

Minutes of the meeting of the REGULATORY SUB-COMMITTEE held on TUESDAY
14 JULY 2020 at 6.00 pm

- Present:** Councillor Legg (Chair)
Councillors Bowyer, Brackenbury, Cryer-Whitehead and Nazir
- Officers:** S Teesdale (Licensing and Business Manager), E Fisher (Senior Licensing Officer), J Sloan (Senior Licensing Officer), K Hulatt (Principal Solicitor - Litigation) and J Crighton (Committee Manager)
- Also Present:** Councillor Marlow, H Mather (CDMK) (applicant's representative), P Caves (Team Leader [Traffic and Development]), G McCormack (Thames Valley Police), Parish Councillor A Sargent (Loughton and Great Holm Parish Council) and D Newman (Madison) (interested parties)

RSC01 DECLARATIONS OF INTEREST

None were made.

RSC02 APPLICATION FOR STREET TRADING CONSENT - SHENLEY KEBABS, ROEBUCK WAY, KNOWLHILL

The Senior Licensing Officer advised the Sub-Committee that a hearing was necessary to determine an application in respect of a new Street Trading Consent for Shenley Kebabs, Roebuck Way, Knowlhill.

The Senior Licensing Officer informed the Sub-Committee that this was a new application for consent to trade for a period of three hours between 5.00 pm and 8.00 pm, seven days a week. The applicant had previously held a Street Trading Consent for this location since 2006, with permission to trade between 4.00 pm and 12.30 am the following morning, seven days a week.

The applicant had had a history of failing to pay the application fee over the past seven years, except in October 2019, and, as a result, had regularly operated without a consent in place for a period of time.

It was reported that the Street Trading Consent had lapsed following non-payment of the renewal fee, which had been due on 1 April 2020. The Licensing team often allowed a grace period, however, as payment was not received the consent came to an end, but the applicant had reportedly continued to trade.

It was reported that, during the consultation process, eight objections had been received from the three Ward Councillors, Loughton and Great Holm Parish Council, Thames Valley Police, a local business and the Council's Licensing and Highways teams.

The representations raised concerns regarding litter, urination in the bushes, which had resulted in the damage to landscape, the suitability of the location for a street trader, road safety, the applicant's attitude, aggressive nature towards staff of a local business and breach of conditions.

The Sub-Committee noted that, at present, there was an ongoing Police investigation against the applicant.

The applicant's representative informed the Sub-Committee that the applicant had been aware of the conditions that were attached to the consent granted in October 2019 and there had been marked improvements and, if the application was granted, the applicant would adhere to any conditions placed on the consent.

The Sub-Committee expressed concern that two Council officers had been subjected to inappropriate and intimidatory behaviour by the applicant. As a result, Council officers would not visit the applicant alone and it was noted that this arrangement was not in place with other street traders in Milton Keynes.

The Sub-Committee noted, in reaching its decision, that:

- (a) the applicant had moved the trading vehicle, so the serving hatch faced the pavement;
- (b) there had been a number of occasions where the applicant had been found to be trading without a licence prior to this new application being considered, in contravention of 11(c) of the Street Trading Policy; and
- (c) there had been instances of aggression towards individuals.

The Sub-Committee discounted the ongoing Police investigation, as the conduct had not yet been proven and disregarded issues such as abandoned vehicles as there had been no link between those and the applicant.

The Sub-Committee felt that given the continuation of trading without consent, the concerns around the applicants conduct and as there had been no step change in the applicant's conduct that it had no confidence in the applicant remaining in compliance with any additional conditions as offered by the applicant's representative

RESOLVED -

That the application for Street Trading Consent be refused.

THE CHAIR CLOSED THE MEETING AT 7:00 PM

14 July 2020

CHAIR'S INITIALS