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 milton keynes council

REGULATORY SUB-COMMITTEE HEARING

Members' Record of Determination

**Blue Marlin, Gold Street/Long Street, Hanslope
 Application for Street Trading Consent
 27 September 2018**

Constitution of the Sub-Committee:	Councillors Alexander, Geaney, Minns and Wallis
Chair	Councillor Morris

Others Present:	None
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Legal Advisor:	Kat Hulatt
Committee Manager:	Tina Milner

Licensing Officers:	Simon Teesdale	Licensing and Business Manager
	Ed Fisher	Senior Practitioner

Applicant/Licence Holder	Benito Marella Lorrello Marella
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Also Present:	None
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Documentation:	Report of the Senior Practitioner and Documentation
	Written Submission by Des Stimpson (Senior Engineer – Highway Adoptions)

Apology:	None
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Disclosures of Interest:	None
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Prior to the commencement of the hearing, the Chair read an opening statement which constituted the strict procedure to be followed at the hearing, the process for all parties giving evidence and the rights of persons attending the hearing.

The Sub-Committee resolved to suspend Council procedure Rule 4 to allow the meeting to take place before 5:50pm.

Signature:	
Chairman:	Councillor Morris
Date:	11 October 2018



REGULATORY SUB-COMMITTEE HEARING

Members' Record of Determination

Blue Marlin

Application for Street Trading Consent

The Sub-Committee considered an application for a Street Trading Consent in respect of Blue Marlin, trading on Gold Street/Long Street, Hanslope. The Senior Practitioner presented his report and answered questions on it.

The application for Blue Marlin was to operate for three hours a week on a Thursday between 4pm and 8pm but it was agreed that the applicant meant trading on 'one day' in any week rather than Thursdays in particular.

A site visit was made by the Sub-Committee on 26 September 2018 to view the location of where the Blue Marlin was looking to operate from, in addition to looking at the surrounding area and road layout and car parking.


Evidence

The Sub-Committee heard from the Senior Practitioner that:

The application was unusual as such that the applicant had a set round for running his mobile business. If the Sub-Committee granted the application, and at a later date the applicant wanted to extend the timeframe of running his business in the area, a variation request would have to be submitted for consideration by the Sub-Committee.

The new applicant had passed the main regulatory checks and was considered to be suitable to be granted consent. The only issue to be taken in consideration was the location and the overall prohibition of trading on the main roads within the village of Hanslope.

It was reported that a number of residents of Hanslope were very supportive by sending in a petition in favour of the application.

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The Sub-Committee heard that Highway Adoptions had presented a late paper tabled for consideration by the Sub-Committee, although no officers were present to make representation at the hearing. Views of the Sub-Committee were that:

- Highways were planning to undertake highway works near the junction in Hanslope in the next 3-6 months, although no firm date had been provided as agreement was still to be finalised with the developer.
- Highways had provided mixed views on the application by suggesting they were in favour of a short-term application being granted with Conditions, but provided no further information in respect of further Conditions.
- It was difficult to see where 'blind spots' on the roads could be caused in the village, thereby creating safety hazards.
- Traffic calming measures were already in place within the village.

The Sub-Committee heard from the applicant, who made the following points:

- That he wanted to trade in the area and knew that many of the villagers were in favour of his application. He traded in other villages successfully with no issues or concerns being raised by customers or residents living in the respective areas against the running of his business.
- That safety was one of the applicant's main concern's, he could place traffic / safety cones near and around the van, in addition to providing posters/signs requesting that patrons do not park near or on the roundabout.
- That, customers would be encouraged to take rubbish home or dispose of in appropriate sited rubbish bins within the village.
- That the landlady of the local public house had no objections to the Blue Marlin being parked or trading on her land, and would also ensure that additional appropriate posters were placed inside the public house requesting patrons be considerate to local residents in respect of car parking.
- That most of the custom would come from residents living in Hanslope, who would mainly walk, travel by bike or car to the location of where the van was parked. Additionally, other local villagers might drive to Hanslope to visit the Blue Marlin.
- That if necessary, the applicant would also consider trading in a different location within the village once the highway works commenced.

Following representations, the Sub-Committee adjourned to consider its decision.

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Findings

In reaching its decision the Sub-Committee took into consideration the submission of all parties and the Sub-Committee papers and late representation from Highway Adoptions.

Decision

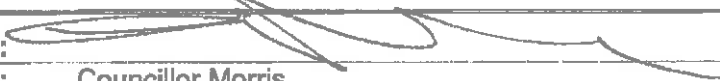
That the application be granted with a short-term Street Trading Consent on the site proposed for 3 months. The applicant would need to apply for renewal before the end of that period, depending on the commencement of highway works in Hanslope. Consideration should also be given to the waiver of the fee for that renewal.

That the Sub-Committee attach Conditions to the Street Trading Consent requiring the applicant to encourage customers to park elsewhere than near the junction, and to include appropriate wording on any flyers and provide a written notice on the vehicle to that effect.

That the Sub-Committee also encourages the placing of bollards or cones by the Consent holder to encourage customers to car park elsewhere.

That if the applicant wished to apply to trade in the un-prohibited areas within Hanslope, the Sub-Committee request that officers consider waiving the application fee.

That although the Watts Arms public house car park was prohibited for street trading, the Sub-Committee requested that officers look at the process for the removal of the prohibition of the 60 metres rule (not removal of the prohibition on the roadside) and to commence that process as appropriate, with an update being provided to the Regulatory Committee on 12 December 2018.

Signature:	
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Date:	11 October 2018