

Thurrock - An ambitious and collaborative community which is proud of its heritage and excited by its diverse opportunities and future

## Licensing Sub-Committee

The meeting will be held at **7.00 pm** on **21 June 2023**

**Council Chamber, Civic Offices, New Road, Grays, Essex, RM17 6SL.**

### Membership:

Councillors Gary Collins (Chair), Cathy Kent and Graham Snell

### Agenda

Open to Public and Press

	<b>Page</b>
<b>1. Apologies for Absence</b>	
<b>2. Items of Urgent Business</b>	
To receive additional items that the Chair is of the opinion should be considered as a matter of urgency, in accordance with Section 100B (4) (b) of the Local Government Act 1972.	
<b>3. Declarations of Interests</b>	
<b>4. Application to renew a Street Trading Consent</b>	<b>5 - 62</b>

### Queries regarding this Agenda or notification of apologies:

Please contact Kenna Victoria Healey, Senior Democratic Services Officer by sending an email to [Direct.Democracy@thurrock.gov.uk](mailto:Direct.Democracy@thurrock.gov.uk)

Agenda published on: **13 June 2023**

This page is intentionally left blank

## **Information for members of the public and councillors**

### **Access to Information and Meetings**

#### **Advice Regarding Public Attendance at Meetings**

If you are feeling ill or have tested positive for Covid and are isolating you should remain at home, the meeting will be webcast and you can attend in that way.

Hand sanitiser will also be available at the entrance for your use.

#### **Recording of meetings**

This meeting will be live streamed with the recording available on the Council's webcast channel.

If you have any queries regarding this, please contact Democratic Services at [Direct.Democracy@thurrock.gov.uk](mailto:Direct.Democracy@thurrock.gov.uk)

#### **Guidelines on filming, photography, recording and use of social media at council and committee meetings**

The council welcomes the filming, photography, recording and use of social media at council and committee meetings as a means of reporting on its proceedings because it helps to make the council more transparent and accountable to its local communities. If you wish to film or photograph the proceedings of a meeting and have any special requirements or are intending to bring in large equipment please contact the Communications Team at [CommunicationsTeam@thurrock.gov.uk](mailto:CommunicationsTeam@thurrock.gov.uk) before the meeting. The Chair of the meeting will then be consulted and their agreement sought to any specific request made.

Where members of the public use a laptop, tablet device, smart phone or similar devices to use social media, make recordings or take photographs these devices must be set to 'silent' mode to avoid interrupting proceedings of the council or committee. The use of flash photography or additional lighting may be allowed provided it has been discussed prior to the meeting and agreement reached to ensure that it will not disrupt proceedings.

The Chair of the meeting may terminate or suspend filming, photography, recording and use of social media if any of these activities, in their opinion, are disrupting proceedings at the meeting.

## Thurrock Council Wi-Fi

Wi-Fi is available throughout the Civic Offices. You can access Wi-Fi on your device by simply turning on the Wi-Fi on your laptop, smartphone or tablet.

- You should connect to TBC-GUEST
- Enter the password **Thurrock** to connect to/join the Wi-Fi network.
- A Terms & Conditions page should appear and you have to accept these before you can begin using Wi-Fi. Some devices require you to access your browser to bring up the Terms & Conditions page, which you must accept.

The ICT department can offer support for council owned devices only.

## Evacuation Procedures

In the case of an emergency, you should evacuate the building using the nearest available exit and congregate at the assembly point at Kings Walk.

## How to view this agenda on a tablet device



You can view the agenda on your [iPad](#) or [Android Device](#) with the free modern.gov app.

Members of the Council should ensure that their device is sufficiently charged, although a limited number of charging points will be available in Members Services.

To view any “exempt” information that may be included on the agenda for this meeting, Councillors should:

- Access the modern.gov app
- Enter your username and password

# DECLARING INTERESTS FLOWCHART – QUESTIONS TO ASK YOURSELF

Breaching those parts identified as a pecuniary interest is potentially a criminal offence

## Helpful Reminders for Members

- *Is your register of interests up to date?*
- *In particular have you declared to the Monitoring Officer all disclosable pecuniary interests?*
- *Have you checked the register to ensure that they have been recorded correctly?*

## When should you declare an interest *at a meeting*?

- **What matters are being discussed at the meeting?** (including Council, Cabinet, Committees, Subs, Joint Committees and Joint Subs); or
- If you are a Cabinet Member making decisions other than in Cabinet **what matter is before you for single member decision?**



Does the business to be transacted at the meeting

- relate to; or
- likely to affect

any of your registered interests and in particular any of your Disclosable Pecuniary Interests?

Disclosable Pecuniary Interests shall include your interests or those of:

- your spouse or civil partner's
- a person you are living with as husband/ wife
- a person you are living with as if you were civil partners

where you are aware that this other person has the interest.

A detailed description of a disclosable pecuniary interest is included in the Members Code of Conduct at Chapter 7 of the Constitution. **Please seek advice from the Monitoring Officer about disclosable pecuniary interests.**

**What is a Non-Pecuniary interest?** – this is an interest which is not pecuniary (as defined) but is nonetheless so significant that a member of the public with knowledge of the relevant facts, would reasonably regard to be so significant that it would materially impact upon your judgement of the public interest.

### Pecuniary

If the interest is not already in the register you must (unless the interest has been agreed by the Monitoring Officer to be sensitive) disclose the existence and nature of the interest to the meeting

If the Interest is not entered in the register and is not the subject of a pending notification you must within 28 days notify the Monitoring Officer of the interest for inclusion in the register

Unless you have received dispensation upon previous application from the Monitoring Officer, you must:

- Not participate or participate further in any discussion of the matter at a meeting;
- Not participate in any vote or further vote taken at the meeting; and
- leave the room while the item is being considered/voted upon

If you are a Cabinet Member you may make arrangements for the matter to be dealt with by a third person but take no further steps

### Non- pecuniary

Declare the nature and extent of your interest including enough detail to allow a member of the public to understand its nature



You may participate and vote in the usual way but you should seek advice on Predetermination and Bias from the Monitoring Officer.

## Our Vision and Priorities for Thurrock

An ambitious and collaborative community which is proud of its heritage and excited by its diverse opportunities and future.

1. **People** – a borough where people of all ages are proud to work and play, live and stay
  - High quality, consistent and accessible public services which are right first time
  - Build on our partnerships with statutory, community, voluntary and faith groups to work together to improve health and wellbeing
  - Communities are empowered to make choices and be safer and stronger together
  
2. **Place** – a heritage-rich borough which is ambitious for its future
  - Roads, houses and public spaces that connect people and places
  - Clean environments that everyone has reason to take pride in
  - Fewer public buildings with better services
  
3. **Prosperity** – a borough which enables everyone to achieve their aspirations
  - Attractive opportunities for businesses and investors to enhance the local economy
  - Vocational and academic education, skills and job opportunities for all
  - Commercial, entrepreneurial and connected public services

<b>21 June 2023</b>	<b>ITEM: 4</b>
<b>Licensing Sub-Committee</b>	
<b>Application to renew a Street Trading Consent</b>	
<b>Wards and communities affected:</b> All	<b>Key Decision:</b> Non-key
<b>Report of:</b> Elizabeth Cox – Licensing Officer	
<b>Accountable Assistant Director:</b> Leigh Nicholson – Assistant Director Planning and Growth	
<b>Accountable Director:</b> Mark Bradbury – Interim Director of Place	
<b>This report is public</b>	

## Executive Summary

Mr John Bonar has applied to renew a Street Trading Consent. A number of complaints have been received relating to the operation of the existing Street Trading Consent and therefore the matter is being referred to Sub-Committee for determination.

### 1. Recommendation(s):

#### 1.1 The Sub-Committee agrees:

- (a) To refuse the application; or
- (b) To grant the application; or
- (c) To grant the application attaching any additional conditions necessary.

### 2. Introduction and Background:

- 2.1 John Bonar (trading as Piccadilly Whip) of Great Warley Street, Brentwood submitted an application to renew a Street Trading Consent on 27 April 2023. A copy of this application and supporting documents is attached at **Appendix 1**.
- 2.2 The application is for two ice cream van rounds to sell ice creams, lollies, cold drinks etc Monday – Sunday 10am – 7pm, in Aveley, Purfleet, South Ockendon, Grays Beach and Blackshots.
- 2.3 Piccadilly Whip have held Street Trading Consents since Thurrock Council adopted the legislation in 2011.

- 2.4 The previous consent issued covered the areas of Aveley, Purfleet and South Ockendon, a copy of the consent is attached as **Appendix 2**. (Note this consent does not cover Grays or Grays Beach.)
- 2.5 Piccadilly Whip have over the last 12 months been subject to several complaints with regards to trading in locations without the required Street Trading Consent. Despite several warnings relating to illegal street trading there has been no cessation to the unlicensed trading. Most of the issues relate to trading directly outside Grays Beach, on the highway that is yellow lined and blocks access to a commercial premises. Further details of the complaints and issues are provided below.
- 2.6 During the period 18 July – 30 August 2022, Licensing received 15 complaints regarding Piccadilly Whip vehicles trading on Thames Road at the entrance to Grays Beach. This area was not included on the consent, and the company were written to on 27 July 2022 to remind them on this fact. Further clarification of this was provided Mr Bonar on 12 August 2022, a copy of which is attached as **Appendix 3**.
- 2.7 During the period 17 April – 14 May 2023, Licensing received 5 complaints that Piccadilly Whip were trading at the same location. Mr Bonar was again reminded that his consent did not include Grays Beach on 11 April 2023, this is attached at **Appendix 4**.
- 2.8 A number of photos and videos of Piccadilly Whip vehicles parked in Thames Road have been submitted and are attached as **Appendix 5**
- 2.9 Thurrock Council's Enforcement team have also received 52 complaints via email regarding Piccadilly Whip vehicles being parked at the Thames Road Grays Beach entrance which is restricted by double yellow lines with no waiting at any time. Six penalty charge notices have been issued to Piccadilly Whip vehicles, five of which have been paid in full.
- 2.10 Thames Road is a dead-end street which has disabled parking bays near the end. The Enforcement Team have also received reports that persons wishing to use these bays have been unable to manoeuvre in or out of them due to the obstructions caused by the van. A plan of the area and photographs are attached as **Appendix 6**.
- 2.11 On 17 May 2023, a complaint was received regarding the frequency that a Piccadilly Whip vehicle was using their chimes in the Corringham area. A letter was sent via email to Mr Bonar reminding him that drivers needed to be mindful of the Consent conditions relating to use of chimes, and in addition that the current consent did not include the Corringham area. A copy of this letter is attached as **Appendix 7**.



- 2.12 Two further complaints relating the use of chimes in the Corringham area were received on 24 May and 30 May 2023.
- 2.13 A Piccadilly Whip vehicle was also witnessed on the 31 May 2023 trading outside ASDA Living on the Lakeside retail parks. This area is also not covered on the existing consent. A letter regarding this was sent on 2 June 2023 and is attached as **Appendix 8**
- 2.14 The Council's Street Trading Policy and standard conditions are attached as **Appendix 9**. The policy provides under public safety considerations that the proposed location of the activity should not present a risk to the public in terms of highway safety and obstruction. The policy also provides under the suitability of the location section that consideration should be given to whether there is sufficient space in the street for the applicant to engage in the trading in which he/she desires to engage without causing undue interference or inconvenience to persons using the street.

### **3. Issues, Options and Analysis of Options:**

- 3.1 Under Schedule 4, Local Government (Miscellaneous Provisions) Act 1982, the council may grant a consent if they think fit and may attach such conditions to it as they consider reasonably necessary. This can include conditions to prevent obstruction of the street or danger to persons using it; or nuisance or annoyance (whether to persons using the street or otherwise).
- 3.2 The Sub-Committee must therefore decide whether the Street Trading Consent should be granted or refused, and if granted if any additional conditions need to be added to address the concerns raised in the representations.

### **4. Reasons for Recommendation:**

- 4.1 These are the options available to the Sub-Committee.

### **5. Consultation (including Overview and Scrutiny, if applicable)**

- 5.1 In accordance with the renewal process this application has been consulted on with the following: Essex Police, Essex Fire and Rescue Service, Highways England, ward councillors, our highways team and our food safety team.

### **6. Impact on corporate policies, priorities, performance and community impact**

- 6.1 Section 17 of the Crime and Disorder Act 1998 places a duty on local authorities to do all that it can to prevent –
- (a) crime and disorder in its area (including anti-social behaviour and other behaviour adversely affecting the local community), and;

- (b) the misuse of drugs, alcohol and other substances in its areas.

In considering this application in relation to these duties the authority should have due regard to Section 61(1) (b) Local Government (Miscellaneous Provisions) Act 1976, Thurrock Council's guidelines on previous convictions or cautions and any submissions made by the applicant.

## **7. Implications**

### **7.1 Financial**

Implications verified by: **Laura Last**  
**Senior Management Accountant**

There are no financial implications associated with the report

### **7.2 Legal**

Implications verified by: **Simon Scrowther**

1. Thurrock Council, as a Licensing Authority, has the legal discretion to determine matters of this nature.
2. Under Schedule 4, Local Government (Miscellaneous Provisions) Act 1982, the council may grant a consent if they think fit, and may attach such conditions to it as they consider reasonably necessary.
3. Thurrock Council as a Licensing Authority has a set of conditions which, in addition to the Local Government (Miscellaneous Provisions) Act 1982, as amended, regulates Street Trading Consents.
4. There is no right of appeal against this decision.

### **7.3 Diversity and Equality**

Implications verified by: **Roxanne Scanlan**  
**Community Engagement and Project  
Monitoring Officer**

The Licensing Sub-Committee is of a quasi-judicial nature and whilst the Licensing Committee should ensure equality of treatment for all groups in the granting of licences, due regard should be given to its responsibility to promote the objectives of the licensing regime and its duties under Section 17 of the Crime and Disorder Act 1998. This includes full consideration of the need to prevent crime and disorder and the prevention of public. Where it finds that the need to comply with those duties is reasonably inferred, it must determine the application appropriate.

7.4 **Other implications** (where significant) – i.e. Section 17, Risk Assessment, Health Impact Assessment, Sustainability, IT, Environmental

The implications of Section 17 of the Crime and Disorder Act 1998 have been considered and can be found in 6.1 above.

8. **Background papers used in preparing the report:**

- Local Government (Miscellaneous Provisions) Act 1982

9. **Appendices to the report:**

- Appendix 1 - Copy of application & supporting documents
- Appendix 2 - Copy of existing consent
- Appendix 3 - Warning letter dated 12 August 2022
- Appendix 4 - Warning letter dated 11 April 2023
- Appendix 5 - Photos from Complainants
- Appendix 6 - Plan and Photos of Thames Road
- Appendix 7 - Warning letter dated 12 May 2023
- Appendix 8 - Warning letter dated 2 June 2023
- Appendix 9 - Street Trading Policy

**Report Author:**

Elizabeth Cox

Licensing Officer

This page is intentionally left blank

# Thurrock Council

## Application for street trading consent

### How we will use your information

We will use the information you supply to provide an appropriate, timely and effective service. We may share the personal information between our services and partner organisations, such as the police and other government bodies. We will do so when it is of benefit to individuals or for the purpose of preventing and detecting fraud. Read our privacy notice at [thurrock.gov.uk/privacy](http://thurrock.gov.uk/privacy).

### Application details

Type of application	<input type="checkbox"/> New <input checked="" type="checkbox"/> Renewal
---------------------	--

Applicant's full name	JOHN BONAR
Applicant's permanent address	[REDACTED]
Phone number	[REDACTED]
Email address	[REDACTED]

### Trading details

Site address for trading	For renewals, this must be the existing site address: Aveley, Thurrock, Purfleet South Ockendon, Grays beach, Blackshots
--------------------------	--

During which hours do you intend to trade on each day?	Monday 10 - 7	Tuesday 10 - 7
	Wednesday 10 - 7	Thursday 10 - 7
	Friday 10 - 7	
	Saturday 10 - 7	Sunday 10 - 7

Articles to be sold	Ice cream lollies, cold drinks and Slush.
---------------------	---

### Vehicle details

Make and model	As Per List
Registration number	
Will the vehicle be moved between trading periods?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

## Enclosed with this application

The following **must** be enclosed with this application – please confirm each item is enclosed:

Photograph of the applicant	<input checked="" type="checkbox"/>
Photograph of the vehicle	<input checked="" type="checkbox"/>
Site location plan, for Category A traders only <i>n/a</i> – see guidance notes	<input type="checkbox"/>
Consent from the land owner	<input type="checkbox"/>
Copy of the vehicle's current MOT certificate	<input checked="" type="checkbox"/>
Copies of electrical and gas safety records, as applicable <i>n/a</i>	<input type="checkbox"/>
Public liability insurance – see guidance notes	<input checked="" type="checkbox"/>
Correct fee, if paying by cheque – see guidance notes	<input type="checkbox"/>

Guidance notes can be found at [thurrock.gov.uk/street-trading-consent](http://thurrock.gov.uk/street-trading-consent).

### Incomplete applications will be returned and not processed.

Street trading consents are **not** transferable and they cannot be sold or sublet. The hours of trading, location of trading and the products sold cannot be changed during the course of the consent. Consent is only valid for the applicant and vehicle specified in the application.

The applicant for consent must also be the food business operator.

### Declaration


I agree to comply with the 'Conditions for Street Trading Consents' included within the 'Street Trading Policy' published at [thurrock.gov.uk/street-trading-consent](http://thurrock.gov.uk/street-trading-consent).

I have enclosed all required photographs and documents, as indicated above.

I agree that if I change vehicle during the course of this consent, I will notify the Thurrock Council's Licensing team and apply to transfer the consent to my new vehicle.

I understand that if I do not comply with the terms and conditions of any consent issued, the consent may be revoked or not renewed.

I understand that if any of the above factors change, my street trading consent will be revoked immediately and I may be prosecuted for trading without a valid consent.

Applicant's signature	
Print name	<i>John Bonar</i>
Date	

Form to be returned to:

**Licensing team, Thurrock Council, Civic Offices, New Road, Grays, RM17 6SL**

List of Vehicles

10 11Y

99 JOB

99 WPY

PWH 11P

PWH 1P

BU23 ZDX

BU23 ZDZ

# MOT test certificate



Driver & Vehicle  
Standards  
Agency

<sup>1</sup> Vehicle identification number

**WDB9061332N706877**

<sup>2a</sup> Registration number      <sup>2b</sup> Country of registration

**1011Y**                              **GB**

Make and model

**MERCEDES-BENZ SPRINTER**

<sup>5</sup> Vehicle category

**N1**

<sup>4</sup> Mileage

**45,982 miles**

Mileage history

**36,687 miles**      18.03.2022

**29,310 miles**      29.04.2021

**25,119 miles**      16.06.2020

<sup>7</sup> **Pass**

<sup>3b</sup> Date of the test

**27.02.2023**

<sup>8</sup> Expiry date

**17.03.2024**

To preserve the anniversary of the expiry date, the earliest you can present your vehicle for test is 18.02.2024.

<sup>3a</sup> Location of the test

**9 HIGH STREET, AVELEY, ESSEX, RM15 4BP**

<sup>9</sup> Testing organisation and inspector name

**3463BK AVELEY GARAGE & MOT CENTRE  
G. C. DENNELL**


MOT test number

**2970 9209 8569**

Check that this document is genuine by visiting [www.gov.uk/check-mot-history](http://www.gov.uk/check-mot-history)

If any of the details are not correct, please contact DVSA by email at [enquiries@dvsa.gov.uk](mailto:enquiries@dvsa.gov.uk) or by telephone on 0300 1239000.

Receive a free annual MOT reminder by subscribing at [www.gov.uk/mot-reminder](http://www.gov.uk/mot-reminder) or by telephone on 0300 1239000.

  
\_\_\_\_\_  
Issuer signature



# MOT test certificate



Driver & Vehicle  
Standards  
Agency

<sup>1</sup> Vehicle identification number

**WDB9071332N002393**

<sup>2a</sup> Registration number      <sup>2b</sup> Country of registration

**99JOB**

**GB**

Make and model

**MERCEDES-BENZ SPRINTER**

<sup>5</sup> Vehicle category

**N1**

<sup>4</sup> Mileage

**39,616 miles**

Mileage history

**28,993 miles**

26.01.2022

**18,721 miles**

10.02.2021

<sup>7</sup> **Pass**

<sup>3b</sup> Date of the test

**23.03.2023**

<sup>8</sup> Expiry date

**22.03.2024**

To preserve the anniversary of the expiry date, the earliest you can present your vehicle for test is 23.02.2024.

<sup>3a</sup> Location of the test

**9 HIGH STREET, AVELEY, ESSEX, RM15 4BP**

<sup>9</sup> Testing organisation and inspector name

**3463BK AVELEY GARAGE & MOT CENTRE  
S. J. LARY**

MOT test number

**6870 3977 7730**

Check that this document is genuine by visiting [www.gov.uk/check-mot-history](http://www.gov.uk/check-mot-history)

If any of the details are not correct, please contact DVSA by email at [enquiries@dvsa.gov.uk](mailto:enquiries@dvsa.gov.uk) or by telephone on 0300 1239000.

Receive a free annual MOT reminder by subscribing at [www.gov.uk/mot-reminder](http://www.gov.uk/mot-reminder) or by telephone on 0300 1239000.

Issuer signature

# MOT test certificate



Driver & Vehicle  
Standards  
Agency

<sup>1</sup> Vehicle identification number

**WDB9071332N010274**

<sup>2a</sup> Registration number    <sup>2b</sup> Country of registration

**99WPY**                      **GB**

Make and model

**MERCEDES-BENZ SPRINTER**

<sup>5</sup> Vehicle category            <sup>4</sup> Mileage                      Mileage history  
**N1**                              **38,334 miles**              **24,319 miles**              01.02.2022

**7 Pass**

## Monitor and repair if necessary (advisories)

- Play in steering rack inner joint(s) Offside

<sup>3b</sup> Date of the test                      <sup>8</sup> Expiry date

**27.02.2023**                              **28.02.2024**

To preserve the anniversary of the expiry date, the earliest you can present your vehicle for test is 29.01.2024.

<sup>3a</sup> Location of the test

**9 HIGH STREET, AVELEY, ESSEX, RM15 4BP**

<sup>9</sup> Testing organisation and inspector name

**3463BK AVELEY GARAGE & MOT CENTRE  
S. J. LARY**

MOT test number

**6851 2597 1147**

Check that this document is genuine by visiting [www.gov.uk/check-mot-history](http://www.gov.uk/check-mot-history)

If any of the details are not correct, please contact DVSA by email at [enquiries@dvsa.gov.uk](mailto:enquiries@dvsa.gov.uk) or by telephone on 0300 1239000.

Receive a free annual MOT reminder by subscribing at [www.gov.uk/mot-reminder](http://www.gov.uk/mot-reminder) or by telephone on 0300 1239000.

Issuer signature

# MOT test certificate



Driver & Vehicle  
Standards  
Agency

<sup>1</sup> Vehicle identification number

**WDB9071332N015823**

<sup>2a</sup> Registration number      <sup>2b</sup> Country of registration

**PWH11P**

**GB**

Make and model

**MERCEDES-BENZ SPRINTER**

<sup>5</sup> Vehicle category

**N1**

<sup>4</sup> Mileage

**24,343 miles**

Mileage history

**17,359 miles**

**14.04.2022**

<sup>7</sup> **Pass**

<sup>3b</sup> Date of the test

**13.02.2023**

<sup>8</sup> Expiry date

**12.02.2024**

To preserve the anniversary of the expiry date, the earliest you can present your vehicle for test is 13.01.2024.

<sup>3a</sup> Location of the test

**9 HIGH STREET, AVELEY, ESSEX, RM15 4BP**

<sup>9</sup> Testing organisation and inspector name

**3463BK AVELEY GARAGE & MOT CENTRE  
S. J. LARY**

MOT test number

**6779 5030 8001**

Check that this document is genuine by visiting [www.gov.uk/check-mot-history](http://www.gov.uk/check-mot-history)

If any of the details are not correct, please contact DVSA by email at [enquiries@dvs.gov.uk](mailto:enquiries@dvs.gov.uk) or by telephone on 0300 1239000.

Receive a free annual MOT reminder by subscribing at [www.gov.uk/mot-reminder](http://www.gov.uk/mot-reminder) or by telephone on 0300 1239000.

Issuer signature

# MOT test certificate

<sup>1</sup> Vehicle identification number

**WDB9071332N004295**

<sup>2a</sup> Registration number    <sup>2b</sup> Country of registration

**PWH1P**

**GB**



Driver & Vehicle  
Standards  
Agency

Make and model

**MERCEDES-BENZ SPRINTER**

<sup>5</sup> Vehicle category

**N1**

<sup>4</sup> Mileage

**31,177 miles**

Mileage history

**17,299 miles**

27.01.2022

**11,343 miles**

10.02.2021

<sup>7</sup> **Pass**

<sup>3b</sup> Date of the test

**06.02.2023**

<sup>8</sup> Expiry date

**09.02.2024**

To preserve the anniversary of the expiry date, the earliest you can present your vehicle for test is 10.01.2024.

<sup>3a</sup> Location of the test

**9 HIGH STREET, AVELEY, ESSEX, RM15 4BP**

<sup>9</sup> Testing organisation and inspector name

**3463BK AVELEY GARAGE & MOT CENTRE  
G. C. DENNELL**


MOT test number

**2835 6624 0107**

Check that this document is genuine by visiting [www.gov.uk/check-mot-history](http://www.gov.uk/check-mot-history)

If any of the details are not correct, please contact DVSA by email at [enquiries@dvsa.gov.uk](mailto:enquiries@dvsa.gov.uk) or by telephone on 0300 1239000.

Receive a free annual MOT reminder by subscribing at [www.gov.uk/mot-reminder](http://www.gov.uk/mot-reminder) or by telephone on 0300 1239000.

  
\_\_\_\_\_  
Issuer signature

# Public Liability Schedule

---

Policy Number: CEQ338112/2023  
The Insured: Piccadilly Whip Catering LTD  
Product: Outside Caterer  
Period of Insurance: Commencing 00:00:00 on the 12/02/2023 to 23:59:00 on the 11/02/2024

Liability	Limits of Indemnity
Section B – Public Liability:	£10,000,000
Section C – Products Liability:	£10,000,000

**IMPORTANT NOTICE - Please check this policy very carefully**

This insurance is subject to the information detailed in this document. The Insured should carefully review the contents of the Policy (including its attached schedule, endorsements and proposal / statement of facts). If any of the information set out therein is incorrect, the insured must notify Commercial Express or the insurer. Failure to do so may invalidate the insurance provided.

**Public Liability Schedule**

Signed in Brierley Hill, West Midlands for and on behalf of those Underwriters subscribing to this certificate  
Dated this 17/01/2023

# Event Organisers Schedule

Certificate Policy Number: CEQ338112/2023  
Insured: Piccadilly Whip Catering LTD  
Product: Outside Caterer  
Period of Insurance: Commencing 00:00:00 on the 12/02/2023 to 23:59:00 on the 11/02/2024

Liability	Limits of Indemnity
Section A - Employers Liability	£10,000,000
Section B – Public Liability:	£10,000,000
Section C – Products Liability:	£10,000,000

**IMPORTANT NOTICE - Please check this policy very carefully**

This insurance is subject to the information detailed in this document. The Insured should carefully review the contents of the Certificate (including its attached schedule, endorsements and proposal / statement of facts). If any of the information set out therein is incorrect, the insured must notify the Commercial Express or the insurer. Failure to do so may invalidate the insurance provided.



Signed in Brierley Hill, West Midlands for and on behalf of those Underwriters subscribing to this certificate

**COPY FOR EVENT ORGANISERS**



## Certificate of Employers' Liability Insurance<sup>(a)</sup>

*(The requirements for the display of the certificate will be satisfied if the certificate is made available in electronic form and each relevant employee to whom it relates has reasonable access to it in that form)*

Policy No: CEQ338112/2023

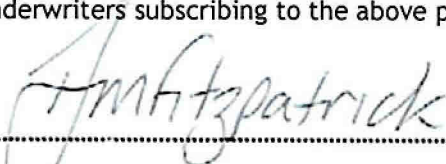
UMR: B6022PK23RQ466M3X

1. Name of policy holder: Piccadilly Whip Catering LTD
2. Date of commencement of insurance policy: 00.00hrs on: 12/02/2023
3. Date of expiry of insurance policy: 23.59hrs on: 11/02/2024

We hereby certify that subject to paragraph 2:-

1. the policy to which this certificate relates satisfies the requirements of the relevant law applicable in Great Britain, Northern Ireland, the Isle of Man, the Island of Jersey, the Island of Guernsey and the Island of Alderney, or to offshore installations in any waters outside the United Kingdom to which the Employers' Liability (Compulsory Insurance) Act 1969 or any amending primary legislation applies<sup>(b)</sup>; and
2. (a) the minimum amount of cover provided by this policy is no less than GBP 5,000,000 <sup>(c)</sup>; or  
(b) ~~the cover provided under this policy relates to claims in excess of GBP~~  
~~but not exceeding GBP~~

Signed on behalf of those Lloyd's Underwriters subscribing to the above policy (Authorised Insurers)

  
..... Signature

- (a) Where the employer is a company to which regulation 3(2) of the Regulations applies, the certificate shall state in a prominent place, either that the policy covers the holding company and all its subsidiaries, or that the policy covers the holding company and all its subsidiaries except any specifically excluded by name, or that the policy covers the holding company and only the named subsidiaries.
- (b) Specify applicable law as provided for in regulation 4(6) of the Regulations.
- (c) See regulation 3(1) of the Regulations and delete whichever of paragraphs 2(a) or 2(b) does not apply. Where 2(b) is applicable, specify the amount of cover provided by the relevant policy.

*Note: The information below this line does not form part of the statutory certificate. Those Underwriters at Lloyd's on whose behalf this certificate is issued require the following information to be entered by the issuing intermediary:*

Name and address of issuing intermediary:

Commercial Express Quotes Limited, B1 Custom House, The Waterfront,  
Brierley Hill, Dudley, DY5 1XH

Authorised Insurers: Ascot Underwriting Limited  
20 Fenchurch Street, London, EC3M 3BY

Issuing intermediary's reference: B6022PK23RQ466M3X  
(if different from the Policy Number stated above)

NMA2838 (28/01/1999)





# STREET TRADING CONSENT

## Consent No: 123

Under the Local Government (Miscellaneous Provisions) Act 1982,

Thurrock Council grants consent to:

John Bonar

Of



For street trading at:

Aveley, Purfleet, South Ockendon (two rounds)

For the following days and times:

Monday	10:00 - 19:00
Tuesday	10:00 - 19:00
Wednesday	10:00 - 19:00
Thursday	10:00 - 19:00
Friday	10:00 - 19:00
Saturday	10:00 - 19:00
Sunday	10:00 - 19:00

For the following articles to be sold:

Ice Creams, Lollies and Soft Drinks

From the following vehicle/unit:

Reg : FC16 DDK or JB10 LLY or 10LLY or 99 JOB or 99 WPY or PWH 11P or PWH 1P

Licence Expiry Date: 25th May 2023

Subject to the conditions attached.

\_\_\_\_\_  
Authorised Officer  
For and on behalf of Thurrock Council

Date of issue: 29th June 2022

## **CONDITIONS FOR STREET TRADING CONSENTS**

The Council will not grant a Street Trading Consent to persons under the age of 17 years and no person employed by a Consent Holder to assist him/her in the street trading shall be under the age of 16 years.

The consent granted is specific to the person it is issued to and is non-transferable.

**This consent is for a Mobile vehicle that must not remain on any one site for less than one hour in any 24-hour period.**

### **Planning Permission**

The land from which you intend to trade may require planning permission for such use. It is your responsibility to check with the Council's planning department prior to applying for a Consent.

### **Trading site and public safety**

Trading at the site defined in the Consent to Trade must not cause any risk to public safety. This will include the safety of road users and pedestrians.

The vehicle, equipment and activities associated with the trading mobile vehicle/stall/barrow must not cause a statutory nuisance to residents or businesses from noise, odour or fumes, including noise from customers on or leaving the site, noise of generators, motors etc.

Traffic orders such as waiting restrictions must at all times be complied with. The fact that the trading vehicle has been given permission to trade from a specific site does not give staff or customers permission to park or use the road in breach of any waiting or traffic restrictions. If you have chosen a site close to double yellow lines, you, your staff and customers will need to park their vehicles legally elsewhere and walk to your Consent vehicle.

Possession of a street trading consent does not, in any way, override parking restrictions or other traffic regulations.

If new traffic restrictions are applied to your trading site, during the period of your Street Trading Consent, you will be given prior notice when possible. Traffic restrictions will always take precedence over your Street Trading Consent. If new traffic restrictions (such as waiting/parking limits) are introduced, you may apply to the Public Protection Department to have your Trading Consent transferred to a new site.

If road works or other repairs are needed to the site where you are trading, you may apply for permission to move to another specified site for the time period that the repairs/works are being carried out.

### **Goods sold from the trading vehicle**

The Consent Holder can only sell goods identified in the Consent to Trade. If he/she wishes to sell different or additional goods, he/she must apply for a new Consent to Trade.

## **Trading Times**

The Consent Holder shall not trade within the borough of Thurrock outside the time and days permitted by the Consent.

Please note that the hours permitted in the Street Trading Consent over-ride the hours given in any Late-Night Refreshment Licence. You must only trade within the times permitted in your Street Trading Consent.

## **Sanitary Provision**

The Consent Holder when operating on a static site shall have access to suitable and sufficient sanitary (toilet) facilities for both the Consent Holder, and any persons employed in the street trading activity. If you are intending to use sanitary facilities belonging to a local business or domestic residence, you must provide written confirmation of that permission with your application form. The sanitary accommodation arrangements will be inspected by Thurrock Council.

## **Private and Thurrock Council land**

You must provide written confirmation of permission obtained from Thurrock Council's Lands department or the private landowner for the land where the stall/vehicle is to trade from and be stored when not trading.

## **Change of home address**

The consent holder must inform the Council of a change in his/her home address during the period of the consent within seven days of such a change taking place.

## **Change of vehicle**

The consent holder must inform the council of a change of vehicle during the period of the consent and apply for a transfer of the consent to the new vehicle.

## **Trading Unit Identification Plates**

All vehicles, stalls, carts or other devices used for street trading will be required whilst trading to display a trading unit identification plate. The plate is issued by the Council and remains the Council's property throughout the duration of the Consent. The plate should be displayed in a prominent position on the trading unit, so that it is clearly visible to members of the public using the trading unit.

The trading unit identification plate must be returned to the Council if the Consent Holder has the Consent removed or otherwise ceases to trade in Thurrock.

If the trading unit identification plate has been issued that covers more than one vehicle, the plate must be displayed in the vehicle that is being used at that time under the authority of this consent and no other vehicle shall be used at the same time under this authority.

Failure to display the trading unit identification plate may result in the revocation of this consent for that reason alone.

### **Condition of the stall/vehicle**

The Consent Holder must ensure that the appearance of the stall/vehicle is of a high standard and the structure and procedures comply with all relevant legal requirements, in particular the Food Safety Act 1990, the Health and Safety at Work etc. Act 1974, the Food Hygiene (England) Regulations 2006, the Environmental Protection Act 1990 and associated regulations.

The Consent Holder shall not place on the street or in a public place any furniture or equipment other than as permitted by the Consent and he must maintain the same in a clean and tidy condition and not place them so as to obstruct the entrance or exit from any premises.

### **Behaviour**

The consent holder shall at all times be clean and respectable in his dress and person and behave in a civil, orderly and courteous manner.

Trading shall not take place in such a manner as to cause nuisance or annoyance to persons whether using the street or otherwise.

### **Ice Cream Van Chimes**

The Consent Holder must comply with the provisions of the Code of Practice on Noise from Ice Cream Van Chimes etc. 1982, that is: it is an **offence** to sound the chimes so as to cause annoyance. Do NOT sound the chimes:

1. For longer than 4 seconds at a time –use an automatic cut out device.
2. More often than once every 3 minutes.
3. When the vehicle is stationary,
4. Except on approach to a selling point,
5. When in sight of another ice-cream van which is trading,
6. When within 50 metres of schools (during school hours), hospitals and places of worship (on Sundays and any other recognised days of worship),
7. More often than once every 2 hours in the same street,
8. Louder than 80 dB(A) at 7.5 metres distance from the vehicle,
9. As loudly in quiet areas or narrow streets as elsewhere.

It is also an Offence under the Control of Pollution Act 1974 to sound chimes:

1. Before 12 noon and after 1900 hours,
2. At any time, in a way which gives reasonable cause of annoyance.

### **Refuse**

The consent holder shall in no circumstances, deposit litter, rubbish or refuse in the street, but shall at all relevant times provide adequate and proper containers for the disposal of such refuse from his vehicle and customers and shall encourage his customers to use those containers. The consent holder shall tidy up, clear up and clean up all refuse, litter etc. before leaving the locality and take the refuse and containers with him/her.

The Consent Holder must ensure that waste liquids arising at the stall are not disposed of into any highway channel, gully or manhole or in any other manner likely to cause pollution of any surface water channel.

All refuse generated by the business must be taken to a licensed waste disposal site. Consent Holders must identify their method of waste disposal at the time of application and keep records of their waste arrangements, which must be made readily available to authorised officers from Thurrock Council on request.

### **Access by Council and Police Officers**

Consent Holders must allow access to Authorised Officers of the Council and Police Officers at all reasonable times.

### **Street Trading Consents**

The conditions attached to all Street Trading Consents stipulate that a Consent Holder cannot assign, let, sell, rent or otherwise part with his interest or possession of a Street Trading Consent.

If a Consent Holder or his/her employee is requested to move the stall/vehicle by an authorised Council Officer, a Police Officer, an Officer of the Thurrock Fire or Ambulance Service, he/she shall immediately comply with that request.

### **Price List**

All Consent Holders must clearly display a price list for the foods on offer for sale.

### **Insurance**

All Consent Holders shall have and maintain an insurance policy against public liability and third-party risks. A minimum insurance cover of £2 million shall be obtained by the Consent Holder and shall cover the operator's vehicle or stall and any additional equipment under his 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 to the Licensing Team before the Street Trading Consent is issued and at any other time on demand during the currency of the Consent.

### **Renewal**

The consent holder must apply to the Council for a new annual Consent at least 14 days prior to the date of the current consent's expiry. If an application for a new Consent is not received by the expiry date, the consent will lapse. It is a criminal offence to engage in street trading without holding a current consent.

The Consent may not be renewed for the following reasons:

1. There is an outstanding unpaid Street Trading Consent invoice at the time of application for a renewal.
2. The Consent Holder has sold products other than those detailed in the current Consent.

3. The Consent Holder has traded outside the hours specified in the current Consent.
4. The Consent Holder has traded in a vehicle not identified in the current Consent.
5. The behaviour of the Consent Holder or a member of his staff has not complied with the standards of behaviour specified in the Consent conditions.
6. The vehicle has not been made available for inspection for food safety and/or health and safety during the period of the current Consent.
7. The standard/s of food safety and health and safety in the vehicle have not complied with the Food Hygiene (England) Regulations 2006 and/or the Health and Safety at Work (etc) Act 1974
8. The trading location has not complied with parking restrictions or other traffic regulations.
9. The Consent Holder has on application or during the period of the Consent, made a false statement which he knows to be false in any material respect or which he believes to be untrue.

If the following has occurred during the course of the current consent, a new Consent may be refused, but the Consent Holder will be permitted to make an application for a new site:

1. Traffic restrictions for the Consent site changed during the period of the consent.
2. Customers to the vehicle have caused a nuisance or risk to public safety.
3. Trading at the current site has caused a nuisance or risk to public safety, which was not due to the behaviour or actions of the Consent Holder.
4. Planning permission is necessary for the current trading site but is not agreed by the Planning department.

## **General**

Prospective applicants are most strongly advised to seek the necessary permissions, consents and, where appropriate, planning permissions before making a commitment to any financial outlay and before applying for the Street Trading Consent.

**The Council may vary the Conditions attached to the Consent at any time.**

Mr J Bonar  
Piccadilly Whip Catering Ltd  
Piccadilly House  
Arisdale Avenue  
South Ockendon  
RM15 5BA

12 August 2022

Dear Mr Bonar

### **Street Trading in Grays**

Further to my previous email correspondence we are continuing to receive complaints regarding your vehicles trading on Thames Road, Grays. We have also been notified that your vehicles have received Fixed Penalty Notices for parking contraventions and have also been seen blocking emergency access routes and disabled parking spaces.

Your current Street Trading consent does not cover you for Grays, as previously advised if you want to be considered to trade in this area you need to submit an application. If the consent is granted, it does not permit you to contravene parking restrictions.

**You must cease trading from this location with immediate effect. Failure to do so could result in action against your other Street Trading consents and/or prosecution.** We will continue to monitor the area and may conduct test purchasing.

If you wish to submit an application for areas within Grays you can apply here:  
<https://www.thurrock.gov.uk/street-trading-consent/mobile-street-traders>

Please do not hesitate to contact me should you require further information or advice.

Yours sincerely



Elizabeth Cox  
Licensing Officer

This page is intentionally left blank



## Cox, Elizabeth

---

**From:** Cox, Elizabeth on behalf of Licensing@thurrock.gov.uk  
**Sent:** 11 April 2023 14:59  
**To:** Info Piccadilly Whip  
**Subject:** Thames Road/Grays Beach  
**Attachments:** Piccadilly Letter.pdf

Good afternoon,

Further to the correspondence sent to you last year (see attached) we have received more complaints about your vehicles trading at Thames Road/Grays Beach and we have witnessed a Piccadilly Whip vehicle at the location today.

Your consent does not include this area so you must cease trading in that location immediately. Failure to comply with a Street Trading consent or trading without a consent in place may lead to prosecution and/or affect the future renewal of existing consents.

Kind regards,

Liz

**Elizabeth Cox | Licensing Officer | Public Realm**

[www.thurrock.gov.uk](http://www.thurrock.gov.uk) | [My account Thurrock](#)

01375 652 879 | x64061 | 07795 826 951

Thurrock Council, Civic Offices, New Road, Grays, Essex RM17 6SL

**Thurrock: an ambitious and collaborative community which is proud of its heritage and excited by its diverse opportunities and future**

Save time, do it online

[facebook.com/thurrockcouncil](https://facebook.com/thurrockcouncil) | [twitter.com/thurrockcouncil](https://twitter.com/thurrockcouncil)

This page is intentionally left blank

Photographs – July/August 2022

17 July 2022



28 July 2022



29 July 2022 (13:07)



29 July 2022 (16:00)



1 August 2022



2 August 2022



6 August 2022



12 August 2022 (13:45)



12 August 2022 (13:48)



15 August 2022



26 August 2022



30 August 2022





Photographs – April/May 2023

7 April 2023



15 April 2023



Undated Photographs



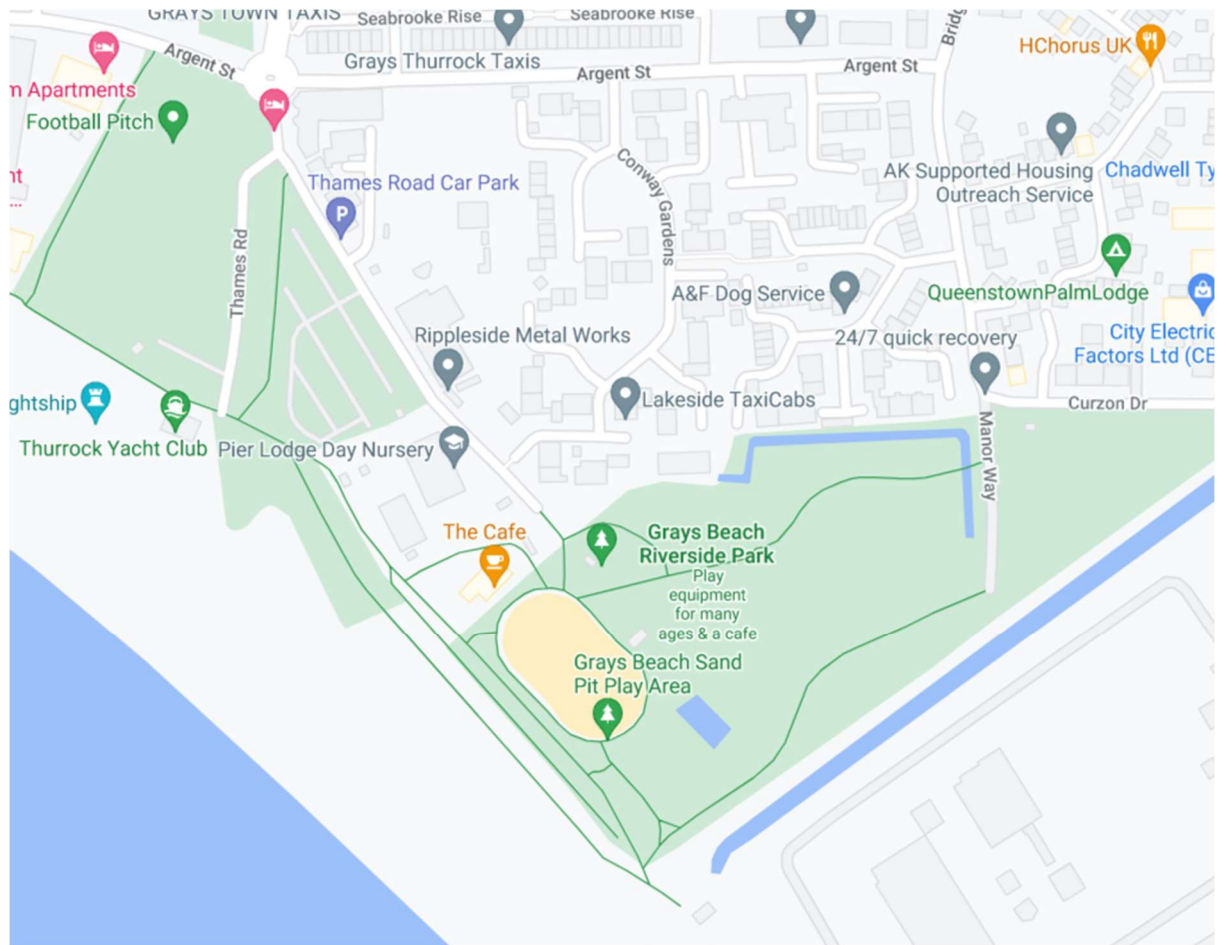






This page is intentionally left blank

**Location Plan & Photographs**







Piccadilly Whip Catering Limited  
Piccadilly House  
Darenth Lane  
South Ockendon  
RM15 5LN

18 May 2023

Dear Mr Bonar

**Street Trading Consent**

I am writing to you as we have received a complaint about one of your vehicles (10 LLY trading in Digby Road and Woodbrooke Way, Corringham on Saturday 13 May 2023, and using the van's chimes to an extent that it caused a disturbance to residents.

Your current street trading consent does not cover Corringham.

It has been reported that the chimes were used at 16:53, 16:55 (twice), 16:59, 17:00, 17:04 (twice), 17:08 and 17:10. The conditions of Street Trading Consents state that chimes must not be sounded more often than once every three minutes, and not more often than once every two hours in the same street.

Please remind your drivers of the areas in which they are permitted to trade, and make sure they are familiar with the conditions attached to the consents to ensure we do not receive any further complaints of this nature.

Please do not hesitate to contact me if you would like to discuss this matter further.

Yours sincerely



Elizabeth Cox  
Licensing Officer

This page is intentionally left blank

Piccadilly Whip Catering Limited  
Piccadilly House  
Darenth Lane  
South Ockendon  
RM15 5LN

2 June 2023

Dear Mr Bonar

**Street Trading Consent**

I am writing to you as we have received two further complaints about Piccadilly Whip vehicles trading in Corringham on 24 May and 30 May 2023 and allegedly using the van's chimes to an extent that it caused a disturbance to residents.

Your current street trading consent does not cover Corringham.

In addition, Piccadilly Whip vehicles have been witnessed trading outside Asda Living, West Thurrock on 30 May and 2 June 2023. This area is also not covered by your consent.

Trading in areas for which you do not hold a consent is an offence under s10(1)(b), Schedule 4 Local Government (Miscellaneous Provisions) Act 1982, and continuing to do so is likely to result in prosecution

Please do not hesitate to contact me if you would like to discuss this matter further.

Yours sincerely



Elizabeth Cox  
Licensing Officer

This page is intentionally left blank

# Thurrock Council

## Street Trading Policy

**Published:** 1 April 2023.

**To be reviewed by:** 28 July 2028.

Should you require further information, please contact the Licensing Team by:

- post: Licensing Team, Thurrock Council, Civic Offices, New Road, Grays, RM17 6SL
- email: [licensing@thurrock.gov.uk](mailto:licensing@thurrock.gov.uk)

Local Authorities (LAs) have a legal discretion to regulate street trading in their administrative area. This Policy Statement takes effect on 1 April 2022, following adoption by the Licensing Committee on the 1 February 2023.

## Purpose of the policy

This policy is to control street trading across the borough of Thurrock by means of a of a Street Trading Consent Scheme, whereby specific streets will be prohibited from any street trading at any time and the remaining streets will become Consent Streets.

Trading from Consent Streets is also prohibited unless the trader has applied for and received a written Consent to Trade from Thurrock Council.

Any such Street Trading Consent will contain restrictions on the location and permitted times for trading, type of goods sold and contain clear conditions which must be adhered to in order for the trader to obtain and retain the Street Trading Consent. The conditions are to protect public safety, promote public health and reduce nuisance to neighbouring properties. These will be attached to any Street Trading Consent given.

## Definitions

**"Street Trading"** is defined in paragraph 1 of Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982 – hereinafter called "the Act" – as

"the selling or exposing or offering for sale of any article (including a living thing) in a street".

**"Street"** is defined by the above Act as including:

"any road, footway, beach or other area to which the public have access without payment"; and a service area as defined in section 329 of the Highways Act 1980".

Any part of a street is a "street" for the purposes of the Act.

## Exemptions

The Act at paragraph 1(2) of Schedule 4 states that the following types of trade are not street trading:

1. a pedlar trading under the authority of a pedlar's certificate granted under the Pedlar's Act 1871
2. anything done in a market or fair, the right to hold which was acquired by virtue of a grant, enactment or order
3. trading in a trunk road picnic area provided by the Secretary of State under section 112 of the Highways Act 1980
4. trading as a news vendor
5. trading carried out at premises used as a petrol filling station or used as a shop or in a street adjoining premises so used and as part of the business of that shop
6. selling things or offering or exposing them for sale as a roundsman

## Designation

Thurrock Council has adopted Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982 to designate the whole borough as Consent Streets for the purposes of Street Trading. The licensed area includes all forecourts, roads, footways, or other areas to which the public have access by fact and without payment.

From time to time, the Council may determine to resolve to designate other areas of the borough for the purpose of Street Trading, or to prohibit Street Trading in specified areas. In such cases details of these areas will be published on the Council website, advertised as required by legislation and included in this policy.

## Prohibited Streets

See Appendix 1 for the list of Prohibited Streets in Thurrock.

It is a criminal offence for any person to engage in street trading in that street. Streets will be designated as prohibited where it is anticipated that such trading would:

- cause noise or nuisance to residents living in the locality
- reduce public safety to persons crossing or using the street or to road users

## Consent Streets

If a street is designated as a "Consent Street" then street trading without a consent is a criminal offence under The Local Government (Miscellaneous Provisions) Act 1982.

When granting or renewing a consent, the council may attach any reasonable condition; furthermore, the council can, at any time, vary the conditions attached to the consent. Any such variations will be notified in writing to the named person in receipt of the consent to trade and will take effect immediately or on the date of the notification letter.

There is no right of appeal against any council decision made in regard of a street trading consent. The consent cannot be granted for a period of time exceeding twelve months and can be revoked at any time.

## Considerations when assessing an application for a Street Trading Consent

### Public safety

The proposed location of the activity should not present a risk to the public in terms of highway safety and obstruction. Where any proposed trading is within 50 metres of a school entrance, the council will seek the views of the school.

### Prevention of crime and disorder

The proposed activity should not increase the risk of crime and disorder. This is likely to be more of an issue in respect of applicants wishing to trade at later hours.

## **Prevention of public nuisance**

The proposed activity should not increase the risk of nuisance from noise, refuse, vermin, fumes, and odours.

## **Suitability of the location**

That there is insufficient space in the street for the applicant to engage in the trading in which he/she desires to engage without causing undue interference or inconvenience to persons using the street.

Where the street trading may damage the structure or surface of the street.

Where the appearance or quality of the trading equipment or structure/stall in use is not compatible with the character of the area in which it is proposed to be situated.

## **Suitability of the trading unit**

This should be of a good quality design, safe construction and add to the quality of the street scene. The unit shall comply in all respects with any legal requirement relating to the trading activity proposed.

## **Number of Street Trading Consents issued**

Consents may not be issued where Thurrock Council considers that sufficient street traders already exist in that locality, particularly where there are already sufficient traders in the street from shops or other consent holders, particularly in the exact or significantly similar goods in which the applicant desires to trade.

Consents may not be issued where additional traders may cause risks to public safety or nuisance to the occupants of neighbouring properties.

## **Duration of Consents**

Street Trading Consents will normally be issued for one year from the date of grant for new applications or from the date of renewal for existing holders.

A Street Trading Consent cannot be issued for more than one year.

## **Types of Consent**

The following types of consent can be issued:

- Static Consent – Is for a trader that will trade from the same site on each occasion for the duration of the consent.
- Mobile Consent – Traders with a mobile consent must not trade from the vicinity of any one location for more than 1 hour in any 1 day.

## **Fees**

All fees must be paid in advance. A copy of the current fees can be found on the council's website.



The following Street Trading activities have been deemed by Thurrock Council to **not** require the payment of fees to the Council:

- non-commercial car boot sales
- fetes, carnivals and similar community based not for profit run events
- within the curtilage of Tilbury, South Ockendon and Grays markets controlled by the relevant market authority

## Conditions

Standard conditions (attached at Appendix 2) will be attached to every Consent, detailing the holder's responsibility to maintain public safety, prevent nuisance and preserve the amenity of the locality.

Additional conditions may also be attached limiting the days and hours when street trading is permitted, the goods which may be sold, the size of the trading unit or pitch or any other relevant matter.

Failure to comply with these conditions may lead to revocation or non-renewal of the consent.

## Enforcement

The following are offences under the above Local Government (Miscellaneous Provisions) Act 1982 and will be considered for prosecution:

1. street trading in a prohibited street
2. street trading in a Consent Street without a relevant Consent to Trade
3. street trading with a Consent to Trade, but not complying with the times or location stated within the Consent to Trade

All decisions regarding enforcement action will be made in accordance with the Public Protection Department Enforcement Policy and the Enforcement Concordat adopted by Thurrock Council.

The Council may at any time revoke a Street Trading Consent if they consider that:

- (a) owing to circumstances which have arisen since the grant or renewal of the Consent, there is not enough space in the street for the Consent holder to engage in the trading permitted by the Consent without causing undue interference or inconvenience to persons using the street
- (b) the Consent holder is unsuitable to hold the Consent by reason of having been convicted of an offence or for any other reason
- (c) since the Consent was granted the Consent holder has persistently refused or neglected to pay fees or charges due for the Consent or any associated services in his/her capacity as Consent-holder
- (d) since the grant or renewal of the Consent, the Consent holder has without reasonable excuse failed to avail him or herself of the Licence to a reasonable extent

If the council consider that they have grounds for revoking a Consent by virtue of sub-paragraph (a) or (d) above, they may, instead of revoking it, vary its principal terms by either:

- (a) reducing the number of days or the period in any one day during which the Consent holder is permitted to trade
- (b) restricting the descriptions of goods in which he is permitted to trade.

A Consent holder may at any time surrender his/her Consent to the council and it shall then cease to be valid.

## **Applications**

An application for a Street Trading Consent or the renewal of such a Consent shall be made in writing to Thurrock Council and shall be accompanied by all required documentation and the appropriate fee.

The applicant shall provide:

- fully completed application form
- copies of public liability insurance or evidence of the proposed insurance
- details of proposed vehicle, trailer or stall, including photographs where relevant
- any MOT, vehicle insurance etc or other documentation associated with vehicles used in association with the application

# Appendix 1 – Prohibited Streets

## **Streets prohibited By Thurrock Council:**

- South Road, South Ockendon,
- Romford Road, Aveley,
- Lodge Lane, Grays,
- Stanford Road between the A128 and London Road, Stanford le Hope,
- A1306 westwards from the A1012,
- B1335 Stifford Road, South Ockendon,
- East Tilbury Road, Linford.

## **Streets prohibited (and enforced) by National Highways:**

- A13 between Wennington (A1306) and the A1089 junction at Baker Street
- A13 link roads between A282/M25 junctions 30 and 31 and A282 Canterbury Way
- A1089 between the A13 junction and the London Tilbury Cruise Terminal

These are National Highways roads and they do not allow roadside trading on their roads.

## **Appendix 2 – General conditions for Street Trading Consents**

The Council will not grant a Street Trading Consent to persons under the age of 17 years and no person employed by a Consent Holder to assist him/her in the street trading shall be under the age of 16 years.

### **The consent granted is specific to the person it is issued to and is non-transferable**

No trading stall, vehicle etc. is permitted to remain at the locality in question outside the permitted hours. It must be removed at the end of each trading day and not returned until the agreed trading commencement hours the following day without the landowners written consent

### **Planning permission**

The land from which you intend to trade may require planning permission for such use. It is your responsibility to check with the Council's planning department prior to applying for a Consent.

### **Location of static trading units**

Static units must not trade from any area other than the site defined in their Consent to Trade. If the Consent Holder wishes to move the trading unit to another site, he/she must apply for a new Consent to Trade.

### **Goods sold from the trading vehicle**

The Consent Holder can only sell goods identified in the Consent to Trade. If he/she wishes to sell different or additional goods, he/she must apply for a new Consent to Trade.

### **Trading times**

The Consent Holder shall not trade within the borough of Thurrock outside the time and days permitted by the Consent.

### **Legal requirements of the trading unit**

The mobile vehicle, stall, barrow etc. must at all times comply with the requirements of the Food Safety Act 1990, Food Hygiene (England) Regulations 2006 and the Health and Safety at Work etc. Act 1974 and any other relevant public safety legislation.

Traders that are permitted to trade at any time between 11pm and 5am must also be licensed under the Licensing Act 2003 if providing late night refreshment.

### **Sanitary provision**

The Consent Holder when operating on a static site shall have access to suitable and sufficient sanitary (toilet) facilities for both the Consent Holder, and any persons employed in the street trading activity.

## **Private and Thurrock Council land**

You must provide written confirmation of permission obtained from Thurrock Council's Lands department or the private landowner for the land where the stall/vehicle is to trade from.

Possession of a street trading consent does not, in any way, override parking restrictions or other traffic regulations for either the Consent Holder or his customers.

## **Change of home address**

The consent holder must inform the Council of a change in his/her home address during the period of the consent within seven days of such a change taking place.

## **Trading unit identification plates**

All vehicles, stalls, carts, or other devices used for street trading will be required whilst trading to display a trading unit identification plate. The plate is issued by the Council and remains the Council's property throughout the duration of the Consent. The plate should be displayed in a prominent position on the trading unit, so that it is clearly visible to members of the public using the trading unit.

The trading unit identification plate must be returned to the Council if the Consent Holder ceases to trade and surrenders his/her Consent.

## **Condition of the stall/vehicle**

The Consent Holder must ensure that the appearance of the stall/vehicle is of a high standard and the structure and procedures comply with all relevant legal requirements, in particular the Food Safety Act 1990, the Health and Safety at Work etc. Act 1974, the Food Hygiene (England) Regulations 2006, the Environmental Protection Act 1990 and associated regulations.

The Consent Holder shall not place on the street or in a public place any furniture or equipment other than as permitted by the Consent and he must maintain the same in a clean and tidy condition and not place them so as to obstruct the entrance or exit from any premises.

## **Behaviour**

The consent holder shall at all times be clean and respectable in his dress and person and behave in a civil, orderly and courteous manner.

Trading shall not take place in such a manner as to cause nuisance or annoyance to persons whether using the street or otherwise.

## **Mobile Consents**

A mobile vehicle shall not remain on any one site for more than one hour in any twenty-four-hour period.

## **Ice Cream Van chimes**

The Consent Holder must comply with the provisions of the Code of Practice on Noise from Ice Cream Van Chimes etc. 1982, that is: it is an **offence** to sound the chimes so as to cause annoyance.

Do **not** sound the chimes:

1. for longer than 4 seconds at a time – use an automatic cut out device
2. more often than once every 3 minutes
3. when the vehicle is stationary
4. except on approach to a selling point
5. when in sight of another ice-cream van which is trading
6. when within 50 metres of schools (during school hours), hospitals and places of worship (on Sundays and any other recognised days of worship)
7. more often than once every 2 hours in the same street
8. louder than 80 dB(A) at 7.5 metres distance from the vehicle
9. as loudly in quiet areas or narrow streets as elsewhere

It is also an Offence under the Control of Pollution Act 1974 to sound chimes:

1. before midday and after 7pm
2. at any time, in a way which gives reasonable cause of annoyance

## **Refuse**

The consent holder shall in no circumstances, deposit litter, rubbish or refuse in the street, but shall at all relevant times provide adequate and proper containers for the disposal of such refuse from his vehicle and customers and shall encourage his customers to use those containers. The consent holder shall tidy up, clear up and clean up all refuse, litter etc. before leaving the locality and take the refuse and containers with him/her.

The Consent Holder must ensure that waste liquids arising at the stall are not disposed of into any highway channel, gully or manhole or in any other manner likely to cause pollution of any surface water channel.

All refuse generated by the business must be taken to a licensed waste disposal site. Consent Holders must identify their method of waste disposal at the time of application and keep records of their waste arrangements, which must be made readily available to authorised officers from Thurrock Council on request.

## **Access by Council and Police Officers**

Consent Holders must allow access to Authorised Officers of the Council and Police Officers at all reasonable times.

## **Street Trading Consents**

The conditions attached to all Street Trading Consents stipulate that a Consent Holder cannot assign, let, sell, rent or otherwise part with his interest or possession of a Street Trading Consent.

If a Consent Holder or his/her employee is requested to move the stall/vehicle by an authorised Council Officer, a Police Officer, an Officer of the Essex Fire or Ambulance Service, he/she shall immediately comply with that request.

The Council may vary the Conditions attached to the Consent at any time.

## **Price list**

All Consent Holders must clearly display a price list for the goods on offer for sale.

## **Insurance**

All Consent Holders shall have and maintain an insurance policy against public liability and third-party risks. A minimum insurance cover of £2million shall be obtained by the Consent Holder and shall cover the operator's vehicle or stall and any additional equipment under his control such as generators etc.

The insurance certificate or cover note shall be produced to the Licensing Team before the Street Trading Consent is issued and at any other time on demand during the currency of the Consent.

## **Renewal**

The consent holder must apply to the Council for a renewal at least 30 days prior to the date of the current consent's expiry. If an application for renewal is not received by the expiry date, the consent will lapse. It is a criminal offence to engage in street trading without holding a current consent.

Prospective applicants are most strongly advised to seek the necessary permissions, consents and, where appropriate, planning permissions before making a commitment to any financial outlay and before applying for the Street Trading Consent.

This page is intentionally left blank