



REGULATORY SUB-COMMITTEE HEARING
MEMBERS' RECORD OF DETERMINATION
SHENLEY KEBABS, ROEBUCK WAY, KNOWLHILL
APPLICATION FOR STREET TRADING CONSENT

14 JULY 2020

Constitution of the Sub-Committee:	Councillors Bowyer, Brackenbury, Cryer-Whitehead and Nazir
Chair	Councillor Legg

Legal Advisor:	Kat Hulatt
Committee Manager:	Jane Crighton

Licensing Officers:	Simon Teesdale	Licensing and Business Manager
	James Sloan	Senior Licensing Officer
	Ed Fisher	Senior Licensing Officer

Applicant	N/A
Applicant's Representative	Harriett Mather (CDMK)

Also Present:	Councillor Marlow, 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)
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Documentation:	
Apologies:	None
Disclosures of interest:	None

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1. Reason for Hearing

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, for a period of three hours between 5.00 pm and 8.00 pm, seven days a week.

The Senior Licensing Officer informed the Sub-Committee that, whilst this was a new application, the applicant had formerly held 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.

2. Considerations

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.

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 allow a grace period, however, as payment continued not to be received the consent came to an end and it was reported that the applicant had continued to trade.

The Sub-Committee had been concerned 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.

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, an unsuitable location for a street trader, road safety, the applicant's attitude, once 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

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application was granted, the applicant would adhere to any conditions placed on the consent.

3. Decision

The Sub-Committee carefully considered all the evidence before it, including the applicant's representative's comments and all the representations, and resolved that the application for a Street Trading Consent be refused.

4. Reason

The Sub-Committee heard from the applicant's representative and carefully considered the submissions from the interested parties on this matter.

The Sub-Committee carefully considered what had been put forward and, although the applicant had moved the trading vehicle, so the serving hatch faced the pavement, it felt that there had been no step change in the applicant's conduct and it had no confidence in the applicant remaining in compliance with any additional conditions as offered by the applicant's representative.

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.

The Sub-Committee heard that there had been instances of aggression towards individuals; the Sub-Committee has discounted the ongoing Police investigation, as the conduct has not been proven but noted that there had still been concerns. It also disregarded issues such as abandoned vehicles as there was no link between those and the applicant. However, given the continuation of trading without consent and the concerns around the applicants conduct, the Sub-Committee decided that the consent applied for would not be granted.

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