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|-----------------------------|--|
| TITLE | MR MUHAMMET ALPAR – ALPAR KEBABS TRADING LOCATION – MILESTONE AVENUE, CHARVIL APPLICATION TO RENEW STREET TRADING CONSENT |
| FOR CONSIDERATION BY | An Appeal Hearing on 3 April 2012 |
| WARD | Charvil |
| LEAD OFFICER | Karen Court, Senior Licensing Officer Strategic Director – Mark Moon |

PURPOSE OF REPORT

To provide relevant information for the panel to consider and determine the application from Mr Muhammet Alpar to renew his street trading consent for a further twelve months.

OUTCOMES

The panel to determine the application to grant, with or without variation of conditions, or refuse the application.

RECOMMENDATIONS

There is no officer recommendation.

SUPPORTING INFORMATION**Background**

Mr Muhammet Alpar, trading as Alpar Kebabs, has held a street trading consent to trade at Milestone Avenue, Charvil since October 2002. His current consent is valid until 9 April 2012 with trading hours of 1700 to 0030 hours Sunday to Thursday and 1700 to 0200 hours Friday and Saturday. He sells kebabs, burgers, chicken, chips and soft drinks.

A street trading consent allows trading for a period of up to 12 months.

Mr Alpar has applied to renew his street trading consent for a period of one year.

As required by the Licensing Act 2003, Mr Alpar also holds a premises licence for late night refreshment as he sells hot food and drink to take away after 11pm. This was granted in November 2005 and runs indefinitely unless revoked and is not for consideration at this hearing.

The following documentation is attached – location plan (Appendix One), current consent with special conditions (Appendix Two), supporting information from Thames Valley Police and Environmental Health (Appendix Three) and residents' representations with a summary of these (Appendix Four).

The application was received on 13 January 2012, checked and confirmed to be correctly made with all documentation in order and the fee paid.

Nominated assistants are Ridvan Tekin, Fatih Ergun, Mehmet Zeki Kutlu, Hulusi Guvercin and Ahmet Mustafaov Saliev.

The consultation period ran from 13 January to 3 February 2012. The police, ward member for Charvil, parish council, various internal departments and residents on the consultation register were advised by email. There are no residents within 60m of the site to consult, the nearest house is approx 130m from the location of the kebab van.

Details of the application are as follows:

Days and times of trading (same as current consent):

- 1700 to 0030 hours Sunday to Thursday
- 1700 to 0200 hours Friday and Saturday

The application has been advertised correctly in accordance with the policy for street trading consultations, with two site notices displayed at the site, these were checked on 27 January 2012.

During the consultation period, representations were received from twelve residents of Milestone Avenue, Milestone Crescent and Thames Drive.

There is no technical reason for refusal, the panel is asked to consider and determine this application based on the objections received.

Representations from Authorities

Thames Valley Police – no objections, see attached statement (Appendix Three)

Environmental Health (Environmental Protection) – no objections, see attached statement and details of additional site checks carried out (Appendix Three)

Environmental Health (Food, Health and Safety) – no objections, last food and health & safety inspection was carried out in March 2011 with the next one due September 2012, no complaints received

Property – no comments

Representations from Residents

Representations were received from twelve residents of Milestone Avenue, Milestone Crescent and Thames Drive. The issues raised have been summarised in a separate document and include litter, rats, road safety, residential location, anti social behaviour and lack of toilet facilities. These are all issues which have been considered by members at previous hearings.

These representations and summary are included as Appendix Four.

Because of these representations, the policy is to refer the application to a hearing for the panel to determine the application.

Mr Alpar was invited to submit any additional documentation to support his application,

for circulation to all parties prior to the hearing.

Complaints Received Since October 2011

The Licensing Service has received three complaints about litter since October 2011, two from Mrs Susan Flynn on 1 and 4 November 2011 and one from Mrs Morag Campbell on 4 November 2011. These were investigated, followed up with Mr Alpar and Waste Services and the complainants replied to.

Site Monitoring Visits

The decision letter dated 7 October 2011 confirmed that "the Panel were concerned that several breaches of condition had been identified during a licensing compliance check and a litter check held on 29 September 2011. They agreed that the consent should be granted for a period of 6 months. The Panel recommended that the Licensing Service carry out an additional two evening and an additional two daytime litter checks and licensing compliance checks during the 6 month period of the consent to monitor whether the conditions of the street trading consent were being fully complied with. The Panel also recommended that the Applicant produce a written checklist which he and the nominated assistants could refer to, to ensure that conditions were complied with at all times and that this be made available to Licensing Services, if requested."

Litter checks of the site are undertaken regularly by the Licensing Service, the findings are as follows:

| Date | Time | Officer | Summary |
|------------------|-------------|----------------|---|
| 14 October 2011 | 10.05 am | Karen Court | No concerns |
| 8 November 2011 | noon | Karen Court | No concerns |
| 7 December 2011 | 1.10 pm | Karen Court | No concerns |
| 10 January 2012 | 11.30 am | Karen Court | No concerns |
| 27 January 2012 | 11.45 am | Karen Court | No concerns |
| 15 February 2012 | 1.30pm | Karen Court | Called Mr Alpar re oil in road & litter in ditch behind van |

In addition, eight site visits were made by Environmental Health Officer Emma Choules, her findings are detailed in Appendix Four.

There has been no cause for concern with regard to litter attributable to the kebab van.

One evening licensing compliance check has been carried out so far, at 5.45pm on Wednesday 16 November 2011, by Karen Court. No breaches were found. A copy of this report is attached.

Waste Services

Waste Services monitor the area as part of their routine street checks. The council litter bin is emptied once a week and the area swept and litter cleared every six weeks, with the exception of the ditch which is privately owned and therefore the responsibility of the adjacent landowner, Reading University.

The Street Care Technical Officer who covers the Charvil area has confirmed that he visited Milestone Avenue on 31 January 2012 and "found the area reasonably clean and tidy."

Environmental Health

The Principal Environmental Health Officer who covers the Charvil area has provided the following statement:

“Since the previous consultation we have received 3 complaints about litter, two of which (4/12/11) were about the same empty food carton and drink can. Emma has also visited the area on several occasions to check the amount of litter and has reported no significant problem.

In my opinion there is no *public nuisance* arising from litter at this location and I have no objection to renewal of this consent”

Thames Valley Police

The Thames Valley Police Licensing Officer for the Wokingham area provided the following statement:

“Thames Valley Police, as a statutory authority, have received a Street Trading Consultation enquiry in relation to the applicant, Mr. Alpar, selling hot food and beverages from a mobile van located in Milestone Avenue, Charvil.

I have checked police records and nothing untoward has been recently recorded at this location in respect of the selling of hot food etc.

I've liaised with the Neighbourhood Sergeant, Specialist Officer and the Police Community Support Officer and they have no recommendations or observations to make in relation to this enquiry.

Police therefore have no objections to the renewal of this Street Traders Licence.”

Road Markings – Hatched Area

We have previously liaised with the Traffic and Road Safety Team who advised that the Senior Highway Inspector was involved with agreeing the location of the kebab van and he is happy for it to remain in this location. The Highway Code Section 130 gives the appropriate instructions: -

Areas of white diagonal stripes or chevrons painted on the road. These are to separate traffic lanes or to protect traffic turning right.

- if the area is bordered by a broken white line, you should not enter the area unless it is necessary and you can see that it is safe to do so
- if the area is marked with chevrons and bordered by solid white lines you **MUST NOT** enter it except in an emergency

[Laws MT(E&W)R regs 5, 9, 10 & 16, MT(S)R regs 4, 8, 9 & 14, RTA sect 36 & TSRGD 10(1)]

The area in Milestone Avenue is bordered by a broken white line, and thus to respond to the Highway code instruction specifically, the interpretation that the kebab van driver would presumably cite is that it is **necessary** for him to enter the area as he has a licence to trade there. Traffic and Road Safety are of the opinion that **it would not be unsafe for him to do so**, as this particular hatched area is well away from the major dual carriageway and the remaining width of road on Milestone Ave is adequate for the low volume of one-way traffic it carries. (assuming that all trading to customers is

carried out on the footway side).

In addition, the police have confirmed that they would not take enforcement action against the parking on the hatched lines.

Note about Refusal

If the consent is refused, there is no formal right of appeal under the legislation.

Corporate Implications (this must include Financial Implications)

If the consent were refused, this would result in loss of income to the authority of £1,155.50 in the current year (£2,311.00 annual fee less 50% under the refund policy).

Reasons for Decision

In accordance with policy for street trading applications, the application is referred to a hearing for determination as representations have been received.

Alternative Options considered, if any

None.

Reasons for considering the report in Part 2

Application form contains confidential information relating to individual

List of Background Papers

Application papers, location plans, representations

| | |
|-----------------------------------|---|
| Contact Karen Court | Service Licensing Service |
| Telephone No 0118 974 6358 | Email karen.court@wokingham.gov.uk |
| Date 16 February 2012 | Version No. 1 |

YJ posted 1st
Fri 4/10/11

STREET TRADING CONSENT ST06

LOCAL AUTHORITY



**WOKINGHAM
BOROUGH COUNCIL**

**Licensing Service
Wokingham Borough Council
Shute End
Wokingham
Berkshire RG40 1WW**

Wokingham Borough Council in pursuance of the provisions of Part III, Schedule 4, Paragraph 7 of the Local Government (Miscellaneous Provisions) Act 1982 do hereby grant this consent to trade within the following consent street at the location shown on the attached plan only.

Trading is only permitted between the specified times and the registered trailer shall vacate the site no later than 15 minutes after the end of the permitted trading time.

NAME & ADDRESS OF CONSENT HOLDER

Muhammet ALPAR Avenue House 14 The Avenue Mortimer Berkshire RG7 3QY

TRADING LOCATION

Milestone Ave Charvil Trading Location, Milestone Avenue, Charvil, Berkshire, ,

VEHICLE DETAILS

| | | | |
|--------------------|-----------------|----------|--------------|
| Registration No. : | X113 BCD | Model : | Relay |
| Manufacturer : | Citroen | Colour : | White |

TRADING HOURS

| | | |
|---------------------|-------|-------|
| Sunday to Thursday | 17:00 | 00:30 |
| Friday and Saturday | 17:00 | 02:00 |

DURATION OF LICENCE

ISSUED : 6 October 2011
EXPIRES : 9 April 2012

(Unless previously suspended or revoked)

[Signature]
Principal Environmental Health Officer

NOTES

This consent is subject to Wokingham Borough Council's standard conditions and any special conditions attached. It remains the property of Wokingham Borough Council and must be displayed on the trailer during trading.

Street Trading Consent

LICENCE No: ST06

Licence commences 10/10/2011 Expires 09/04/2012

Licensee Mr M Alpar

THIS LICENCE IS ISSUED SUBJECT TO THE FOLLOWING ADDITIONAL CONDITIONS

WOKINGHAM BOROUGH COUNCIL
LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982
STREET TRADING CONSENT: ST6

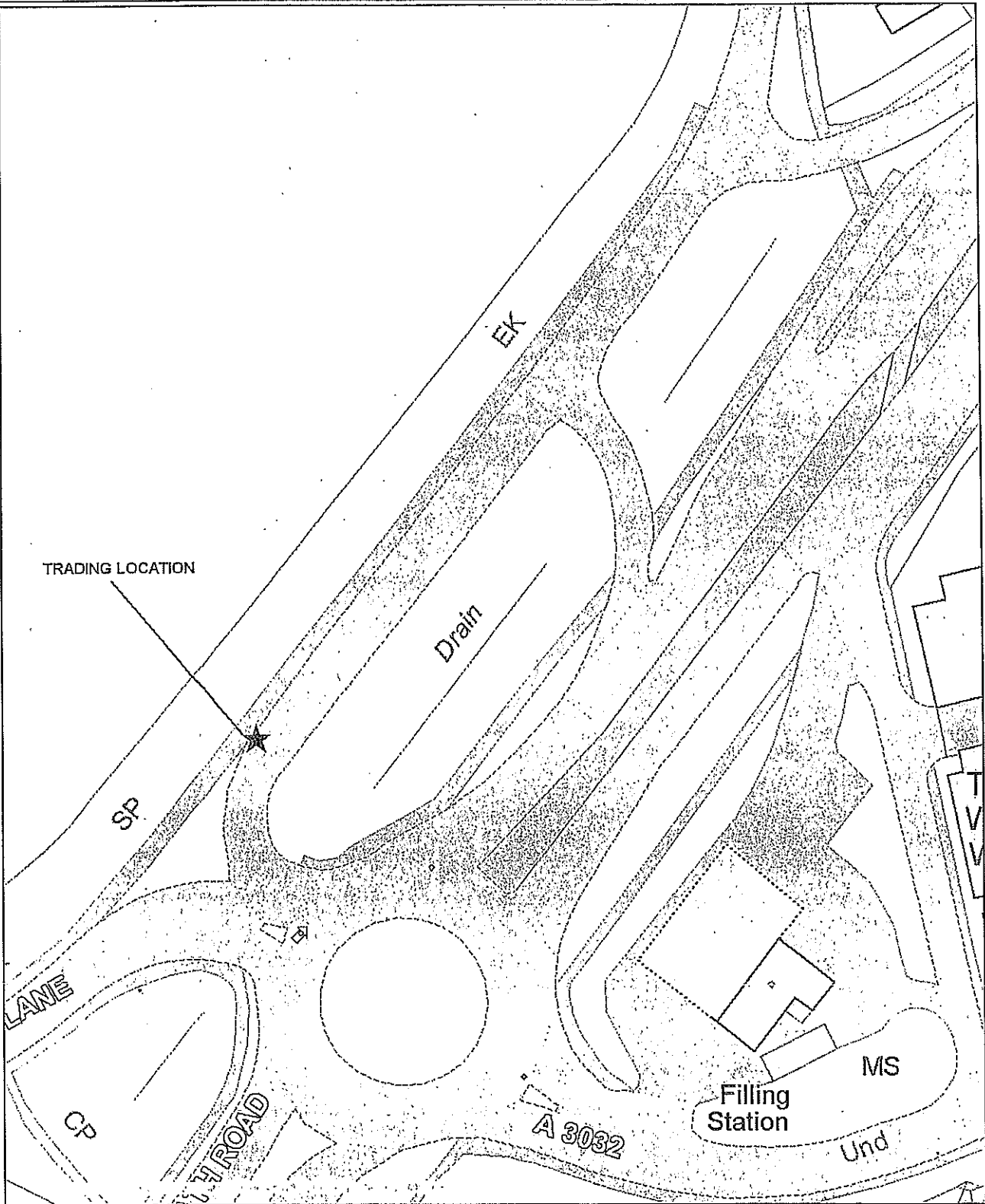
SPECIAL CONDITIONS

1. Trading hours are restricted to 1700 to 0030 hours Sunday to Thursday and 1700 to 0200 hours Friday & Saturday
2. Three litter bins shall be placed in the vicinity of the trading area whenever the premises are open to the public
3. A notice shall be displayed on the van reminding customers of their responsibility to dispose of all rubbish responsibly in the litter bins provided or taken away from the site.
4. All rubbish located between the junction of Milestone Avenue and Milestone Crescent and the roundabout by the dual carriageway, which originated from the kebab van, shall be taken away at the end of each evening's trading and disposed of appropriately using a trade waste service.
5. Facilities for serving customers shall be provided at the back or the offside (pavement side) of the van
6. A sign shall be displayed stressing that customers take extra care on the road
7. Notices shall be placed prominently upon the exterior of the vehicle requesting all customers to respect local neighbours and to leave the area quietly

Dated: 6 October 2011

[Signature]
S.A. Enwood

ST06 MILESTONE AVENUE CHARVIL



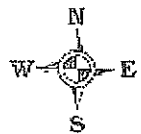
WOKINGHAM
BOROUGH COUNCIL

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Wokingham Borough Council Licence Number 100019592.

Date 6/10/2011

Scale 1/789



STANDARD CONDITIONS ATTACHED TO THE ISSUE OF A
Street Trading Consent

LICENCE No: ST06

Licence commences 10/10/2011 Expires 09/04/2012

Licensee Mr M Alpar

Local Government (Miscellaneous Provisions) Act 1982

DEFINITIONS

"The Council" means Wokingham Borough Council

"Street" means a road, footway, pavement, forecourt, place to which the public have access without payment and other areas adjacent to the streets

"Street Trading" means selling or exposing, or offering for sale in a street any article (including a living thing) except any activity referred to in paragraph 1(2) of schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982

"Consent Street" means a street in which street trading is prohibited without the consent of the council

"Consent Holder" means the person named in this consent

The following conditions apply in respect of all Street Trading Consents granted by the Council. The Council reserves the right to vary or modify these conditions or apply new conditions from time to time as it may in its absolute discretion think fit. The granting of a consent does not imply approval under any other legislation or activity controlled by the Council.

These "Standard Conditions" may be supplemented or varied by any "Special Conditions" relating to a particular location as issued with the Consent.

The hours of trading shall be only within the times specified on the Consent.

The Consent only specifies those hours during which trading may take place provided that all other legal requirements are satisfied. The Consent does not confer the right to station the stall/vehicle on the Consent pitch at any particular time(s).

A copy of the Consent shall be displayed conspicuously on the stall/vehicle and a copy of the "Standard Conditions" and any "Special Conditions" which apply to that Consent shall be carried by whoever is operating the stall/vehicle when trading and shall be produced when requested by a Council Officer or a Police Officer

At all times the Consent Holder and/or his/her Assistant(s) are operating the stall/vehicle they shall wear their personal identification badge with a photograph issued at the time of their authorisation by the Council. Such badges shall remain the property of the Council and shall be returned when the individual ceases to trade.

Details of all assistants shall be provided in writing to the Council prior to commencement of work on the stall/vehicle.

At all times the Consent Holder and/or any Assistant shall comply with all statutes, statutory instruments and bylaws currently in force. Particular attention should be paid to the requirements of the Health and Safety at Work Act 1974 and the Food Safety Act 1990 and any Regulations made thereunder. Advice on these requirements can be obtained from the Environmental Health Department. (telephone 0118 974 6400)

N.B This Consent does not override any Legislation regarding parking, food hygiene, obstruction etc.

The Consent Holder or his/her business shall not be the cause of any nuisance or annoyance to any other user of the highway, the occupier of any land or building or Wokingham Borough Council and in particular the Consent Holder and/or any Assistant shall on all occasions when carrying on business, be strictly sober, and conduct him/herself in a proper, civil and decorous manner and the business will not be conducted in such a way as to cause annoyance to the occupier or person in charge of any shop or business premises or dwelling.

A Consent Holder shall make such provisions as necessary to prevent the deposit on any street of solid or liquid refuse and shall not discharge any waste to the surface water drains.

**STANDARD CONDITIONS ATTACHED TO THE ISSUE OF A
Street Trading Consent**

LICENCE No: ST06

Licence commences 10/10/2011 Expires 09/04/2012

Licensee Mr M Alpar

On land other than the highway, the permission of the landowner and any necessary Planning Permission shall have to be obtained. Written confirmation of such shall be provided to the council prior to the commencement of trading.

A readily identifiable name of the business shall be conspicuously displayed on the stall/vehicle.

The colour, type and dimensions of any vehicle, stall, trailer cart or similar to be used under any Consent will be subject to approval by the council. No change of any approved stall/vehicle is permitted without prior agreement in writing from the Council.

The Consent holder's vehicle/stall to which the Consent applies shall be kept in a clean, safe and well maintained condition. The Consent Holder's vehicle shall be maintained in a roadworthy condition, taxed, insured and with a current MOT certificate as appropriate and the driver of the vehicle shall hold an appropriate driving licence.

The Consent Holder shall ensure that the stall/vehicle is positioned only on the Consent pitch of the Consent Street for which the Consent is held whilst trading. Such stall or vehicle shall be removed from the site after the close of trading each day. The Consent pitch may only be changed mid-term of any Consent period with the agreement of the council.

Whilst the granting of a Consent is specific to a particular location the Council reserves the right to vary the same at any time.

The Consent Holder shall not park his/her vehicle on any part of a footway.

Each Consent Holder shall ensure that disabled persons and wheelchair users can be adequately served. This may involve such customers being served from outside the stall/vehicle.

At least one refuse container shall be provided by the Consent Holder and placed on the pavement near to his/her stall/vehicle and be available for use by his/her customers. A notice shall also be displayed requesting customers to deposit litter in a waste container.

The Consent Holder shall ensure that the area in the vicinity of his/her stall/vehicle is kept clear at all times of all refuse originating from his/her trade and from customers, and in particular, shall leave the site and area clear of such refuse at the completion of trading.

If a Consent Holder or Assistant is requested to remove or reposition the stall/vehicle by a Council Officer or Police Officer he/she shall immediately comply with that request.

The Consent Holder shall have and maintain a valid insurance policy against public liability and third party risks. The minimum insurance cover shall be £2,000,000 and shall include cover for any risks arising from the use of the Consent Holder's vehicle or stall and any additional equipment under his/her control such as generators, etc. If food is sold the insurance shall specifically cover against food poisoning to the same amount. The insurance certificate or cover note shall be produced with the Consent Application.

The Consent Holder may terminate the Consent by written notice to the Council. Any refund of the fee would be in accordance with the Wokingham Borough Council refund policy.

The Consent is personal to the Consent Holder and is not transferable except in the case of the death of the Consent Holder when the Consent may be transferred, by agreement with the Council, to a member of the Consent Holders family.

The fee for a Consent shall be paid in advance.

Adequate precautions shall be taken by the Consent Holder to prevent the risk of an outbreak of fire at his/her stall/vehicle. Where a power source or heating appliance is present, e.g. a generator or bottled gas container, then a suitable fire extinguisher shall be provided. In addition, a fire blanket shall be provided in

**STANDARD CONDITIONS ATTACHED TO THE ISSUE OF A
Street Trading Consent**

LICENCE No: ST06

Licence commences 10/10/2011 Expires 09/04/2012

Licensee Mr M Alpar

vehicles selling hot food.

The Consent Holder shall not place any signs or any object upon the pavement, or on any other part of the highway or other public place except within the marked out area of the Consent Street for which the Consent Holder holds a Street Trading Consent. (The marked out area is detailed on the site plan attached to the Consent).

The Consent Holder and/or any Assistant shall not sell or offer or expose for sale any goods or articles other than those described within the terms of the Consent.

Only one Consent will be granted per person.

The Consent Holder and every Assistant(s) of food stalls/vehicles shall have obtained a Level 1 Food Hygiene Qualification. The original certificate should be sent with the application form and be available for inspection if requested by an Officer of the Council. The certificate will be returned with the Consent.

If the Consent Holder is selling food or drink the stall/vehicle shall be registered with the Local Authority where it is normally kept under the provisions of the Food Premises (Registration) Regulations 1991.

No omission from, or addition to, or variation of, the consent shall be valid of any effect unless it is agreed in writing and signed by the Authorised Officer of the Council and by the consent holder.

The consent holder is not, and shall in no circumstances, hold him/herself out as being, the servant or agent of the Council.

The consent holder shall in no circumstance, hold himself out as having the power to make, vary, discharge or waive any byelaw or regulation of any kind.

If the business is sold the new owner of the business must apply to the Council for Consent prior to commencement of trading.

No one under the age of 18 years must be left in charge of the trading unit.

All applications for the grant or renewal of a Street Trading Consent shall be accompanied by a certificate signed by an approved gas installer to the effect that all gas appliances installed in or on the stall/vehicle and all cylinders, pipes and other fittings used for supplying gas to that appliance have been examined and found to be fitted in a safe and satisfactory manner and are suitable for their intended use. (At the present time such a certificate can only be issued by a person approved by the Council for Registered Gas Installers - CORGI)

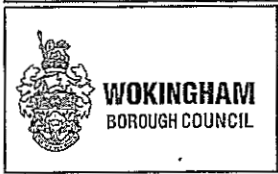
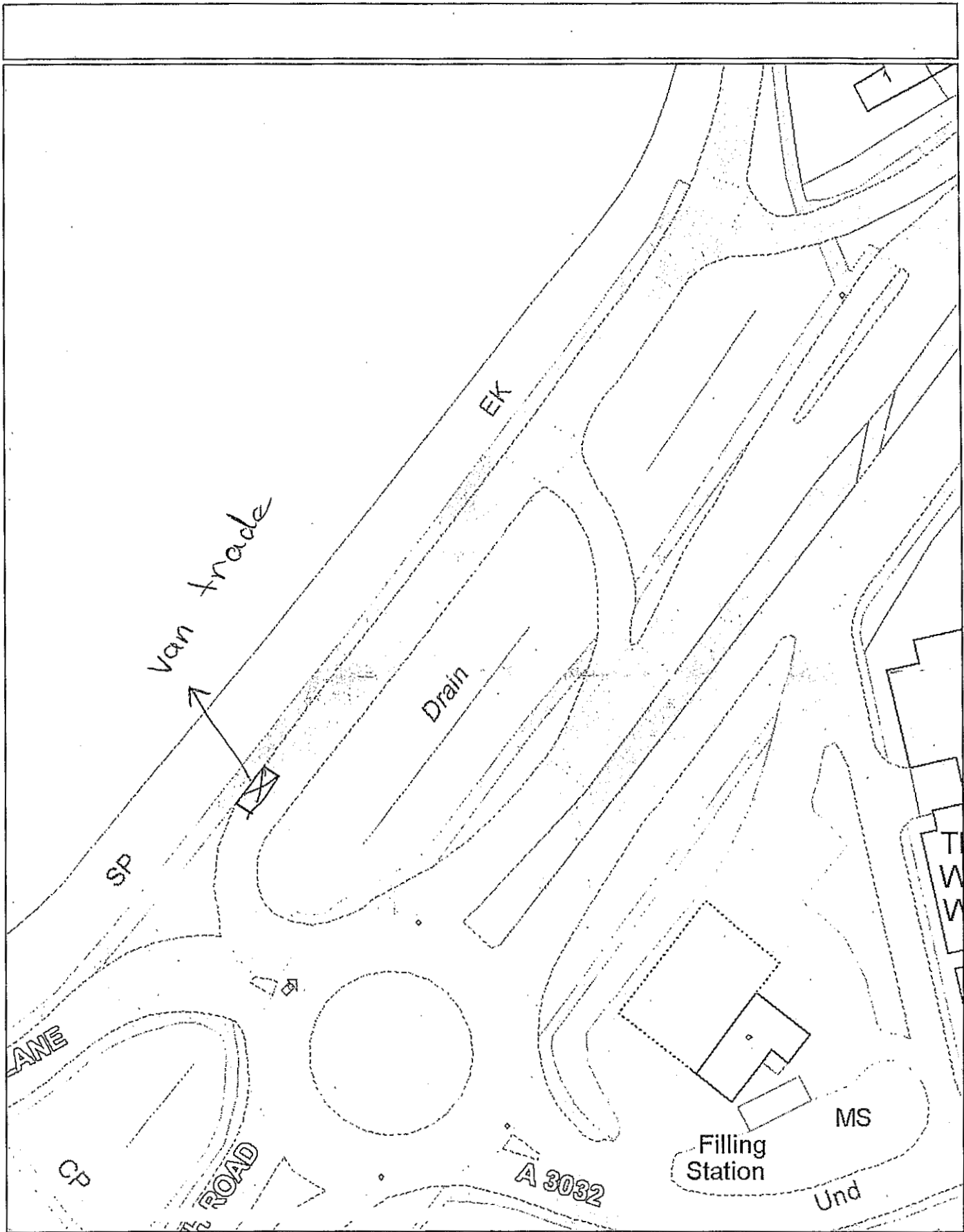
The Consent Holder shall not use any television, tape recorder or other device for the reproduction of sound while trading which is audible beyond 5m of his/her stall.

For the avoidance of doubt, nothing contained in the consent shall prejudice the rights, powers, duties and obligations of the Council, or any other enforcing authority, under any public and private statutes, orders, regulations or byelaws.

If a Consent Holder fails to comply with any of the "Standard Conditions" or "Special Conditions" the Council reserve the right to revoke the Consent and institute prosecution proceedings.

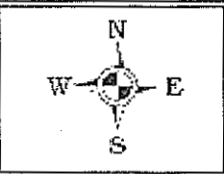
A street trading Consent is valid for the period specified in the consent and may be revoked by the Council within that period, upon written notice being given of the date and time, at which the consent holder may appeal before the Licensing Appeals Panel to show why the consent should not be revoked. During this period the Consent Holder may continue to trade.

SHOULD A CONSENT BE REVOKED UNDER WHATEVER CIRCUMSTANCES NO REFUND WILL NORMALLY BE PAID



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Wokingham Borough Council Licence Number 100019592.

Date 6/12/2011
Scale 1/789



Division/Station : Wokingham

From : Steve Deane
Police Licensing Officer

To : Licensing Officer
Wokingham Borough Council

Ref :

Date : 18 January 2012

Tel.No. 0118 936 5919

Subject :

STREET TRADING LICENCE CONSULTATION - Milestone Avenue, Charvil

Thames Valley Police, as a statutory authority, have received a Street Trading Consultation enquiry in relation to the applicant, Mr. Alpar, selling hot food and beverages from a mobile van located in Milestone Avenue, Charvil.

I have checked police records and nothing untoward has been recently recorded at this location in respect of the selling of hot food etc.

I've liaised with the Neighbourhood Sergeant, Specialist Officer and the Police Community Support Officer and they have no recommendations or observations to make in relation to this enquiry.

Police therefore have no objections to the renewal of this Street Traders Licence.

Steve Deane
Police Licensing Officer

Karen Court

From: Joe Dray
Sent: 16 January 2012 09:56
To: Karen Court
Cc: Emma Choules
Subject: FW: ST06 STREET TRADING CONSENT CONSULTATION

Karen

Thanks for consulting us on the application to renew this street trading consent.

Since the previous consultation we have received 3 complaints about litter, two of which (4/12/11) were about the same empty food carton and drink can.

Emma has also visited the area on several occasions to check the amount of litter and has reported no significant problem.

In my opinion there is no *public nuisance* arising from litter at this location and I have no objection to renewal of this consent

Joe Dray
Principal Environmental Health Officer
West Berkshire and Wokingham Environmental Health and Licensing Service.
Tel: 0118 9746395
Fax: 0119 9746401

DATE ACTION OPENED: 11/10/2011

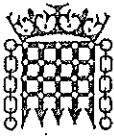
ACTION DETAILS

ACTION TYPE: BC1 - Reactive Action
SOURCE DATABASE: REQUESTS
Record number 047910
UNIT: EHN - Environmental Health North Team
INVESTIGATING OFFICER: EZC - Emma Choules

ACTION EVENT DETAILS

| <u>ITEM</u> | <u>EVENT</u> | <u>DESCRIPTION</u> | <u>SCH. DATE</u> | <u>ACT. DATE</u> | <u>OFF</u> | <u>ACTIVITY</u> |
|-------------|--------------|--|------------------|------------------|------------|-----------------|
| 1 | S11 | Premises Inspection 17/10/2011 11.15 EZC | | 17/10/2011 | EZC | |
| | | inspected milestone Ave layby. No obvious food/takeaway waste. noticeable cigarette butts, near dusty brown section and also couple of piles of dog faeces. | | | | |
| 2 | S11 | Premises Inspection 14.21 attended. no takeaway rubbish. a coop pasta salad lid just up from the layby . 26/10/2011 16:15 EZC | | 26/10/2011 | EZC | |
| 3 | S11 | Premises Inspection inspection at 11.05 | | 07/11/2011 | EZC | |
| | | Heavy leaffall. A small amount of cabbage and lettuce on the grass verge. A peice of tissue about 10 m away; a blue bag in the undergrowth (Not neccessarily takeaway related). Empty can of redbull and plastic bag. sweet wrapper in the road. left site 11.10 | | | | |
| 4 | S11 | Premises Inspection attended at 10.40 | | 14/11/2011 | EZC | |
| | | no takeaway rubbish. A crisp packet and confectionary wrapper. two pieces of foil. | | | | |
| 5 | S11 | Premises Inspection litter inspection. 20/12/2011 11:41 EZC | | 21/11/2011 | EZC | |
| | | couple of sweet wrappers morrisons bag and tango drink can. No taekaway rubbish observed. | | | | |
| 6 | S11 | Premises Inspection 11.15am | | 05/12/2011 | EZC | |
| | | busy lots of parked vehicles, 3 cars,, 1 van and 1 lorry . No obvious takeaway rubbish - One clear plastic fork 4m down from takeaway spot. | | | | |

| <u>ITEM</u> | <u>EVENT</u> | <u>DESCRIPTION</u> | <u>SCH. DATE</u> | <u>ACT. DATE</u> | <u>OFF</u> | <u>ACTIVITY</u> |
|-------------|--------------|---|------------------|------------------|------------|-----------------|
| | | 1 can drink tango and crisp packet in scrub. | | | | |
| 7 | S11 | Premises Inspection Litter inspection | | 08/12/2011 | EZC | |
| | | car and van parked up. Sweet wrapper and tango can in border. No evident takeaway rubbish | | | | |
| | | 09.40 | | | | |
| 8 | S11 | Premises Inspection litter inspection | | 19/12/2011 | EZC | |
| | | 12.00 | | | | |
| | | 1 plastic carrier bag. No obvious takeaway waste | | | | |



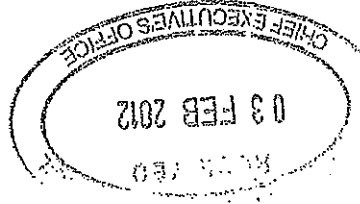
THE RT HON THERESA MAY MP
Home Secretary and Minister for Women & Equalities

HOUSE OF COMMONS
LONDON SW1A 0AA

→ Mark them
Please short response

Appendix 4

Interim Chief Executive – Mr Andy Couldrick
Wokingham Borough Council
Civic Offices
Shute End
Wokingham RG40 1BN



31 January 2012

Dear Mr Couldrick,

Re: Ms Morag Campbell of "The Paddocks", Milestone Avenue, Charvil, Berkshire, RG10 9TN

You will recall previous correspondence regarding the above constituent who visited my advice surgery last March to discuss a Kebab van at the end of Milestone Avenue. I understand that Karen Court is asking for comments from residents and would like to reiterate the points made in my previous letter.

My constituents' concerns relate to the anti-social behaviour of the van's customers and environmental concerns about littering. I would be grateful if you could ensure that residents concerns are fully considered when a decision is taken.

Thank you and I look forward to hearing from you soon.

Yours sincerely,

The Rt Hon Theresa May MP

Tel: (0118) 974 6001 (Direct Line)
Email: Andy.couldrick@wokingham.gov.uk
Fax: (0118) 979 0877
Date: 7th February 2012
My ref: AC/ae
Your ref:
File ref:



**WOKINGHAM
BOROUGH COUNCIL**

The Rt Hon Theresa May MP
Home Secretary & Minister for Women & Equalities
House of Commons
LONDON
SW1A 0AA

Chief Executive's Office
P.O. Box 150
Shute End, Wokingham
Berkshire RG40 1WQ
Tel: (0118) 974 6000
Fax: (0118) 979 0877
Minicom No: (0118) 9746991
DX: 33506 - Wokingham

Dear Mrs May

Ms Morag Campbell of "The Paddocks", Milestone Avenue, Charvil, RG10 9TN

Thank you for your letter of 31st January regarding Mrs Campbell of the above address. I have noted the concerns that you express regarding the operation of the Kebab van at the end of Milestone Avenue.

I have ensured that your comments, together with those of Ms Morag Campbell, are included in the feedback from the consultation that is currently being undertaken. All of those comments will be taken into account by a Sub Committee of the Licensing Committee when it meets at 10am on Tuesday 3rd April to consider a six monthly review of the trading licence. I understand that Ms Campbell will be represented at that hearing, but it is obviously open to you to attend and represent the residents if you wish to in light of the letter that you have submitted.

If you have any further queries, please let me know.

Yours sincerely

Andy Couldrick
Interim Chief Executive



Please contact me if you need this letter in a different format
wokinghamdirect@wokingham.gov.uk Tel: (0118) 974 6000 www.wokingham.gov.uk



Need by email
2/2/12 11-32 KC.

10 Milestone Crescent
Charvil
Reading RG10 9RG

2nd February 20012

Mrs K. Court
Wokingham Borough Council
Shute End
Wokingham RG40 1WH

Dear Mrs Court

I should like to object to the renewal of Mr. Alpar's Street Trading Consent in Milestone Avenue, Charvil.

I believe that the van is trading in a completely inappropriate place; the road narrows where Mr. Alpar trades, this road is the only exit and entry for residents of Milestone Crescent and Milestone Avenue, and it is also a residential road.

Sometimes I feel that it is like "running the gauntlet" when you pass the kebab van because of the youths it attracts.

Rubbish is also a nuisance both in the vicinity of the van and along Milestone Avenue and Milestone Crescent, and this is attracting more and more rats.

I also find it is surprising that a trader that breaches such basic health and safety regulations is still allowed to continue trading.

Yours sincerely

Mrs M. Surridge

Karen Court

From: john bendall [jben241131@aol.com]
Sent: 02 February 2012 10:43
To: Karen Court
Subject: Kebab Van Milestone Avenue, Charvil.

Dear Ms. Court,

I am writing to you to raise my objections to the renewal of a licence to trade for the kebab van which operates in Milestone Avenue.

I object on the grounds of:

- 1 - litter left by customers in and around the area.
- 2 - the attraction of vermin to the area consequent with waste food left in the litter.
- 3 - the hours of trading until 2 am are likely to attract vandalism.
- 4 - the unsuitability of this sort of trade in a residential area.

The Council made a mistake initially when it granted the licence and now finds itself in a difficult position of being threatened with possible violation of human rights if it withholds the licence, nevertheless, in the light of the above and particularly the recent laxity in observing the conditions of the licence, I urge you to refuse renewal of this non-essential trading activity.

Yours truly,

John D. Bendall,
Neighbourhood Watch Co-ordinator,
Milestone Crescent,
Charvil,
Reading,
RG10 9RG.

Received by email 1/2/12
Mrs Margaret Souleyman

Malabarn, Milestone Avenue, Charvil, Berkshire, RG10 9TN

26th January, 2012



Dear Ms Court,

Application for renewal of ST6 by Mr Alpar

I write once again to ask both you and the Panel to consider the objections of the tax-paying residents of Milestone Avenue and Milestone Crescent, to the presence of a kebab van in our midst.

For many years we have written, attended hearings, collected and presented petitions, produced evidence of litter, vermin, hygiene issues, anti-social behaviour and harassment, and yet our observations and objections are invariably rejected in favour of the applicant.

The reason for this appears to be that in the early stages of this dispute, Mr Alpar threatened to take the matter to The European Court of Human Rights should his application be refused. However, unlike Mr Alpar, the only means open to the residents to determine local justice is through Wokingham Borough Council, which I regret to say, apart from one notable exception six months ago, has remained intransigent throughout the years.

In the deeds of our house there is a schedule of restrictive covenants which states that "The persons deriving title will at all times hereafter observe and perform the conditions restrictions and stipulations specified in the schedule hereto," and goes on to say that "neither the land or building shall be used for carrying on any trade or business."

My husband and I are the persons deriving said title, and have lived in Milestone Avenue for nearly forty seven years. I mention this because it seems ironical that we have not, and cannot trade or carry on a business in our own home in order to provide an income, whilst somebody with a van from the other side of Reading, can park in our road and sell kebabs without let or hindrance! I know Mr Alpar is paying his licence fee but that in itself is risible, as I would have to pay a great deal more for a season parking ticket in Reading.

I understand Mr Alpar was offered alternative trading sites which he refused, preferring to stay in Milestone Avenue. Is this because Milestone Avenue is the best site for the job and resultant revenue? Is it because he has been publicly supported by Councillor Hobbs therefore prefers to remain under her jurisdiction? Or is it more personal?

Mr Alpar has disparaged those residents who have objected to the kebab van as being snobbish and unfriendly, whilst accusing them of lying and acting unscrupulously in order to get his license revoked. Could it be that secure in the knowledge he is backed by both The Council and Councillor, he is simply relishing our protracted and impotent efforts to overturn what we perceive to be a gross injustice?

Finally, I ask that you and the panel give due consideration to the objections raised by the people who actually live in Milestone Avenue and Milestone Crescent, all of whom pay a great deal more in Council Tax per annum than Mr Alpar for his licence to trade. Let's see local democracy in action!

Yours Sincerely,

Karen Court

From: clanbrittain@talktalk.net
Sent: 01 February 2012 08:50
To: Karen Court
Subject: Lincensing application for Street Trading by Mr alpar. (Milestone Avenue)

Dear Ms Court,

We are writing to object to the above application.

The van encourages youngster to congregate in the area and some vandalism has taken place i.e. road signs have been knocked over and some on the A4 roundabout were turned to face the wrong way!

Cars are still using the Exit only road into Milestone Avenue to use the van instead of driving up the slip road which is very dangerous to other road users.

Customers are still discarding their rubbish in the road which is encouraging vermin!

In the deeds of our house it stipulates we cannot use our home or land to run a business so why is Mr alpar allowed to trade here?

Mr Alpar was kindly offered 3 other sites by the Council to trade from yet turned them down Why?

Yours Sincerely

Mr and Mrs G. Brittain.

Karen Court

From: Nigel Gourley [a.gourley@sky.com]
Sent: 31 January 2012 17:11
To: Karen Court
Subject: Re: Kebab van at the entrance to Milestone Avenue.

Dear Karen,

Yes certainly, Chilterns, Thames Drive, Charvil, RG10 9TP. Thank you, Nigel.

----- Original Message -----

From: Karen Court
To: Nigel Gourley
Sent: Tuesday, January 31, 2012 9:19 AM
Subject: RE: Kebab van at the entrance to Milestone Avenue.

Dear Mr Gourley

Thank you for making representation to Mr Alpar's renewal application, I will include this in my report for the panel hearing.

You will be advised of the hearing arrangements in due course.

For my report, could you please confirm your full address.

Many thanks & regards

Karen Court
 Senior Licensing Officer
 Licensing Service

West Berkshire and Wokingham Environmental Health and Licensing
 Wokingham Borough Council
 Direct Tel: 0118 974 6358
 Direct Fax: 0118 974 6401
 Email: karen.court@wokingham.gov.uk
 www.wokingham.gov.uk

From: Nigel Gourley [mailto:a.gourley@sky.com]
Sent: 30 January 2012 20:37
To: Karen Court
Subject: Kebab van at the entrance to Milestone Avenue.

Dear Karen,

I live in the last house in Thames Drive which is over the bridge at the end of Milestone Avenue. Some years ago I visited the council offices and spoke before the panel on the reasons I felt the Kebab Van was not needed in that position. I came away with the distinct feeling that the decision had been made long before that meeting and we were only wasting the panel's and our time. I think of this every time I find myself picking up the rubbish strewn along the length of Thames Drive and in the passing bays on the upper end of Milestone Avenue towards the bridge. Particularly where the mobil phone mast is sited. I do not blame the vendor entirely as the "operator" does make an effort, positioning a bin and does usually tidy up before leaving but the Kebab Van attracts other customers from other food outlets to the "quiet dark road" and certainly not all his customers consume their food near the van. There are two food outlets across the way, the garage for snacks and the Wee Waif for a better sit down meal. Why do we need a Kebab Van to lower the tone of the village which many residents are trying so hard to improve?

Karen Court

From: Sue Flynn [sueflynn13@aol.com]
Sent: 30 January 2012 19:45
To: Karen Court
Subject: Mr Alkpar's Street Trading Consent
Attachments: IMG_4552.JPG; IMG_4522.JPG; Mr Alpar - Jan 2012 objection letter.docx

Dear Karen

Please find attached my letter of objection. I have also attached two photographs of litter I have seen in Milestone Avenue near to the site of the fast food van.

Regards

Sue Flynn

-----Original Message-----

From: Susan Flynn <susanflynn21@gmail.com>
To: sueflynn13 <sueflynn13@aol.com>
Sent: Mon, 30 Jan 2012 11:31
Subject: Milestone Avenue Litter

IMG_4552.JPG - 4th December 2011, photo taken 12 noon
IMG_4522.JPG - 1st November 2011, photo taken at 9.20 am

Click [here](#) to report this email as spam.

9 Milestone Crescent
Charvil
Reading RG10 9RG

1st February 2012

Ms K Court
Wokingham Borough Council
Shute End
Wokingham RG40 1WH

Dear Ms Court

Re: The application for the renewal of Mr Alpar's Street Trading Consent

I wish to object to the renewal of Mr Alpar's Street Trading Consent on the following grounds:

1. The trading site is not a suitable site, this is a residential area and this road is the access for residents to Milestone Avenue and Milestone Crescent
2. The presence of the van gives rise to anti-social behaviour and residents are often intimidated when passing the van
3. His presence attracts large vehicles over the 7.5 ton weight limit.
4. Litter gathers both near the van and along the adjacent roads, this being unsightly, unhealthy and attractive to rats– photos attached
5. The one-way road signs are frequently ignored by his customers
6. Lack of toilet facilities – Mr Alpar claims to use the Texaco Garage and the Wee Waif Pub, but these are not open late into the night. I believe the verges and ditches are used for urinating
7. After a WBC inspection last September Mr Alpar was found to be in breach of a number of his licence conditions, particularly relating to Health and Safety. How many other times has he breached these conditions when inspections have not taken place?

My objections are the same as those expressed over the last 13 years and feel that Wokingham Borough Council's reasoning that only new grounds can be considered is ludicrous. I believe that Wokingham BC decision to allow Mr Alpar to trade in this area 13 years ago was a wrong decision and it continues to be wrong.

I should like to remind the panel that the residents of Milestone Avenue and Crescent have been continually supported by Theresa May, our local MP, who has made representation to Wokingham BC on numerous occasions.

Yours sincerely

Mrs S Flynn





Karen Court

From: mopatroberts@tiscali.co.uk
Sent: 30 January 2012 13:03
To: Karen Court
Subject: Kebab van street trading consent renewal

Ms K Court
>Wokingham Borough Council
>Shute End
>Wokingham
>Berks

>Dear Ms Court

>I should like to formally object to the renewal of Mr.Alpar's
Street

Trading Consent.

>I believe that for a fast food van to trade in Milestone Avenue, a
residential area, is completely inappropriate and its presence
attracts antisocial behaviour, litter and vermin. Its position in
Milestone Avenue also encourages cars to enter the wrong way, thus
breaking the law.

>I understand that Mr. Alpar was found to be in breach of a number of
his trading conditions including Health and Safety issues and that is
why his consent was only renewed for 6 months last time.

>Yours sincerely

>Mrs P Roberts
>7 Milestone Crescent
>Charvil

Karen Court

From: gf.campbell [gf.campbell@o2.co.uk]
Sent: 29 January 2012 17:58
To: Karen Court
Subject: Kebab Van - Milestone Avenue, Charvil

Dear Karen,

I wish to formally object to the siting of a Kebab Van at the end of Milestone Avenue.

My main concern continues to be that the trading takes place on a narrow road which is effectively the only maintained exit for the residents of Milestone Avenue and Milestone Crescent.

This road is now narrowed down to one lane and trading here late at night means that it can feel intimidating when there are several customers.

The incidence of cars parked in the hatched area, in which Mr Alpar trades, has grown considerably. Because parking there to get a kebab is normal, more and more vehicles are parking there at all times of the day.

As you saw during your last visit, the litter in the ditch has grown considerably.

It is all very well to say that the ditch is the responsibility of Reading Farm but allowing vehicles to park in that hatched area creates the problem for us and the farm.

Vehicles should only enter a hatched area if it is necessary to do so. This is not being policed and by granting the licence to trade, the council is condoning this breach and the resultant littering.

I will send photographs of the litter in support of my complaint.

Yours sincerely,

Gordon Campbell

Click [here](#) to report this email as spam.

Karen Court

From: Autocare [maryrooke123@hotmail.com]
Sent: 25 January 2012 16:19
To: Karen Court
Subject: Mr Alpar's street trading licence - Milestone Avenue, Charvil

17 Milestone Cresca
Charvil RG10 9AC

Dear Karen,

I am concerned to hear that Mr Alpar's street trading licence will again be considered for Milestone Avenue in February for another 6 months. His street trading in such a residential area is still causing some problems. I understand too that Mr. Alpar was found to be in breach of some health & safety issues & was ignoring some conditions that had been required.

We still encounter litter in the residential area, close to the van's parking spot in Milestone Avenue & Milestone Crescent... & rats scuttling brazenly across our patio close to our house (no. 17 Milestone Crescent). The rats appear to have a route coming through our neighbours' gardens from the other side of Milestone Crescent (near the roundabout) during the Summer & Autumn.

I have also encountered a youth who was (just as brazenly) urinating at the side of the road in broad daylight. He was close to Mr. Alpar's parking spot, in the late afternoon before the van arrived, congregating with others of a similar age. Even though Mr. Alpar had not started trading at this time, I do believe that this behaviour is totally unacceptable & offensive. This area has become a gathering spot for young people - perhaps because the van is there. Why do we continue to have to put up with these anti-social & health issues?

It is extremely frustrating that Mr. Alpar is still receiving a licence to trade in this residential area, despite being in breach of health & safety rules. Please continue to monitor this flagrant breach on his part & consider the residents of Milestone Avenue & Milestone Crescent, who continue to have problems because of this.

Yours sincerely,

Mary Shonfield.

Click [here](#) to report this email as spam.



Mrs M Evans
Westo
Milestone Avenue
Reading
RG10 9TN



Jan. 25th 2012.

Dear Mr. Council

Re. Mr. Alpar,
Kebab Van,
Milestone Avenue
Chenil.

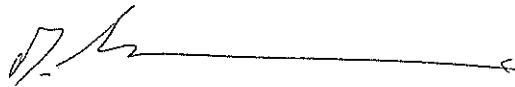
The license for this van is due for renewal in February. The situation has not changed. The van is still sited very near a residential area which is very wrong.

The attendant problems of RATS, litter and unnecessary people congregating in a residential area continue.

Obviously the council are in favour of the arrangement as you have not bothered to remind us of the renewal of the licence.

Perhaps some of the council members care about the environment.

Yours sincerely



From: Janet Robson [mailto:janet@therobsons.co.uk]
Sent: 17 August 2011 11:35
To: Karen Court
Subject: Application ST06

The Shrubbery
Avenue
Charvil

969 2253

janet@therobsons.co.uk

14th August 2011

Milestone

Tel: 0118

Mrs. Karen Court,
Senior Licensing Officer,
Wokingham Council,
Shute End,
Wokingham.

REGIO 9TN



Response to Application to renew street trading licence by Mr. Alpar, ST06.

For 13 years residents of Milestone Crescent and Milestone Avenue have objected to the presence of the van. When Mr. Alpar first applied for a licence, the council refused permission. Mr. Alpar appealed and said that he would sue for his human rights to earn a living, saying that he would otherwise lose his home. His appeal was granted. However, Mr. Alpar has stated publicly that he Owns several properties in Reading and in Turkey.

The van appeared about 1998 and occupied a hatched area in a small one-way loop off the A4, whose legal status neither the police nor the council, who installed it, are able to define. In other similar hatched areas, notably in a strip along the A4 very close, the police have said that they would not allow non-emergency parking. The layout where the van has been for 13 years despite annual objections, is a small but pleasant backwater, which was much enjoyed as a compensation for the loss of the former farm path and wooded end to Milestone Avenue and Milestone Crescent as they joined the A4, when the roundabout was built. The van moved in to this area which was not intended for night-time fast food trading, and where the council had not

29/01/2012

made properly thought out road markings, not expecting such a problem.

Objections which residents nearby have raised from the day the van appeared, and which they have repeated each year, when the trader has requested renewal of his licence, include:

Parking. A 'No Parking at Any Time' sign was uprooted and thrown in the ditch some way down Milestone Avenue about the time that the van arrived. The resident who found it also found the hole where it was remembered to have been by several residents, with its anchoring concrete, at the site of the van - but the council again refused to comment. They had 'No record.'

Cars enter the road the wrong way, coming face to face with outgoing vehicles, sometimes they double-park, blocking the road (and occupants jeer when asked to move). Lorries and even a camper van park overnight, regularly, probably because of the convenience food available, leaving bags of rubbish which are not picked up for a month.

Litter and discarded food. The presence of rats was not noticed before, but most probably resulting from the roadside fast food outlet, rats are frequently seen in the road near the van, and are seen openly exploring in the nearest gardens, and on garden paths, nearly every day. We know that rats are common - but they weren't that common, until the van arrived. Government reports show that rat infestation is encouraged by the presence of fast food outlets because of the food which is dropped nearby - and there is always litter there, on the road and in the ditch. The monthly inspections which the council claims to carry out do not report this, mainly because it is early in the morning that litter is seen, and often picked up by residents, and the Parish Council employs someone to remove litter. I picked up two cartons today, one messy with 'food'. There are usually cartons like this at the roadside near the site. I drove past four times during the week before writing this letter and saw rats in the road twice - could you honestly say this is normal?

Traders and customers urinating on the grass verge and in the ditch. The council told us to photograph such incidents if they are to be used in evidence. When one lady rushed home to get a camera on witnessing one person relieving himself, on returning she found one of the traders doing the same thing. He ran to shut himself in the van and used his phone. Very late that evening Mr. Alpar and another man threatened two residents in their home, 'Why you taking photographs? I will buy house next to you and park van there.' And a lot more - by mistake as it was not the resident who had tried to take a photograph. The council made absolutely no comment when they were informed of this.

Vandalism. Four road signs at the site have been damaged repeatedly, and uprooted. Two are missing. One has been replaced but another is still missing - this all cost the council money. (Cost ratepayers money.) Groups of youngsters congregate there and do other damage to private property - one brick wall was pushed over, the owner afraid to complain. This would not happen if the van were not in this relatively hidden space, until after midnight every day.

Petitions. About the third year, Mr. Alpar collected signatures in favour of the licence. There were over 200 signatures, including some from Colby, many from Tilehurst, and several groups of forged signatures. At the subsequent hearing, the licence was granted again, and one reason given in the decision and also on being asked directly, was that Mr. Alpar's petition was persuasive. Next year the residents presented a petition of the same number of signatures opposing the licence. Every signature was from individual residents living close to the site. The licence was granted. On being asked how it could be that the new petition was not mentioned in the decision, the council stated that petitions carry no weight. They had stated clearly that the previous year's petition had shown public support. Last year residents carried out a survey to establish what support for the van is, among residents in the three roads whose main access is at the site of the van. The result was overwhelmingly against the presence of the van. Reasons given were litter, vandalism, dangerous driving and frightening rudeness from people in the vicinity who were not local.

Hours of trading. After the original trading hours were set from 6 p.m. to 12.30 am., they were extended to start at 5 p.m. daily and to finish at 2 p.m. on Fridays and Saturdays, despite residents' objections. This brings late night activity into an area which values its quietness. It is noticeable that on Saturday and Sunday mornings the litter and vandalism is worse.

Unpleasant behaviour. There have been several incidents when residents passing the van on foot or in cars have had to encounter abusive behaviour. Recently a lady in her car was prevented from passing by a blockade of youths and was verbally assaulted. She was too frightened to continue and turned back.

Legality. The deeds of the properties in Milestone Avenue proscribe trade or business, other than connected with the Arts, to be carried on. The council says that there is no record of this (as with the 'No Parking' sign) but it is in black and white in our deeds.

At the 2010 hearing re the licence application, the council told objectors that unless they could find new grounds for objection, there would be no change in the council's decisions. This means that all former objections are to be disregarded. This is rather insulting.

Why should any such requirement be demanded? Consistent complaints over 13 years surely cannot be dismissed as though they are of no weight at all. If there were such a requirement, the application would truly be waved through, and would be a gesture rather than a genuine process.

Some of our direct complaints have not even been recorded and do not appear in documents relevant to the application. We are left with the sad conclusion that we have been treated with contempt.

This is not how local democracy is supposed to work - not only have the residents gained nothing at all, but the council has not been even-handed in the past about evidence residents have given. I do beg the panel to read the points above with attention, because residents do feel that they have been downplayed. We do not wish to cause trouble but simply to look after our neighbourhood and neighbours.

Janet Robson

APPLICATION TO RENEW STREET TRADING CONSENT

APPLICATION NO: ST06

APPLICANT: MR M ALPAR - ALPAR KEBABS

I am writing to object to the application. I wrote to object at the previous application and enclose that letter, it being still relevant and describing the persisting unhappiness felt by local residents.

I state here very sincerely that I hold no animosity towards Mr. Alpar, but remain very unhappy and puzzled about the situation which started the succession of successful applications. I do not think that Mr. Alpar's threat to go to the court of human rights, if he did not win his application, would work now, if all the facts were known. The grounds for his appeal to the ECHR would be that he needed this site in order to keep his home, for his family. His situation now does not warrant this, and was not investigated then. During this time there were several sensational front pages in the Twyford (Maidenhead) Advertiser, showing Mr. Alpar's family at the kebab van, but the objectors, people living near the site and in the roads affected, have always agreed that we would never involve the press.

It is lack of confidence in all the decisions by the council, after comments that objectors were 'snobbish', suggestions that local residents had spread litter themselves, extraordinary remarks made by council officers which exposed the bias against objectors, **and the illogical acceptance or denial of evidence from either party**, by the successive panels, which keeps up our energy to continue to object in our reasonable and genuine objections. We had believed that residents in a structured and stable area would be respected in their wish to keep their area quiet, tidy and free from other problems. We soon realised that we were regarded as a nuisance ourselves.

Of course there is now a status quo. However, the fact that a wrong decision has been made in the past is no reason to maintain it. I suggest that a fair resolution this time would reflect Government proposals for pubs to close at midnight. The van stays open until 12.30 and 2 p.m. and people who use it then would not normally be anywhere near. The van is not really needed. Also, residents nearby have no respite - the van comes **every day** except for Christmas Day. Residents should be able to have one day a week when they can be assured of peace and quiet, and no anxiety that if they pass the area they may be obstructed or meet vehicles going the wrong way.

This is a quiet community, even though close to a main road - we are small and a bit separate from the Charvil on the other side of the A4, who are the main local users of the van, and we cause the council little expense, paying high rates partly because of our quiet, and when we have appealed as a group to the council for help in this case we have been really amazed at the way our view has been ignored.

As residents, we are not permitted to use Milestone Avenue for trade by conditions in our deeds, and it is particularly upsetting that this trade has been allowed to establish a place. We have been completely law-abiding but the van owner asked no permission when assuming that place.

Yours truly,



Janet Robson (Mrs.)

Enclosed: copy of section of deeds prohibiting 'any trade or business' which every property in Milestone Avenue is subject to

^{all} Purchaser ~~should~~ forthwith erect & for ever after maintain at his own expense a good & sufficient division or party fence of not less than three feet or more than five feet in height on the sides of the premises within the boundary line marked "A" on the said Plan. In case the Purchaser ^{makes} ~~is~~ default in erecting or repairing such fence within thirty days after notice in writing so to do ^{shall} ~~should~~ have been given to him by the Vendors or left for him on his land the Vendors ^{all} ~~should~~ be at liberty to erect or repair the same at the ^{all} ~~expense~~ of the Purchaser the amount thereof ^{all} ~~should~~ be paid on demand made or left as last aforesaid.

2. One house or bungalow only in all respects according to plans and elevations to be approved of by the Vendors Surveyor ^{all} ~~should~~ be erected on the land but stabling or other outbuildings according to plans and in situations to be approved of by the said Surveyor ^{may} ~~might~~ be erected.

3. No hoarding ^{all} ~~should~~ be erected on any part of the land for advertisements not relating to the selling or letting of such land.

4. Neither the land nor any existing or future building thereon ^{shall} ~~should~~ be used for carrying on any trade or business nor as a School hospital or public institution or charity nor for holding public meetings nor for public worship nor otherwise than as a private dwellinghouse or offices appurtenant thereto but this ^{all} ~~should~~ not preclude the reception of lodgers or boarders nor the carrying on of a learned or artistic