

To: All Members of the LICENSING AND  
REGULATORY COMMITTEE  
(Other Members for Information)

When calling please ask for:

Emma Dearsley, Democratic Services Officer

**Policy and Governance**

E-mail: [ema.dearsley@waverley.gov.uk](mailto:ema.dearsley@waverley.gov.uk)

Direct line: 01483 523224

Calls may be recorded for training or monitoring

Date: 8 December 2017

### **Membership of the Licensing and Regulatory Committee**

Cllr Patricia Ellis (Chairman)  
Cllr Bob Upton (Vice-Chairman)  
Cllr Maurice Byham  
Cllr John Fraser  
Cllr Michael Goodridge  
Cllr Tony Gordon-Smith

Cllr Simon Inchbald  
Cllr Peter Isherwood  
Cllr Anna James  
Cllr Carole King  
Cllr Robert Knowles  
Cllr Libby Piper

### **Substitutes**

Cllr Nick Williams  
Cllr Chris Storey

Cllr John Williamson

Dear Councillors

A special meeting of the LICENSING AND REGULATORY COMMITTEE will be held as follows:

DATE: TUESDAY, 19 DECEMBER 2017

TIME: 1.30 PM

PLACE: COUNCIL CHAMBER, COUNCIL OFFICES, THE BURYS,  
GODALMING

The Agenda for the meeting is set out below.

Yours sincerely

ROBIN TAYLOR  
Head of Policy and Governance

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This meeting will be webcast and can be viewed by visiting [www.waverley.gov.uk](http://www.waverley.gov.uk)

## **NOTE FOR MEMBERS**

Members are reminded that contact officers are shown at the end of each report and members are welcome to raise questions etc in advance of the meeting with the appropriate officer.

## **AGENDA**

### 1. **APOLOGIES FOR ABSENCE AND SUBSTITUTIONS**

To receive apologies for absence and to report any substitutions

### 2. **DECLARATIONS OF INTEREST**

To receive declarations of interest in relation to any items included on the agenda for this meeting, in accordance with the Waverley Code of Local Government Conduct.

### 3. **APPLICATION FOR STREET TRADING CONSENT - HIGH STREET, CRANLEIGH** (Pages 5 - 18)

Waverley Borough Council is the Licensing Authority under the Local Government (Miscellaneous Provisions) Act 1982, and the purpose of this report is to determine an application for a licence to trade in a designated 'consent' street.

#### **Recommendation**

**That the Licensing and Regulatory Committee determine the application from Mr Andrey Andreev for a consent to trade outside 41 High Street, Cranleigh.**

### 4. **EXCLUSION OF PRESS AND PUBLIC**

To consider the following recommendation on the motion of the Chairman:-

#### **Recommendation**

That pursuant to Procedure Rule 20 and in accordance with Section 100B(5) of the Local Government Act 1972, the press and public be excluded from the meeting during consideration of the following items on the grounds that it is likely, in view of the nature of the business to be transacted or the nature of the proceedings, that if members of the public were present during the items, there would be disclosure to them of exempt information (as defined by Section 100I of the Act) of the description specified in the appropriate paragraph(s) of the revised Part 1 of Schedule 12A to the Act (to be identified, as necessary, at the meeting).

5. LEGAL ADVICE

To consider any legal advice relating to any items in the agenda.

**For further information or assistance, please telephone  
Ema Dearsley, Democratic Services Officer, on 01483 523224 or by  
email at [ema.dearsley@waverley.gov.uk](mailto:ema.dearsley@waverley.gov.uk)**

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## WAVERLEY BOROUGH COUNCIL

### LICENSING AND REGULATORY COMMITTEE

19 DECEMBER 2017

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#### Title:

**APPLICATION FOR STREET TRADING CONSENT – HIGH STREET, CRANLEIGH**

**[Wards Affected: Cranleigh West]**

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#### Summary and purpose:

Waverley Borough Council is the Licensing Authority under the Local Government (Miscellaneous Provisions) Act 1982, and the purpose of this report is to determine an application for a licence to trade in a designated 'consent' street.

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#### How this report relates to the Council's Corporate Priorities:

Street trading controls relate to the Council's Corporate Priority of **Environment** - Protecting and enhancing Waverley's unique mix of rural and urban communities

#### Financial Implications:

Traders wishing to operate within a Consent Street are liable for an annual charge. This is currently set at £280 per year.

#### Legal Implications:

The Council is under no duty to grant consent to trade on a street that has been designated as a Consent Street. There is no right of appeal against the refusal of consent or the application of conditions attached to a Consent. However, the Human Rights of the applicant could be affected if they do not receive a fair hearing. Under Human Rights legislation, the existing Consent is considered a possession and should not be revoked without good reason. The Council must act reasonably in making a decision taking into account the legislation.

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#### Background

1. Street Trading is defined as the selling or exposing or offering for sale of any article (or living thing) in a street. Such activity may cause nuisance and may be controlled by local authorities.
2. In 1992, Waverley Borough Council adopted powers under the Local Government (Miscellaneous Provisions) Act 1982, to control street trading by the designation of 'prohibited', 'licence' and 'consent' streets.

A 'Prohibited' street means a street in which street trading is prohibited;

A 'Consent' street means a street in which street trading is prohibited unless the Council has given consent.

A 'Licence' street means a street in which street trading is prohibited without a licence granted by the Council.

3. A street which is designated as a Consent Street covers trading, for example, by mobile food vans trading on streets or in an official lay-by. The Council is under no duty to grant consent to trade on a street that has been designated as a Consent Street. There is no right of appeal against the refusal of consent, or the application of conditions attached to a Consent, contained in the 1982 Act.
4. Consents to operate in Waverley Borough Council are currently chargeable at £280 per year. The Council may attach such conditions to a Consent as it considers reasonably necessary. Such conditions can include requirements that would help prevent the obstruction of the street or danger to persons using it; or nuisance or annoyance, whether to persons using the street or otherwise. In addition, the conditions can specify where the holder of the consent can trade and also at what times he or she may do so. The Council has a policy for determining such applications. The relevant Head of Service may grant the application unless it is subject to objections.
5. Street trading controls apply to the High Street in Cranleigh in its entirety as a designated consent street. A copy of the Council's list of prohibited and consent streets is included with this report as Annexe 1.
6. On 19 June 2017 an application for a Street Trading Consent (applicant - Andrey Andreev) was heard by the Licensing and Regulatory Committee of Waverley Borough Council due to seven (7) valid objections being received to the application.
7. It was the decision of the Committee to permit a 6 month consent to the applicant to trade in Cranleigh High Street. The consent was issued on 30 June 2017 and will expire on 30 December 2017. A copy of the consent is included with this report as Annexe 2.
8. A valid application dated 17 November 2017 (hand delivered to the Council Offices on the same date) has been received from Mr Andrey Andreev to renew his consent to trade as 'Kebab Burger Van' in Cranleigh High Street (outside 41 High Street-The Post Office). A copy of the application form is included as Annexe 3 to this report. The applicant has applied to trade 7 days a week between 1730hrs and 2300hrs at this location.
9. A 28 day consultation period, as required under the Council's Street Trading policy was started on 17 November 2017. This consultation period will close on 16 December 2017.
10. Your officers have consulted Cranleigh Parish Council, Cranleigh Councillors, Cranleigh Chamber of Commerce, Waverley Borough Council's Planning Department, Surrey Police, Surrey Fire and Rescue Service, Surrey County Council Highways Authority and other relevant consultees as part of the consultation period.
11. In total one (1) objection has been received to the application at the time of writing this report (6 December 2017). This objection has been included as an attachment to this report as Annexe 4

12. Matters which have been highlighted as concerns include increased littering, concerns of anti-social behaviour (Public Order and Public Nuisance), that there is sufficient current provision within the local area (Needs of the area) and that this is not in-keeping with the area.

13. Since the issuing of the 6 month consent, some complaints have been received by Environmental Health of littering around the area of this street trader. These complaints have been highlighted to the applicant who has advised that they will increase their litter picking in the area. These complaints are being monitored.

14. No statements of support have been received.

15. If further objections or statements of support are received prior to the Committee date, these will be made available.

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### **Recommendation**

That the Licensing and Regulatory Committee determine the application from Mr Andrey Andreev for a consent to trade outside 41 High Street, Cranleigh.

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### **Background Papers**

There are no background papers (as defined by Section 100D(5) of the Local Government Act 1972) relating to this report.

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### **CONTACT OFFICER:**

**Name:** Elizabeth Bance

**Telephone:** 01483 523572

**E-mail:** [elizabeth.bance@waverley.gov.uk](mailto:elizabeth.bance@waverley.gov.uk)

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## List of Prohibited and Consent Streets in Waverley

### PROHIBITED STREETS

#### **Farnham**

Victoria Road

Union Road

East Street, from the traffic lights at its junction with South Street up to the east end of Dogflud Way (excluding the area immediately fronting Nos 1 – 6 Woolmead)

Dogflud Way

South Street

Bear Lane, from the traffic lights at its junction with South Street to the junction of Woolmead Road

Park Row

Woolmead Road

West Street, from The Borough to its junction with The Hart

A31 from Willey Mill through the Farnham Bypass to the Shepherd and Flock Roundabout

A31 from the Shepherd and Flock in an easterly direction to the Waverley Borough Council boundary

A325 Wrecclesham Road, from the Coxbridge Roundabout to the Railway Bridge

Odiham Road from the junction with Folly Hill to the county boundary

#### **Tilford**

Tilford Road between All Saints Church and the River Wey (South Branch)

Tilford Road (East Side of the Green) from its junction with Tilford Road to The Street

The Street between its junction with Tilford Road and Whitmead Lane

#### **Godalming**

Wharf Street, Godalming from its junction with High Street to its junction with Flambard Way

Woolsack Way

Farncombe Street, from its junction with St Johns Street to the junction of Nightingale Road

St Johns Street

Summers Road

Station Road, Farncombe.

#### **Cranleigh**

Dewlands Lane

Ewhurst Road, from the junction of High Street to the junction of Mead Park Drive

Mead Road, from the junction of Ewhurst Road to the junction of Bridge Road

Horsham Road to the Borough boundary

Overford Drive, from its junction with Horsham Road to the junction of Little Manor Gardens

Church Lane

Knowle Lane, from its junction with the High Street to the access at the rear of Stocklund Square

Victoria Road

St James's Place

Guildford Road from the roundabout junction of the B2128 and B2130 to the entrance to Manfield Park Industrial Estate

Elmbridge Road from the roundabout junction of the B2128 and B2130 to the entrance to Hewitts Industrial Estate

Park Drive to the junction with Cranbrook Terrace

## **CONSENT STREETS**

### **Cranleigh**

High Street  
Rowland Road  
The Common

### **Farnham**

Castle Street  
The Borough  
Downing Street  
Longbridge  
West Street from its junction with The Hart, westward to its junction with Crondall Lane  
Bear Lane, from its junction with Woolmead Road to its junction with High Park Road

### **Godalming**

High Street  
Church Street  
Great George Street  
Moss Lane  
The whole of Crown Court  
Queen Street  
The whole of Angel Court.

### **Haslemere**

High Street  
Shepherds Hill  
Petworth Road, from its junction with the High Street to the junction of Swan Barn Road  
Lower Street  
Weyhill  
St Christopher's Road  
St Christopher's Green  
Junction Place; Lion Lane, from its junction with Lion Green to the junction with Underwood Road  
Lion Mead, from the junction of Lion Green to the junction of Mead Way  
Kings Road from its junction with Lower Street to the junction with Courtshill Road  
Cedar Court  
Tanners Lane from its junction with Lower Street to the junction with Oaklands  
Sandrock  
West Street  
Well Lane  
College Hill  
Hill Road from its junction with Shepherds Hill to the junction with Park Road  
Cobden Lane  
Access road to High Street Car Park.

### **Explanation Notes**

"consent street" means a street in which street trading is 'prohibited' without the consent of the Local Authority.  
"prohibited street" means a street in which trading is prohibited at all times.  
"street" includes:- any road, footway, lay-by or other area to which the public have access without payment; it includes any part of the street.



LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982  
**Street Trading Consent**

Waverley Borough Council, being the Licensing Authority  
under Section 3 of the above Act, hereby grant consent, to:

Mr Andrey Andreev  
of  
12 Turnpike Lane, Wood Green, London, N8 0PT

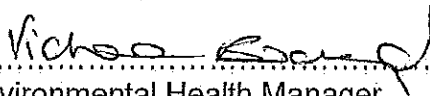
to carry out street trading at the address below:

- Outside Post Office, High Street, Cranleigh, Surrey on a seven-day a week operation
- Trading in food items - Kebabs, burgers, chips etc.
- Hours between 19:00 - 22:00 Monday to Friday and 17:30 - 22:00 Saturday and Sunday.

This consent is granted subject to the Council's standard conditions as set out in the 'Street Trading in Waverley Policy' and listed below in Schedule 1.

This Consent shall continue from the date hereof  
until 30th December 2017 unless previously revoked or surrendered.

Granted on 30<sup>th</sup> June 2017

Signed: .....  .....  
Environmental Health Manager

## Schedule 1

1. 'Consent Street' means a street in which street trading is prohibited without a Consent from Waverley Borough Council
2. 'Prohibited Street' means a street in which street trading is prohibited at all times
3. 'Street' includes any road, footway, lay-by or other open area to which the public have access without payment
4. 'Street Trading' means (generally) the selling, or exposing or offering for sale, any article in a street
5. The trader shall not cause any obstruction of the street or any danger to any persons or vehicles using the street
6. The trader shall not cause any nuisance or annoyance to any other person, whether that person is using the street or otherwise, or to the occupier of any building in proximity to the consent site
7. The council may at any time vary the conditions of a street trading consent or revoke at any time
8. Public liability insurance providing cover to a minimum amount of 5 million pounds must be in place for the consent site and a certificate of this must be produced on request of an officer of Waverley Borough Council
9. An individual trader shall conspicuously display the council issued Consent at all times whilst trading; for special events, the Consent will be displayed in at least two conspicuous places – typically these shall be attached to the first and last stalls
10. The Consent holder must provide facilities for use by him/herself and customers to collect any waste, refuse or litter. The refuse storage must be of a substantial construction, waterproof and animal-proof. All must be removed from the trading location at the end of each day's trading and properly disposed of, or if the amount of waste and refuse warrants it, when the container is full – whichever is the sooner.
11. The Consent holder shall ensure that all adjacent areas (except the carriageway if open for vehicular use) to a distance of 10 metres be kept free of litter and refuse at all times whilst on site.
12. Authorised vehicles must be roadworthy, have current relevant documentation and internal and external appearance of vehicles &/or stalls shall be maintained in a clean, neat and tidy condition.
13. Any stall or vehicle used for street trading must be immediately removable at all times in the event of an emergency, or at any other time, be removed at the request of any officers of the emergency services or officer of the Council.
14. The name and address of the operator and other address at which the stall or authorised vehicle is normally kept or garaged must be conspicuously and legibly displayed upon it in a place where the public may readily view it.
15. No stall or vehicle shall remain situated for longer than one hour after the authorised trading time(s).

16. No Consent holder shall trade at his / her authorised location on dates when road closure directives are in place for special events otherwise than with the permission of the organisation applying for same.
17. The Consent is non-transferable.
18. Where a structure or vehicle is not removed at the end of trading, no additional permanent or semi-permanent additions or paving shall be erected or constructed adjacent to the structure or vehicle.

**Note:** Failure to comply with any conditions attached to the Consent may result in the revocation of such consent.

The issuing of a street trading consent does not confer a right to use any street, highway or land. Applicants should satisfy themselves that all other necessary permissions for the activity of street trading (e.g. Landowner's permission, planning permission, Highways Authority consent) are in place where applicable.





If you find the text in this form difficult to read we can supply it in a format better suited to your needs  
LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982

**APPLICATION FOR STREET TRADING CONSENT [GRANT] [RENEWAL]\***  
**Category 1 (Sole Trader) Application**

To: Head of Environmental Health and Community Safety, Waverley Borough Council, The Burys, Godalming, Surrey, GU7 1HR

I hereby make application under the provisions of section 3 and schedule 4 of the above Act for consent to sell or offer or expose for sale the articles stated below, in the open air within the area of Waverley Borough Council. [My present consent was granted on (date): ]\*

I submit the following particulars for consideration:

1.	Full name	Andrey Andreev	Date of Birth	
2.	Trading as	Kebab Burger Van		
3.	Home address (inc. postcode)	<del>12</del> <sup>A</sup> Turnpike Lane Wood green N80PT		
4.	Daytime telephone number	E-mail		
5.	Address where articles are stored	Horton Duk Farm Rudgwick RH12 3BQ		
6.	Proposed trading location / address	41 High St. Granleigh GU6 8AP		
7.	Type of vehicle to be used (if any) e.g. hand-barrow, mobile stall, van, etc.	Van		
8.	Registration no. or identification mark	VU55 VVD		
9.	Full details of articles to be sold Also include size of any receptacles to be used, e.g. baskets, kiosk, tables, etc.	Dinner Burger chips Chicken dinner dips Takeaway Box		
10.	Proposed times of trading (please include frequency, times of day, days per week, months of the year)	MON 17:30-23:00    FRI 17:30-23:00 TUE 17:30-23:00    SAT 17:30-23:00 WED 17:30-23:00    SUN 17:30-23:00 THU 17:30-23:00		
11.	Insurance Company and Policy No.	B5925338		

[see overleaf for remaining requirements]

\* Please delete words that do not apply

**I enclose:**

1. the sum of £...280..... in respect of the full fee for this application
2. two passport type photographs of myself
3. a plan (scale 1:5000) showing all streets and other public areas within a radius of half a mile (800metres) from the proposed location. The plan is a proper Ordnance Survey map, or of equivalent or similar standard, and it clearly indicates the proposed trading location and the locations of other street traders and outlets already trading in similar articles to those proposed for sale.

**I confirm** that I have delivered notices to the traders and outlets thus identified and to the nearest premises of the proposed location (six premises in all relevant directions – being residential, commercial; or otherwise) giving details of this application

**Notes:**

Fees are reviewed annually and may be found on the Council's website or by contacting the Environmental Health Service

Making a deliberately false statement in connection with any application is an offence punishable on summary conviction by fine of up to £400

Signed: .....

.....

Date: 17.11.17



By email to Waverley Environmental Health

27 November 2017

Dear Sirs,

**Renewed Street Trading Consent for Kebab/ Burger Van in Cranleigh, outside Post Office**

My husband and I have been successfully operating a Bed and Breakfast in Cranleigh for three years. Our guests are mainly families visiting relatives in Cranleigh and they usually eat in the village in the evening at least once during their stay. Our guests are very complimentary about the village shopping, arts and restaurant experience and repeatedly return.

However, I have already had guests comment derogatively about the kebab van outside the Post Office. 'Not in keeping with the village' they say, as well as commenting on the litter around the van and the smell of chips and fat. I reassured them that the license was only temporary, and it would be unlikely to be renewed judging by residents' unhappiness with the van.

However, I notice that renewed consent has been applied for and I would like to register my strong objection. Cranleigh is extremely well served for eateries well into the night and there is no additional demand for such a van. Indeed, the economic climate has declined so much over the past year that our restaurants, pubs and cafes are already suffering. There is a risk that yet another café closes – we have seen both Maddalena's and Truffles close in the past year and others have too many empty tables. There is a risk that the High Street will lose its popularity as a destination for visitors who will choose to visit Horsham or Guildford instead.

I have also noted that the van is not well used judging by the times of night I have passed by. Indeed although they have a full week temporary license they have taken to positioning their van only on Fridays and Saturdays. Unfortunately, these nights are also likely to be more important to the direct competition in the High Street such as takeaways Subway and Seafare who both open late for pub leavers. And both of whom pay business rates unlike the Kebab/ Burger Van.

Cranleigh Village has been a quiet village in the evenings with families strolling to restaurants and pubs. Recently we have been experiencing some vandalism in the evenings – namely pellets being fired through shop windows, cars revving up unnecessarily and doing donuts. Indeed, last week one of our younger guests, a 23-year-old woman, was verbally assaulted by youths out of a passing car as she approached the ASK restaurant just opposite the Post Office. I believe that the presence of a scruffy kebab van will act as a point focus for such activity and may have done so in this case.

Kind regards,

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