

LICENSING COMMITTEE – 19TH MAY 2010

**APPLICATION FOR OF A STREET TRADING CONSENT
MR DARIUSZ CZESLAW NOWAKOWSKI**

Agenda Item 5

Portfolio Area: Environment
Report Presented by: Mrs Rachel Crouch

Background Papers: Appendix 1 - Copy of application made by Mr Nowakowski
Appendix 2 – Plans of proposed site
Letters of representations
Appendix 3 – Mr & Mrs Heath - Local Trader – Tina’s Café, Crittall Road
Appendix 4 – Sue Bruns & Gary Mayer – Street Trader Freebournes Industrial Estate
Appendix 5 - Street Trading Policy

Corporate Implications: None

Options: 1. To GRANT Mr Nowakowski’s Street Trading Consent.
2. To REFUSE Mr Nowakowski’s Street Trading Consent

Risks: None

Executive Summary

To determine an application made by Mr Nowakowski for a Street Trading consent to enable Mr Nowakowski to sell hot and cold food and drinks from a van positioned at Freebournes Road, Witham following objections received from another trader selling in similar commodities within a 500m radius.

Decision

1. To GRANT Mr Nowakowski a Street Trading Consent, or
2. To REFUSE Mr Nowakowski a Street Trading Consent.

1. **Background**

- 1.1 The Licensing Department received and validated an application for Street Trading Consent from Mr Nowakowski on the 11th March 2010.
- 1.2 Mr Nowakowski is proposing to provide hot and cold food and drinks between the hours of Monday to Friday 06:00am to 11:00pm and Saturday and Sunday 06:00am to 11:00pm.
- 1.3 In accordance with the Council's Street Trading Policy the Licensing Department consulted will the following:

Essex Police,
Essex County Council Highways or Highways Agency if A12 or A120
The local ward Members.
Braintree District Council – Planning
Braintree District Council – Environmental Health
Parish / Town Council
Relevant local traders selling similar commodities within 500 m radius of the proposed site.

Following the consultation we received representation from Mr and Mrs Heath, local trader and Sue Bruns and Gary Mayer, street trader selling in similar commodities within 500m radius of the proposed site (Appendix 3 and 4).

- 1.4 In accordance with the Council's Street Trading Policy – Part 1 paragraph 10(3) where a new applicant wishes to trade in a location where an existing trader already holds a consent to trade in the same commodity the application will be presented before the Licensing Committee for determination.
- 1.5 The Council's Street Trading Policy is attached to this report (Appendix 5).

Corporate Implications			
Financial:	Not Applicable		
Legal:	None		
Equalities & Diversity:	Not Applicable		
Customer Impact:	Not Applicable		
Environment & Climate Change:	Not Applicable		
Consultation/Community Engagement:	Not Applicable		Not Applicable
Key Decision:	Not Applicable		
Officer Contact:	Mrs Rachel Crouch		
Designation:	Licensing Officer		
Ext No:	2647		
Email:	raccr@braintree.gov.uk		



BRAINTREE DISTRICT COUNCIL

Application for the Grant or Renewal of a Street Trading Consent

Local Government (Miscellaneous Provisions) Act, 1982 Section 3, Schedule 4)

NOTE: Before completing this form applicants are requested to read the Braintree District Council Street Trading Policy, which accompanies this application form

You are requested to complete this form in block capitals

1. I, DARIUSZ CZESLAW NOWAKOWSKI
of 88 HONEYSUCKLE WAY
WITHAM, ESSEX, CM8 2XQ

Date of Birth 12-8-1966

Daytime telephone number :- 01376 519683 (07791 848831)

hereby apply for a street trading consent to trade in the following streets:-
(Please specify streets and areas in which you wish to trade)

Freebournes Road - OPPOSITE AMTEK & VION EVON
(PLEASE SEE ATTACHED MAP)
WITHAM

PLEASE ENSURE YOU DO NOT INCLUDE ANY REQUEST FOR MARKET DAY TRADING (See Braintree District Council Street Trading Policy - item 9)

2. I wish to trade on the following days between the hours specified.
(Please see Note - See Braintree District Council Street Trading Policy - Item 8)

Monday: From 6am To 11pm Friday: From 6am To 11pm
Tuesday: From 6am To 11pm Saturday: From 12noon To 11pm
Wednesday: From 6am To 11pm Sunday: From 12noon To 11pm
Thursday: From 6am To 11pm

3. If you wish to trade for a short period, please specify what period below. (i.e Month of January). You will pay the day's trading fee per day you wish to trade.

.....

4 I proposed to trade in the following items:-

..... PREPARATION OF HOT AND COLD FOOD
- HOME MADE TRADITIONAL POLISH CUISINE

5 The registration number of the vehicle from which I propose to trade is:-

..... YK04 DJF

A photograph or fully drawn details of the proposed stall/vehicle, giving dimensions, must be submitted with new applications or if the stall/vehicle has changed.

Special Events

At special events, we will issue one consent to the person organising the event, rather than to each individual trader. We will issue a single consent, which will cover a number of traders. Traders wishing to sell hot or cold food are not covered by a consent issued for a special event. Each trader wishing to sell food is required to apply for an individual consent

NOTE :* If the event is being held on behalf of raising funds for a charity etc the fee will be waived.

Please identify the number of traders to be covered:

Category 1 – Up to 10 traders

Category 2 – Between 11 and 19 traders

Category 3 – Over 20 traders

A photograph or fully drawn details of the proposed stalls/vehicles, giving dimensions, must be submitted with applications.

6 I enclose a payment of:-

For 1 day's trading per week per annum	68.00
For 2 day's trading per week per annum	136.00
For 3 day's trading per week per annum	205.00
For 4 day's trading per week per annum	274.00
For 5 day's trading per week per annum	342.00
For 6 day's trading per week per annum	410.00
For 7 day's trading per week per annum	463.00

One day's trading 15.00 per day

Special Events

Category 1 – Up to 10 traders	30.00
Category 2 – Between 11 and 19 traders	45.00
Category 3 – Over 20 traders	60.00

(Cheques should be made payable to "Braintree District Council")

6. I am 17 years of age, or over

Signature:

Date: 10-03-2010

Please return this form to:-

Licensing Officer
Braintree District Council
Causeway House
Bocking End
Braintree
Essex
CM7 9HB

IMPORTANT if you intend to be a 'static trader', to assist in the consideration of your application, you are asked to provide a small sketch of the area from which you wish to trade and the proposed position of the vehicle. Please specify one or two roads and landmarks to help with identifying your proposal.

However, if you apply to renew the consent you currently hold and that application is for precisely the same site, a sketch will not be required.

The Information given here may be used in conjunction with other Local Authorities for the prevention and detection of fraud and is held on computer, which is subject to the Data protection Act 1998.

Forrest Foods
14 Wolvesford
Witham
Essex
CM8 1NN
Tel: 01376 519683 / 07980 538186
E-Mail: gillylan@hotmail.co.uk

Please find our enclosed application for a street trading license. We would like to take this opportunity to brief you on the food we will be preparing and selling on location. We will be specialising in Polish Cuisine for the Polish factory worker's in the area of Freebournes Road, Witham.

We are aware there are other mobile catering units within this area but we would like you to be assured that our intention is to work alongside these units and not to be in competition with them. We have researched this project thoroughly and we know our potential customer's are not being catered for by the other units presently in the area. We have enclosed a map indicating our desired location as we need to be in a central point to the particular factories which have participated in our research, of which we have had very positive feedback.

Enclosed are several photographs of our catering unit and the measurements are as follows;

Outside Dimensions: Length 12.5ft, Width 7ft, Height 8ft

Inside Working Area Dimensions: Length 12ft, Width 7ft, Height 7ft

Storage Area Above Cab Dimensions: Length 7ft, Width 4ft, Height 2.5ft

We have had a gas safety inspection of the unit which has been more than satisfactory and we have the certificate for this inspection on board. We have also had an inspection from the environmental health officer from Braintree District Council who awarded us a 5 Star rating on the unit

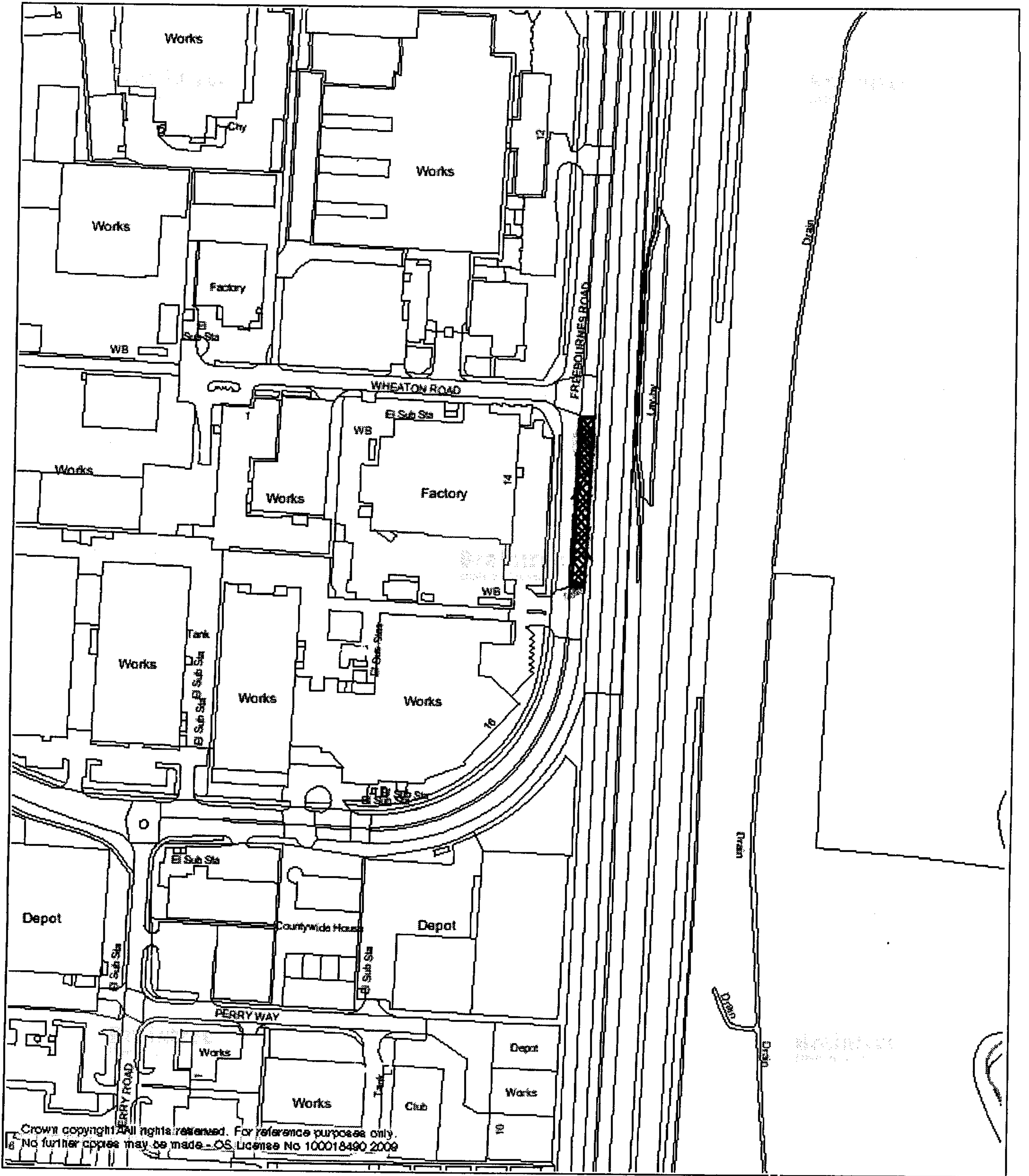
I hope you have all the information here to support our application for the trading license. We look forward to hearing your decision at your earliest convenience.

Many Thanks



Dariusz Nowakowski

Encs



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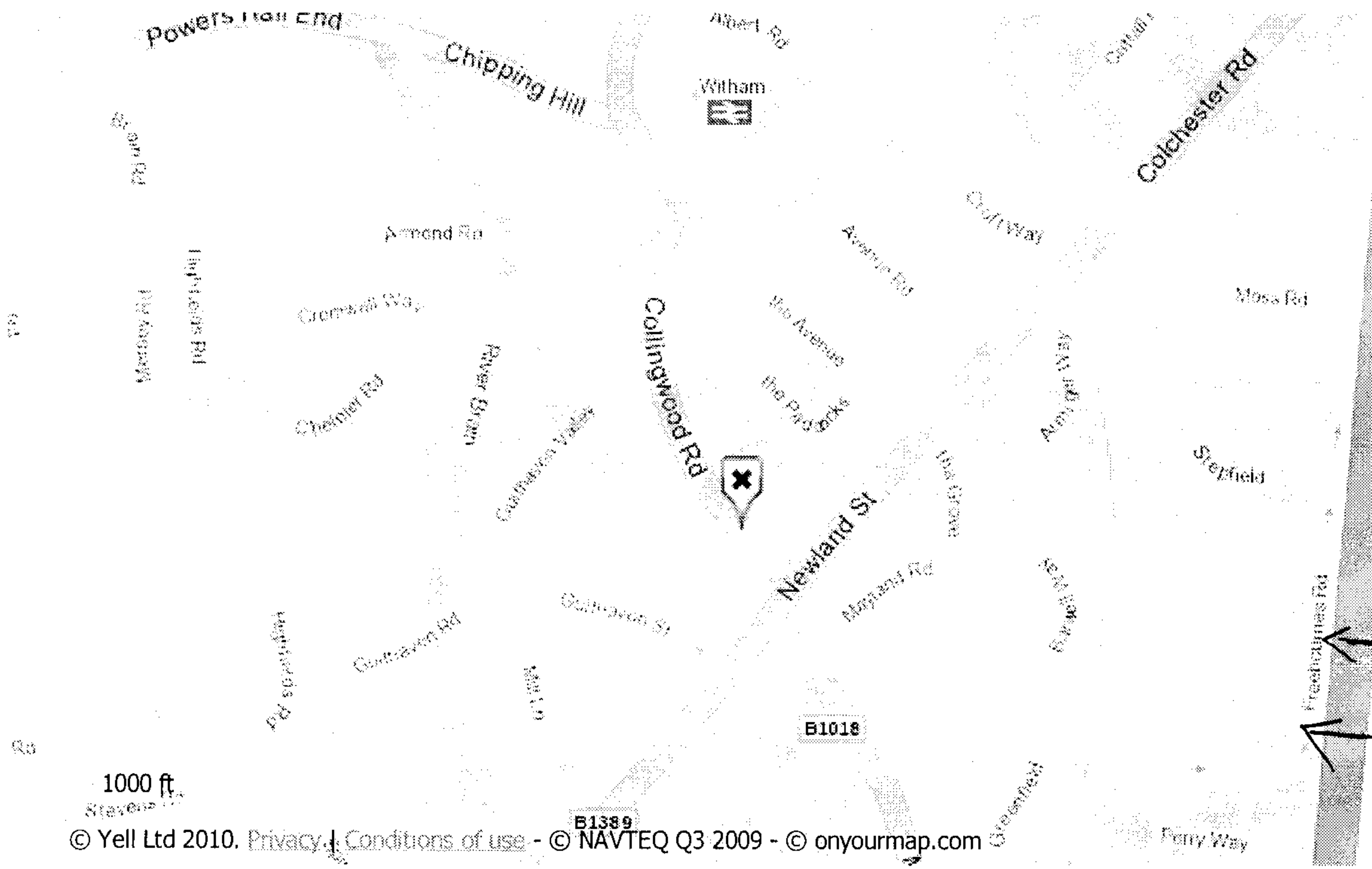
Notes

Scale 1:2500

Department



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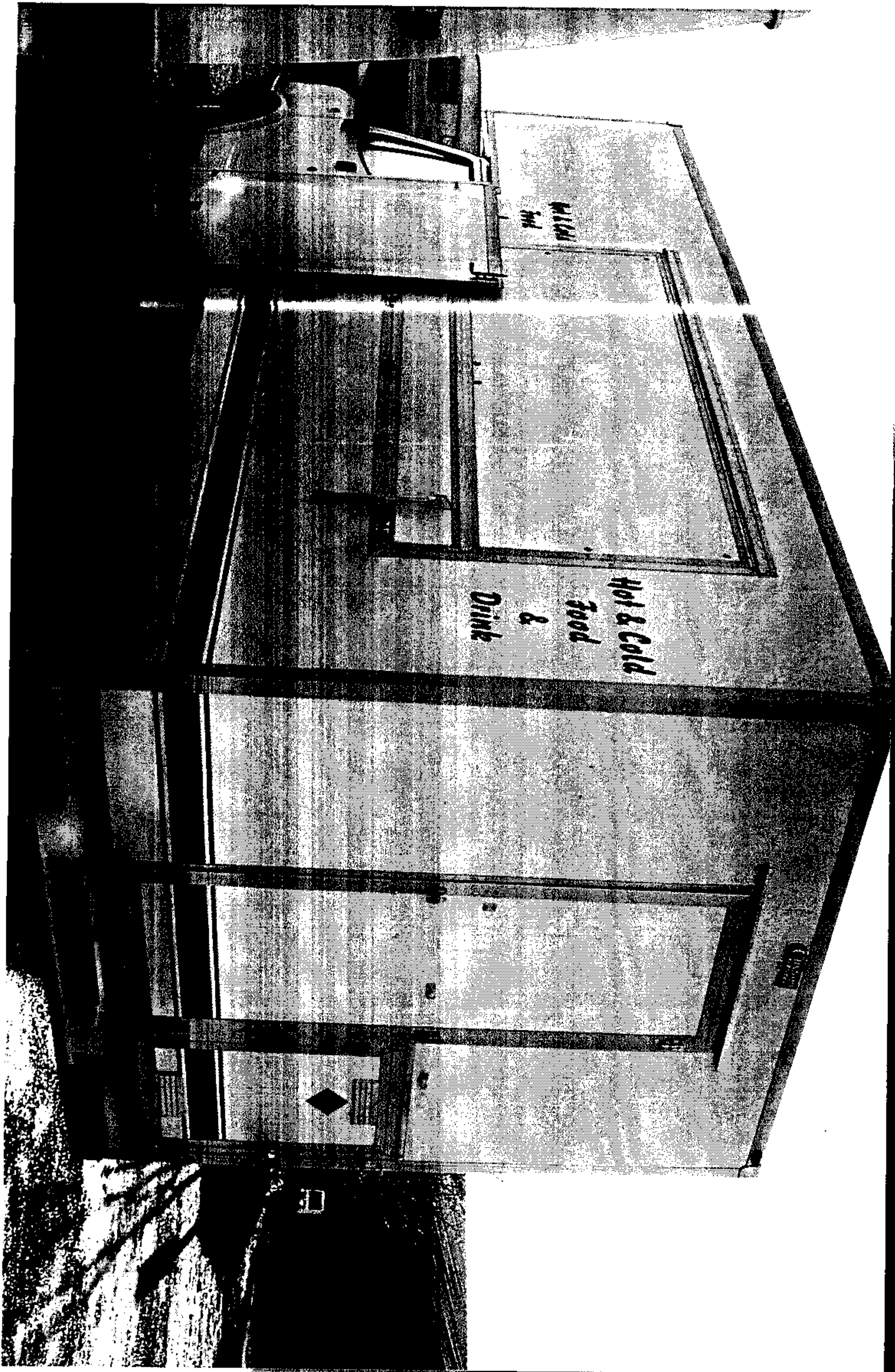
Our intended location

Notes

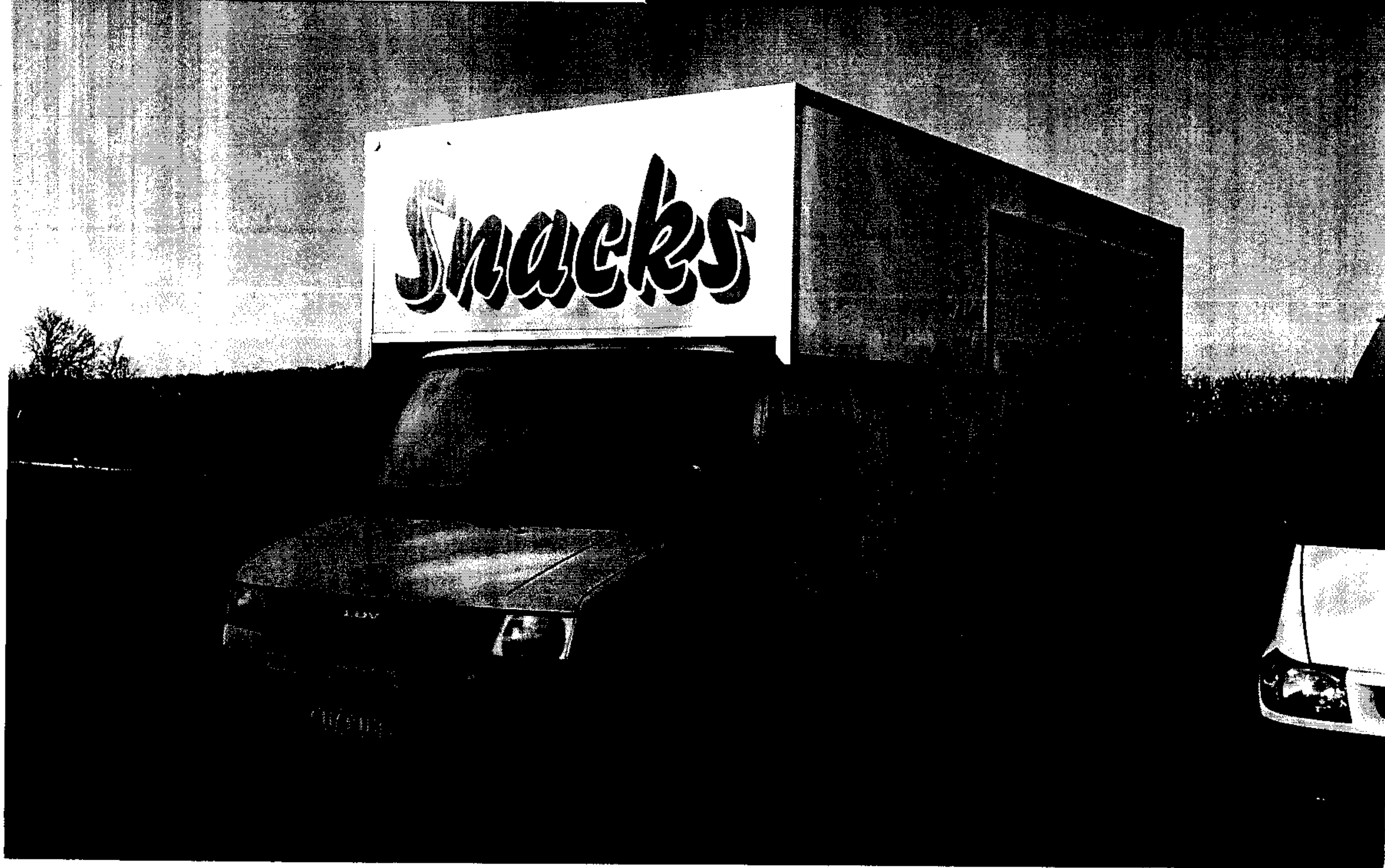
You can enter notes here

Don't forget to mention that you found this information on Yell.com

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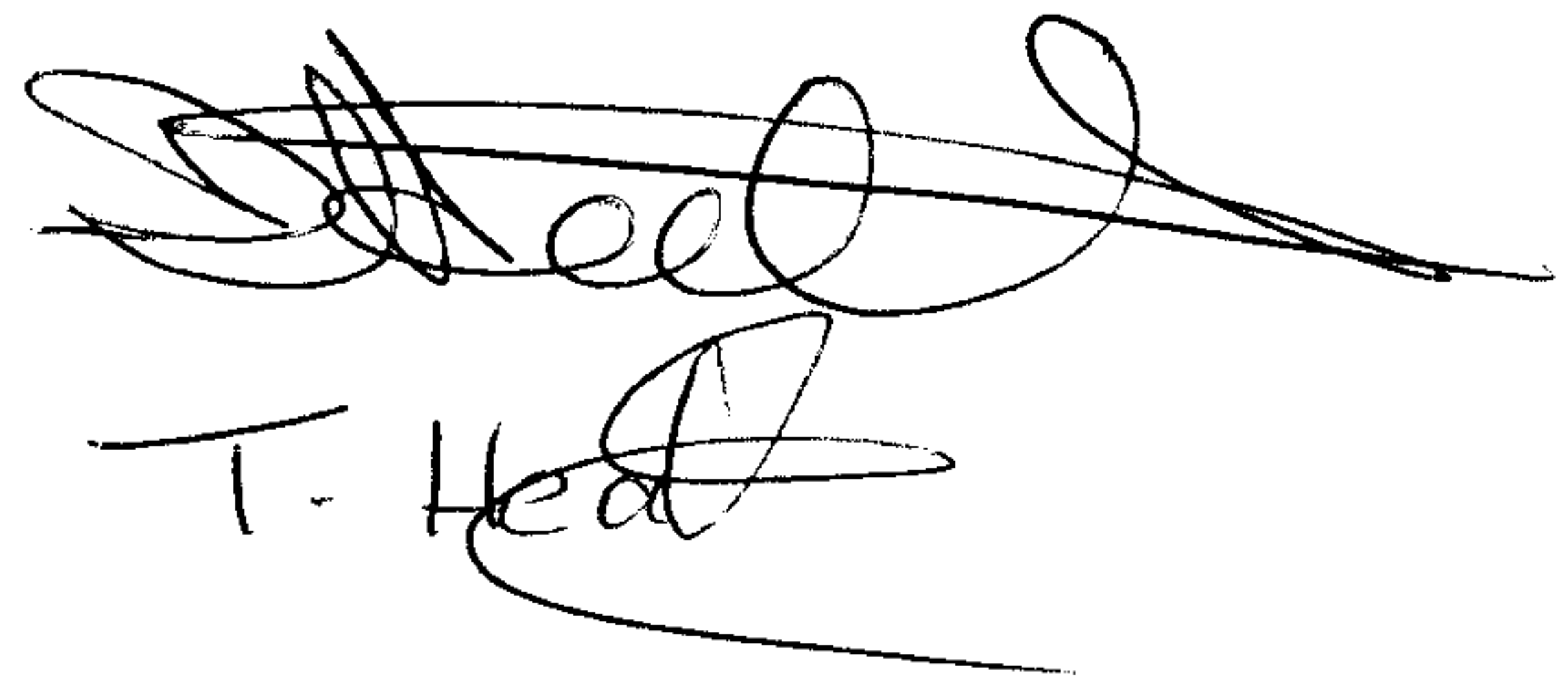
Snacks



Mr J Meddings.

I am writing to you on behalf on my wife and myself. My wife owns the café on eastways Ind, Tina's cantina and I own the Crittle road pitch. There is a new burger bar on the freebourn estate supplying food to the workers in Amtekvion factory. Also there are vans which drive round the estate supplying hot food, neither of these pay trading licenses we therefore find this unfair as we are paying rent and rates and these traders and effecting our business's as it is very hard to make a living at the present time. We strongly object to these traders and would like you to look further into the matter.

Yours Mr D Heath Crittle Road.
Mrs T Heath Eastways Ind



T. Heath

CRITTLER
HEALTH

Mrs Vicki Gorham
Licensing Technical Officer
Licensing Department
Braintree District Council
Causeway House
Braintree
Essex CM7 9HB

Sue Bruns and Gary Mayer
Great Snacks
19 Sauls Bridge Close
Witham
Essex CM8 1XJ

HEALTH

22 MAR 2010

ENVIRONMENTAL

17th March 2010

Dear Vicky

We are writing with reference to the application submitted to Braintree District Council Licensing Office to put another Mobile Catering Unit on the Freebournes Road, Freebournes Industrial Estate, Witham.

In accordance with the notice you sent us advising us of this application we are putting in writing an objection against the Mobile Catering Unit coming onto the Estate.

There are already 3 Mobile Catering Units on the Estate, a café, and 4 different mobile sandwich vans which come around every day on the hour to cater for all the workers on the Industrial Estate.

I am aware that the applicant is saying that they want a pitch outside Vion to cater for the Polish Workers there, but I do know that the workers in the factory have a subsidised canteen and some of them use the Perry Road Mobile Catering Unit and also ourselves. We have spoken to some of our Polish customers and they say that apart from Christmas Day when they eat fish and not turkey, they eat the same as what we do normally and that they are quiet happy with the service and food we provide for them, so contrary to what the applicant is saying, they are being catered for, albeit not with their native food, but food never the less. So I feel that although the applicants are saying Polish Food, the van will also be selling burgers, sandwiches etc, the same as the other three vans.

We have also spoken to David Cocker, the Estate Warden, who was very surprised that he has not been informed and was against the applicant pitching where the map shows due to the traffic safety aspect.

Also, we believe that only one Mobile Catering Unit is allowed on a road at a time, Busy Snacks has already got a permit to trade on the Freebournes Road so another one would not be able to pitch there

I also feel that if another Mobile Catering Unit is allowed to pitch along the Freebournes Road, Busy Snacks will go out of business, and in all fairness to him, he has been on there for about 20 years.

Yours sincerely

A handwritten signature in black ink, appearing to be a cursive or stylized script, located below the text 'Yours sincerely'.

Sue Bruns and Gary Mayer

A handwritten signature in black ink, appearing to be 'G. Mayer' in a cursive script, located to the right of the printed name 'Sue Bruns and Gary Mayer'.

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Corporate Implications: None

Options: 1.To GRANT Mr Bradley Barraclough, Street Trading Consent.
2.To REFUSE Mr Bradley Barraclough, Street Trading Consent

Risks: None

Executive Summary

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Consultation/Community Engagement:	Not Applicable		Not Applicable
Key Decision:	Not Applicable		
Officer Contact:	Mrs Rachel Crouch		
Designation:	Licensing Officer		
Ext No:	2647		
Email:	raccr@braintree.gov.uk		