the assembly point at the far side of the staff car park opposite the staff entrance

- **Do not** use the lifts to leave the building. If you are unable to use stairs by yourself, the emergency staircase landings have fire refuge areas, which give

protection for a minimum of 1.5 hours. Press the alarm button and wait for help from Council fire wardens or the Fire and Rescue Service.

- **Do not** re-enter the building until the officer in charge or the Fire and Rescue Service confirms that it is safe to do so.

First Aid

If you feel unwell or need first aid, please alert a member of staff.

Access for People with Disabilities

We are committed to improving, for all members of the community, access to our agendas and minutes. We try to take all circumstances into account but, if you have any specific needs, please let us know, and we will do what we can to help you. The Council Chamber is accessible to wheelchair users. Infra-red hearing assistance systems are available in the Council Chamber and viewing gallery. To use these, you must sit in sight of the infra-red transmitter and wear a 'neck loop', which can be used with a hearing aid switched to the 'T' position. If your hearing aid does not have the 'T' position facility then earphones are also available and can be used independently. You can get both neck loops and earphones from Reception.

Toilets

Public toilets are available on each floor of the building next to the lifts. These include facilities for disabled people.

Recording of Business and Use of Mobile Phones

We are open and transparent about how we make decisions. Public meetings are webcast and are also recorded, but we allow recording, filming and photography at Council, Cabinet and other meetings, which members of the public can attend, so long as proceedings at the meeting are not disrupted. We also allow the use of social media during meetings to bring Council issues to the attention of a wider audience. To minimise disturbance to others attending the meeting, please switch your phone or other mobile device to silent / vibrate mode.

Banners, Placards and similar items

You are not allowed to bring into, or display at, any public meeting any banner, placard, poster or other similar item. If you do so, the Chair will suspend the meeting until such items are removed.

Disturbance by Public

If a member of the public interrupts proceedings at a meeting, the Chair will warn the person concerned. If they continue to interrupt, the Chair will order their removal from the meeting room. If there is a general disturbance in any part of the meeting room open to the public, the Chair may call for that part to be cleared. The meeting will be suspended until order has been restored.

Smoking

Since 1 July 2008, South Cambridgeshire District Council has operated a Smoke Free Policy. No one can smoke at any time within the Council offices, or in the car park or other grounds forming part of those offices.

Food and Drink

Until the lifting of Covid restrictions, no vending machines are available. Bottled water is available for attendees at meetings.

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