

Minutes of the REGULATORY SUB-COMMITTEE held on WEDNESDAY 1 APRIL 2015 at 6.30 pm

Present: Councillor Morris (Chair)
Councillors McDonald and C Williams

Officers: D Abel (Solicitor), S Teesdale (Licensing Team Leader), K Evans (Licensing Enforcement Officer) and J Crighton (Democratic Services)

Also Present: Nirmala Ganapathy (Applicant), Terry Baines (Campbell Park Parish Council), Mike Ridgeway (Campbell Park Parish Council), Ahmed Demiraslan (Applicant), Mohammed Solil Khatanghi (Applicant's Representative), Councillor J Green (Ward Councillor [Newport Pagnell North and Hanslope]) and one member of the public

RSC49 RENEWAL APPLICATION FOR STREET TRADING CONSENT - MK DOSA CORNER, FISHERMEAD BOULEVARD, FISHERMEAD

The Sub-Committee considered a renewal application for street trading consent for MK Dosa Corner, Fishermead Boulevard, Fishermead.

The Sub-Committee was informed by the Licensing Enforcement Officer of the following:

- (a) the renewal application was for a ten-hour street trading consent between the hours of 1.00 pm and 11.00 pm, Monday to Saturday;
- (b) the Council has adopted Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982 - Street Trading, that allows adopted highway to be designated as 'Prohibited' or 'Consent' for street trading purposes. Fishermead Boulevard was designated as a 'consent' street in 2009 and this means trading on this street, or within 60 metres of its centre line, is only permitted if a valid consent is held by the trader. Adopted highway is highway that is maintainable at public expense;
- (c) the applicant had been licensed since September 2009 and had submitted variations to the consent in January 2010, February 2010 and August 2011;
- (d) Campbell Park Parish Council had objected to the recent renewal application, for the following reasons:
 - (i) customers' parking caused road safety issues;
 - (ii) the trading area was not clean;

- (iii) the food trailer was not in a roadworthy condition and, due to three punctured tyres, was a permanent fixture on the site and it was noted that this was not an enforceable matter for the Council; and
- (iv) that, following the renewal application in January 2014, the applicant had not acted upon complaints made by the Fishermead Residents' Association, in particular communicating with residents to tidy up more and ask that they park more considerately;
- (e) there were no conditions attached to the consent that the food trailer is required to be removed each night;
- (f) the food trailer is difficult to move and cannot be parked at the applicant's residence due to inappropriate space;
- (g) the applicant had provided litter bins and had also increased the time he spent tidying up the area;
- (h) the applicant had placed notices about inconsiderate parking and had also spoken to customers about this;
- (i) the applicant had not discussed any issues with the Fishermead Residents' Association, as required; and
- (j) 75% of the food brought is delivered to customers.

RESOLVED -

1. That consent be granted for a period of six months, subject to the following conditions:
 - (a) that the trailer be removed at close of trading;
 - (b) that the applicant communicate with both the Fishermead Residents' Association and Campbell Park Parish Council regarding any issues raised and to work with them to obtain a resolution (it was noted that the Campbell Park Parish Council representative gave the applicant his business card in order that contact details were available);
 - (c) that the trailer to arrive / leave the trading area not more than one hour before / after trading times; and
 - (d) the applicant continue to supply a litter bin and to pick up litter from the site.
2. These conditions would come into effect on 1 May 2015.

RSC50

RENEWAL APPLICATION FOR STREET TRADING CONSENT - HANSLOPE KEBABS, LONG STREET / GOLD STREET, HANSLOPE

The Sub-Committee considered a renewal application for street trading consent for Hanslope Kebabs, Long Street / Gold Street, Hanslope.

The Sub-Committee was informed by the Licensing Enforcement Officer of the following:

- (a) the renewal application was for a six-hour street trading consent between the hours of 5.00 pm and 11.00 pm, Tuesday to Sunday;
- (b) the Council has adopted Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982 - Street Trading, that allows adopted highway to be designated as 'Prohibited' or 'Consent' for street trading purposes. Long Street / Gold Street was designated as a 'consent' street in April 2014 and this means trading on this street, or within 60 metres of its centre line, is only permitted if a valid consent is held by the trader. Adopted highway is highway that is maintainable at public expense;
- (c) Hanslope Kebabs had been known to be trading in this location since 2011;
- (d) the applicant had been operating the van since March 2014;
- (e) as Long Street / Gold Street were designated as consent streets in April 2014, the applicant was entitled to apply for a transitional application under grandfather rights and was, therefore, not subject to a one-hour initial application as new applicants would be;
- (f) the trading location was in the immediate vicinity of an entrance to a new small housing development, next to a mini-roundabout on the main road of Long Street / Gold Street, adjacent to existing residential properties and opposite a Public House;
- (g) the present location of the van was obstructing the entrance to the development site and, if the van was to remain at this location, it would also prohibit access to the development, once completed;
- (h) the applicant's van was parked at the location when they were not trading;
- (i) the applicant had considered two alternative locations but had not discussed these options with Hanslope Parish Council or the Residents' Association;
- (j) customers park in the car park at the nearby Public House and outside residential properties; and
- (k) a petition in support of the application had been received, totalling 413 names.

Councillor Green (Ward Councillor [Newport Pagnell North and Hanslope]) informed the Sub-Committee that the Parish Council was not opposed to the application but that of the van's current location and did not have any powers to instruct the trader to move.

Councillor Green also stated that the van was causing litter, nuisance, noise, odours and parking problems.

The Sub-Committee noted the popularity of the trader in the neighbourhood.

RESOLVED -

1. That consent be granted for a period of three months, until 30 June 2015.
2. That the applicant liaise with Council officers and Hanslope Parish Council to achieve a more suitable location.

THE CHAIR CLOSED THE MEETING AT 7:53 PM