

Cox, Elizabeth

From: Cllr C Churchman
Sent: 08 January 2020 14:13
To: Adams, Paul; Cox, Elizabeth; MembersEnquiries@thurrock.gov.uk
Subject: 74a Aveley High Street (Kebab Trailer)

Follow Up Flag: Follow up
Flag Status: Flagged

Good afternoon Paul,

Further to our telephone conversation on Tuesday 7th January 2020, please see below comments.

As the Ward Councillor for Aveley and Uplands and having received a number of complaints from Residents which were directed onto the Sub Licensing Committee, I wish to object to a further license being granted by Thurrock Council for the kebab trailer at the rear of 74a High Street Aveley.

As per the original hearing, a number of Residents objected to the position of the kebab trailer in the car park due to it's position is amongst the most vulnerable people living in sheltered housing (The New Maltings).

Residents living in sheltered housing are unable to have their windows open due to the smell from the kebab trailer and vehicle noise too.

In addition, the applicant of the kebab trailer has shown total disregard for safety of other Residents by running a power cable across the car park surface as electrical supply to the trailer causing a trip hazard for Residents living in the flats above J & R's Newsagents and other users of the car park.

In my vast experience of civil engineering, the rule was never put electrical cables at ground level where they could cause a trip hazard or access gained to and potentially cut.

Furthermore, photographs were taken by a Resident of the external socket installed for the kebab trailers use on the rear wall of J & R's Newsagents where running water was shown running over the socket again causing safety issues for others.

During the original hearing, Residents raised concerns regarding the trailer being left in position over night due to a previous kebab trailer being burnt out in the car park as a total loss in the early hours one morning.

The applicant detailed at the original hearing to alleviate this risk/hazard, he would find a local farm to move the vehicle off site after trading each night.

The above was also documented in the minutes from the original hearing on 21st August 2019.

I also understand that Liz Cox Licensing Officer confirmed in an email to a Resident that this is a condition of the license.

I believe that the Sub Licensing Committee were swayed into granting a license for just three months as the applicant had advised their actions to mitigate this risk.

However, the applicant did not abide by the conditions imposed on the license and did in fact leave the kebab trailer in situ almost up to the expiry date of the license granted (21st November 2019).

I also feel that the applicant has not carried out or abided by what he stated at the original hearing. He has finally moved the trailer after trading to a position just 15 metres across the road into an open public car park which does not mitigate the original risk detailed above.

I find that the applicant has merely provided lip service.

In view of the above and in addition to numerous emails complaining sent to Thurrock Council, I would like to request that this is brought back to the Sub Licensing Committee for them to review whether a further license should be granted.

I would respectfully ask that I have the opportunity to speak and represent my concerned Residents at the meeting.

Yours sincerely,

Councillor Churchman

Sent with BlackBerry Work
(www.blackberry.com)

Hall Crescent
Aveley
Essex

Essex

9th January 2020

FAO: Thurrock Council Licensing

LICENSE REVIEW KEBAB TRAILER IN THE CAR PARK SIDE OF 74A HIGH STREET AVELEY

I would like to object to a further license being granted for the Kebab trailer as detailed above.

I would like to object for the same reasons originally presented at the Sub Licensing Committee meeting held on 21st August 2019 as detailed below, followed by additional reasons of objections.

I was elected as spokesperson on behalf of Residents at the above mentioned Sub Licensing Committee with regards to this application for a 14ft Trailer detailed as "Muzzy's Kebab" in the information pack provided at the meeting.

Currently the car park is on License to Thurrock Council whilst the Aveley Hub is being built on the old car park which was situated in the Aveley Recreation Ground. The old car park in the Aveley Recreation ground was some 40 parking spaces.

The car park in question where the 14ft Trailer kebab takeaway would be situated is a total of 16 spaces, the car park is heavily used by residents/visitors who often struggle to park in one of the 16 spaces.

To site a 14ft Trailer kebab takeaway in this car park would be at a loss of some of the parking spaces which would have an effect on the local shops and local economy. In fact, we are currently at a loss of 24 spaces.

There is a history with regards to the car park in question and in particular with regards to a kebab van being in situ. The previous kebab van had a fire whilst in situ in the car park and was completely burnt out.

This caused fear and distress, smoke pollution to local residents and in particular to those living in the sheltered housing complex named The New Maltings.

The New Maltings Sheltered Housing Complex borders the Car Park and residents living in this complex are most affected by the constant smell that is omitted from such a fast food trailer and as I understand their previous experience of having a kebab van operating from this car park, residents could not have their windows open due to the odour omitted.

Furthermore, the excessive noise, Anti-Social Behaviour from customers using the previous kebab van prevented residents from having their windows open too. ASB also extended to individuals in Aveley Recreation Ground climbing over the Rec boundary into the grounds of The New Maltings Sheltered Housing Complex, trespassing and then climbing over the boundary fence into the car park to use the kebab van.

There was noise from vehicles visiting the previous kebab van, in and out of the entrance to the car park which again borders The New Maltings Sheltered Housing Complex. This would be no different if you were to grant a license. The residents would experience the same and with the hours advised in the application being midday to midnight there would be some considerable disturbance to resident's sleep.

This 14ft Trailer kebab takeaway would also increase the litter in the surrounding area as the last one did and of course ASB.

Recently a Kebab van was removed from the car park of The Crown and Anchor Public House which is opposite the New Maltings Sheltered Housing Complex. Whilst this kebab van was trading, Residents were often disturbed by excessive noise from people frequenting this kebab van, the surrounding area was subjected to an increase in litter as a result.

Residents reported to me that the proprietors of this kebab van were witnessed using the adjacent telephone box to urinate in. There were no facilities on this van separate from food preparation to wash your hands.

There are no toilet facilities in the car park in question where this 14ft trailer kebab takeaway would be sited nor do I believe the vehicle would have a separate facility for hand washing.

There are 6 food outlets, a Bakers shop and supermarket also selling food in the High Street, which is already excessive for such a small area. One of the food outlets serves kebabs to the public and has adequate ventilation so that smells are not problematic to Residents.

A 14ft Trailer Kebab takeaway in this car park would not have adequate ventilation to remove smells and would be problematic to residents.

Finally, there is a car park which is due to be built in Aveley Rec just on the other side of the boundary of the car park where the 14ft Trailer kebab takeaway would be sited. Cars contain fuel and given that the previous kebab van had a fire and was completely burnt, a total loss, there would be more risk of fire spreading and intensifying.

This kebab van does not provide any value to the Aveley area in fact it is quite the opposite.

In addition to the above,

- Thurrock Council have recently paid to extend the original license agreement to rent the entire car park for parking for Residents and visitors to Aveley. This is where the kebab trailer is sited. Every day the car park is used to its capacity and at times.

The extension currently expires 31st January 2020. However, there may be a request from Thurrock Council to extend the license once more.

As detailed above the kebab van does take up more than one space and has been sited at times over multiple spaces at a loss to our community.

- The operator of the kebab trailer has disregard for Health and Safety and is happy to put others at risk. An electrical extension lead (internal quality) and not armoured core or appropriately protected from the elements, is the power supply to the kebab trailer. The electrical lead is running across the surface of the car park causing a hazard to pedestrians using the car park. Furthermore, the extension lead has been seen to run under parked vehicles and then into the kebab trailer when the trailer is unable to park close to the boundary of the car park at the rear of J & R's Newsagents. This has happened often as it is a heavily used car park. A household extension is not a suitable source of power externally, mixed with the risk of a trip hazard, weather i.e. rain, surface water (further detailed below) and fuel from vehicles where sited underneath vehicles.

an external plug socket was installed on the rear wall of J & R's Newsagent where the extension lead was plugged into. This electrical plug socket had running water from a failing overflow which was constantly dripping on the socket.

- Breach of Planning Regulation, signs were erected on the dates of the car park advertising the business without prior planning consent.
- Increase in waste in the vicinity since operating. (Please see the attached). There is no commercial waste agreement with Thurrock Council for this business.
- It has been reported that there is an increase in surface water since trading where the water is not draining away in the car park into the drain soakaway.
- The original application detailed a photograph of a trailer with CCTV with a sign above the trailer "Muzzy's Kebab". This sign was no illuminated. The trailer presented as part of the application is not the trailer used for trading. There is an illuminated sign above the full length of the trailer and no CCTV.
- The original application details on page 10 that "Copies of electrical and gas safety records, as applicable" the box is ticked indicating and an Electrical Equipment Test Report – Test Results is submitted with the application. Clearly, the electrical report provided by the applicant is for the kebab trailer detailed in the original application and not the actual kebab trailer being used. The fact that the applicant has provided both a photograph of a different trailer and associated electrical report i.e. of a different trailer, this is an act to deceive Thurrock Council Licensing, the Sub Licensing Committee and Residents alike and I would say is deemed as a fraudulent act.
- It was raised at the Sub Licensing Committee meeting (the original hearing) on 21st August 2019, the concern, fire risk and potential hazard to Residents in the adjoining Sheltered Housing Complex to the car park where the Kebab trailer is trading if the trailer was left in situ overnight. The applicant stated at this meeting that he would remove the kebab trailer every night and find a local farm to store the kebab trailer overnight. When the decision was detailed from the Councillor Gary Collins the Chair of the Sub Licensing Committee, it was detailed that the trailer would have to be removed each night as volunteered by the applicant. From when the kebab trailer first arrived in the car park, there was no attempt from the applicant to remove it. It was in situ for weeks. Finally, when the applicant started to remove the Kebab trailer, this is to a position opposite the car park in fact in another public car park just 20 meters across the road in the High Street adjacent to the Crown and Anchor Public House. This car park is not secure at any time during the day or night. Anyone can walk into the car park and is in fact opposite the front of the New Maltings Sheltered Housing Complex. Therefore, this does not mitigate the risk of fire and shows that the applicant has not done what he stated he would by finding a local farm to

store the kebab trailer overnight. I further understand that a previous kebab van had to vacate this car park when there was a change of ownership from Punch Taverns to Heineken where Heineken do not permit such vehicles on their premises.

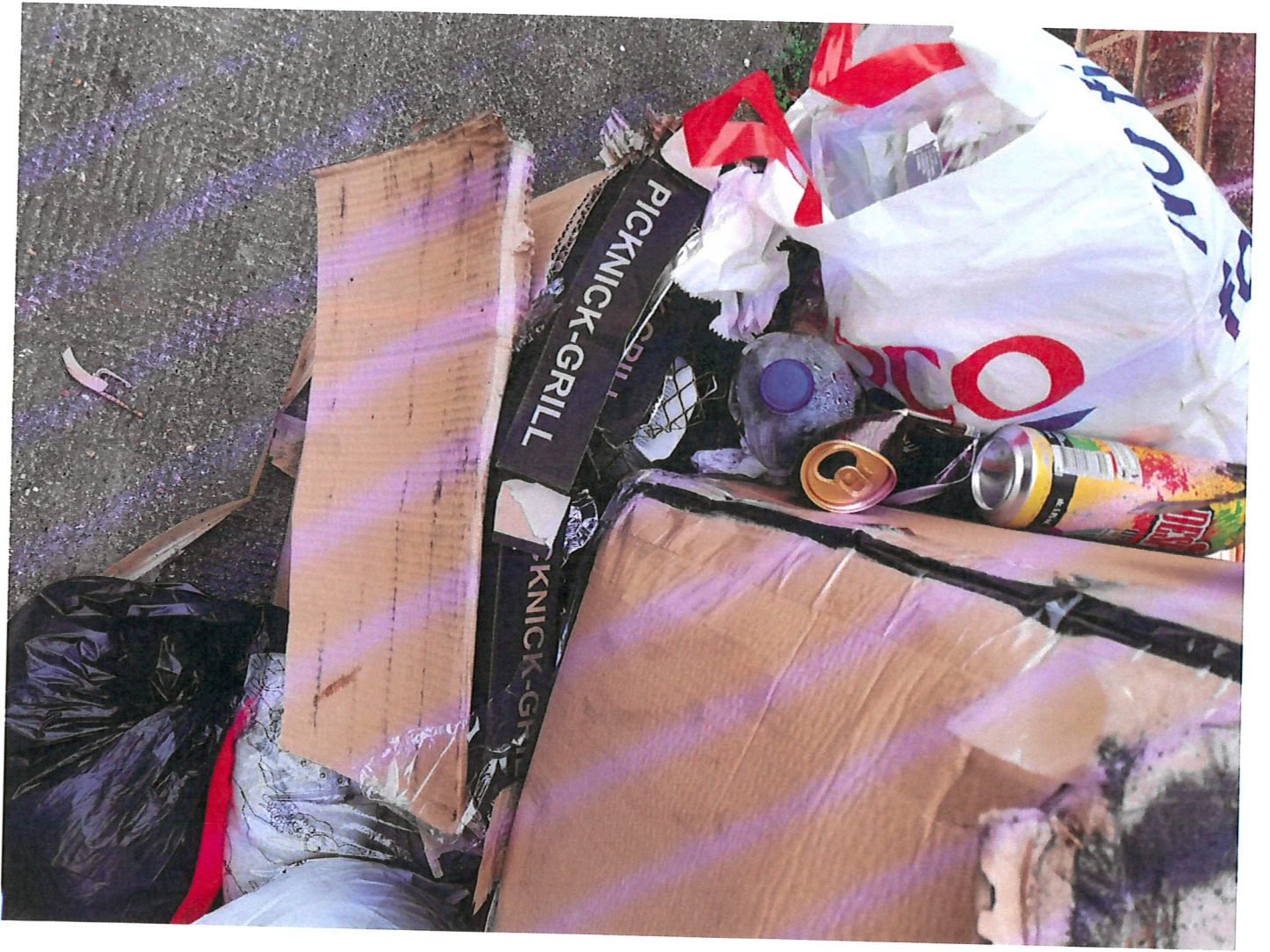
I find the applicant to be not trustworthy in fact his application alone demonstrates that he has been dishonest, does not display any duty of care to Residents or even his own Customers trading in this way.

Once again, I respectfully ask that a license is not granted.

Yours sincerely,







High Street
Aveley
Essex

9th January 2020

Dear Sir/Madam,

RE: KEBAB TRAILER IN THE CAR PARK SIDE AND REAR OF J & R NEWSAGENTS OBJECTION TO A FURTHER LICENSE BEING PERMITTED.

I am writing to object to the further application for a license for the kebab trailer in the car park as detailed above.

I originally wrote to Thurrock Council Licensing prior to the first hearing at the Sub Licensing Committee meeting which was held on 21st August 2019.

I wish that my original objections in my letter which you received on 21st June 2019, are used as objections to a further license being issued as they still stand.

In addition, I wish to raise the following objections:

- I understand that Thurrock Council are still renting the car park in it's entirety from the owner as parking for Residents and visitors to Aveley and not for the use of a mobile kebab trailer.
- There has been a considerable issue with discarded rubbish in the car park and surrounding area of rubbish which appears to be coming from the kebab trailer.
- There was an electrical cable running on the surface of the car park which also crosses the path of my access to the rear of my shop. This was a trip hazard and also a risk being on the surface which is subjected to weather conditions i.e. rain water. The cable was not protected in anyway from possible puncture and was not an external type cable more a internal domestic cable. A socket was installed as the power source on the outside of J & R Newsagents where water was seen running constantly over the socket causing a danger and a Health and Safety issue.
- Shortly after trading commenced, I noticed that surface rain water was not draining away as it has in the past. There is a rain water drain in the car park which enters a soakaway. The car park has recently been flooding to the extent that the water has been travelling as far as the rear door to my shop and quite deep too. In all the years I have traded from my shop I have never seen the water to be so problematic as it recently has been and it has been covering a large proportion of the car park. I have concerns over what is causing the water not to drain away as before.

Also, the mix of water and electrical cables are an accident waiting to happen.

Therefore, as detailed above, I wish to object to a license being issued.

Yours sincerely,

The Village Florist

The New Maltings
High Street
Aveley
Essex

9th January 2020

Dear Sir/Madam,

LICENSE OBJECTION KEBAB TRAILER IN THE CAR PARK THE SIDE OF J & R NEWSAGENTS/NEW MALTINGS SHELTERED HOUSING

I live in the sheltered housing complex The New Maltings which borders the car park where the kebab trailer is situated.

When I heard that there was going to be a kebab trailer in the car park I complained to my Sheltered Housing Officer as I had various concerns.

I wish to object to a further license being issued.

Although a license was granted at a meeting held on 21st August 2019, the kebab van has only recently (a matter of weeks) been operating so I don't feel we have enough information or experience of all the issues this kebab trailer brings to the car park and how this will impact not just on myself but other Residents living in The New Maltings Sheltered Housing Complex and other Residents close by too.

The operators make no attempt to secure the car park i.e. close the gates once they stop trading. They only close the gates once they are ready to remove the trailer to park across the road opposite the New Maltings Sheltered Housing into another car park.

Also, to date I do note that since this kebab van has been operating, the car park is open late at night and heavily used not only for the kebab trailer but also for the shops open later. This has generated much more noise which I'm affected by.

There is an increase in rubbish in the car park since this kebab van has been operating.

I do believe that the noise from people coming in and out of the car park and using the kebab trailer will increase considerably in the Summer months and I will be unable to have my windows open in the summer due to the smell coming from the kebab trailer.

Therefore I object to a further license being issued.

Yours Sincerely \

The New Maltings
High Street
Aveley
Essex

9th January 2020

Dear Sir/Madam,

LICENSE OBJECTION KEBAB TRAILER IN THE CAR PARK THE SIDE OF J & R NEWSAGENTS/NEW MALTINGS SHELTERED HOUSING.

I am writing to object to a further license being issued for the kebab trailer to trade in the car park at the side of J & R Newsagent and The New Maltings Sheltered Housing Complex.

I attended the original hearing for a license which was heard at the Sub Licensing Committee meeting held on 21st August 2019.

I previously submitted a letter of objection which was prior to the original meeting and I understand Thurrock Council has this letter on file.

I wish for my original letter to be used as my objections, along with my objections detailed below.

- A copy of the original application and the all relating documents including a photograph of the kebab trailer and it's associated Electrical Equipment Test Report. However, the trailer which has been trading in the car park, is not the trailer detailed in the original application. Therefore, the applicant has also submitted an Electrical Equipment Test Report for a trailer that is not being used to trade. As the kebab trailer is different to those submitted, and no Electrical Equipment Test Report has been submitted for the trailer which is being used to trade, is this license null and void? Leaving the applicant operating in fact without a license. The difference between the two trailers I can only describe as the difference between a house in Kew Gardens and a shed! The trailer submitted with the application has CCTV cameras, there is a sign above the trailer which is not illuminated and looking at the details submitted as part of the application the internal fixtures appear to be inline with a fast food operation. However, the trailer which is being used to trade and not submitted as part of the application, does not appear to be in the same condition as the trailer submitted. There is no CCTV, there is a large sign above the trailer which is completely illuminated. This trailer is the one that resembles a shed!
- I am concerned that the operator of the kebab trailer is not the applicant given that the trailer is different from the original application, and that perhaps a "sub contract" kind of agreement has been brokered between the original applicant/"Muzzy's Kebab" and the operator and trailer in situ.

- I note that since trading began which has only commenced recently and sometime after the original hearing, there is a noticeable increase in waste in and around the car park emanating from the kebab trailer.
- Thurrock Council have paid the owner of the car park to rent the car park for its designated use i.e. car parking as there is an issue with the lack of parking spaces in our local area. This did not include the use of some of the car park spaces to be used by a kebab trailer which is positioned at times over multiple spaces and of course the vehicle/s of the kebab trailer operator/s. Council tax payers money has been used to provide a facility for Residents and visitors to be able to park which is impeded by the above.
- From my property I do have direct view into the car park. I have witnessed operators from the kebab trailer, pouring the contents of approx. 30 litre plastic containers down the drain in the car park which is the rain water drain. I have noticed since this activity, the rain water does not drain away as it used to. It collects in pools of water laying on the car park surface.
- The use of an electric cable not designed for how it is being used is the main supply of electricity to the kebab trailer. This cable is running on the floor of the car park and when the operator is unable to position the kebab trailer in the closest spaces to the far right boundary of the car park, the kebab van is positioned at an angle in the next closest spaces. The operator then runs the electric cable using the shortest route to the kebab trailer using the floor of the car park and underneath parked cars which have fuel in them and not forgetting that these vehicles will also drive over the electric cable. In wet weather the risk of an incident with electricity, water and fuel is heightened. The cable is not protected from the elements.
- As detailed above, I attended the original hearing and I specifically heard the applicant say that he would remove the trailer each night to a local farm. This was as a result of the concerns and risk of fire given the past history of the previous kebab trailer in the same car park being burnt out in the early hours. When the license was granted, it was also said that the applicant would have to move the kebab trailer every night after ceasing trading at 10.30pm. However, when the kebab trailer originally arrived it stayed in its position in the car park for weeks without being moved. Eventually when this was moved it moved to just a few steps across the High Street opposite into a different public car park which is open 24 hours a day and not locked. The applicant has not mitigated the risk of fire.

- Some evenings the kebab trailer is not moved until after 11.30pm which causes a disturbance for myself and other Residents living in the The New Maltings Sheltered Housing Complex. Also, the gates to the car park are not closed after trading ceases. Furthermore, we have had an increase of vehicles frequenting the car park later in the evening where loud excessive music from these vehicles. I have also witnessed users of the kebab trailer parked up in their vehicles eating the food they have purchased with loud music expelling from their vehicles for the duration of their stay. This can also be heard inside my property without my windows open. This causes me further concern as we have yet to enter the Summer months when I would expect to be able to open my windows and have reasonable enjoyment of my property.

Therefore I confirm once again I wish to object to a further license being issued.

Yours Sincerely,

The New Maltings
High Street
Aveley
Essex

9th January 2020

Dear Sir/Madam

RE: OBJECTION TO A LICENSE FOR KEBAB TRAILER IN THE CAR PARK THE REAR OF J & R NEWSAGENTS.

I understand that Thurrock Council are looking at issuing a further license to the above mentioned kebab trailer.

I write to object to a further license being issued.

I wish to object for the following reasons:

- Although the kebab trailer operates until 10.30 pm the applicant makes no attempt to secure the gates to the car park until such time he is ready to remove the trailer. Vehicles continue to use the car park until the gates are secured. My bedroom faces out onto the car park and I am disturbed late at night due to this vehicle movement.
- There is more rubbish in the car park due to people using the kebab trailer sitting and eating in their cars and discarding the rubbish in the car park the wrappings from the food.
- I am also disturbed from vehicles which visit the car park expelling loud music late in the evening. The noise can be heard without windows being open on my property and I have concerns that in the summer months this will become much worse.

I attended the Sub Licensing Committee meeting at Civic Offices on 21st August 2019. I also submitted a previous letter of objection to Thurrock Council prior to this meeting. Nothing has changed and I wish my original letter to stand now as reasons to object.

Yours Sincerely,

The New Maltings
High Street
Aveley
Essex

9th January 2020

Dear Sir/Madam,

LICENSE OBJECTION KEBAB TRAILER IN THE CAR PARK THE SIDE OF J & R NEWSAGENTS/NEW MALTINGS SHELTERED HOUSING.

I wish to advise that I would like to object to a further license being issued to the applicant for the above mentioned kebab trailer.

I attended the Sub Committee Licensing Meeting held on 21st August 2019 and prior to this meeting I submitted an objection.

Nothing has changed since my original letter and I wish my original letter which Thurrock Council hold on file to form part of this objection.

In addition, attendees at this meeting were led to believe that a license was issued from 21st August 2019 the date of the hearing at the meeting.

I have since been advised that in fact Thurrock Council did not issue a license to the applicant until 16th October 2019 and trading from the kebab trailer did not commence until weeks after this date. I do believe that the kebab trailer has only been operating for six weeks. Therefore, I do not feel that there has been a fair amount of time to make an assessment in support of a license being permitted.

Since the kebab trailer has been operating, I have been disturbed by vehicles frequenting the car park, particularly later in the evening. On one occasion the noise was quite excessive from a vehicle with loud music to the point I opened my bathroom window which borders the car park and shouted to be heard to turn down the music.

The gates to the car park are not secured until the kebab trailer is removed which means that more vehicles are using the car park late at night which causes a noise nuisance.

There has also been an increase in rubbish in the car park since the kebab van has been trading.

There has always been a concern of fire i.e. the trailer being set alight just like the last kebab outlet in the car park and at the original hearing, the applicant stated that he would remove the kebab trailer every night and would find a farm locally to store. A member of the Committee confirmed too that the trailer would have to be removed from the car park each night.

However, when the kebab trailer did arrive in the car park, it was left overnight in the car park for weeks.

They now remove the trailer and drive it into the public car park opposite which is the side of the Crown and Anchor pub an open public car park. This doesn't take away the risk of fire and is opposite our sheltered housing complex.

I confirm again I wish to object to a license being issued.

Yours sincerely,

The Sycamores
Dacre Avenue
Aveley

9th January 2020

FAO: THURROCK COUNCIL LICENSING

Dear Sir/Madam,

RE: KEBAB TRAILER IN J & R'S NEWSAGENT'S CAR PARK OBJECTION TO A LICENSE BEING ISSUED

I previously wrote to Thurrock Council and I note that on a response from you, you have not advised my correct surname. You have recorded my complaint from _____ which should read

Once again I would like to advise you I wish to object to a further license being issued to the applicant of the Kebab Trailer as detailed above.

I did originally object and attended the Sub License Committee meeting which was held on 21st August 2019.

My original letter to you forms part of this objection as there is no change and you have a copy on your records.

Furthermore, I wish to object that the kebab trailer is not the trailer detailed in the original application, the one in use does not have CCTV as detailed in the application, there is an electrical power supply coming from the building in the rear of the car park, the cable is not secure and is a household electrical cable. This is very dangerous and in use in the wet weather.

I have noticed that there is an increase in rubbish in the surrounding area since trading commenced.

This trailer is taking up more than one parking space when in the car park, when we already do not have enough parking in Aveley and I understand that Thurrock Council currently rent this car park from its owner.

How can this be correct, a car park being rented and the owner receiving additional funds for car park spaces already rented.

I also feel that we already have an excess of food outlets in our very small High Street.

Yours Sincerely,