

To: All Members of the LICENSING SUB-COMMITTEE B
(Other Members for Information)

When calling please ask for:

Kimberly Soane, Democratic Services officer
Policy and Governance

E-mail: kimberly.soane@waverley.gov.uk

Direct line: 01483 523258

Calls may be recorded for training or monitoring

Date: 21 May 2021

Membership of the Licensing Sub-Committee B

Cllr Michael Goodridge
Cllr Roger Blishen

Cllr Robert Knowles

Dear Councillors

A meeting of the LICENSING SUB-COMMITTEE B will be held as follows:

DATE: TUESDAY, 1 JUNE 2021

TIME: 10.00 AM

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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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. **ELECTION OF CHAIRMAN**

To elect a Chairman for the Sub-Committee B meeting.

2. **STREET TRADING CONSENT ON THREE SITES - VAPORETTO**

2.1 **LICENSING ACT 2003 - APPLICATION FOR A STREET TRADING CONSENT - MILFORD HEATH ROAD, MILFORD (*Pages 5 - 20*)**

To determine an application for a licence to trade in a designated consent street.

Recommendation

The Licensing Committee reviews consultation feedback and determines the application of James Boyd of Vaporetto (a mobile food business offering pizza, drinks and ice cream) for a consent to trade at Milford Heath Road, Milford.

2.2 **LICENSING ACT 2003 - APPLICATION FOR A STREET TRADING CONSENT - CHERRY TREE ROAD, MILFORD (*Pages 21 - 58*)**

To determine an application for a licence to trade in a designated consent street.

Recommendation

The Licensing Committee reviews consultation feedback and determines the application of James Boyd of Vaporetto (a mobile food business offering pizza, drinks and ice cream) for a consent to trade at Cherry Tree Road in Milford.

2.3 **LICENSING ACT 2003 - APPLICATION FOR A STREET TRADING CONSENT - THE STREET, FRENHAM (*Pages 59 - 80*)**

To determine an application for a licence to trade in a designated consent street.

Recommendation

The Licensing Committee reviews consultation feedback and determines the application of James Boyd of Vaporetto (a mobile food business offering pizza, drinks and ice cream) for a consent to trade at The Street, Frensham.

3. **LEGAL ADVICE**

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

[Note: Reports relating to confidential or exempt information may be excluded from those copies of the agenda provided for inspection by members of the public if they relate to matters during which the meeting is likely not to be open to the public.]

**For further information or assistance, please telephone
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email at kimberly.soane@waverley.gov.uk**

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WAVERLEY BOROUGH COUNCIL

LICENSING COMMITTEE

1ST JUNE 2021

Title:

Application for Street Trading Consent – Milford Heath Road, Milford

Portfolio Holder: Cllr. Nick Palmer Portfolio Holder for Operational and Enforcement Services

Head of Service: Richard Homewood, Head of Environmental & Regulatory Services

Key decision: No

Access: Public

1. Purpose and summary

1.1 To determine an application for a licence to trade in a designated consent street.

2. Recommendation

2.1 The Licensing Committee reviews consultation feedback and determines the application of James Boyd of Vaporetto (a mobile food business offering pizza, drinks and ice cream) for a consent to trade at Milford Heath Road, Milford.

3. Reason for the recommendation

3.1 Under the Local Government Miscellaneous Provisions Act 1982, a street trading consent is required by any person wishing to sell goods on streets designated as a 'consent street'. On the 23rd April 2021 James Boyd of Vaporetto applied for street trading consent to trade at Milford Heath Road, Milford, six other locations were also applied for. Following consultation there have been some objections to the application for the Milford Heath Road location. Licensing Committee is required to determine the application in line with the Council's Street Trading Policy 2021.

Two other locations applied for have also received objections and are the subject of separate committee reports.

4. Background

4.1 The Act governing street trading within the Waverley area is the Local Government (Miscellaneous Provisions) Act 1982, Schedule 4. Further detail on

the legislation is provided in Annexe A. Streets can be designated prohibited streets or 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. This means that anyone who wishes to trade on a consent street (which includes a road, footway or other area to which the public have access without payment) must hold a street trading consent.

- 4.2 The current [Street Trading Policy](#) came into force on 5 April 2021, along with the Council's resolution to make all streets in Waverley consent streets other than designated [prohibited streets](#). There are some circumstances in which street trading consent will not be required, as detailed in the Policy and on the Council's website, [Will I need street trading consent – Frequently asked Questions](#).
- 4.3 The aim of the Policy is to prevent obstruction of streets, ensure public safety, recognise the importance of the local economy and community events, and prevent nuisance or annoyance to people within the area.
- 4.4 The Policy requires local stakeholders and the public to be consulted on an application, with a normal 28 day consultation period.
- 4.5 Paragraph 2.3 and 2.5 of the Policy details that in considering any application for the grant or renewal of a street trading consent the following issues will be taken into account before determination:

Public order

Whether the street trading activity or activities represent, or are likely to represent, a substantial risk to public order

Public nuisance

Whether the street trading activity or activities represent, or are likely to represent, a substantial risk of nuisance to the public from noise or misbehaviour. Particular regard to this will be had in respect of consents in predominantly residential areas and due regard will be had to the character of the neighbourhood.

Public safety

Whether the location of the street trading activity or activities represent, or are likely to represent, a substantial risk to the public from the point of view of obstruction, fire hazards, unhygienic conditions, danger that may occur when a trader is accessing the site, and overcrowding of the site/area. Overcrowding includes the capacity of the street trading area having regard to the potential maximum attendance on the site by the public, and the consequent risk of over congestion impacting adjacent roads to the site.

Needs of the area

The sufficiency of other trading outlets to serve the needs of an area will always be considered. A new consent is unlikely to be granted where it is considered that adequate like provision already exists. For special events falling under Schedule

2 of this policy (Community and similar events) the needs test may be exempted where appropriate.

- 4.6 Officers determine applications for street trading consent where there has been no relevant objections. If any relevant objections arise applications are referred to the Licensing Committee for determination as detailed in paragraph 2.1 of the Policy. A relevant objection is one made by a person, business or body that is likely to be directly affected by a successful application. In addition, the objection must not be vexatious or frivolous and should concern itself only with matters likely to be affected by a successful application. Note 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.
- 4.7 Street trading consents are normally issued for a set date or dates, or a period of one year, for specific locations and times when street trading can take place. All consents issued carry the Standard Consent Conditions detailed in the Street Trading Policy in order to promote public safety and avoid obstructions, nuisance and annoyance etc., and are shown in Annexe B. Other conditions may be attached to a Consent and will be relevant to the category of Consent issued and the nature of the local environment. The pool of typical conditions that can be added is detailed in the Street Trading Policy and are shown in Annexe C. A Consent may also attract conditions in addition to or instead of those found in the pool of conditions according to their individual merits.
- 4.8 On the 23rd April 2021 James Boyd of Vaporetto applied for street trading consent to trade in Milford Heath Road, Milford at the following times (application included as Annexe D also);

Wednesdays and Fridays 12.00-21.00 hours to sell pizza, drinks and ice cream.

A location map of the proposed site is attached as Annexe E. This is a proposed trading location for this business, the application is made as an alternative to the current trading location of Cherry Tree Road, Milford which has received a number objections to the application. The location requires consent for the business to trade here under the Council's updated Street Trading Policy 2021.

- 4.9 When an application for a street trading consent is received, the following stakeholders are consulted: the police, the fire authority, the highways authority, local ward councillors, local Chambers of Commerce, local Town/Parish Council, Portfolio Holder for Operational and Enforcement Services, and the Licensing Committee Chairman and Vice Chairman. They were emailed on the 23rd April 2021, along with The Head of Environmental and Regulatory Services, Environmental Health Manager (Environmental Protection) and Environmental Health Manager (Food and Safety) about the application. Additionally:
- At the start of the consultation period the applicant placed a notice of the application on a lamp post close to the trading location, advising people to contact Environmental Health if they had any concerns about the application.

- The public were also notified of the application via the Council's social media platforms on 12th May 2021.

The deadline for consultation responses was the 21st May 2021, 28 days after the start of the consultation period.

- 4.10 There have been 2 objections received to this application. These objections have been received from a Waverley Borough Council, Milford ward, Councillor and Witley Parish Council. Please see Annexe F for a copy of the responses (redacted as appropriate).
- 4.11 Representations raise concerns about Public Order, Public Safety and Public nuisance. A summary of the comments made are relating to;
- Potential fire risk due to overhanging trees
 - Littering
 - Potential Anti-Social Behaviour
- 4.12 Both respondents have suggested that a trial period consent could be a possible way forward, to ascertain if any problems arise in the local area due to the trader being located here. This would require the trader to apply to renew the consent before the end of the trial period, including submitting a full application with the required fee, and have another 28 day consultation in line with the Council's Street Trading Policy.
- 4.13 In addition to a street trading consent, mobile food businesses are required to have a minimum FSA Food Hygiene Rating Score of level 3 or above. Currently the business holds a 5 rating with East Hampshire District Council.
- 4.14 The Committee will be aware that operation of a stall between the hours of 23:00 and 05:00 hours to sell hot food and drink also requires a Premises licence under the Licensing Act 2003 ('late night refreshment'). Currently the trader does not trade during these times.
- 4.15 The Licensing Committee needs to consider feedback from the consultation and determine the application having regard to the matters that can be considered for the granting of a street trading consent as detailed in paragraph 4.5 above. There are three options for consideration:
- Option 1 – Grant a street trading consent as applied for
 - Option 2 – Grant a street trading consent but with conditions relating to hours or trading or goods allowed to be sold etc.
 - Option 3 – Refuse the application for a street trading consent.

Whichever option is determined by the committee will take immediate effect.

5. Relationship to the Corporate Strategy and Service Plan

- 5.1 Effective control of street trading will contribute to the strategic priorities of

supporting a strong local economy and improving the health and wellbeing of our residents and communities.

6. Implications of decision

6.1 Resource (Finance, procurement, staffing, IT)

If any consent is refused, under our policy, a full refund of the application fee for each refused location would need to be issued, this is currently £365 per location.

6.2 Risk management

The Street Trading consent area allows street traders with a consent, to trade, supplying goods and/or food on a regulated site approved by the Committee. This offers safeguards to the public who can recognise legitimate traders. It should help prevent the sale of illegal or unsafe goods or food. It also helps to prevent illegal obstruction of the highway. If street trading is not regulated it is likely to give rise to complaints about the adverse impact of street trading in some locations, potentially placing additional demands on the service.

6.3 Legal

6.3.1 Details of the process and legal procedures are set out within the body of the report in line with arrangements under Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982.

6.3.2 The Committee may grant an application (in part or full), apply any reasonable conditions, time restrictions, restrictions on the type of goods sold etc. The Council may also refuse the application.

6.3.3 The grounds for refusal are considered in Paragraph 7 of Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982.

6.4 Equality, diversity and inclusion

There are no direct equality, diversity or inclusion implications in this report. Equality impact assessments are carried out when necessary across the Council to ensure service delivery meets the requirements of the Public Sector Equality Duty under the Equality Act 2010.

6.5 Climate emergency declaration

Where consents are granted conditions can be added to a consent to prevent an impact on noise, odour and air pollution. Effective control of street trading activities will assist in mitigating their impact on the local environment and the community.

7. Consultation and engagement

7.1 Consultation undertaken is detailed within the body of the report.

8. Other options considered

8.1 Not applicable

9. Governance journey

9.1 Licensing Committee

Annexes:

Annexe A – Street Trading Legislation
Annexe B – Standard Consent Conditions
Annexe C - Pool of Conditions
Annexe D – Application by James Boyd of Vaporetto
Annexe E – Location map of proposed site
Annexe F – Consultation Responses

Background Papers

Street Trading Policy 2021

CONTACT OFFICER:

Name: Elizabeth Bance / Jeanette Guy
Position: Senior Environmental Health Officer / Environmental Health Manager
(Environmental Protection)
Telephone: 01483 523572/ 01483 523005
Email: elizabeth.bance@waverley.gov.uk / jeanette.guy@waverley.gov.uk

Agreed and signed off by:

Legal Services:

Head of Finance: date

Strategic Director: date

Portfolio Holder: date

Street Trading Legislation

The Act governing street trading within the Waverley area is the Local Government (Miscellaneous Provisions) Act 1982 (LG(MP)A 1982)

Street trading is defined as 'Selling or exposing or offering for sale of any articles (including a living thing) in a street' – para 1(1) of Schedule 4 of the Act. Street has an extended definition to include any road footway beach or other area to which the public have access without payment and a service area.

Certain activities are specifically excluded from the definition of street trading – by virtue of para 1(2) of Schedule 4, some of which are:

- Trading by a pedlar under a pedlar's certificate
- Trading by some news vendors
- Trading on a street adjoining a shop and as part of the business of the shop
- Trading at a petrol filling station

Paragraph 2 of Schedule 4 LG (MP)A 1982 states that a district council may by resolution designate any street in their district as—

- (a) a prohibited street; which means a street in which street trading is prohibited.
- (b) a licence street; which means a street in which street trading is prohibited without a licence granted by the district council.
- (c) a consent street; means a street in which street trading is prohibited without the consent of the district council.

Standard Consent Conditions

(to be used on all Consents issued)

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. Mobile food traders shall have a minimum FSA Food Hygiene Rating Score of level 3 or above.
8. The council may at any time vary the conditions of a street trading consent or revoke the consent at any time
9. 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. The person applying for street trading consent is responsible for providing this insurance, and applies to individual applicants (Schedule 1 event), or the organiser (Schedule 2 event).
10. 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
11. 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.
12. 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.

13. 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.
14. 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.
15. 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.
16. No stall or vehicle shall remain situated for longer than one hour after the authorised trading time(s).
17. 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.
18. The Consent is non-transferable.
19. 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.
20. Failure to comply with any conditions attached to the Consent may result in the revocation of such consent.

Pool of Conditions

Conditions applicable to special Events / Markets, etc.

The Consent holder shall keep records of each stallholder present, to include the stall's site, name (and company name), address, vehicle registration and contact telephone number. This must be produced on the request of an officer from the Council

Other Conditions

There shall be no available means of attracting attention for the purposes of trading or any stands or signs away from the consent site

The consent holder must not permit the sale of offensive weapons including imitation firearms, firearms, airguns, swords and crossbows

The consent holder must not sell a knife to anyone under 18.

The Consent does not imply or give any other permission, consent, licence or authorisation to trade in any other products other than those granted on application or renewal

The trader shall not exhibit on the site any advertising signs, posters or such like except as may be approved by the Council

No animal shall be present on any stall or vehicle save assistance dogs in accordance with the Equality Act 2010

The trader is not permitted to hold any auction or like sale

The trader shall reimburse the Council's costs in repairing all damaged caused by the trader's occupation and use of the consent site

There shall be no discharge of wastewater or other liquid waste onto the consent site or surrounding areas

No form of amplified music shall be permitted

Application by James Boyd of Vaporetto



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

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.

This application is for (please tick)	New Application	Yes	Renewal	
If a renewal application please provide the number on the current consent				
The type of consent being applied for (please tick)	Sole Trader	Yes	Special/Community Events	
If special/community events please state the number of stalls/traders to be present				

I submit the following particulars for consideration:

1.	Applicant Full name	James Boyd	Date of Birth	
2.	Trading as	Vaporetto		
3.	Home Address (inc. postcode) (for sole traders)			
4.	Address of organiser (if a community/special event)			
5.	Daytime telephone number			
6.	E-mail			
7.	Address where articles are stored (if applicable)			
8.	Proposed trading location/address*	1. Frensham Village Green, The Street, Frensham, GU10 3DT		

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		2. Lower hale, Farnham, GU9 9RP 3. Borough Rd, Farncombe, GU7 2AB 4. Bell Rd, Haslemere, GU27 3DG 5. Portsmouth Rd, Hindhead, GU26 6AL 6. Cherry tree Rd, Milford 7. Milford Heath Rd, Milford
<i>* For special/community event applications please provide the details of all of the traders separately as part of your application.</i>		
9.	Type of vehicle(s) to be used	Renault master – [REDACTED] Peugeot Boxer – [REDACTED]
10.	Registration no. or identification mark	
11.	Full details of articles to be sold. Also include size of any receptacles to be used, e.g. baskets, kiosk, tables, etc.	We sell a range of pizzas, drinks, ice creams.
12.	Proposed times of trading (please include frequency, times of day, days per week, months of the year)	1. Sunday (12 – 20.30) 2. Friday and Saturday (12 – 21.00) 3. Monday (15 – 20.30) 4. Tuesday & Thursday (15 – 20.30) 5. Wednesday & Sunday (12 – 21.00) 6. Wednesday & Friday (12 – 21.00) 7. Wednesday & Friday (12 – 21.00)
13.	Insurance Company and Policy No.	[REDACTED]
14.	If a food business please provide the name of the local authority you are registered with	East Hampshire District Council

I enclose:

1. A passport style photograph of myself (sole traders only)
2. A plan/map image showing all locations that I have applied to trade in, which shows sufficient details to identify the location of the proposed site.
3. A copy of valid public liability insurance for trading/the event providing cover to a minimum amount of 5 million pounds. The person applying for street trading consent

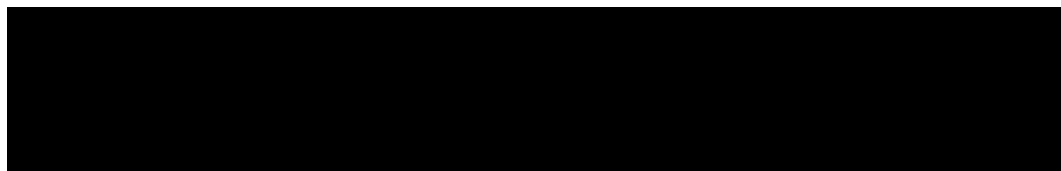
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is responsible for providing this insurance, individual applicants (sole traders), or the organiser (special/community events).

4. If a food trader(s)- a copy of correspondence showing that I am/they are registered with a local authority as a food business and/or have achieved a minimum FSA food hygiene rating score of level 3 or above.
5. Information on measures that will be put place to make sure trading is undertaken in a COVID-secure manner (sole traders only), or
An event management plan(s) detailing how the event(s) will be run safely and without causing nuisance to the area, as well as a completed COVID19 checklist(s) for the event(s) (special/community events only).
6. Confirmation that if trading from privately owned land that the land owner has given permission for me to trade/the event to go ahead there.

I confirm that:

- I will pay the required fee within 48hours of submitting this application. I am aware that failure to provide the required fee will result in my application not being processed.
- I am aware that the required fee is payable per trading site.
- I will display a notice at the proposed trading location(s) notifying local residents and businesses of my intention to trade there if a consent is granted. I will provide a photo of this being displayed at the location within 48hrs of submitting this application to environmentalhealth@waverley.gov.uk. (not required for itinerant street traders such as ice cream vans who do not trade from any specific locations)
- I am aware that if valid objections are received to my application, the application will need to be considered and determined by Waverley Borough Council's Licensing Sub-Committee. This may delay a street trading consent being granted.

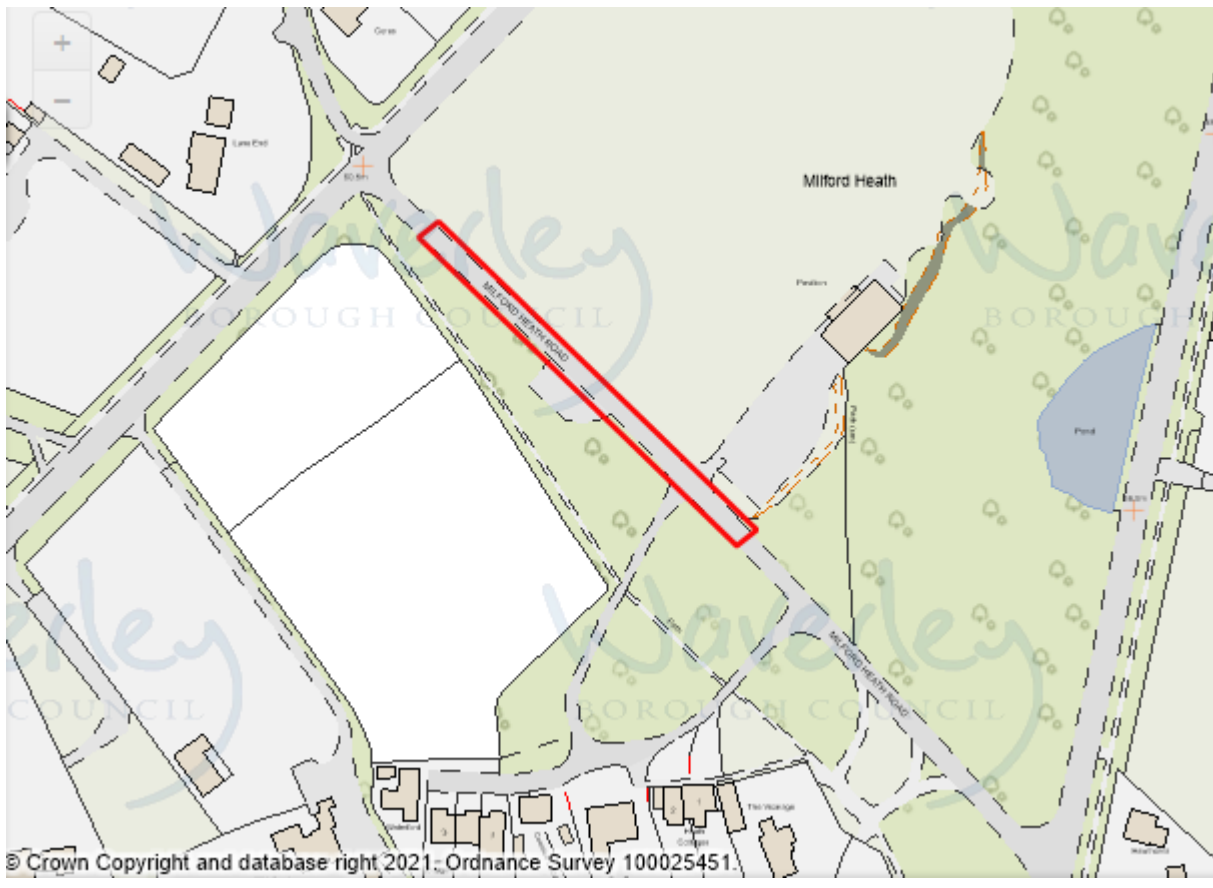


Notes:

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.

Location Map of Proposed Site



Consultation Responses

Please note these responses were received in relation to both applications made for Milford, any comments relating to the other site in Milford (Cherry Tree Road) have been removed.

**Response 1- Received 19th May 2021
Respondent: Witley Parish Council.**

**Response Type: Objection
Received via: email**

Milford Heath Road, Milford

Witley Parish Council has a number of concerns in relation to this location:

- Public safety: the lay by on Milford Heath Road is owned by the Parish Council. For reasons associated with fire risks (to trees) we would not agree to the applicant being located there, other than on the public highway.
- Potential risks to public order/public nuisance: unfortunately the area around Burton Pavilion does suffer from instances of criminal damage and anti-social behaviour. There is concern that by agreeing to place a street trader in the immediate vicinity could exacerbate the situation.
- Public hygiene: there is concern (based on the comment above) that not all customers would vacate the area immediately having purchased food. This could result in an increase in litter in the area, that would fall to Parish Council to deal with. If the application was granted but only on a trial basis we would request that the applicant supplies his own litter bins and be responsible for ensuring the area is cleared of litter on completion of daily trading.

Response 2- Received 19th May 2021
Respondent: Milford Ward Councillor, Maxine Gale.

Response Type: Objection
Received via: email

Vaporetto have also applied for a licence on Milford Heath Road and I have some reservations about this location.

If a licence were granted to trade on Milford Heath Road I think there would need to be conditions, if that is at all possible.

For instance the van must not operate anywhere where tree cover could be damaged by chimney, the van must not park in the Burton Pavilion Car Park or the small Lay-By as these are owned by Witley Parish Council and can be in constant use, the van must be sited on the highway and not on any grass areas. the vendor must supply their own bins and pick up all litter in the area before leaving the site at night, this would need to include clearing the football and cricket pitches if their customers have been sitting there eating. If the licence could be temporary I think it would be helpful as the location could be re-assessed after a couple of months, I am thinking that we experience vandalism and ASB around Milford Heath area and if this increased due to the vendor being there it could be necessary to move him on.

WAVERLEY BOROUGH COUNCIL

LICENSING COMMITTEE

1ST JUNE 2021

Title:

Application for Street Trading Consent – Cherry Tree Road, Milford

Portfolio Holder: Cllr. Nick Palmer Portfolio Holder for Operational and Enforcement Services

Head of Service: Richard Homewood, Head of Environmental & Regulatory Services

Key decision: No

Access: Public

1. Purpose and summary

1.1 To determine an application for a licence to trade in a designated consent street.

2. Recommendation

2.1 The Licensing Committee reviews consultation feedback and determines the application of James Boyd of Vaporetto (a mobile food business offering pizza, drinks and ice cream) for a consent to trade at Cherry Tree Road in Milford.

3. Reason for the recommendation

3.1 Under the Local Government Miscellaneous Provisions Act 1982, a street trading consent is required by any person wishing to sell goods on streets designated as a 'consent street'. On the 23rd April 2021 James Boyd of Vaporetto applied for street trading consent to trade at Cherry Tree Road, six other locations were also applied for. Following consultation there have been some objections to the application for the Cherry Tree Road location. Licensing Committee is required to determine the application in line with the Council's Street Trading Policy 2021. Two other locations applied for have also received objections and are the subject of separate committee reports.

4. Background

4.1 The Act governing street trading within the Waverley area is the Local Government (Miscellaneous Provisions) Act 1982, Schedule 4. Further detail on the legislation is provided in Annexe A. Streets can be designated prohibited

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- 4.2 The current [Street Trading Policy](#) came into force on 5 April 2021, along with the Council's resolution to make all streets in Waverley consent streets other than designated [prohibited streets](#). There are some circumstances in which street trading consent will not be required, as detailed in the Policy and on the Council's website, [Will I need street trading consent – Frequently asked Questions](#).
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Public order

Whether the street trading activity or activities represent, or are likely to represent, a substantial risk to public order

Public nuisance

Whether the street trading activity or activities represent, or are likely to represent, a substantial risk of nuisance to the public from noise or misbehaviour. Particular regard to this will be had in respect of consents in predominantly residential areas and due regard will be had to the character of the neighbourhood.

Public safety

Whether the location of the street trading activity or activities represent, or are likely to represent, a substantial risk to the public from the point of view of obstruction, fire hazards, unhygienic conditions, danger that may occur when a trader is accessing the site, and overcrowding of the site/area. Overcrowding includes the capacity of the street trading area having regard to the potential maximum attendance on the site by the public, and the consequent risk of over congestion impacting adjacent roads to the site.

Needs of the area

The sufficiency of other trading outlets to serve the needs of an area will always be considered. A new consent is unlikely to be granted where it is considered that adequate like provision already exists. For special events falling under Schedule 2 of this policy (Community and similar events) the needs test may be exempted

where appropriate.

- 4.6 Officers determine applications for street trading consent where there has been no relevant objections. If any relevant objections arise applications are referred to the Licensing Committee for determination as detailed in paragraph 2.1 of the Policy. A relevant objection is one made by a person, business or body that is likely to be directly affected by a successful application. In addition, the objection must not be vexatious or frivolous and should concern itself only with matters likely to be affected by a successful application. Note 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.
- 4.7 Street trading consents are normally issued for a set date or dates, or a period of one year, for specific locations and times when street trading can take place. All consents issued carry the Standard Consent Conditions detailed in the Street Trading Policy in order to promote public safety and avoid obstructions, nuisance and annoyance etc., and are shown in Annexe B. Other conditions may be attached to a Consent and will be relevant to the category of Consent issued and the nature of the local environment. The pool of typical conditions that can be added is detailed in the Street Trading Policy and are shown in Annexe C. A Consent may also attract conditions in addition to or instead of those found in the pool of conditions according to their individual merits.
- 4.8 On the 23rd April 2021 James Boyd of Vaporetto applied for street trading consent to trade in Cherry Tree Road in Milford on the following days (application included as Annexe D also);

Wednesdays and Fridays 12.00-21.00 hours to sell pizza, drinks and ice cream.

A location map of the proposed site is attached as Annexe E. This is an existing trading location for this business, but now requires consent to continue to trade here under the Councils' updated Street Trading Policy 2021.

- 4.9 When an application for a street trading consent is received, the following stakeholders are consulted: the police, the fire authority, the highways authority, local ward councillors, local Chambers of Commerce, local Town/Parish Council, Portfolio Holder for Operational and Enforcement Services, and the Licensing Committee Chairman and Vice Chairman. They were emailed on the 23rd April 2021, along with The Head of Environmental and Regulatory Services, Environmental Health Manager (Environmental Protection) and Environmental Health Manager (Food and Safety) about the application. Additionally:
- Emails were sent to nearby residents about the consultation.
 - At the start of the consultation period the applicant placed a notice of the application on a lamp post close to the trading location, advising people to contact Environmental Health if they had any concerns about the application.
 - The public were also notified of the application via the Council's social media

platforms on 12th May 2021.

The deadline for consultation responses was the 21st May 2021, 28 days after the start of the consultation period.

- 4.10 There have been 18 objections to the application, these have been received from a Waverley Borough Council Ward Councillor, Witley Parish Council, Waverley Borough Council's Interim Environmental Services Manager and 15 residents. No representations in support of the application have been received. Please see Annexe F for a copy of the responses (redacted as appropriate).
- 4.11 Representations raise concerns about Public Order, Public Safety and Public nuisance. A summary of the comments made are relating to;
- Anti-social behaviour
 - Waverley Borough Council bin collections (operated by Biffa) not being able to take place on a number of occasions due to the location of the Vaporetto mobile unit.
 - The employee on the Vaporetto van using the bushes on the opposite side of the road to urinate
 - Customers for the mobile unit blocking access to residents drives
 - Customers using the grass verge to have a 'picnic'
 - Customers using residents' bins for their waste/rubbish/pizza boxes
 - Wood smoke causing residents to have to close their windows, even in hot weather.
- 4.12 This mobile trader has operated in this road since July/August 2019. As the road was not previously been part of the Street Trading regime the trader did not require consent from Waverley Borough Council until the update to the Policy in April 2021. Complaints received during this period have been dealt with on a case by case basis, but to date no contraventions of legislation enforced by Environmental Health have been substantiated.
- 4.13 In addition to a street trading consent mobile food businesses are required to have a minimum FSA Food Hygiene Rating Score of level 3 or above. Currently the business holds a 5 rating with East Hampshire Council.
- 4.14 The Committee will be aware that operation of a stall between the hours of 23:00 and 05:00 hours to sell hot food and drink also requires a Premises licence under the Licensing Act 2003 ('late night refreshment'). Currently the trader does not trade during these times.
- 4.15 The Licensing Committee needs to consider feedback from the consultation and determine the application having regard to the matters that can be considered for the granting of a street trading consent as detailed in paragraph 4.5 above. There are three options for consideration:

Option 1 – Grant a street trading consent as applied for

Option 2 – Grant a street trading consent but with conditions relating to hours or trading or goods allowed to be sold etc.

Option 3 – Refuse the application for a street trading consent.

Whichever option is determined by the committee will take immediate effect.

5. Relationship to the Corporate Strategy and Service Plan

5.1 Effective control of street trading will contribute to the strategic priorities of supporting a strong local economy and improving the health and wellbeing of our residents and communities.

6. Implications of decision

6.1 Resource (Finance, procurement, staffing, IT)

If any consent is refused, under our policy, a full refund of the application fee for each refused location would need to be issued, this is currently £365 per location.

6.2 Risk management

The Street Trading consent area allows street traders with a consent, to trade, supplying goods and/or food on a regulated site approved by the Committee. This offers safeguards to the public who can recognise legitimate traders. It should help prevent the sale of illegal or unsafe goods or food. It also helps to prevent illegal obstruction of the highway. If street trading is not regulated it is likely to give rise to complaints about the adverse impact of street trading in some locations, potentially placing additional demands on the service.

6.3 Legal

6.3.1 Details of the process and legal procedures are set out within the body of the report in line with arrangements under Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982.

6.3.2 The Committee may grant an application (in part or full), apply any reasonable conditions, time restrictions, restrictions on the type of goods sold etc. The Council may also refuse the application.

6.3.3 The grounds for refusal are considered in Paragraph 7 of Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982.

6.4 Equality, diversity and inclusion

There are no direct equality, diversity or inclusion implications in this report. Equality impact assessments are carried out when necessary across the Council to ensure service delivery meets the requirements of the Public Sector Equality Duty under the Equality Act 2010.

6.5 Climate emergency declaration

Where consents are granted conditions can be added to a consent to prevent an impact on noise, odour and air pollution. Effective control of street trading activities will assist in mitigating their impact on the local environment and the community.

7. Consultation and engagement

7.1 Consultation undertaken is detailed within the body of the report.

8. Other options considered

8.1 Not applicable

9. Governance journey

9.1 Licensing Committee

Annexes:

Annexe A – Street Trading Legislation
Annexe B – Standard Consent Conditions
Annexe C - Pool of Conditions
Annexe D – Application by James Boyd of Vaporetto
Annexe E – Location map of proposed site
Annexe F – Consultation Responses

Background Papers

Street Trading Policy 2021

CONTACT OFFICER:

Name: Elizabeth Bance / Jeanette Guy
Position: Senior Environmental Health Officer / Environmental Health Manager
(Environmental Protection)
Telephone: 01483 523572/ 01483 523005
Email: elizabeth.bance@waverley.gov.uk / jeanette.guy@waverley.gov.uk

Agreed and signed off by:
Legal Services:
Head of Finance: date
Strategic Director: date
Portfolio Holder: date

Street Trading Legislation

The Act governing street trading within the Waverley area is the Local Government (Miscellaneous Provisions) Act 1982 (LG(MP)A 1982)

Street trading is defined as 'Selling or exposing or offering for sale of any articles (including a living thing) in a street' – para 1(1) of Schedule 4 of the Act. Street has an extended definition to include any road footway beach or other area to which the public have access without payment and a service area.

Certain activities are specifically excluded from the definition of street trading – by virtue of para 1(2) of Schedule 4, some of which are:

- Trading by a pedlar under a pedlar's certificate
- Trading by some news vendors
- Trading on a street adjoining a shop and as part of the business of the shop
- Trading at a petrol filling station

Paragraph 2 of Schedule 4 LG (MP)A 1982 states that a district council may by resolution designate any street in their district as—

- (a) a prohibited street; which means a street in which street trading is prohibited.
- (b) a licence street; which means a street in which street trading is prohibited without a licence granted by the district council.
- (c) a consent street; means a street in which street trading is prohibited without the consent of the district council.

Standard Consent Conditions

(to be used on all Consents issued)

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. Mobile food traders shall have a minimum FSA Food Hygiene Rating Score of level 3 or above.
8. The council may at any time vary the conditions of a street trading consent or revoke the consent at any time
9. 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. The person applying for street trading consent is responsible for providing this insurance, and applies to individual applicants (Schedule 1 event), or the organiser (Schedule 2 event).
10. 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
11. 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.
12. 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.

13. 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.
14. 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.
15. 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.
16. No stall or vehicle shall remain situated for longer than one hour after the authorised trading time(s).
17. 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.
18. The Consent is non-transferable.
19. 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.
20. Failure to comply with any conditions attached to the Consent may result in the revocation of such consent.

Pool of Conditions

Conditions applicable to special Events / Markets, etc.

The Consent holder shall keep records of each stallholder present, to include the stall's site, name (and company name), address, vehicle registration and contact telephone number. This must be produced on the request of an officer from the Council

Other Conditions

There shall be no available means of attracting attention for the purposes of trading or any stands or signs away from the consent site

The consent holder must not permit the sale of offensive weapons including imitation firearms, firearms, airguns, swords and crossbows

The consent holder must not sell a knife to anyone under 18.

The Consent does not imply or give any other permission, consent, licence or authorisation to trade in any other products other than those granted on application or renewal

The trader shall not exhibit on the site any advertising signs, posters or such like except as may be approved by the Council

No animal shall be present on any stall or vehicle save assistance dogs in accordance with the Equality Act 2010

The trader is not permitted to hold any auction or like sale

The trader shall reimburse the Council's costs in repairing all damaged caused by the trader's occupation and use of the consent site

There shall be no discharge of wastewater or other liquid waste onto the consent site or surrounding areas

No form of amplified music shall be permitted

Application by James Boyd of Vaporetto



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

To: Head of Environmental Health and Community Safety, Waverley Borough Council,
The Bury, 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.

This application is for (please tick)	New Application	Yes	Renewal	
If a renewal application please provide the number on the current consent				
The type of consent being applied for (please tick)	Sole Trader	Yes	Special/Community Events	
If special/community events please state the number of stalls/traders to be present				

I submit the following particulars for consideration:

1.	Applicant Full name	James Boyd	Date of Birth	
2.	Trading as	Vaporetto		
3.	Home Address (inc. postcode) (for sole traders)			
4.	Address of organiser (if a community/special event)			
5.	Daytime telephone number			
6.	E-mail			
7.	Address where articles are stored (if applicable)			
8.	Proposed trading location/address*	1. Frensham Village Green, The Street, Frensham, GU10 3DT		

April 2021

		2. Lower hale, Farnham, GU9 9RP 3. Borough Rd, Farncombe, GU7 2AB 4. Bell Rd, Haslemere, GU27 3DG 5. Portsmouth Rd, Hindhead, GU26 6AL 6. Cherry tree Rd, Milford 7. Milford Heath Rd, Milford
* For special/community event applications please provide the details of all of the traders separately as part of your application.		
9.	Type of vehicle(s) to be used	Renault master – [REDACTED] Peugeot Boxer – [REDACTED]
10.	Registration no. or identification mark	
11.	Full details of articles to be sold. Also include size of any receptacles to be used, e.g. baskets, kiosk, tables, etc.	We sell a range of pizzas, drinks, ice creams.
12.	Proposed times of trading (please include frequency, times of day, days per week, months of the year)	1. Sunday (12 – 20.30) 2. Friday and Saturday (12 – 21.00) 3. Monday (15 – 20.30) 4. Tuesday & Thursday (15 – 20.30) 5. Wednesday & Sunday (12 – 21.00) 6. Wednesday & Friday (12 – 21.00) 7. Wednesday & Friday (12 – 21.00)
13.	Insurance Company and Policy No.	[REDACTED]
14.	If a food business please provide the name of the local authority you are registered with	East Hampshire District Council

I enclose:

1. A passport style photograph of myself (sole traders only)
2. A plan/map image showing all locations that I have applied to trade in, which shows sufficient details to identify the location of the proposed site.
3. A copy of valid public liability insurance for trading/the event providing cover to a minimum amount of 5 million pounds. The person applying for street trading consent

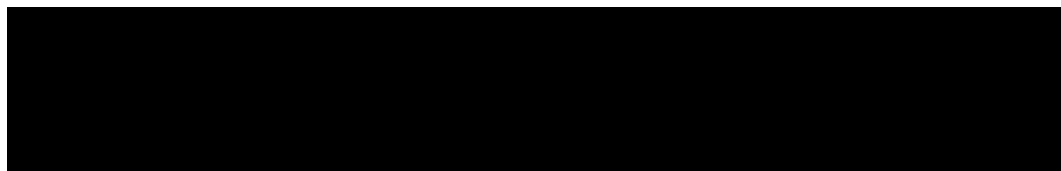
April 2021

is responsible for providing this insurance, individual applicants (sole traders), or the organiser (special/community events).

4. If a food trader(s)- a copy of correspondence showing that I am/they are registered with a local authority as a food business and/or have achieved a minimum FSA food hygiene rating score of level 3 or above.
5. Information on measures that will be put place to make sure trading is undertaken in a COVID-secure manner (sole traders only), or
An event management plan(s) detailing how the event(s) will be run safely and without causing nuisance to the area, as well as a completed COVID19 checklist(s) for the event(s) (special/community events only).
6. Confirmation that if trading from privately owned land that the land owner has given permission for me to trade/the event to go ahead there.

I confirm that:

- I will pay the required fee within 48hours of submitting this application. I am aware that failure to provide the required fee will result in my application not being processed.
- I am aware that the required fee is payable per trading site.
- I will display a notice at the proposed trading location(s) notifying local residents and businesses of my intention to trade there if a consent is granted. I will provide a photo of this being displayed at the location within 48hrs of submitting this application to environmentalhealth@waverley.gov.uk. (not required for itinerant street traders such as ice cream vans who do not trade from any specific locations)
- I am aware that if valid objections are received to my application, the application will need to be considered and determined by Waverley Borough Council's Licensing Sub-Committee. This may delay a street trading consent being granted.

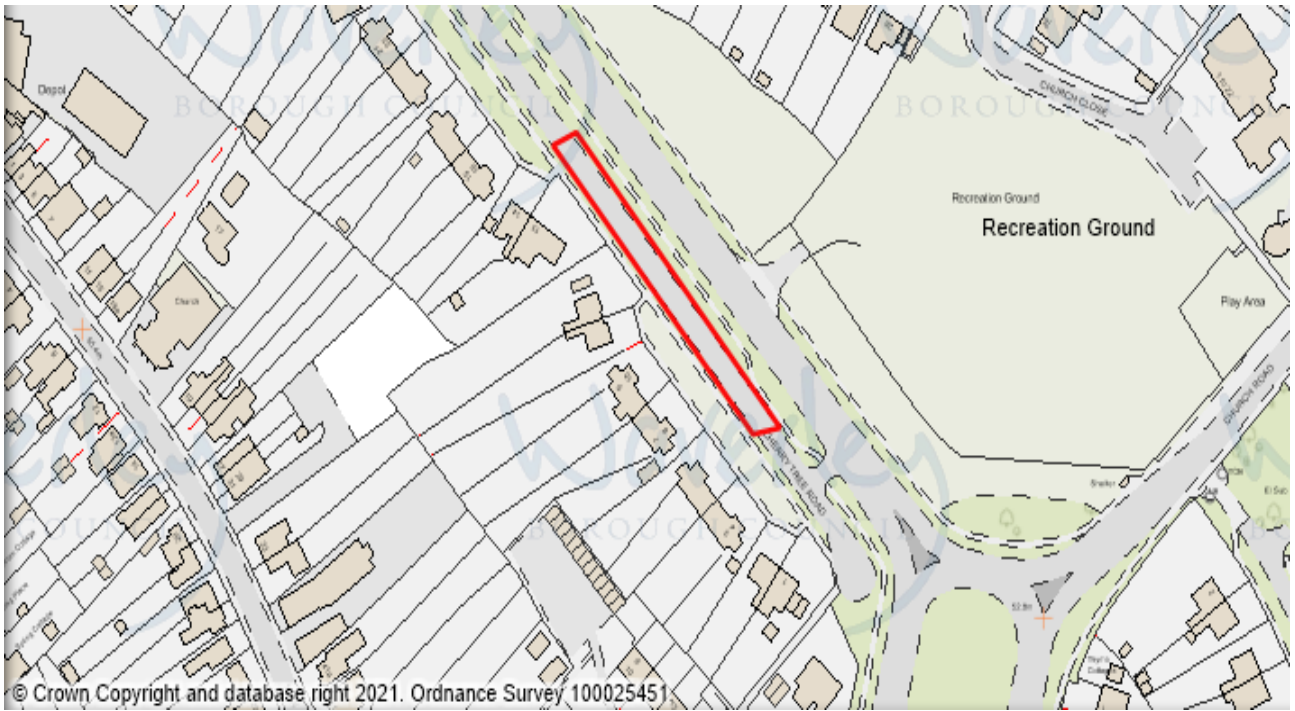


Notes:

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.

Location Map of Proposed Site



Consultation Responses

Response 1- Received 25th April 2021

Respondent: Local Resident.

Response Type: Objection

Received via: email

Please note that the photos referenced in the representation have not been included due to them potentially identifying the individual who has submitted the objection.

Please find below my objections for a license for Vaporetto Pizza van to trade in Cherry Tree Road.

For the last two years Vaporetto have made the residents of Cherry Tree Road lives unbearable with their van trading here. It is a public nuisance with the smell and caustic smoke pumping out of the van for hours on end, residents unable to park or gain access to their properties. There is a risk of public safety, to our property, our cars, the security and privacy of our homes, let alone if an emergency vehicle tried to get through as they wouldn't have the room. They have already caught fire to the Cherry Tree [REDACTED]. The refuse collection has been missed on a few occasions as they have not been able to get past the van and the residents have had to wait days for another collection. I hope you can see from the photos I have attached it is not a 'one off' or only something that happens occasionally, this is week in week out for months and years. A constant battle for us to enjoy our homes and outside areas without Vaporetto and its customers causing unnecessary stress. There is no direct need for Vaporetto to trade in our residential road, the need can be met by the Vaporetto Pizza van being moved to Milford Heath Road where they can trade away from residential properties and they will have on road parking as well as two car parks for their customers which will cause no issues to anyone.

I am asking that their application to trade in Cherry Tree Road is declined and they can trade from Milford Heath Road. If the application is approved for Milford Heath Road, please could it be expressly clear on their license no trading is allowed on Cherry Tree Road. |

I am hoping you can all see how much stress, worry and upset this is causing and you will be in favour of the residents of Cherry Tree Road.

Kind Regards



Additional email received on 29th April from Responder 1-

Dear Elizabeth,

The pizza van was trading yesterday and on two separate occasions the person serving went into the bushes opposite behind the gardens of Oak Tree Road to go to the toilet, not only is this completely unhygienic but he is also exposing himself in a public space. He left the pizza van unattended whilst the generator and fire was working. The residents of Oak Tree road [who's](#) gardens back onto where he "relieves" himself should surely be made aware of the risk to their health.

Please confirm you have received my objection.

Kind Regards



Response 2- Received 26th April 2021
Respondent: Local Resident.

Response Type: Objection
Received via: email

As I am a local resident of Cherry Tree Road I am writing to object to the application from Vaporetto. Every Wednesday and Friday we are subjected to this obnoxious van wafted out smoke and an absolutely revolting smell. We all have to close our windows (especially difficult on hot days). This has been ongoing for nearly 2 years now. When we have approached the vendor we are met with verbal abuse. We even asked why he could trade at the football pitch to which his reply was, "I make more money here!!" This is a residential road, not an Industrial Estate.

The police have been called out on numerous occasions, that alone is a waste of tax-payers money. But on a safety issue sometimes he parks up and makes it very difficult for cars to get through. Imagine an ambulance or Fire engine trying to get past. It doesn't bear thinking of the consequences. Even last week there was a very heated conversation with the refuse lorry who couldn't get through. Again, Vaporetto would NOT move which in turn made the refuse lorry reverse back out of Cherry Tree Road. They had to return the next day to collect the refuse. Again, another waste of money!

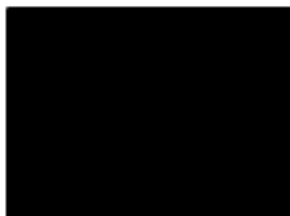
I have had customers "popping" into my front garden and urinating..... This has happened so many times. Disgusting behaviour. On another occasion 2 cars with 8 men in got out, set up a table and chairs on the grass outside [REDACTED] They bought 8 pizzas and sat with alcoholic beverages, becoming quite rowdy. When mentioning this to the police we were told she should have called 101.... Unbelievable... [REDACTED] petrified in her flat, and frightened to call the police. She was as you could imagine in shock. In the morning she had to go out and pick up the rubbish which was strewn over the front grass.

Vaporetto have no respect for the residents in Cherry Tree Road.

Every Wednesday and Friday we have to make sure we remain at home. We park our cars on the service road to deter the pizza van parking. In the last 2 years we have photographic evidence that the customers park over driveways. On Fridays they seem to arrive at around 11.30am..... They continue to trade late into the night. As there are no toilet facilities in the van. But they do have a small hand wash basin!!!!!! Unfortunately, one of the residents saw this..... Filthy, unhygienic.....

Thank you for reading

|



Additional information received via the online portal on 28th April from Responder 2-

I live in Cherry Tree Road. Vaporetto pizza van has caused major problems for us all. No respect for the residents. Customers urinating in my front garden. Obnoxious smell, whereby we cannot open our windows in the heat, also we have to rewash our clothes on the washing line. Basically, its been an absolute nightmare, because of the need for money regardless who he walks over. Police called several times, again wasting tax-payers money. Emergency vehicles unable to get through.

Response 3- Received 26th April 2021

Respondent: Local Resident.

Response Type: Objection

Received via: email

I am objecting to the application of the above to be allowed to trade from Cherry Tree Road, Milford. My objections are as follows:- Rude owner of said Pizza Van, Smoke from van chimney coming into my home if my windows are open. Obstruction to residents properties by Pizza Customers. Breaking down of Roadside and Kerbs. Potholes in places which which fill with water when it rains. Cars parking on the grass. Daffodils and Cherry Trees damages by customers and their children. Damage to my car and others from car doors being opened onto them. Picnics on the Grass areas and eating in cars. Street completely blocked in both directions on Good Friday this year and families could not access relatives. One evening last summer 3 cars arrived together and left the road and proceeded to cross the grass and park facing our homes the then the six occupants took out camping chairs and a sm table and sat drinking and eating pizza. [REDACTED] I object to being told I live on a lay-by when I used my hard earned savings to by suitable home for me in my retirement. Next day I found discarded Pizza crusts in a Pizza box under my hedge.

[REDACTED] it is essential for me to have safe footpaths and access to my car at all times. If an Ambulance was required to anyone on this street it would not be able to park to attend to their patient.

I did challenge the Pizza Van owner last year when he first arrived but he was very rude to me and said he had permission to be there.

I think these issues cover most of the criteria to place to place an objection to to the continued trading from our lovely street by the Vaporetto Pizza Van.

Lastly our properties will be devalued by the continuance of this type of trading on our street. We did point out an area on the cricket ground but he was not interested in that.

Sincerely,

[REDACTED]

Additional details provided by responder 3 on 29th April 2021;

Thank you for dealing with this. I would like to add one more thing that I forgot to add in my last email but last night I had my lounge window open as it was a nice evening but of course the smoke once again came into my lounge so I had to close the window. As the summer approaches the wood burning smell will increase also. Imagine some having a bonfire on your doorstep.

[REDACTED]

Response 4- Received 26th April 2021
Respondent: Local Resident.

Response Type: Objection
Received via: online portal

The owner is rude, parking is causing issues, parking on our driveways, the smell is disgusting, the cars are parking double on an already narrow road, parking on corners of roads. Smoking on our property by the employees, there are numerous places for takeaway in the area of Godalming, this is a residential street off of a very busy road.

Additional email from responder 4 received on 14th May 2021;

Good afternoon Elizabeth,

Can it be added that once again the bins have not been emptied, Vaperetto again refused to move for them. It's beginning to become ridiculous, the smell today is disgusting. I can't hang my washing out or have my windows open as it stinks of garlic.

Response 5- Received 28th April 2021
Respondent: Local Resident.

Response Type: Objection
Received via: online portal

the van is parked outside or near to my home blocking access to my property and customer's park inconsiderately blocking the road for residents returning home from work

Response 6- Received 28th April 2021
Respondent: Local Resident.

Response Type: Objection
Received via: online portal

The Customers block driveways and access to road
The smoke and oily smell means its contaminating my home enviroment
Discarded rubbish empty pizza boxes and rubbish left in road have evidence , damage to
the trees caused by the heat from the fire
damage to the grass verges. dust cart unable to get past meaning rubbish was not
emptied on the 16th April 2021. i have lived hear for over -- years and now feel threatened
by the people loitering around.The Council has a long list of complaints of evidence on the
disruption of the residents lives made aware to maxine gale and elizabeth bunce
enviromental OBJECT

Response 7- Received 4th May 2021
Respondent: Local Resident.

Response Type: Objection
Received via: email

Dear Elizabeth

I am writing to you to convey my strong opposition to Vappretto being permitted a licence to trade on Cherry Tree Road.

My first objection is based on public order. The Vappretto van is consistently blocking traffic on the road, due to its own positioning, as well as its attraction of customer vehicles from around the area, as well as from outside of it. For example, on 9th April 2021 and on 30th April 2021, the Waverley bin van was not able to pass down the road, which meant that residents' bins were not able to be emptied for several days (in fact, as of 4th May 2021, the bins moving towards the A3 end of the road await emptying). Bearing in mind we pay our council tax, and that the operatives are keen to fulfil their council duties, this is not acceptable. I would also flag up that Vappretto is currently displaying incorrect information, publicly, regarding its proposed hours of business on Wednesdays (specifically, 15.00 - 21.00, rather than the applied for 12.00 - 21.00), with regards its licensing application. Whether this is wilful misleading of the public, and contempt for the council process, is questionable, but based on the company's treatment of residents and previous disregard of council wishes, likely.

In terms of public nuisance, the smoke emitting from the van is extremely smelly and interferes with the daily life of residents. On 7th August, it was noted that the smoke from the van was actually scorching the road's cherry trees, which is both dangerous for residents and environmentally damaging. In the summer of 2020, I was horrified to learn of the fear and anxiety experienced by a [REDACTED] resident of Cherry Tree Road and living [REDACTED], who had a group of men setting up and having a picnic, with pizza and alcohol, late into the evening, directly outside of her house. This interference in her right to peace and safety in her own home is not appropriate, and does not serve the needs of the area.

On 2nd September 2020, it was discovered that the van 5B13 MLE had no MOT, no road TAX no vehicle insurance, which obviously had potential implications for public safety of the residents of Cherry Tree Road. Residents have been alarmed and scared to learn that 'associates' of Vappretto, (and this practice was rudely confirmed to me by a Vappretto employee on 2nd April 2021) regularly take photos of our houses in order to scope out the best place for its van to set up. A car was spotted doing this on 18th June 2020. This is both intrusive and intimidating, when we have a right to live in peace in our homes.

Further in terms of needs of the area, the money gained by Vappretto is taken outside of Milford, as the company is based in Hampshire. Cherry Tree Road is effectively being used as a layby. The staff of the pizza van are typically rude and aggressive (as experienced by me, for example, on 2nd April 2021, as I was pointing out that the location of the van might impact on disability vehicles entering one of my neighbour's properties, as well as availability of access for ambulances for an elderly resident, who is cared for. His contempt for my neighbours' needs was shocking and inappropriate). I feel residents' rights to feel safe and secure in their own homes, within Waverley, must override Vappretto's desire to make money out of our distress, inconvenience and discomfort.

If you were able to confirm receipt of this email, I would be grateful.

Kind Regards

[REDACTED]

Response 8- Received 8th May 2021
Respondent: Local Resident.

Response Type: Objection
Received via: email

I object most strongly to ~~Vaporetto~~ having a license to trade in Cherry Tree Road.

The smoke and smell coming from the van is disgusting. We have to keep our windows shut in hot weather.

His customers with their inconsiderate parking block our driveways causing chaos and many arguments.

The pizza van has caused damage to the grass verges and Cherry trees.

On Friday 30th April the pizza van blocked the road so residents didn't get their rubbish bins emptied.

His customers have put their dirty pizza boxes in our blue recycling bins. We have taken them out and returned them to pizza van.

Cherry Tree Road residents have had enough. He has been here since August 2019.

Please do not give him a license to trade here.



Response 9- Received 11th May 2021
Respondent: Responding on behalf of a Local Resident.

Response Type: Objection
Received via: email

- **Public order-** Whether the street trading activity or activities represent, or are likely to represent, a substantial risk to public order

I can't honestly say this is a public order issue however it has caused a lot of annoyance, face to face arguments, frustration and stress between the residents and the trader

- **Public nuisance-** Whether the street trading activity or activities represent, or are likely to represent, a substantial risk of nuisance to the public from noise or misbehaviour.

It clearly creates a lot of interest and I've been there several times when there are lots of people buying, therefore lots of cars with people coming and going well into the evening – it's wrong to have something that encourages people to gather in a residential street that few (if any) of them live in and very concerning for many residents. I certainly wouldn't like it in my road and it's wrong for [REDACTED] to have to put up with it, as I understand it there are many older residents along the road.

I would also add that having a takeaway van of any description in a residential road is bound to have a negative impact on property appeal or value.

- **Public safety-** Whether the location of the street trading activity or activities represent, or are likely to represent, a substantial risk to the public from the point of view of obstruction, fire hazards, unhygienic conditions, danger that may occur when a trader is accessing the site, and overcrowding of the site/area. Overcrowding includes the capacity of the street trading area having regard to the potential maximum attendance on the site by the public, and the consequent risk of over congestion impacting adjacent roads to the site.

As explained in my previous email the pizza van is popular and drives a lot of people (and cars) to the area. As it positions itself in the 'service' road it has on occasion caused access problems. This includes ambulances, community buses and even dust carts. The trader also does everything possible to attract trade and that includes placing traffic cones on the grass area next to the road to attract the attention of passing traffic which to my mind is dangerous and could cause accidents. I think they put enough boards up and adverts on social media to attract custom.

Also the vehicle is not pleasant for residents, it smells and on occasion rubbish has been left. I understand they should be allowed to trade but not on residential streets, no-one wants a takeaway van outside their home - there are plenty of other sites for this van to make money.

- **Needs of the area-** This will cover matters such as if the area already has sufficient provision of the commodities sold.

I wouldn't argue that Milford is awash with takeaway places however, customers have to drive to the pizza van so clearly they could all drive somewhere else - and I also wouldn't suggest that a pizza van adds 'sufficient provision'.

Response 10- Received 18th May 2021
Respondent: Witley Parish Council

Response Type: Objection
Received via: email

Application for Street Trading Licence

Applicant: James Boyd T/A Vaporetto

Proposed trading addresses:

1. Cherry Tree Road, Milford

Comments & observations:

Cherry Tree Road, Milford

Witley Parish Council objects to the granting of a licence at this location for the following reasons:

1. Potential risks to public safety:
 - It has already been demonstrated that the locations along Cherry Tree Road at which the applicant has parked his trading vehicle have caused instances of highways obstruction, access by public service vehicles has been prohibited and access to resident's properties restricted (by customers wishing to use the services of the applicant). There is an ongoing concern that if these instances continue there is a real possibility that access by emergency vehicles would be compromised.
 - Unhygienic conditions - There are no public toilets in Milford. Instances have been reported whereby customers of Vaporetto have used resident's gardens.
 - Unhygienic conditions – residents have reported that the smoke and smells coming from the applicant's vehicle has meant that they have had to keep windows in their properties closed.
 - Fire hazard – there have already been a couple of instances whereby fire damage (from the applicant's vehicle) has been caused to the cherry trees (owned by the Parish Council) on Cherry Tree Road.
2. Risks to public order
 - The location of the applicant's vehicle, being so close to residential properties has lead to instances, including some with staff operating public service vehicles of confrontation between the applicant and local residents.

Response 11- Received 18th May 2021

Respondent: Waverley Borough Council, Milford Ward Councillor- Maxine Gale

Response Type: Objection

Received via: email

Good afternoon Elizabeth,

I hope you are well.

The consultation period for Vaporetto comes to an end on 21st May and as Ward Councillor for Milford I would like to submit a response to their application if that is OK as well as speaking at the Licencing Committee Meeting which I understand will be early June.

I would like to object to the granting of a Street Trading Licence for Vaporetto in Cherry Tree Road Milford for a number of reasons which I will briefly detail below for consideration as it runs to more than 1000 characters:

Nuisance, Risk to Public Order, Unhygienic Conditions, Fire Hazzard.

1. Over the past two years the vendor has traded in CTR on a Wednesday and Friday sometimes for as long as 9 hours at a time. This food outlet has an open fire to cook the consequence of this is that smoke and smells are very strong in the road and the residents have found it necessary to close all windows and doors during the time the operator has been on site, 12 noon to 9pm. Some have even been unable to use their own gardens due to the amount of smoke coming from the chimney.
2. Although the road is fairly wide, there is limited parking for residents and as a consequence when the Vendor parks it can block the road for larger vehicles to pass and on many occasions the Biffa Waste lorry has been unable to finish clearing the bins to all houses and for a while during the pandemic, grocery companies would not deliver to the households on a Wednesday or Friday, I believe they still do not. There have been many altercations as when asked the vendor would not move his vehicle to allow others to pass. Even an ambulance could not gain access to one property when an elderly person needed attention I am informed.
3. Customers. This type of food can take a while to cook and as a consequence customers are waiting for their orders. This means a large number of customer vehicles parking across drives, across paths, blocking the road completely etc. There have again been many incidents where residents have arrived home or are trying to leave their home when they have not been able to and unfortunately the customers have not been very accommodating refusing to move until their order was ready.
4. Witley Parish Council tried to help the situation offering the vendor the use of the Burton Pavilion Car Park during the time when it was not open, this was on Milford Heath Road but the vendor refused to move saying he needed to be in Cherry Tree Road or he would lose customers.
5. The Chimney on the vehicle not only emits smoke it also on occasions has flames visible from it and this has damaged the Cherry Trees in Cherry Tree Road, a photograph was taken of the burning tree with chimney which the Parish Council sent to the Vendor, he refused to accept responsibility.
6. There are no public toilets in Milford, the Vendor is in position for up to 9 hours at a time and has to use the bushes on Cherry Tree Road to relieve himself. This has been photographed. The customers who are waiting have no access to public toilets either and as a consequence quite

often relieve themselves in the front gardens of the houses in Cherry Tree Road, behind hedges, wheely bins etc. just last week one customer had the audacity to use a Portaloo which was in one of the front gardens where building work is taking place.

7. During warmer weather the customers would purchase their pizzas and bring tables and chairs which they placed outside of the houses to sit and eat and drink in groups into the evening, obviously this caused noise and obstruction and was for some elderly residents quite a worry.

Response 12- Received 20th May 2021
Respondent: Local Resident.

Response Type: Objection
Received via: email

Dear Elizabeth

Thank you for listening to my concerns on the phone on Monday, I apologise for my tone, but I have really got to the end of my tether with regard to Vaporetto. I have tried to record my concerns below.

I wish to raise my concerns regarding the application made by Vaporetto to continue to trade in Cherry Tree Road, Milford. The situation has been getting worse and worse for the residents due to the behaviour of this company, its owner, its employees and the customers that they attract to our street over the last 18 months.

We have now had our refuse and recycling collections by the council disrupted three times in the last six weeks, including 9 April, 30 April and 14 May. There have been a couple of other occasions that this has happened earlier in 2021 – I think once in February and once (maybe twice) in March. On each occasion they have refused to move to allow the council van to get down the entire street. Why this has escalated since they have applied for a trading license is beyond me. They are being asked to move because their van is the size of a removal lorry, therefore other large vehicles cannot get through, including the refuse collectors. I also witnessed them blocking a delivery of building materials in the summer of 2020, again refusing to move, causing a lot of anxiety to one resident who had to return home in the middle of the working day to deal with the situation. This is both a public order offense and a public nuisance to the residents. More importantly, it is also a serious public safety concern for four hours on a Wednesday and nine hours on a Friday. If emergency access were required for a fire engine or ambulance, it would not be possible. It seems once they have started their wood burning stove up, hooked it up to a generator the van cannot be moved for as long as it takes to 'switch off' the wood burner. Therefore, how it can operate in any road, private or not, is beyond me. The size of the van would make it only suitable for private hire or in a carpark.

Cherry Tree Road may only have houses on one side, but it's no wider than any average residential road, so how they have been allowed to operate for this long is a disgrace. I welcome the introduction of trading permits but something should have been done last year about the chaos this is causing.

It is also a concern that they are using an industrial size wood burning stove. I understand that these have become very popular in the last couple of years, but they will be going the way of gas boilers very soon. There are literally hundreds of articles on the internet confirming that they are hugely damaging to the environment with the fumes that are created, and with this one, the additional noise created by the generator is too much. Residents are forced to have their windows shut through the height of the summer to try to get some peace and quiet. It is not acceptable.

On a couple of occasions this year, February and April, the Vaporetto van has parked up down the A3 end of the road, in a position that will lead to customers potentially blocking access to [REDACTED]. I asked the driver on both of these occasions that this was a problem and could he move up to the other end of the road. I was met with ridicule, abuse and laughter.

During the summer months in 2020, there were a number of evenings where things were getting out of hand, and I know that one resident was actually afraid to open her windows and to leave her house due to the intimidation of so many cars and people parked up and down the length of the road. [REDACTED]

[REDACTED] I myself had my drive blocked twice and had to wait until I could park my car after working all day on a Friday. The owners of Vaporetto do not only not consider the impact they are having on the residents, but the impact of all their customers behaviour does. They just ignore it and think that it is not their problem, as they have told me to my face. During this time, the van also managed to set fire to one of the cherry trees leaving one of the branches charred. I think it had to be removed sadly. Again, at busy times during last summer, there were cars parked actually on the main road (public safety), because there was nowhere left to park on the road. That will happen of course, when residents return home from work, especially on a Friday!

I have also been abused by customers who are quite happy to get their pizza but don't understand why the residents may ask the van to move. Not pleasant. This occurred on two occasions in July and August 2020.

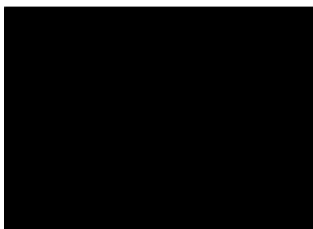
The owners and employees, have also been seen on numerous occasions taking photos of residents cars, where they are parked, so that they can work out where there is space for them to park. I don't think this is illegal, but it is creepy and intimidating, and highlights the problem that there really isn't enough space for a van of this size to operate safely in Cherry Tree Road!

Although smaller concerns for myself, not at any time have I seen the employees wearing masks or social distancing, these are of course temporary rules, and I admit I don't actually know the law on this for street food traders. Nonetheless, quite disconcerting when you could see large groups of people mingling around a van on a summers evening during a pandemic.

I urge the Council not to grant a licence to Vaporetto as over the last eighteen months, this business has caused so much distress to a large number of residents and we are sick and tired of having to deal with the twice weekly fall out, whether it is the refuse not being collected, abuse from staff or customers, concern for our vulnerable neighbours, pizza boxes and other litter left on the ground or in our residential bins and not being able to park outside my own house or access my own driveway. They have only one concern, to make money, with no consideration of the stress and anxiety to any residents. It does not represent the needs of the local area. If they are so attached to the area, please find them a carpark they can trade in. Or better still, maybe they can trade in the street that the owner lives in. We have collectively had enough. They are an accident waiting to happen.

One final thing, I have noticed that their application is for 3pm to 9pm on the Wednesday. I don't know if this is an error or do they actually think they can increase their hours? It seems very odd.

kind regards



Response 13- Received 20th May 2021

**Respondent: Interim Environmental Services Manager (Waverley Borough Council)-
Nick Baker.**

Response Type: Objection

Received via: email

Elizabeth, good afternoon

As the manager responsible for the Council's waste management contract, I wish to lodge an objection to the siting and operation of what I understand is Vaporetto's Pizza Van, on Cherry Tree Road, Milford, near Godalming.

This is due to public safety concerns around traffic congestion caused by the siting of the Vaporetto's van which prevents refuse collection vehicles passing along the road to collect waste and recycling material from houses on that road.

I have been advised by the Council's waste contractor, Biffa, that on a number of Fridays from April 2021, the refuse collection vehicle has had to stop collections in the area because the road has been blocked by the Vaporetto's Van. The collection crew have provided photographs of the obstruction, which I have provided separately to you.

As well as the immediate traffic obstruction, there is a knock on effect of rubbish bins being left out and this is made worse because of trading taking place on a Friday as then, the bins are left until Monday for collections to be completed. This leads to excessive waste being strewn onto the ground. Again a photograph has been provided to illustrate this point.

If you need anything further, please do not hesitate to get in touch.

Nick

Nick Baker
Interim Environmental Services Manager
(Below selection of photos provided)







Response 14- Received 20th May 2021
Respondent: Local Resident.

Response Type: Objection
Received via: email

Dear Ms Bance,

I am writing in regards to the pizza van (Vaporetto) [REDACTED]
[REDACTED]

I have been told that I can email you with my objections to them trading on our street even though we have been objecting for the past 2 years now and have even had the police involved on numerous occasions.

They block street access - this has caused the poor bin men to have to return on multiple occasions to complete the collections which I am sure really helps their understaffing issues in this day and age. I have also been told that certain food deliveries have not been able to take place and if (God forbid) a fire truck or an ambulance had to get down the street they wouldn't be able to do so.

The workers of the van take no responsibility for their customers and allow them to not only leave their litter all over our gardens but do not provide toilet facilities and I am aware of at least 3 occasions where the customers have made use of our gardens to relieve themselves and at least once where they helped themselves to a port-a-loo one of my neighbours had for their construction workers.

The foul smoke spurting from the van means that we are unable to open our windows on hot days nor can we dry our laundry outside.

The customers park wherever they feel like it and continuously block me in - [REDACTED]
[REDACTED]
[REDACTED]

Why do we have to continue to be inconvenienced by this company on a residential street?

There are so many other locations where they can trade and not put anyone out, so why have the residents of Cherry Tree Road had to put up with this for 2 years?

I look forward to hearing back from you in due course.

Kind Regards,
[REDACTED]

Response 15- Received 20th May 2021
Respondent: Local Resident.

Response Type: Objection
Received via: email

Dear Ms Bance,

I am writing to very strongly object to the street trading currently permitted on this residential road. The Vaporetto wood-fired pizza van owned by James Boyd has been parking twice a week for almost two years incurring the wrath of the residents and, despite being offered an alternative location in the village, has continued to totally disregard the very valid objections of the residents. Mr Boyd has said CTR is the most lucrative site for him and therefore why would he move. It is therefore blatantly obvious that his only concern is money and he cares nothing at all for the many problems he causes the residents.

Some of these problems are, but not limited to:

*Smoke - our windows must be closed from six to nine hours even on the hottest days. The van is a bonfire on wheels.

*Smell - not just the ever-present pizza but also the acrid smell of the fire accelerant

*Littering by thoughtless customers


*Thoughtless parking by said thoughtless customers - driveways are regularly blocked, grass verges and grass banks driven over and parked on, the road blocked so that the refuse/recycling lorries are unable to pass through so our bins are not collected. This results in added costs to WBC as Biffa will charge for return visits. Emergency vehicles would be unable to pass. Delivery drivers from supermarkets, etc (if they can get through) are obliged to carry groceries, etc much farther than they normally would.

*Vehicles parked on the main A283 while drivers order and wait for pizza. This is an accident waiting to happen on a very busy two-lane road.

*Aggressive responses from customers when asked to move their cars so residents can access their drives.

*Residents, especially older ones, feel alarmed and do not want to go outside when there are groups of unknown people loitering near their homes.

*Fire/heat damage to the cherry trees

 This is a residential road, people live their lives here and we are supposed to feel comfortable and secure in our homes. People should feel happy about where they live. This man and his pizza van have greatly changed this. Residents should feel that they have some rights and a 'say' in what happens on 'their' road. However, it has been made abundantly clear to us over the past (almost) two years that we have no rights at all and that a money-grabbing outsider who isn't even licensed by Waverley can just arrive and do whatever he wants. He has even been given 'leeway' by WBC to continue trading illegally after the new rules came into effect. What 'leeway' have the residents been given? I sincerely hope that given the change in the street trading regulations this will now change. This must change. Just try to imagine how you would feel if this was happening on your residential road... Thank you.

Please let me know if you would like me to send photos. I know many people have already sent them to you and Maxine.



Response 16- Received 20th May 2021
Respondent: Local Resident.

Response Type: Objection
Received via: email

Dear Elizabeth

I would like to voice my objection to the Pizza Van currently parked in Cherry Tree rd. Milford. Total mayhem as he is preventing the Bin men from carrying out their duties and causing great distress to [REDACTED]

Surely this is not the ideal place for him to park? Could I suggest the empty village hall car park where his customers wouldn't be causing such disruption to a road that is constantly in use by residents and carers (of which there are at least six different agencies, whose clients rely on them to attend at their set times or be missed out.

[REDACTED]

Response 17- Received 21st May 2021

Respondent: Local Resident.

Response Type: Objection

Received via: email

My name is [REDACTED] the bins I cherry tree road were not emptied on the 9th April 2021 and the 30th April 2021 and 14th May 2021 because the pizza van was parked inappropriately on both dates this is my first objection as it is a public nuisance and each time incurs an additional cost to the council by having to send them back on another day and is not acceptable and it will happen again.

The other objections are as follows, the clients of the pizza van also have no regard to how they park on blocking drives and the road on numerous occasions.

The Clients of the pizza van are dumping there rubbish on the ground and not in a bin.

On A sunny day you cannot have your windows open because of the smoke and fat smell

A cable from the pizza van is often strewn across the road which is dangerous .

Also [REDACTED] feels intimidated by the people people hanging around [REDACTED]

Please could you respond to this email to notify me it is loogeed and you have recieved it

Kind Regards

[REDACTED]

Response 18- Received 21st May 2021
Respondent: Local Resident.

Response Type: Objection
Received via: email

Dear Elizabeth Vance,

I'm not entirely sure what to include in this email as this is the first time I have done something like this in regards to street trading but will try and cover what I can.

We are currently unable to have our windows open during warm weather when they are trading due to the air pollution given off by their wood oven.

We are also unable to use our driveway due to the customers constantly blocking it with their cars and getting dirty looks from the customers making us feel uncomfortable in and around our own property and I know that this isn't just us but the neighbours have also said the same thing.

Our refuse collection service is constantly being interrupted as well as every Friday when our bins are due to be collected the Vaporetto van is blocking access and Waverley has been aware of this for a number of weeks now. My main concern is if there was to be a fire down our road then a fire engine wouldn't be able to make it past their van and due to having a mobile generator they refuse to move once they have removed this from their van.

I have come home from work today to find that once again our recycling bins have not been emptied because for the 4/5th week in a row now [REDACTED]

Please let me know if you need any further information and I will be happy to supply this.

Kind Regards,

[REDACTED]

WAVERLEY BOROUGH COUNCIL

LICENSING COMMITTEE

1ST JUNE 2021

Title:

Application for Street Trading Consent – The Street, Frensham

Portfolio Holder: Cllr. Nick Palmer Portfolio Holder for Operational and Enforcement Services

Head of Service: Richard Homewood, Head of Environmental & Regulatory Services

Key decision: No

Access: Public

1. Purpose and summary

1.1 To determine an application for a licence to trade in a designated consent street.

2. Recommendation

2.1 The Licensing Committee reviews consultation feedback and determines the application of James Boyd of Vaporetto (a mobile food business offering pizza, drinks and ice cream) for a consent to trade at The Street, Frensham.

3. Reason for the recommendation

3.1 Under the Local Government Miscellaneous Provisions Act 1982, a street trading consent is required by any person wishing to sell goods on streets designated as a 'consent street'. On the 23rd April 2021 James Boyd of Vaporetto applied for street trading consent to trade at The Street- Frensham, six other locations were also applied for. Following consultation there have been some objections to the application for the Frensham location. Licensing Committee is required to determine the application in line with the Council's Street Trading Policy 2021. Two other locations applied for have also received objections and are the subject of separate committee reports.

4. Background

4.1 The Act governing street trading within the Waverley area is the Local Government (Miscellaneous Provisions) Act 1982, Schedule 4. Further detail on the legislation is provided in Annexe A. Streets can be designated prohibited

streets or 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. This means that anyone who wishes to trade on a consent street (which includes a road, footway or other area to which the public have access without payment) must hold a street trading consent.

- 4.2 The current [Street Trading Policy](#) came into force on 5 April 2021, along with the Council's resolution to make all streets in Waverley consent streets other than designated [prohibited streets](#). There are some circumstances in which street trading consent will not be required, as detailed in the Policy and on the Council's website, [Will I need street trading consent – Frequently asked Questions](#).
- 4.3 The aim of the Policy is to prevent obstruction of streets, ensure public safety, recognise the importance of the local economy and community events, and prevent nuisance or annoyance to people within the area.
- 4.4 The Policy requires local stakeholders and the public to be consulted on an application, with a normal 28 day consultation period.
- 4.5 Paragraph 2.3 and 2.5 of the Policy details that in considering any application for the grant or renewal of a street trading consent the following issues will be taken into account before determination:

Public order

Whether the street trading activity or activities represent, or are likely to represent, a substantial risk to public order

Public nuisance

Whether the street trading activity or activities represent, or are likely to represent, a substantial risk of nuisance to the public from noise or misbehaviour. Particular regard to this will be had in respect of consents in predominantly residential areas and due regard will be had to the character of the neighbourhood.

Public safety

Whether the location of the street trading activity or activities represent, or are likely to represent, a substantial risk to the public from the point of view of obstruction, fire hazards, unhygienic conditions, danger that may occur when a trader is accessing the site, and overcrowding of the site/area. Overcrowding includes the capacity of the street trading area having regard to the potential maximum attendance on the site by the public, and the consequent risk of over congestion impacting adjacent roads to the site.

Needs of the area

The sufficiency of other trading outlets to serve the needs of an area will always be considered. A new consent is unlikely to be granted where it is considered that adequate like provision already exists. For special events falling under Schedule 2 of this policy (Community and similar events) the needs test may be exempted

where appropriate.

- 4.6 Officers determine applications for street trading consent where there has been no relevant objections. If any relevant objections arise applications are referred to the Licensing Committee for determination as detailed in paragraph 2.1 of the Policy. A relevant objection is one made by a person, business or body that is likely to be directly affected by a successful application. In addition, the objection must not be vexatious or frivolous and should concern itself only with matters likely to be affected by a successful application. Note 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.
- 4.7 Street trading consents are normally issued for a set date or dates, or a period of one year, for specific locations and times when street trading can take place. All consents issued carry the Standard Consent Conditions detailed in the Street Trading Policy in order to promote public safety and avoid obstructions, nuisance and annoyance etc., and are shown in Annexe B. Other conditions may be attached to a Consent and will be relevant to the category of Consent issued and the nature of the local environment. The pool of typical conditions that can be added is detailed in the Street Trading Policy and are shown in Annexe C. A Consent may also attract conditions in addition to or instead of those found in the pool of conditions according to their individual merits.
- 4.8 On the 23rd April 2021 James Boyd of Vaporetto applied for street trading consent to trade in The Street, Frensham at the following times (application included as Annexe D also);

Sundays 12.00-20.30 hours to sell pizza, drinks and ice cream.

A location map of the proposed site is attached as Annexe E. This is a new trading location for this business having started to trade there in April 2021. The location requires consent for the business to continue to trade here under the Council's updated Street Trading Policy 2021.

- 4.9 When an application for a street trading consent is received, the following stakeholders are consulted: the police, the fire authority, the highways authority, local ward councillors, local Chambers of Commerce, local Town/Parish Council, Portfolio Holder for Operational and Enforcement Services, and the Licensing Committee Chairman and Vice Chairman. They were emailed on the 23rd April 2021, along with The Head of Environmental and Regulatory Services, Environmental Health Manager (Environmental Protection) and Environmental Health Manager (Food and Safety) about the application. Additionally:
- At the start of the consultation period the applicant placed a notice of the application on a lamp post close to the trading location, advising people to contact Environmental Health if they had any concerns about the application.
 - The public were also notified of the application via the Council's social media platforms on 12th May 2021.

The deadline for consultation responses was the 21st May 2021, 28 days after the start of the consultation period.

- 4.10 There have been 4 objections received to this application, and 2 comments raising concerns for littering if not controlled. One of the objections has been received from the local Parish Council and an objection from a Waverley Borough Council Ward Councillor. Please see Annexe F for a copy of the responses (redacted as appropriate).
- 4.11 Representations raise concerns about Public Order, Public Safety and Public nuisance. A summary of the comments made are relating to;
- The potential for littering in the area
 - Parking of customers
 - Waste provisions
 - Needs of the area
- 4.12 In addition to a street trading consent, mobile food businesses are required to have a minimum FSA Food Hygiene Rating Score of level 3 or above. Currently the business holds a 5 rating with East Hampshire District Council.
- 4.13 The Committee will be aware that operation of a stall between the hours of 23:00 and 05:00 hours to sell hot food and drink also requires a Premises licence under the Licensing Act 2003 ('late night refreshment'). Currently the trader does not trade during these times.
- 4.14 The Licensing Committee needs to consider feedback from the consultation and determine the application having regard to the matters that can be considered for the granting of a street trading consent as detailed in paragraph 4.5 above. There are three options for consideration:

Option 1 – Grant a street trading consent as applied for

Option 2 – Grant a street trading consent but with conditions relating to hours or trading or goods allowed to be sold etc.

Option 3 – Refuse the application for a street trading consent.

Whichever option is determined by the committee will take immediate effect.

5. Relationship to the Corporate Strategy and Service Plan

- 5.1 Effective control of street trading will contribute to the strategic priorities of supporting a strong local economy and improving the health and wellbeing of our residents and communities.

6. Implications of decision

- 6.1 **Resource (Finance, procurement, staffing, IT)**

If any consent is refused, under our policy, a full refund of the application fee for each refused location would need to be issued, this is currently £365 per location.

6.2 Risk management

The Street Trading consent area allows street traders with a consent, to trade, supplying goods and/or food on a regulated site approved by the Committee. This offers safeguards to the public who can recognise legitimate traders. It should help prevent the sale of illegal or unsafe goods or food. It also helps to prevent illegal obstruction of the highway. If street trading is not regulated it is likely to give rise to complaints about the adverse impact of street trading in some locations, potentially placing additional demands on the service.

6.3 Legal

6.3.1 Details of the process and legal procedures are set out within the body of the report in line with arrangements under Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982.

6.3.2 The Committee may grant an application (in part or full), apply any reasonable conditions, time restrictions, restrictions on the type of goods sold etc. The Council may also refuse the application.

6.3.3 The grounds for refusal are considered in Paragraph 7 of Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982.

6.4 Equality, diversity and inclusion

There are no direct equality, diversity or inclusion implications in this report. Equality impact assessments are carried out when necessary across the Council to ensure service delivery meets the requirements of the Public Sector Equality Duty under the Equality Act 2010.

6.5 Climate emergency declaration

Where consents are granted conditions can be added to a consent to prevent an impact on noise, odour and air pollution. Effective control of street trading activities will assist in mitigating their impact on the local environment and the community.

7. Consultation and engagement

7.1 Consultation undertaken is detailed within the body of the report.

8. Other options considered

8.1 Not applicable

9. Governance journey

9.1 Licensing Committee

Annexes:

Annexe A – Street Trading Legislation
Annexe B – Standard Consent Conditions
Annexe C - Pool of Conditions
Annexe D – Application by James Boyd of Vaporetto
Annexe E – Location map of proposed site
Annexe F – Consultation Responses

Background Papers

Street Trading Policy 2021

CONTACT OFFICER:

Name: Elizabeth Bance / Jeanette Guy
Position: Senior Environmental Health Officer / Environmental Health Manager
(Environmental Protection)
Telephone: 01483 523572/ 01483 523005
Email: elizabeth.bance@waverley.gov.uk / jeanette.guy@waverley.gov.uk

Agreed and signed off by:
Legal Services:
Head of Finance: date
Strategic Director: date
Portfolio Holder: date

Street Trading Legislation

The Act governing street trading within the Waverley area is the Local Government (Miscellaneous Provisions) Act 1982 (LG(MP)A 1982)

Street trading is defined as 'Selling or exposing or offering for sale of any articles (including a living thing) in a street' – para 1(1) of Schedule 4 of the Act. Street has an extended definition to include any road footway beach or other area to which the public have access without payment and a service area.

Certain activities are specifically excluded from the definition of street trading – by virtue of para 1(2) of Schedule 4, some of which are:

- Trading by a pedlar under a pedlar's certificate
- Trading by some news vendors
- Trading on a street adjoining a shop and as part of the business of the shop
- Trading at a petrol filling station

Paragraph 2 of Schedule 4 LG (MP)A 1982 states that a district council may by resolution designate any street in their district as—

- (a) a prohibited street; which means a street in which street trading is prohibited.
- (b) a licence street; which means a street in which street trading is prohibited without a licence granted by the district council.
- (c) a consent street; means a street in which street trading is prohibited without the consent of the district council.

Standard Consent Conditions

(to be used on all Consents issued)

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. Mobile food traders shall have a minimum FSA Food Hygiene Rating Score of level 3 or above.
8. The council may at any time vary the conditions of a street trading consent or revoke the consent at any time
9. 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. The person applying for street trading consent is responsible for providing this insurance, and applies to individual applicants (Schedule 1 event), or the organiser (Schedule 2 event).
10. 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
11. 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.
12. 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.

13. 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.
14. 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.
15. 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.
16. No stall or vehicle shall remain situated for longer than one hour after the authorised trading time(s).
17. 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.
18. The Consent is non-transferable.
19. 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.
20. Failure to comply with any conditions attached to the Consent may result in the revocation of such consent.

Pool of Conditions

Conditions applicable to special Events / Markets, etc.

The Consent holder shall keep records of each stallholder present, to include the stall's site, name (and company name), address, vehicle registration and contact telephone number. This must be produced on the request of an officer from the Council

Other Conditions

There shall be no available means of attracting attention for the purposes of trading or any stands or signs away from the consent site

The consent holder must not permit the sale of offensive weapons including imitation firearms, firearms, airguns, swords and crossbows

The consent holder must not sell a knife to anyone under 18.

The Consent does not imply or give any other permission, consent, licence or authorisation to trade in any other products other than those granted on application or renewal

The trader shall not exhibit on the site any advertising signs, posters or such like except as may be approved by the Council

No animal shall be present on any stall or vehicle save assistance dogs in accordance with the Equality Act 2010

The trader is not permitted to hold any auction or like sale

The trader shall reimburse the Council's costs in repairing all damaged caused by the trader's occupation and use of the consent site

There shall be no discharge of wastewater or other liquid waste onto the consent site or surrounding areas

No form of amplified music shall be permitted

Application by James Boyd of Vaporetto



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

To: Head of Environmental Health and Community Safety, Waverley Borough Council,
The Bury, 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.

This application is for (please tick)	New Application	Yes	Renewal	
If a renewal application please provide the number on the current consent				
The type of consent being applied for (please tick)	Sole Trader	Yes	Special/Community Events	
If special/community events please state the number of stalls/traders to be present				

I submit the following particulars for consideration:

1.	Applicant Full name	James Boyd	Date of Birth	
2.	Trading as	Vaporetto		
3.	Home Address (inc. postcode) (for sole traders)			
4.	Address of organiser (if a community/special event)			
5.	Daytime telephone number			
6.	E-mail			
7.	Address where articles are stored (if applicable)			
8.	Proposed trading location/address*	1. Frensham Village Green, The Street, Frensham, GU10 3DT		

April 2021

		2. Lower hale, Farnham, GU9 9RP 3. Borough Rd, Farncombe, GU7 2AB 4. Bell Rd, Haslemere, GU27 3DG 5. Portsmouth Rd, Hindhead, GU26 6AL 6. Cherry tree Rd, Milford 7. Milford Heath Rd, Milford
* For special/community event applications please provide the details of all of the traders separately as part of your application.		
9.	Type of vehicle(s) to be used	Renault master – [REDACTED] Peugeot Boxer – [REDACTED]
10.	Registration no. or identification mark	
11.	Full details of articles to be sold. Also include size of any receptacles to be used, e.g. baskets, kiosk, tables, etc.	We sell a range of pizzas, drinks, ice creams.
12.	Proposed times of trading (please include frequency, times of day, days per week, months of the year)	1. Sunday (12 – 20.30) 2. Friday and Saturday (12 – 21.00) 3. Monday (15 – 20.30) 4. Tuesday & Thursday (15 – 20.30) 5. Wednesday & Sunday (12 – 21.00) 6. Wednesday & Friday (12 – 21.00) 7. Wednesday & Friday (12 – 21.00)
13.	Insurance Company and Policy No.	[REDACTED]
14.	If a food business please provide the name of the local authority you are registered with	East Hampshire District Council

I enclose:

1. A passport style photograph of myself (sole traders only)
2. A plan/map image showing all locations that I have applied to trade in, which shows sufficient details to identify the location of the proposed site.
3. A copy of valid public liability insurance for trading/the event providing cover to a minimum amount of 5 million pounds. The person applying for street trading consent

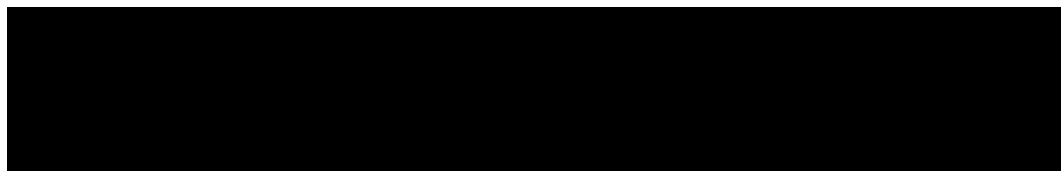
April 2021

is responsible for providing this insurance, individual applicants (sole traders), or the organiser (special/community events).

4. If a food trader(s)- a copy of correspondence showing that I am/they are registered with a local authority as a food business and/or have achieved a minimum FSA food hygiene rating score of level 3 or above.
5. Information on measures that will be put place to make sure trading is undertaken in a COVID-secure manner (sole traders only), or
An event management plan(s) detailing how the event(s) will be run safely and without causing nuisance to the area, as well as a completed COVID19 checklist(s) for the event(s) (special/community events only).
6. Confirmation that if trading from privately owned land that the land owner has given permission for me to trade/the event to go ahead there.

I confirm that:

- I will pay the required fee within 48hours of submitting this application. I am aware that failure to provide the required fee will result in my application not being processed.
- I am aware that the required fee is payable per trading site.
- I will display a notice at the proposed trading location(s) notifying local residents and businesses of my intention to trade there if a consent is granted. I will provide a photo of this being displayed at the location within 48hrs of submitting this application to environmentalhealth@waverley.gov.uk. (not required for itinerant street traders such as ice cream vans who do not trade from any specific locations)
- I am aware that if valid objections are received to my application, the application will need to be considered and determined by Waverley Borough Council's Licensing Sub-Committee. This may delay a street trading consent being granted.

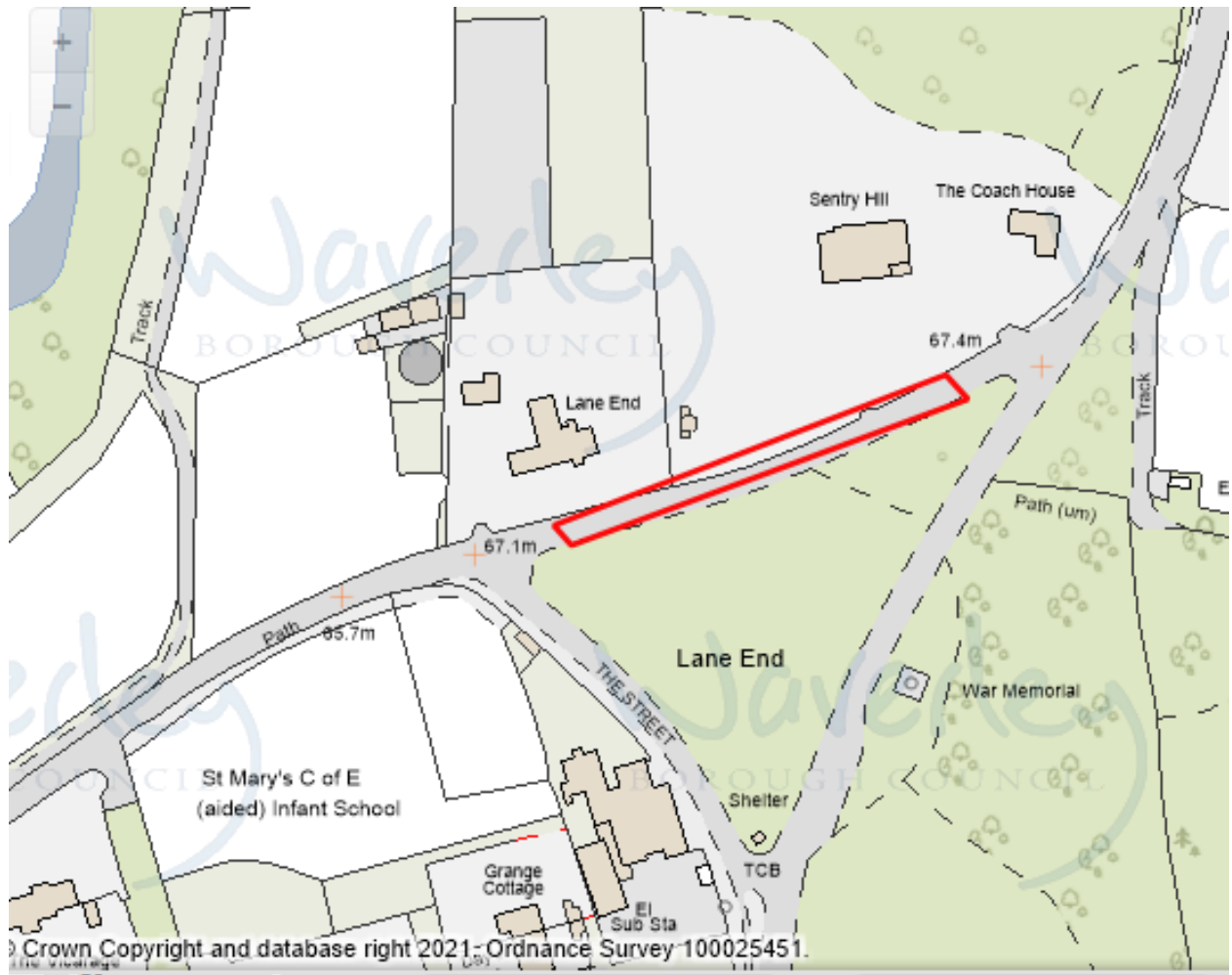


Notes:

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.

Location Map of Proposed Site



Consultation Responses

Response 1- Received 4th May 2021

Respondent: Member of the public.

Response Type: Objection

Received via: email



Tue 04/05/2021 11:53

[Redacted]

Pizza van

To Elizabeth Bance

[** This email originates from an external source **]

Dear Elizabeth,

I'm very much against this pizza project. It's a dangerous 4 way junction. 5

I'm sure it would attract litter louts as seen on sunny out of lockdown days. When all sorts descend on this beauty spot. A suggestion might be to combine with existing shop at the pond, but with stipulation of keeping clean the area.



It's also not in keeping with 'The Surrey Hills' ambient.

Yours sincerely,

[Redacted signature]

Response 2- Received 4th May 2021
Respondent: Member of the public.

Response Type: Observation
Received via: email

 Reply  Reply All  Forward  IM



Tue 04/05/2021 12:20


Pizza van - green by St Mary's school Frensham

To  Elizabeth Bance

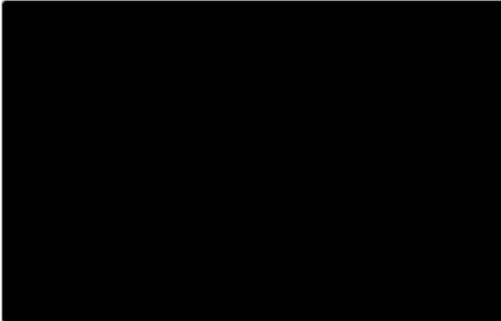
[** This email originates from an external source **]

Dear Elizabeth,

The request for a pizza van at weekends is fine by me so long as there is sufficient control about any possible litter issues

Thank you

Best wishes



Response 3- Received 4th May 2021
Respondent: Member of the public.

Response Type: Objection
Received via: email



Tue 04/05/2021 12:51

[Redacted]
Pizza van Frensham

To  Elizabeth Bance

Dear Elizabeth

I write to oppose most strongly the application to site a van at The Green, Frensham during weekends that plans to sell fast food (pizzas). I understand the Council will shortly consider this application.

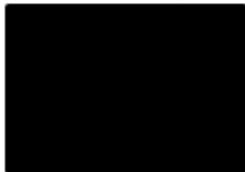
In my view, it would be totally inappropriate for there to be a commercial enterprise of this type in an area of outstanding natural beauty which surely deserves to be protected against this kind of operation.

A mobile food outlet would attract people (it is unlikely they would be immediately local) for the very worst reasons, bringing extra vehicles and the inevitable problems of parking, particularly close to a dangerous bend in the road, and it would almost certainly lead to littering of the nearby woods and nature trails, not to mention The Green itself - whatever assurances are given to the contrary by the pizza van operators.

We saw the kind of harm caused last summer when hordes of people from outside the area descended on Frensham Ponds. We even had groups of day-trippers cutting across our own private back lawn to reach the beach area more directly, shouting obscenities when they were rightly challenged for trespassing!

In fact after the nightmare experience last summer the Council redefined the double yellow lines the whole length of Frensham Road (A281) precisely to prevent in future the kind of behaviour seen then, and people parking in complete disregard for by-laws, safety, and respect for the general beauty of the area.

I really urge the Council to reject the pizza van application which can only be detrimental to everything that makes Frensham most precious and so special.



Response 4- Received 14th May 2021

Respondent: St. Marys C Of E Infant School, Frensham Road, Frensham, GU10 3DS.

Response Type: Observation

Received via: Online portal

Response:

- As an Infant School on the green, we are very concerned about the amount of rubbish that may be left behind-especially as there is only one bin on the green. We are concerned that we'd be the ones who end up clearing up after everyone on the Monday morning ready for school opening.

Response 5- Received 19th May 2021
Respondent: Frensham Parish Council.

Response Type: Objection
Received via: email

Frensham Parish Council

Parish Clerk Tel: 01252-793002

E.Mail clerk@frensham-pc.gov.uk www.frensham-pc.gov.uk

The Community Building, Willets Heath
Shortfield Common Road
Frensham, Surrey GU10 3BJ

19th May 2021

Waverley Borough Council
The Burys
Godalming
Surrey
GU7 1HR

Dear Elizabeth

RE: Application for Street Trading Consent License Vaporetto Pizza

Frensham Parish Council discussed the recent arrival of Vaporetto pizza van who traded off The Street in Frensham at our meeting on 5th May 2021.

As you will be aware, Frensham Parish Council has worked very closely with Waverley Borough Council and other Members of the JAG to mitigate the large numbers of visitors to the area and the huge impact this has had, not only to the residents of the village, but the environmental impact in this area of AONB.

We strongly feel the arrival of Vaporetto in this location undermines the months of work the JAG has spent putting measures in place, particularly highways restrictions around the surrounding area.

Whilst we appreciate that Vaporetto has parked on the non-yellow lined area to trade, there is insufficient non restricted areas for parking to accommodate his customers. They are parking on the yellow lines which defeats the objective of the JAG and undermines the hard work and cost involved implementing such measures.

Following his recent trade, we note no waste provision was made and indeed a full sack was left over the weekend on St. Mary's Green against Waverley Borough Councils waste bin.

Frensham Parish Council take pride in our beautiful village and organise many voluntary litter picks. We have already had to increase our waste collection at a large cost to our residents to support the influx of visitors to the area to protect our rural environment and mitigate the impact on surrounding wildlife. We assume if a license to trade in this area was granted, this waste would increase. If Waverley Borough Council were mindful to approve, we ask if you are willing to bear the extra cost of waste collections?

Frensham Parish Council would like to support such small businesses, however the area in question is not suitable due to the proximity of both ponds, insufficient parking provision and adjacent to a very busy stretch of the A287. We have plenty of food outlets in our local area and feel we should support those businesses within our parish.

In the short time they have been able to trade, the neighbouring residents have complained about the displacement and illegal parking, rubbish, and smell. Whilst lockdown maybe easing, people are encouraged to stay home and would prefer to enjoy their gardens without the noise and smell of pizza of which is their right to do so.

If Waverley Borough Council are to grant, then the only logical safe place to do so would be within the Great Pond car park, provided adequate waste provision and impact on wildlife can be assured.

Yours sincerely

Parish Clerk

Response 6- Received 21st May 2021

Respondent: Waverley Borough Council Ward Councillor- Julia Potts.

Response Type: Objection

Received via: email

***Councillor Julia Potts
Tilford, Frensham, Dockenfield & Churt
C/O The Council Offices
The Burys
Godalming
Surrey
GU7 1HR***

Friday 21st May 2021

Ms Elizabeth Bance,

Environmental Services
The Burys
Godalming
Surrey
GU7 1HR

Dear Elizabeth

Re: Application for Street Trading License- Vaporetto Ltd

As the ward councillors representing Frensham, I am writing to express my concerns about this application and would emphasise that this is mainly focused on the proposed siting of the Vaporetto Pizza Van.

Whilst I fully support local business, the siting of this is absolutely critical. The enormous amount of hard work, by various stakeholders, Surrey Police, Frensham Parish Council, Waverley Borough Council, Surrey County Council, National Trust and other members of the JAG that has gone into mitigating the serious health and safety issues caused in this particular part of Frensham, as a result of large visitor numbers, cannot **be placed at risk**.

If the Vaporetto Pizza Van is to be granted a Street Trading License then further work needs to be done to find a safe and appropriate site from which it can trade in the area, that does not impact traffic flow, especially the main A287 or narrow roads around St Marys Green, St Marys School, or potentially cause anti social and dangerous parking and queuing by customers, it requires a site that addresses the issues already experienced by the community around littering, any sound from the generator and the smell of food which currently is experienced by residents living close to the site the van is using at present.

We have seen that in trading at the current site Vaporetto Ltd (after having safety concerns raised) **have not** carefully considered the health and safety impacts and that causes me

serious concerns. Therefore, before any Street Trading License is granted the applicant needs to work constructively with Waverley Borough Council, the Parish Council and other parties to identify a suitable site, which realistically needs to be an area with adequate parking provision such as The Great Pond. I would also strongly suggest that this takes place on a trial basis that can be reviewed to ensure that the legitimate concerns that have been experienced currently are addressed.

As I have stated, I wish to support small local business and I am sure many local residents do, however, I have serious concerns on the grounds mentioned above and would ask that the application come before the Licensing & Regulatory Committee for further consideration on this matter.

Yours sincerely,

Councillor Julia Potts
Tilford, Frensham, Dockenfield & Churt