

TITLE MR MUHAMMET ALPAR – ALPAR KEBABS
TRADING LOCATION – MILESTONE AVENUE,
CHARVIL
APPLICATION TO RENEW STREET TRADING
CONSENT

FOR CONSIDERATION BY A Hearing on 27 March 2013

WARD Charvil

LEAD OFFICER Karen Court, Senior Licensing Officer
Paul Anstey – Joint Service Delivery Manager

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 2013 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 – application form (Appendix One), location plan (Appendix Two), current consent with special conditions (Appendix Three), and representations with a summary of these (Appendix Four).

The application was received on 4 January 2013, checked and confirmed to be correctly made with all documentation in order and the fee paid.

Nominated assistants are Mehmet Zeki Kutlu, Musa Menzat Musa and Ayygun Halil.

The consultation period ran from 4 to 28 January 2013. 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 10 January 2013.

During the consultation period, representations were received from six residents of Milestone Avenue and Milestone Crescent as well as the ward member for Charvil, Cllr Nick Ray.

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 issues other than litter concerns raised by locals

Environmental Health (Environmental Protection) – no objections

Environmental Health Commercial Team (Food, Health and Safety) - no objections, last food and health & safety inspection was carried out in Sept 2012 with the next one due Feb 2013, no complaints received

Representations from Residents

Representations were received from six residents of Milestone Avenue and Milestone Crescent. 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.

Cllr Nick Ray, the ward member for Charvil, also submitted two emails of representation which are included. These include recommendations for the panel to consider as well as photographs taken on 24 January 2013.

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 April 2012

The Licensing Service has received no complaints from residents about litter since April 2012. No complaints were registered with Environmental Health or Waste Services.

On 28 May 2012 Cllr Kate Haines delivered two bags of rubbish to the council offices. These were examined with Waste Services and Mr Alpar was interviewed. There was no substantiated evidence of a link between the contents of the bags and Mr Alpar's business.

Mrs Janet Robson twice reported HGVs parking on the hatched area in Milestone Avenue, in April and May 2012. The 7.5 tonne weight limit signage was checked.

At the end of May 2012 Mrs Janet Robson reported an adapted horse box being used as a camper van regularly parking near the site of the kebab van, sometimes there for days and leaving large bags of rubbish by the litter bin. This was referred to Highways.

In April 2012 Mrs Souleyman emailed to advise that the van had been up and ready for business at 4.45pm on three occasions during the previous week. Mr Alpar was reminded of his start time of 5pm.

Site Monitoring Visits

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

Date	Time	Officer	Summary
10 January 2013	11.45 am	Karen Court	No concerns
3 July 2012	9.05 am	Karen Court	No concerns

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

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 last visited Milestone Avenue on 30th January, 2013 and found the area clean and tidy. Waste Services have not received any complaints regarding the area during the last year.

Environmental Health

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

"I have searched our records and am satisfied that there is no public nuisance arising from the above premises. I have no objection to the renewal of their street trading

consent.”

Thames Valley Police

The Thames Valley Police Licensing Officer for the Wokingham area provided the following statement after consulting with the Neighbourhood Sergeant and local neighbourhood police officer:

“There appears to be no issues other than litter in relation to this application.”

The Statement from the local neighbourhood officer states:

“The locals have spoken to me about the same thing. The only issue last time there was an application was litter. There is now a bin in place and I have seen the guys from the van going out and picking up the litter when they are not serving. Unless some things were calling in during December when I was away there have been no reports of any other kind from memory.”

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 £1,213.50 in the current year (£2,427.00 annual fee less 50% under the refund policy).

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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.

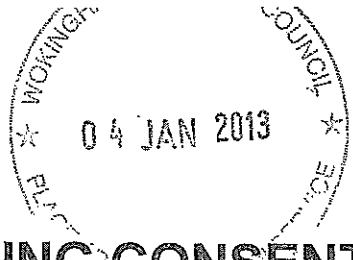
Alternative Options considered, if any
None .

Reasons for considering the report in Part 2
None

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 20 February 2013	Version No. 1

ONE



From 4/1/13 12 noon
KC.

APPLICATION FOR STREET TRADING CONSENT



WOKINGHAM BOROUGH COUNCIL

This is an application under the Local Government (Miscellaneous Provisions) Act 1982

Full Name of Applicant	MUHAMMET ALPAR
Company Name & Full Address	68 DEAMERE ROAD EARLEY READING RG6 1AP
Date of Birth (Applicants must be over 18 years of age)	10.05.77
Daytime tel number (inc mobile number where applicable)	07766227728
Nature of Business (Description of ALL articles to be sold/activities to be carried out)	KEBABS, BURGERS, CHICKEN, CHIPS + SOFT DRINKS
Proposed location of Trading Pitch (may be description, ordnance survey grid reference, map with location indicated)	ST6 MILESTONE AVE CHARVIL
Are you currently trading at this location?	YES
Has owners permission been given?	YES
Name & Address of owner of site if applicable	W.B.C
Description & size of stall/vehicle to be used for trading, including registration number (where applicable)	WHITE CITROEN RELAY VAN X113 BCP
Address of premises where vehicle/stall normally kept when not trading	228 NORTHUMBERLAND AVENUE RG2 7QA
Proposed days and times of trading	SUNDAY - THUR 5 PM - 12.30am FRI - SAT 5 PM 2 AM
Will you be manning the pitch yourself?	P.T.
Assistants: please provide names, addresses & tel no's	MEHMET ZEKI KOTLU 47. Ashmore Rd Reading RG2 8AG 07447907981

From 4/1/13 2assts - Kutlu + Musa. M. Alpar.

Give details of previous street trading experience (including dates and locations)	HAVE TRADED AT THIS LOCATION SINCE 2001 AND ALSO IN READING CAVERSHAM SINCE 1998
Have you ever been refused a licence or consent in any other area? If yes, give details	NO
Do you have any previous convictions? If yes, list on separate sheet	YES N.A. M. Aiper.
Trading name (if any)	ALPAR KEBABS
Period of licence required (Max 1 year)	1 YEAR
Do you hold Level 1 Food Hygiene? (essential for food handlers) - attach copy	YES
Which local authority are you registered with (as required by the Food Hygiene Regulations)?	READING

Declaration

The information given on this application is true and correct. I have included all necessary enclosures with this application. I agree to be bound by Wokingham Borough Council's street trading conditions and confirm I have received and read these conditions. I also authorise Wokingham Borough Council to make enquiries to the police or any other appropriate persons about this application subject to the Provisions of the Rehabilitation of Offenders Act 1974 as amended. I understand it is an offence to carry on the business of street trading without being granted a consent.

Signed M Aiper Date 04.01.2013
original signature Mohammed. K.

Name (Block Caps) MUHAMMETH ALPAR Position in Company OWNER

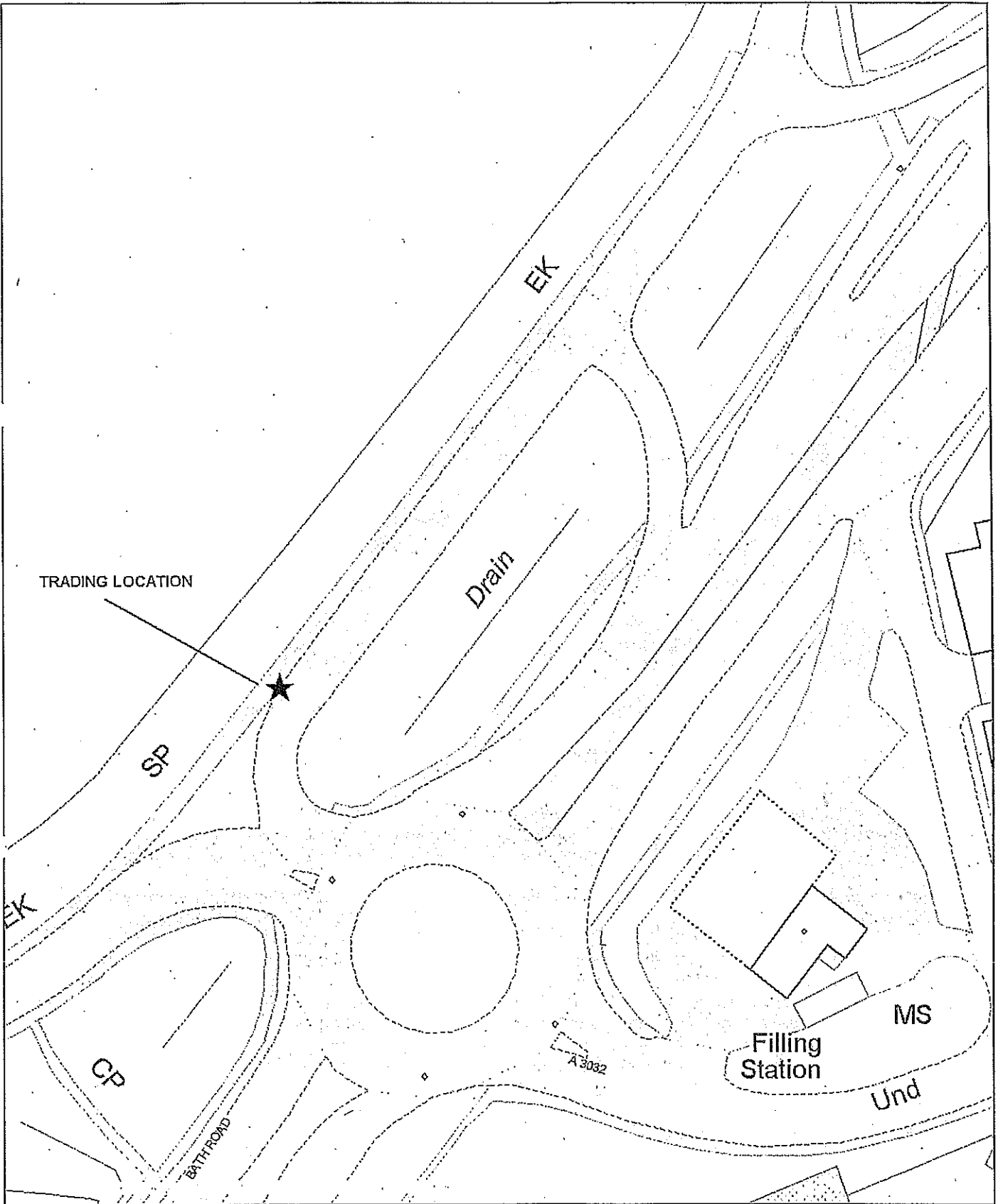
Completed form to be returned to: Karen Court, Senior Licensing Officer, Licensing Service, Wokingham Borough Council, PO Box 155, Shute End, Wokingham, Berkshire, RG40 1WW

Enclosures Accompanying Your Application

Fee (£2,427 pa / £269 for one month)	<input checked="" type="checkbox"/>	Location Plan	<input checked="" type="checkbox"/>	Copy of Food Hygiene Certificate	<input checked="" type="checkbox"/>
2 colour passport sized photographs of yourself & any assistants	<input checked="" type="checkbox"/>	Copy of planning permission (land other than highway)	<input type="checkbox"/>	Copy of Certificate of Insurance for public liability	<input checked="" type="checkbox"/>
Gas Safety Certificate	<input checked="" type="checkbox"/>	Copy of permission of landowner (land other than highway)	<input type="checkbox"/>	Fire Extinguisher Certificate	<input checked="" type="checkbox"/>

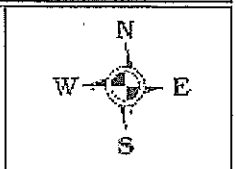
all OK KC

ST06 MILESTONE AVENUE CHARVIL



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Date 17/4/2012
Scale 1/789



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 : **17 April 2012**

EXPIRES : **9 April 2013**

(Unless previously suspended or revoked)


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 10/04/2012 Expires 09/04/2013

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
8. A summary log to be kept by the applicant and his staff to record any significant events occurring during the course of a day's trading

Dated: 17 April 2012

Street Trading Consent

LICENCE No: ST06

Licence commences 10/04/2012 Expires 09/04/2013

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 10/04/2012 Expires 09/04/2013

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

Street Trading Consent

LICENCE No: ST06

Licence commences 10/04/2012 Expires 09/04/2013

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