



**Licensing and General Purposes Committee -
General Licensing Panel**

Date and Time - **Friday 29 April 2022 – 9:30am**

Venue - **Council Chamber, Town Hall, Bexhill-on-Sea**

Councillors appointed to the Committee:

Councillor C.A. Madeley, A.S. Mier and R.B. Thomas

AGENDA

1. APPOINTMENT OF CHAIRMAN

To appoint a Chairman for the Panel hearing.

2. MINUTES

To authorise the Chairman to sign the minutes of the meeting of the General Licensing Panel held on 9 July 2021 as a correct record of the proceedings.

3. APOLOGIES FOR ABSENCE

4. DISCLOSURE OF INTERESTS

To receive any disclosure by Members of personal interests in matters on the agenda, the nature of any interest and whether the Member regards the interest as prejudicial under the terms of the Code of Conduct. Members are reminded of the need to repeat their declaration immediately prior to the commencement of the item in question.

5. STREET TRADING APPLICATION FOR CONSENT (Pages 1 - 10)

Malcolm Johnston
Chief Executive

Agenda Despatch Date: 21 April 2022

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**Rother District Council's aspiring to deliver
an Efficient, Flexible and Effective Council; Sustainable Economic Prosperity;
Stronger, Safer Communities; and a Quality Physical Environment.**

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Rother District Council

Report to: General Licensing Panel

Date: 29 April 2022

Title: Street Trading Application for Consent

Report of: Head of Service Environmental Services, Licensing and Community Safety

Ward(s): Ticehurst

Purpose of Report: To consider whether to grant a consent to trade in the Village Square, Ticehurst

Officer

Recommendation(s): It be **RESOLVED**: That:

- 1) a consent to trade, subject to conditions set out in Appendices B and C, be issued to the applicant; and
- 2) the Head of Service Environmental Services, Licensing and Community Safety be granted delegated authority to issue further consents, if no complaints are received.

1. Introduction

The Council has designated certain streets in Ticehurst as consent streets under the Local Government (Miscellaneous Provisions) Act 1982, this means trading is prohibited unless a consent has been granted.

2. Application Details:

Reference: 2021 13964

Name: Justin Scales

Location: Village Square, Ticehurst

Trading: Fish and Chips

Date and times: Thursday: 11:30 to 14:00; Friday: 11:30-19:00

Appendix A - application received.

3. Consideration

The following options (if any) are available to the Panel:

- a) to grant consent subject to conditions, set out in Appendices B and C;
- b) to grant consent subject to conditions, determined by the Panel; or

- c) to refuse consent.

Conclusion

4. Having considered the application, the Panel shall determine the matter.

Legal Implications

5. The applicant or other interested parties could seek a judicial review of the decision.

Human Rights

6. Article 1 of the first protocol, Part II of the Act refers to the peaceful enjoyment of possessions. No one shall be deprived of his possessions except in the public interest and subject to the conditions provided for by law. The Council's actions must therefore be necessary and proportionate and be in the public interest.
7. The Panel's decision making is guided by the principles of proportionality which require, amongst other things, the Panel to strike the appropriate balance between the competing interests of the applicant and the wider community.

Other Implications	Applies?	Other Implications	Applies?
Human Rights	Yes	Equalities and Diversity	No
Crime and Disorder	No	External Consultation	No
Environmental	No	Access to Information	No
Risk Management	No	Exempt from publication	No

Chief Executive	Malcolm Johnston
Report Contact Officer:	Richard Parker-Harding
e-mail address:	licensing@rother.gov.uk
Appendices:	Appendix A: Application Appendix B: Standard conditions Appendix C: Additional conditions
Relevant Previous Minutes:	None
Background Papers:	None
Reference Documents:	None

Mr Justin scales

02 MAR 2022

R Parker Harding

Head of Service-Environmental Health
Licensing & Community Licensing

Dear R Parker Harding

I am writing this covering letter to give background information with regards to our application for street trading permit.

Mr Chippy has provided mobile fish and chips to the village of Ticehurst for the past 25 years and has always parked within the village square car park. We have provided a service which many residents rely on, 50% of our clients are OAPs and plan their day around collecting their food whilst visiting the local shops every Thursday & Friday, to refuse us to be able to park in the village square will have a huge impact on them, I ask that you take this into consideration when making your decision on our application, look forward to hearing from you

Sincerely,



Justin Scales

Mr Chippy



Rother District Council
Local Government (Miscellaneous Provisions) Act 1982

Street Trading Controls

Ticehurst

Application for CONSENT

Name (Trading as)	MR CHIPPY
Address Including postcode and e-mail address	UNIT 10, GIBBS REED FARM, PASHLEY ROAD TICEHURST TN3 7HE mrchippy7@gmail.com
Telephone number	07580028177
Date of birth	06 05 1970
Where do you want to trade? (Attach precise plan)	WITHIN TICEHURST VILLAGE SQUARE CAR PARK.
When you want to trade?	THURS FRIDAY
Times you want to trade?	11:30 - 2pm 11:30 - 7pm
What will you be selling?	FISH & CHIPS
Is the trading part of an event organised by Ticehurst Parish Council?	Yes / <u>No</u> If yes, please provide confirmation from Ticehurst Parish Council If no, please provide comments on your application from Ticehurst Parish Council
Are all the profits from trading being donated to a charity?	Yes / <u>No</u>
Size of vehicle or stall (width, length, height in metres)	2.2 WIDE 2.7 High 6m LENGTH
Will a generator be used or mains electricity?	RUN SILENT GENERATOR

Signed

Date

Please return to licensing@rother.gov.uk or Environmental Health, Town Hall, Bexhill, TN39 3JG



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Standard Conditions

ROTHER DISTRICT COUNCIL

Local Government (Miscellaneous Provisions) Act 1982

Consent to Trade in Village Square, Ticehurst, East Sussex

Rother District Council hereby grants consent to:

**Mr Justin Scales (the Trader) of
Trading As Mr Chippy**

to trade from a location in
Village Square Ticehurst, East Sussex (area marked in red in Appendix 1 only)
for the period 01/04/2022 to 31/03/2023
Trading: Fish and Chips
Day and times: Thursday: 11:30 to 14:00 and Friday: 11:30-19:00 only

subject to the following conditions:

1. This Consent relates to the stationing of one vehicle not exceeding 6 metres length x 2.2 metres depth, 2.7 metres in height.
2. The form, position and condition of the stall shall be in the absolute discretion of the Council which may, through its duly authorised officer, reasonably require its alteration or removal at any time.
3. The Trader maintain the vehicle in a proper condition ensuring that it cannot constitute a danger, nuisance or annoyance to any member of the public resorting to the street.
4. The Trader may not place goods beyond the boundaries of the stall either on the ground or hanging.
5. The Trader must exhibit his name and address/telephone number. The Council may at any time reasonably require removal or alteration of any other advertisement which is dangerous, offensive or otherwise out of character with the area.
6. The Trader must dispose properly of all waste generated.
7. The Trader and those employed by him must not shout, sing, play any musical instrument, wireless, or recorded music.
8. The Trader must not do or permit to be done anything which in the opinion of the Council may be a nuisance or annoyance to any resident, member of the public resorting to the street or which may be detrimental to the efficient operation of adjacent public houses and shops.
9. The Consent is personal to the Trader and may be revoked forthwith in the event of any of the above conditions or requirements made thereunder being

broken. Trading in the street without Consent is a criminal offence.

10. The Trader may not sell the following goods:
live animals, birds and reptiles; fireworks, depictions of nude persons; sex shop goods; unsheathed knives; and any other items the general sale of which is prohibited under English law.
11. The Trader shall comply with all relevant legislation including without prejudice to the generality the Food Safety Act 1990, the Health & Safety at Work etc Act 1974 and the various Orders and Regulations made thereunder.
12. The vehicle shall be removed within 10 minutes of the termination of the trading.
13. The Trader must be at least 17 years old.
14. If a temporary electricity supply is provided, the installation must be certified as safe by a qualified electrician before trading. The certificate to be retained and available for inspection by Council officers at any time.
15. Please note unless a road closure order is made, this area is a highway, this consent does not grant exclusive use of the Village Square. The Council has no power to require any occupiers of the Square to leave and takes no responsibility in this regard.

Additional Conditions

16. A payment of £125 for trading on a Thursday until 31/03/23 and £125 for trading on a Friday until 31/03/23 to be made to Rother District Council, before trading commences.
[for the administration and enforcement of conditions]
17. The generator must not be audible inside any premises, with windows open for ventilation.
[to ensure a noise nuisance does not occur]
18. The Trader must be a registered food business operator.
[to comply with legislation]
19. No trading on Bank Holidays or when public events are organised by Ticehurst Parish Council.
[to enable public events to occur]
20. Provide a current gas safety certificate. Gas fixtures and systems require appropriate certification from a competent person who is gas safety registered for bottled gas appliances. The certificate to be retained and available for inspection by Council officers at any time.
[for public safety]
21. Provide fire blanket and suitable fire extinguisher. Fire extinguisher(s) should be suitable for grease, gasoline, fat and oil, and electrical fires.
[for public safety]
22. Complete and keep a record of a fire risk assessment, see: [https://view.officeapps.live.com/op/view.aspx?src=https%3A%2F%2Fwww.nationalfirechiefs.org.uk%2Fwrite%2FMediaUploads%2FNFCC%2520Guidance%2520publications%2FProtection%2FEvents%2520safety%2F210707_NFCC_Food_Consessions_FRA_\(1\).docx&wdOrigin=BROWSELINK](https://view.officeapps.live.com/op/view.aspx?src=https%3A%2F%2Fwww.nationalfirechiefs.org.uk%2Fwrite%2FMediaUploads%2FNFCC%2520Guidance%2520publications%2FProtection%2FEvents%2520safety%2F210707_NFCC_Food_Consessions_FRA_(1).docx&wdOrigin=BROWSELINK)
The risk assessment to be retained and available for inspection by Council officers & ESFRS at any time.
[for public safety]

