

RENEWAL OF STREET TRADING CONSENT - HANSLOPE KEBAB

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1. Purpose

- 1.1 To determine a renewal application for a 6 hour street trading consent, between 5pm and 11pm Monday to Sunday, in respect of the junction between Long Street and Gold Street in Hanslope, granted to Hanslope Kebab since April 2014. See renewal application at **Annex A**.

2. Recommendation

- 2.1 To refuse the application subject to consideration of the report, providing the sub committee are satisfied that one or a combination of road safety, environmental, health and safety issues raised and the possible inappropriate location next to a housing development are of suitable concern to warrant refusal.

3. Actions and Options

- 3.1 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.
- 3.2 Hanslope Kebab has been known to be trading at this location since 2011, the applicant Mr Demiraslan has been known to be operating the van since March 2014. Because Long Street and Gold Street were designated as consent streets in April 2014, the trader was entitled to apply for a transitional application under grandfather rights. And was therefore not subject to the 1 hour initial application as a new traders would be. See current consent issued at **Annex B**.
- 3.3 The trading location is in the immediate vicinity of the 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, see plan and photos at **Annex C**.
- 3.4 The Licensing team has consulted the following in respect of this application:
- (a) Thames Valley Police (no objection);

- (b) Estates (no objection);
- (c) Environmental Health (no objection);
- (d) Hanslope Parish Council (objection at **Annex D**);
- (e) Ward Members (objection at **Annex G**);
- (f) Road Safety (no response);
- (g) Highways (no response); and
- (h) Fire Authority (no response).

4. **Issues and Choices**

- 4.1 The Committee have discretion to refuse the application or grant it subject to conditions.
- 4.2 Hanslope Parish Council has objected to this renewal (see **Annex D**). Issues being that the location is unsuitable, being next to a new four house development which has started works and is adjacent to a roundabout. Furthermore HPC has stated the trader was informed that when the new development work commenced he would need to move.
- 4.3 The residents in the bungalows next to the kebab van have objected as a group, see **Annex E**. Various nuisance issues were raised in relation to litter, noise, odour and lighting generated by the van. Plus noise from customers' vehicles using the van and their headlights causing a nuisance.
- 4.4 Mr Kapadia, the Director for the company developing the new houses, Tag Information Technology Limited, has objected (see **Annex F**). Issues raised are that the trader is on the entrance to the development site, next to a roundabout where 3 main roads meet at a mini roundabout. Leading to concerns regarding road safety. Especially with large haulage and construction vehicles involved in developing the site. Furthermore, the site is proposed to have four large detached homes with parking facilities, leading to the potential of 16 motor vehicles entering and leaving the site, thus having the kebab van there could cause visibility issues for them. Additionally, the odour generated by the van could permeate the new homes affecting the residents, and customers using the van who have been frequenting the nearby public houses could affect the residents in the new homes.
- 4.5 Councillor Green will be speaking against the application (see **Annex G**).
- 4.6 The applicant has provided a petition of support (see **Annex H**), there are 147 names in total, however 34 have only provided a partial address.
- 4.7 The Licensing Authority has complaints recorded against Hanslope Kebab, one for unauthorised late night refreshment in December 2012. Mr Kapadia complained in January 2015 raising issues to road safety and inappropriateness of trading location in general. A complaint was received in February 2015 regarding the parking practices of the trader off site on Newport Road and fears of potential damage to the grass verge.

5. **Implications**

5.1 Policy

Milton Keynes Council has an Enforcement Policy that endorses a proportionate approach.

5.2 Resources and Risk

Part of the fee structure for street trading is to ensure compliance with street trading conditions.

5.3 Legal

Street trading consents are not licences and therefore there is no provision for appeal against refusal and legislatively the council may grant a consent if they think fit. A trader could apply for street trading consent if refused, however would be limited to 1 hour as it would be a new application.

Background Papers:

Milton Keynes Council Enforcement Policy