

Committee Report



Regulatory Sub-Committee - 20 January 2025

Fishgo - New Street Trading Consent Application, Conniburrow Boulevard, Conniburrow

Report sponsor **Sue Crawley**
Trading Standards and Licensing Manager

Report author **Ed Fisher**
Senior Licensing Officer

Exempt / confidential / not for publication	No
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Executive Summary

To determine an opposed application for a new street trading consent, following objections from local business / users of the nearby Community Centre and the Parish Council.

1. Application

- 1.1 The trading location is on the western end of Conniburrow Boulevard close to a Community Centre. There is unrestricted parking. The location plan applied for is provided at **Annex A**.
- 1.2 The hours applied for are 17:00 to 20:00 hours, Monday through to Sunday. The application is at **Annex B**. New applicants can only apply for a maximum trading period of three hours initially with the intention they can apply to increase trading hours after a trading period.
- 1.3 The applicant has not held a consent to operate previously in Milton Keynes and thus there is no known history recorded.

2. Consultees

- 2.1 Highways have responded to the application but have made no objection. See correspondence at **Annex C** as agreed restrictions with the applicant. This involves moving to a specific parking bay a few yards away as opposed to a turning point as shown at **Annex A**.
- 2.2 Other formal consultees have not formally responded to the application save for the Parish Council at **Annex D**.
- 2.3 Several users of the Community Centre have objected along similar lines to the Parish Council at **Annex E**.

3. Officer Observations and Recommendation

- 3.1 The Milton Keynes City Council Street Trading policy contain sections on public safety and also crime and disorder (5.1 and 7.1 below). Further, the legislation quotes obstruction of the street or danger to persons using it and or nuisance or annoyance to persons as relevant matters that can also be considered when deciding a consent application.

Policy 5.1

The proposed location of street trading activity should not present a significant risk to the public in terms of highway safety or/and obstruction. This would include consideration of factors such as: - interference with sight lines for road users and access to pedestrian crossings.

Policy 7.1

The proposed activity should not present a risk to public order. This is likely to be an issue in respect of applicants wishing to trade during later hours. This is because in some circumstances a trading location can act as a focus point of anti-social behaviour.

- 3.2 The objections have been accepted and the officer recommendation is that this application be refused if the Sub-Committee are persuaded by the objectors that the siting of the trader will be detrimental given the trading times proposed and the location.
- 3.3 Whilst a street trading consent applies to a whole road in principle, in practice the Council requires the general trading location to be a condition on any granted permission so that suitability of a place is relevant in its decision. This application is therefore only relevant to the location plan provided (as slightly amended by Highways (which remains near the Community Centre). The consequence of the agreement with Highways will be to reduce parking spaces available for centre users. See **Annex F** for photographs.
- 3.4 The Parish Council have proposed two alternative locations for trade. The Sub-Committee cannot grant permission to trade in a different location to that applied for, but the trader can submit a new application for a different place. In this case, the trader has indicated they do not want to apply for the alternatives proposed by the Parish Council.
- 3.5 Whilst the trader is within 250 metres of a school the hours applied for are outside of normal school hours. The prohibition on trading for these reason does not therefore apply.
- 3.6 There are no other takeaway or food businesses within 250 metres but there is a drinks café that sometimes opens in the evening close by. Given the proposed food offer by the trader there doesn't appear to be a conflict with section 6.1 of the street trading policy but it is produced below for guidance:

- 6.1 Any new application will include consideration of the number and type of existing traders and businesses in the vicinity. Consent is unlikely to be granted within 250 metres of an existing street trader.
- 3.7 Whilst some elements of some of the representations may not be considered relevant, Section 2.6 of the policy does allow for a broad interpretation of the impact of a trader in a local area:
- 2.6 The purpose of this policy is to provide guidance for the consideration of applications for street trading consents and to help create a street trading environment which is sensitive to the needs of residents, visitors and businesses. It will create a level playing field for traders encouraging higher service standards of food hygiene and providing a service which does not detract from the local neighbourhood scene.
- #### 4. Determination of the Application by the Sub-Committee
- 4.1 The Sub-Committee have the following options available:
- (a) grant as applied for;
 - (b) grant with amendment, such as adjusted hours, a limited consent to test the impact of the trader, and/or adding additional conditions. Street trading consent permits may be granted up to a period of one year only, or of a lesser duration; or
 - (c) refuse the application.
- 4.2 There is no right of appeal against a decision made in respect of a street trading consent.
- 4.3 If the application is refused the application fee will be refunded as detailed in the primary legislation.
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List of Annexes

Annex A	Location Plan
Annex B	Application
Annex C	Highways response to Application
Annex D	Parish Council Objection
Annex E	Other Objections
Annex F	Photographs of Trading Location

List of Background Papers

Milton Keynes City Council Street Trading Policy:

<https://www.milton-keynes.gov.uk/sites/default/files/2024-02/Street%20Trading%20Policy%202022-2025.pdf>