



Minutes of the meeting of the REGULATORY SUB-COMMMITTEE held on MONDAY 21 OCTOBER 2019 at 6.30 pm

**Present:** Councillor Legg (Chair)  
Councillors Bowyer and Cryer-Whitehead

**Officers:** S Teesdale (Licensing and Business Manager), K Evans (Senior Enforcement Officer), M Barnes (Senior Environmental Health Officer), K Hulatt (Principal Solicitor - Litigation) and S Muir (Committee Manager)

**Also Present:** Councillor Marlow and Parish Councillor A Sargent (Loughton and Great Holm) (objectors), T Dogan (applicant) and H Mather (applicant's Solicitor)

**RSC03 DECLARATIONS OF INTEREST**

None were made.

**RSC04 STREET TRADING CONSENT RENEWAL APPLICATION - SHENLEY KEBABS, ROEBUCK WAY, KNOWLHILL**

The Sub-Committee considered an application for Street Trading Renewal Consent for nine and a half hours a day, 7 days a week between 16:00 and 00.30 on Roebuck Way, Knowlhill.

During the public consultation, representations were received from Madison, a business on Roebuck Way, Loughton and Great Holm Parish Council, Environmental Health and Highways, as well as comments from some Ward Councillors. The Sub-Committee also received an email from Councillor Williams, Chair of Shenley Brook End and Tattenhoe Parish Council in support of the renewal but on a probationary basis, which the Sub-Committee had due regard to.

The issues raised by the objectors included the fact that the applicant tended to trade with the serving hatch out on the road, putting customers in the highway; litter; waste being left in the bushes; use of chairs and tables outside of the van; and patrons using the bushes nearby as a toilet.

It was noted that the current consent carried the following additional conditions:

- “Tables and chairs should not be setup by the trader or customers of the food mobile at the trading location.
- Tables and chairs, plus BBQ trays or any other cooking paraphernalia, should not be kept in bushes or in the area nearby to prevent use.
- A concurrent and valid waste contract should be in place to ensure waste is adequately controlled and removed including oil. The contractual arrangements of which should be provided to the Licensing Authority on request.
- Prevent and clear any cigarette butts on green adjacent to food mobile.
- A litter check and pick should be conducted in the immediate vicinity after trade finishes.
- The trading area should be left in a clean and tidy condition.
- Sufficient bins to be available for customers.
- The litter pick should be conducted to ensure a 30-metre litter-free zone around the food mobile.
- The serving hatch should face the pavement whilst the food mobile is trading.”

It was reported that, during an inspection carried out by a Licensing Officer on 3 October 2019, a number of breaches of the conditions were observed. Tables and chairs were present; the van was facing into the road and not the pavement and, in addition, general conditions requiring the display of the consent and a notice of staff having passed a DBS check was not on display.

It was also reported that the applicant’s licence expired on 30 September 2019 and a renewal had been applied for, however, due to concerns the matter had been referred to the Sub-Committee for determination.

The objectors in attendance Councillor Marlow (Ward Councillor), and Parish Councillor A Sargent, spoke regarding the safety aspect of the hatch and also the waste in the bushes near where the food mobile was located. Parish Councillor A Sargent also stated that the Parish Council was concerned about the large number of lorries using the food mobile and then staying overnight. They objectors

also commented that the position of the food mobile was no longer appropriate and that the operating hours should be shortened.

The applicant's representative recognised that the applicant had been poor at complying with conditions, but stated that he would improve. It was stated that the reason that the food mobile was turned to face the road was due to there not being sufficient lighting when facing the pavement, which meant the applicant could not see customers properly and was, therefore, unsafe. However, it was commented that the applicant should be improving the lights on the food mobile so that he could trade in line with his conditions, with the hatch facing the pavement. The pictures presented by the objector of the waste were discussed and it was noted that the applicant did not have any barbecuing facilities in the food mobile and, therefore, the coals were unlikely to be his. Although it was conceded by the applicant that the oil had been left there by him, to be picked up and disposed of through the waste contract that he held.

The Sub-Committee considered the terms of the Street Trading Policy along with representations from the objectors and the applicant.

The Sub-Committee commented that it wanted the applicant to appreciate that it had grave concerns over his previous behaviour. The trading hatch, in particular, presented a serious risk to customer's safety and should be stopped immediately. The food mobile should be positioned so that the hatch was turned towards the pavement in compliance with the consent conditions.

The Sub-Committee considered whether consent should be renewed and the possibility of renewing for a six month probationary period which would enable the applicant's compliance with the conditions to be reviewed at the end of that term.

The Sub-Committee heard that the applicant was committed to complying with the conditions in full and also encouraged the Licensing Officer to take any further non-compliance very seriously and report bring any evidence or non-compliance to the Sub-Committee as a matter of urgency.

RESOLVED -

1. That the consent be renewed for a period of six months with effect from 1 October 2019, to act as a probationary period

enabling the Sub-Committee to review the consent if further objections are received, so that the Sub-Committee can be satisfied that compliance with relevant conditions is being achieved.

2. That the current conditions be continued together with an additional condition added to state that the applicant would ensure adequate lighting is provided to ensure the safety and security both of himself, his staff and his customers, with the definition of 'adequate' being agreed with the Licensing Officers.

THE CHAIR CLOSED THE MEETING AT 7.40 PM