

RENEWAL OF STREET TRADING CONSENT - MK DOSA CORNER, FISHERMEAD

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1. Purpose

- 1.1 To determine a renewal application for a ten hour street trading consent, between 1pm and 11pm Monday to Saturday, in respect of Fishermead Boulevard, Fishermead, granted to MK Dosa Corner for over the past 5 years. See renewal application at **Annex A**.

2. Recommendation

- 2.1 To refuse or vary the hours of the application subject to consideration of the report, providing the sub committee are satisfied that environmental, health and safety issues raised are an issue.

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. 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.
- 3.2 Consent was first granted in September 2009 at this site. Over time several variations have extended the hours of trade. Initially 1 hour of trade in September 2009, January 2010 trading from 18:00 to 23:00, February 2010 trading from 13:00 – 15:00 plus 17:00 – 23:00, and finally August 2011 trading hours 13:00 to 23:00 daily (see **Annex B**).
- 3.3 Following the final variation application in 2011, the Parish Council objected due to road safety issues and concerns over children’s eating habits. A report was prepared for the committee and the decision was to grant the application as applied for.
- 3.4 At the renewal in 2014, Campbell Park Ward Councillor Paul Williams objected following concerns raised by residents, namely customers’ parking causing road safety issues, trading area being unclean and trailer being left on site for 24 hours a day may attract arsonists. The committee granted the renewal and were encouraged by the fact MK Dosa Corner were willing to act upon any complaints made by the Fishermead Residents Association, in particular to talk with residents to carry out more tidying up and asking

customers to park more considerately. A copy of the decision notice is attached at **Annex C**.

- 3.5 The trading location is adjacent to residential properties and opposite two schools, see plan at **Annex D**.
- 3.6 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) Campbell Park Parish Council (objection at **Annex E**);
 - (e) Highways (no response);
 - (f) Fire Authority (no response);
 - (g) Ward Members (no response); and
 - (h) Road Safety (no response).

4. **Issues and Choices**

- 4.1 The Sub-Committee have discretion to refuse the application or grant consent subject to conditions.
- 4.2 Campbell Park Parish Council has objected to this year's renewal as detailed in **Annex E**. Issues raised that the trailer should be moved off site when not trading in order to address the issue of the accumulation of grease and debris under the van which poses an environmental issue. Furthermore the Parish Council noted that the food mobile has three tyres punctured and is a permanent fixture on the site. Terry Baines of the Fishermead Residents Association will be representing Campbell Park Parish Council on these issues and will be accompanied by a nearby resident to expand on these issues.
- 4.3 The Licensing Authority or Environmental Health have no recorded complaints recorded against MK Dosa Corner.
- 4.4 Licensing Officers will be conducting site visits at various times throughout the trading day, prior to the committee hearing, to survey the trailer and surrounding area and will provide an update during committee.

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 appeal procedure 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:

31 August 2011 Regulatory Sub-Committee Agenda

9 April 2014 Regulatory Sub-Committee Agenda

Milton Keynes Council Enforcement Policy