

Mr Jamie P English

Dear Mr English

I refer to my visit yesterday, concerning complaints we have received regarding street trading in John Street, Brighton. I write to remind you to operate in accordance with your current permit and ensure that all relevant conditions are strictly complied with, particularly the following:

B. The Trader shall not stand or use any stall, barrow or basket or other receptacle or any mobile stall or vehicle in any street except such as are specified in the consent. Such stall, barrow etc. shall be removed from the specified site at the end of each trading day for storage at a location that is not on the public highway.

F. The Trader shall operate in a manner which causes no nuisance to the Council or to the general public.

I enclose a copy of the full conditions for your information.

Thank you for your cooperation and if you have any queries with regard the contents of this letter, please do not hesitate to contact me on the above details.

Yours sincerely,

Sarah Cornell
Licensing Officer, Licensing Team
Environmental Health & Licensing

*If requested by a third party under the provisions of the **Freedom of Information Act 2000** the contents of this letter may be disclosed by Brighton & Hove City Council. For further advice please contact (01273) 291207 or search our website on www.brighton-hove.gov.uk/foi*

Mr Jamie P English

Date: 29th March 2011
Our Ref: 2011/02141/LICSTT/EH
Phone: 01273 295801
Fax: 01273 292196
e-mail: sarah.cornell@brighton-hove.gov.uk

Dear Mr English

Street Trading Consent Zone B – Formal Warning
Local Government (Miscellaneous Provisions) Act 1982

I refer to my letter dated 23rd February 2011 reminding you of the conditions attached to your street trading consent, particularly condition B below.

B. The Trader shall not stand or use any stall, barrow or basket or other receptacle or any mobile stall or vehicle in any street except such as are specified in the consent. Such stall, barrow etc. shall be removed from the specified site at the end of each trading day for storage at a location that is not on the public highway.

On the following occasions, officers from the Licensing department have witnessed your trailer ('Jamie's Kitchen', registration: X203 LJW) parked in John Street (on the side of the Job Centre):

- 17th March 2011 @ 22:15
- 23rd March 2011 @ 21:15
- 26th March 2011 @ 22:40

These occasions constitute 3 breaches of your street trading consent as they are in contravention of condition B.

As a result of this, this letter constitutes a **formal warning** and if we witness you operating again in contravention of your street trading consent, further enforcement action may be considered in light of the council's licensing enforcement policy. This may result in formal action through the courts where, if found guilty, you could be liable, to a fine of up to level 3 (currently £1,000).

Yours sincerely,

Sarah Cornell
Licensing Officer, Licensing Team
Environmental Health & Licensing

c.c. Parking enforcement, Brighton & Hove City Council (via email)

Mr Jamie P English

Date: 12th May 2011
Our Ref: 2011/01997/LICSTI
Your Ref:
Phone: (01273) 295801
Fax: (01273) 292196
e-mail: Sarah.cornell@brighton-hove.gov.uk

Dear Mr English

**Local Government (Miscellaneous Provisions) Act 1982 Schedule 4 Para 7(2)
Part III and Schedule 4 – Street Trading Consent Zone B**

I refer to my letters dated 23rd February & 29th March 2011 (a formal warning letter) and telephone conversations on 31st March & 28th April 2011, reminding you of the conditions attached to your street trading consent, particularly condition B below.

B. The Trader shall not stand or use any stall, barrow or basket or other receptacle or any mobile stall or vehicle in any street except such as are specified in the consent. Such stall, barrow etc. shall be removed from the specified site at the end of each trading day for storage at a location that is not on the public highway.

On the following occasions, officers from the Licensing department have witnessed your trailer ('Jamie's Kitchen', registration: X203 LJW) parked in John Street (on the side of the Job Centre):

- 17th March 2011 @ 22:15
- 23rd March 2011 @ 21:15
- 26th March 2011 @ 22:40
- 6th April 2011 @ 22:31
- 15th April 2011 @ 21:27
- 7th May 2011 @ 21:54

These occasions constitute 6 breaches of your street trading consent as they are in contravention of condition B.

If you continue to breach this condition you will leave the Council no alternative than to revoke your consent.

To avoid the need to revoke your consent, please confirm in writing that you will be complying with this condition within seven days. We will continue to monitor the situation.

L147 Oct '02

I look forward to hearing from and if you have any queries on this issue please do not hesitate to contact me.

Yours sincerely

Sarah Cornell
Senior Licensing Officer
Licensing Team
Environmental Health & Licensing

c.c. Highways Enforcement, Brighton & Hove Council (via email)

Mr Jamie P English

Date: 14th July 2011
Our Ref: 2011/01997/LICST1
Your Ref:
Phone: (01273) 295801
Fax: (01273) 292196
e-mail: Sarah.cornell@brighton-hove.gov.uk

Dear Mr English

**Local Government (Miscellaneous Provisions) Act 1982 Schedule 4 Para 7(2)
Part III and Schedule 4 – Street Trading Consent Zone B**

I refer to my letters dated 23rd February, 29th March 2011 (a formal warning letter) and 12th May 2011 warning of our right to revoke your consent (copies of letters enclosed for your reference). Various telephone conversations have also taken place, reminding you of the conditions attached to your street trading consent, particularly condition B below and discussing the contents on my letters.

Condition B: The Trader shall not stand or use any stall, barrow or basket or other receptacle or any mobile stall or vehicle in any street except such as are specified in the consent. Such stall, barrow etc. shall be removed from the specified site at the end of each trading day for storage at a location that is not on the public highway.

You have confirmed that you have bought a vehicle that is able to tow your burger trailer away but officers are still witnessing the vehicle parked overnight in the same place in John Street. It has been made clear to you that this condition applies to all street traders within the city and there are no exceptions to this. Therefore, irrespective of parking problems and/or problems with your vehicle, the Licensing Authority considers it is your responsibility to ensure compliance with this condition.

In light of the continued breach of the above condition and the amount of time you have been given to rectify the situation, without success, **I am now writing to inform you that your street trading consent (ref. no. 2011/00488/STB) has been revoked. You must therefore cease trading immediately.** I must advise you that it is an offence to engage in street trading without authorisation to do so (Sch 4 Para 10(1)). A person guilty of such an offence shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale".

There is no statutory right of appeal to a Magistrates Court against revocation of a street trading consent. However, the Council's 'Protocol For Licensing Decisions' offers you the right to an informal internal appeal to the Licensing Committee (Non Licensing Act 2003 Functions). Your appeal must be made in writing within 21 days.

LI47 Oct '02

Following receipt of any appeal a hearing date will be set within a reasonable time period. You will be invited to speak in support of your application and you are allowed to be accompanied by a legal or other representative who can also speak on your behalf. You are advised to seek independent legal advice regarding this matter.

If you have any queries on this issue please do not hesitate to contact me.

Yours sincerely

Sarah Cornell
Senior Licensing Officer
Licensing Team
Environmental Health & Licensing