

Supplementary Committee Agenda 2



**Epping Forest
District Council**

Licensing Sub Committee Thursday, 13th May, 2021

Place: Virtual Meeting on Zoom

Time: 2.30 pm

Democratic Services: L Kirman, Democratic Services (Direct Line 01992 564243)
Email: democraticservices@eppingforestdc.gov.uk

**6. APPLICATION FOR A STREET TRADING CONSENT - THE BROADWAY,
LOUGHTON (Pages 3 - 12)**

To consider the attached supplementary evidence.

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Agenda Item 6

Peter Jones

From: Stuart Matthews [REDACTED]
Sent: 11 May 2021 12:57
To: Peter Jones
Subject: Response
Attachments: Response for Licensing Sub Committee - 13 May 2021.pdf; WhatsApp Chat Proof.pdf

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Dear Peter,

As promised please see attached my objection letter and a copy of our WhatsApp group chat for transparency.

Can I thank you again for your ongoing support and advice with this, its been a complete minefield and you've been so helpful.

Thanks
Stuart

11th May 2021

Dear Sirs,

I have been advised by the Licensing Team at EFDC to send our refutation to the claims made by Emily Smith of Emily Grace Florist in writing to allow time for Committee members to read ahead of the meeting on 13th May 2021. My sincere thanks for you taking the time to read through the below and I hope that this helps give some context to the allegations made.

NB: **Bold** are claims made by Emily. *Italics* are my response to these.

Strongly objects to any market stalls selling the same goods as a shop, that pays rents and rates as this has happened in the past to myself. If a license is granted for market stalls to have 7 days a week trading, what is the point of being a leaseholder paying rents, rates and utilities?

That is why the Debden Traders' Association WhatsApp group has been formulated, so that any and all stall holders can be agreed ahead of permitting them access as a market trader on the Broadway. All objections will be given due consideration. Our aim is to increase footfall to the Broadway and bring consumers back to our "high street".

Currently, there is no market as such.

We agree, this has stopped due to COVID and we are looking to restart the market as soon as we have a clear instruction from EFDC as to when market stalls can operate along the Broadway, legally.

A market with various stalls is a place that attracts new custom and brings both atmosphere and life to an area.

Debden Traders' Association completely agrees.

I am confused as to why Stuart's Market shop, Tony's and P. Sparks are applying for a street trading license, if all the license is for is to extend their selling space. Not to have a market stall.

The trading license is to both continue to safely display items on the pavement in front of shop premises but also to create a lively and vibrant Broadway market once again, as in previous times and to bring new life and more customers to our beloved Broadway.

This will both make the overall appearance of The Broadway more appealing and a safer place to walk on.

Point 1 is a matter of opinion, Point 2 is incorrect, the displays pose no public safety risk. In 30 years of trading, there has been zero safety incidents or near misses.

The only reason they're applying for this, is for themselves and not for the interest of an actual market.

Inflammatory and untrue, please provide proof of this intention.

Since I have worked on the Broadway which is 8 years, there has never been a successful market.

Untrue, during recent years there has been a successful weekly market with over 15 stalls, shops noted increased takings on these days and customers all enjoyed the market days.

The plant stall located outside of P. Sparks was allowed to trade 6 days a week-illegally.

The plant "stall" is an extension of Peter Spark's premises and business, his business trades in and has license for the sale of fruit, vegetables, plants and flowers.

Since being a business owner for the past three years, the shops have attracted younger shop owners. Myself being the youngest. The shops occupied by the newest owners all have clean, tidy and smart shop fronts. None of these feel the need for a 'market stall' i.e. extension of the shop.

A matter of opinion. We are very proud of Emily in buying and taking over the florist in the Broadway and wish her every success. We hope to work together to rebuild a working relationship in the future.

These shop owners are not interested in a proper market but only interested in having more room to stock their overspill of odds and ends.

Repetitive and again, inflammatory, and untrue, please provide proof of this intention.

When I drive down Epping High Street, where it has already been rejuvenated, I notice that no shops have their goods on the pavement, shop keepers keep their goods under their awning. The hardware store (House 2 Homes) looks neat and tidy because everything is organized and kept under their awning, they appear to stock the same items as the two hardware shops on The Broadway.

This is a different area, with a different demographic and socio-economic community. Epping High Road and Debden Broadway are incomparable. Furthermore, the public highway in front of House to Home is a quarter of the size of the Broadway walkway.

In the last appeal it was agreed that this was a market stall and not part of P Sparks shop at all. The market stall run by John Killigrew, who I presume you have all of the owners details for as he must've applied for his own license. Although, it still doesn't have the complaint, insurance or owners details displayed if public wanted to complain.

No "agreement" was made during the last appeal meeting as Peter Sparks was not in attendance himself to dispute any of the false allegations made. It is confirmed that the area of space outside of Peter Spark's shop where plants and flowers are sold, belong to Peter Sparks. John Killigrew works for Peter Sparks under the Public Liability insurance of Peter Sparks. There have been a number of inspections made by Environmental Health at EFDC (all commissioned by Miss Grace) where the outcome was satisfactory, and no further action was taken.

Appendix 2, Paragraph 3 "The consent holder shall not cause any nuisance". Unfortunately, this was breached the second Stuart Matthews, entered my shop screaming obscenities and threats to myself, my family and business. He told me he was going to speak to people to "sort me and my family out" and "if I don't finish you other shops keepers will" going from his Google reviews and the police, it seems like he has had violent behavior in the past. He then proceeded to return multiple times to my shop and each time with the same intimidating and violent behavior. He entered my shop with no mask and was spitting and spluttering everywhere. On the first time entering my premises, The Electrician on the Broadway (Cranbrook Electrics) was in my shop and was about to start repair work. Stuart then proceeded to tell me he is reapplying and when he is granted the license as head of Debden Traders Association he is going to make sure there is a stall selling plants and flowers to ruin my business. After seeing Stuart's behavior towards me, he stepped in to try to calm him down and he was told "I'm going to knock you out" and then offered the electrician out for a fight. On one of his next appearances as he was leaving my shop, a customer was waiting outside and Stuart proceeded to shout at him 'Don't buy her flowers they'll die within a week' luckily,

this was a loyal customer but it is still very damaging as he shouted this in the Broadway for everyone to hear. After more minutes of his belittling and intimidating behavior he then asked me “Are you crying yet”. The day after, I reported this to both the council and police. Police letters enclosed.

This allegation is now being investigated by Essex Police and solicitors. These allegations are false in their entirety and we are dismayed and saddened that Miss Grace has decided to take this approach to appealing this license. I have known Emily ever since she started working in the florist 8 years ago, I considered Emily a friend (we are even “Facebook” friends!). I approached Emily after learning about the rejection to the license back in January and asked her if she would please reconsider. I was met by hostility and her exact words, “is that my problem?”. Understandably I was taken aback, I explained to Emily that the shop keepers on the Broadway are a close-knit community and that we work together to help one another out where we can, this includes Emily! Emily began to get quite irate and began to cry (she later explained that she was not crying). During our discussion, I had deduced from Emily’s demeanour that she was becoming upset and I attempted to verbally comfort her, assuring her that damaging our working relationship was the last of my intentions. At this point during our conversation, her partner from Cranbrook Electrics entered the shop and threatened to “throw me out”, I admit that in the heat of the moment, I did raise my voice to him and asked him to not involve himself in our dispute, at no point did I threaten violence or physically approach this man. I then left the premises and returned to my shop. Later on, whilst I was collecting goods from a supplier, I received a telephone call from my father explaining that Emily had entered our shop premises her mother and threatened both of safety with their “family from Bethnal Green”. Emily also made an allegation that I had physically assaulted her on her premises and had “grabbed her around the throat”. This was extremely distressing to hear. I later approached Emily and her partner from Cranbrook Electrics and asked them to confirm or deny if I had been physical in any way during our previous exchange, they both confirmed this was not true and I left the conversation going back to see how my dad was. I recorded this conversation in my pocket on my phone and later contacted the police who informed me that if the matter was to go further they had lodged my objection regarding her false allegations of assault. In regard to Emily stating that she had contacted the Police and the council, I have never been contacted by, interviewed, cautioned or had any interaction with the police pertaining to these allegations and have therefore been unable to refute these claims in any official capacity. Making false allegations of this nature, especially during these challenging times has caused me upmost distress, I have lost countless night’s sleep over Emily’s assertions and this additional correspondence today has only set back my mental health further.

Moreover, Stuart has got his friend (they’re friends on Facebook) to leave a one star review on my google which is extremely damaging to my business.

Sorry, I have absolutely no idea who this is referring to or what review, happy to discuss during the meeting of course and can ask whoever this person is to remove if this was due to our “falling out”.

He antagonizes another shop owner which his antagonistic signs attached to his boxes (photo attached) to wind up another shop owner.

We enjoy healthy competition from our friends at Tony’s across the road. This is shop keeper “banter”. I often get customers tell me “Tony told me he is cheaper than you on these”, it is light-hearted, juvenile in nature, with absolutely no malice intended. I hope that Tony will be available at the meeting to corroborate our working relationship. We are obviously completely happy to not display signs such as this!

A couple of days later I was approached by another trader in the Broadway that it was rumored that both Stuart and his dad was going to glue my shutters closed just in time for mother's day- which is my busiest day. Geraldine of Geraldine's Hairdressing confirmed that she had heard this.

This is an awful thing to accuse someone of having the intention of doing and I am appalled by this allegation. I believe that Geraldine Wilson will be making a separate written statement to refute this, this is completely untrue and there is no evidence to support because it never happened!

It was very believable as it had happened before to another hardware store in the Broadway (Tony's). They had glued his locks, painted his window and used both saliva and faeces on his windows.

This is a separate matter and misunderstanding between one of our shop staff and Tony's, the issue has been resolved and apologies made. We hope that Tony will be present during the meeting to confirm that this incident did not involve me.

How can it even be plausible for this man to be head of Debden Traders Association with this type of behavior? This type of person with this disgusting behavior should not be considered to run and lead an association. I was told to be cautious of this person.

Defamatory and untrue, sadly this is being explored by a solicitor.

There are pet beds resting on an unstable awning (photo enclosed), hanging baskets clipped on the edge of the awning, miscellaneous items attached to wherever possible. On a windy day, it's dangerous as more times than not his stock is along the Broadway.

Again, we have never in 30 years had any safety incidents or near misses. We follow the terms in our Public Liability insurance.

This hasn't been displayed by any stall on the Broadway at any time as the market stall needs to have its own insurance, as it is a separate entity.

Now that the Debden Traders' Associations is being managed in a more professional capacity, we will ensure that all stall holders have this available. The ultimate responsibility will lie with Debden Traders' Association. I will be taking up as Chair of the Association and my wife, Olivia Matthews, as Secretary, who will ensure that all paperwork is completed and compliant.

There are items quite literally everywhere. Which already causes many concerns for health and safety. I.e. plastic containers strewn on both side of the pavement and toilet rolls scattered on the floor along with bags on soil, brooms and mops. This in itself poses a great risk to those in wheelchairs as these items are not seen clearly. It also doesn't allow disabled people to be served sat the stall as there is no one on the stall at any stop as they are serving from inside the shop where the till is.

We can assure that no items are "strewn" or "scattered" on the floor outside of our premises. The distance for passers-by's is 2 metres with no obstructions. The photos provided by Emily were taken during COVID when we were operating entirely outside (to remain COVID-secure). Other photos have been taken during us setting up in the morning or packing up during the afternoon so are not a true reflection of the display on a day to day basis. We welcome a spot inspection from any Council member to assure themselves of the safety of our displays. During a time when we are still trying our best to operate outside as much as possible (as recommended by central Government) we like for customers to be able to browse items on the street as much as they can. We are in and out of the shop for much of the day and often take payment outside meaning that customers do not need to enter the premises unnecessarily.

A market stall should accommodate the assistance and needs for everyone as if a wheelchair user and a pram wished to pass each other, whether it be passing by or along aside each other, is impossible to do so with both of these stalls.

At least 50% of our customers are parents with young children, elderly with walking aids or have disabilities meaning that they are in a wheelchair, we have never had any complaints, safety issues or near misses. Customers very much enjoy being able to browse the items on their way by without having to actually enter the premises.

Lastly, Geraldine approached me with a clipboard alongside the man from the pie mash shop, asking for everyone's names and numbers as they are starting up a WhatsApp group which they are leading people to believe in Geraldine's words "to fight the council for rent rises" I have since heard that Stuart wants to use these as a petition to pretend these people want a market stall and not as what they were lead to believe was a WhatsApp group.

Following the previous Licensing Sub Committee meeting it was agreed that the communication and leadership of the association required handing over to allow for a more open and inclusive membership and discussion. As a result, we asked every shopkeeper in the Broadway (including Emily Grace) if they would like to join so that they can be involved in discussions relating to the Broadway and any issues that may affect them (one being the Street Trading License and market stalls!). There is no petition being formed and as a result I have included here a transcript of the entire conversation that has taken place within the WhatsApp group since its formation. The group was formed by my wife, Olivia Matthews, who is "Admin" for the group.

I would also like to confirm that Olivia Matthews will be speaking on my behalf during the Licensing Sub Committee meeting on 13th May 2021 as I feel that my emotional and mental state would be further impacted by another face-to-face dispute with Emily or any representative(s) that she may appoint.

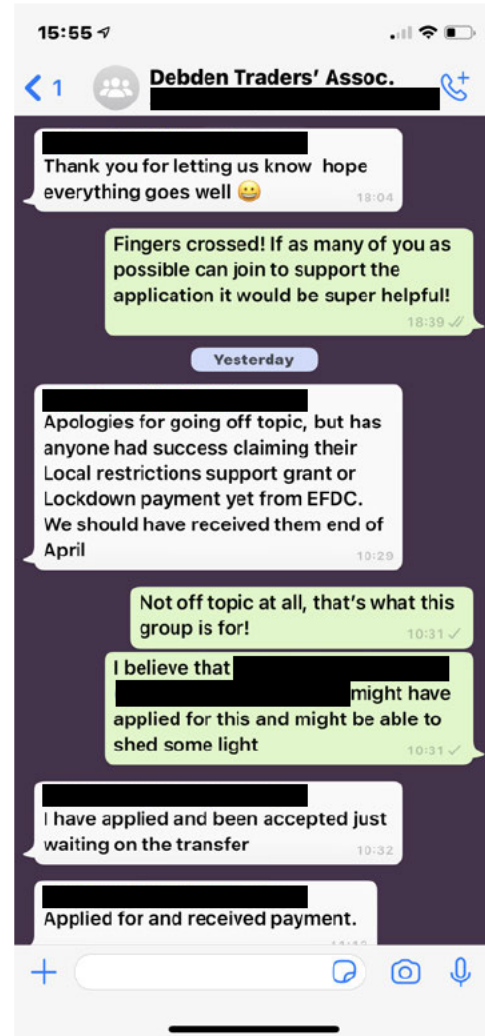
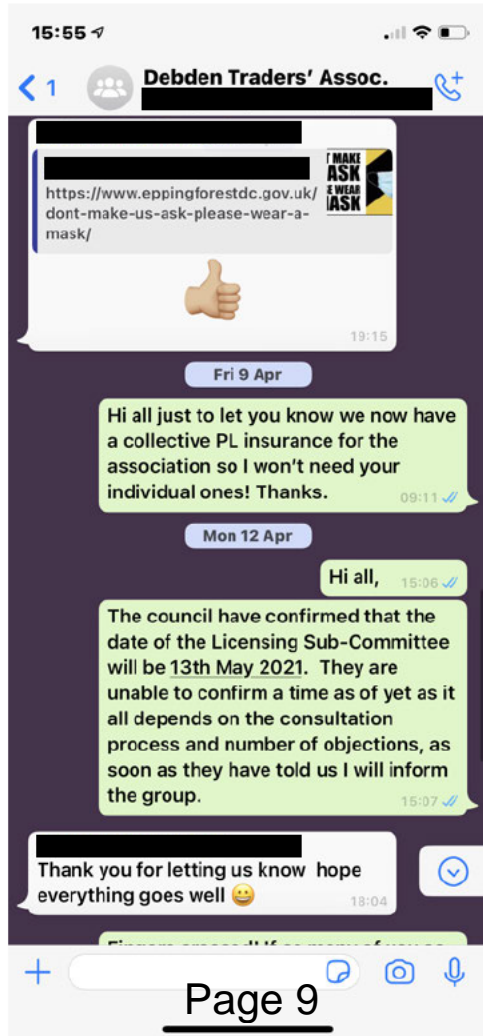
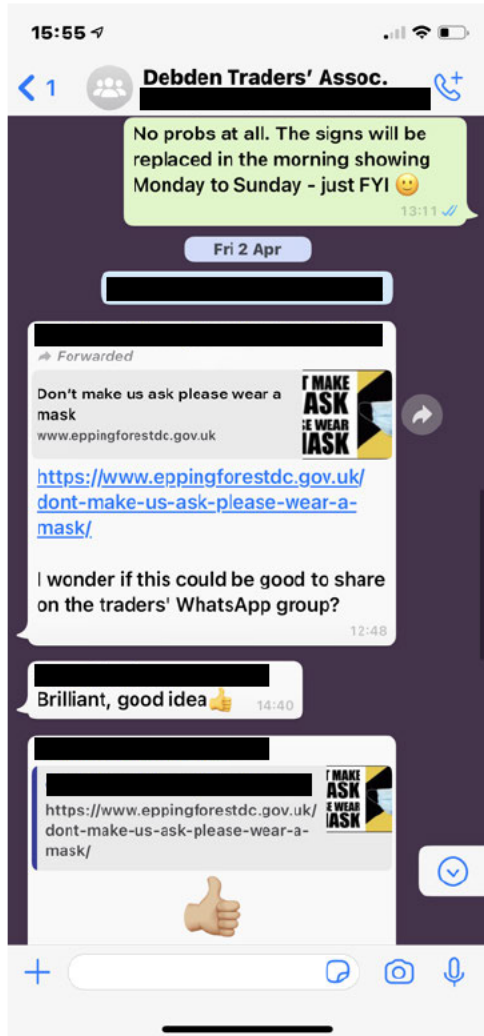
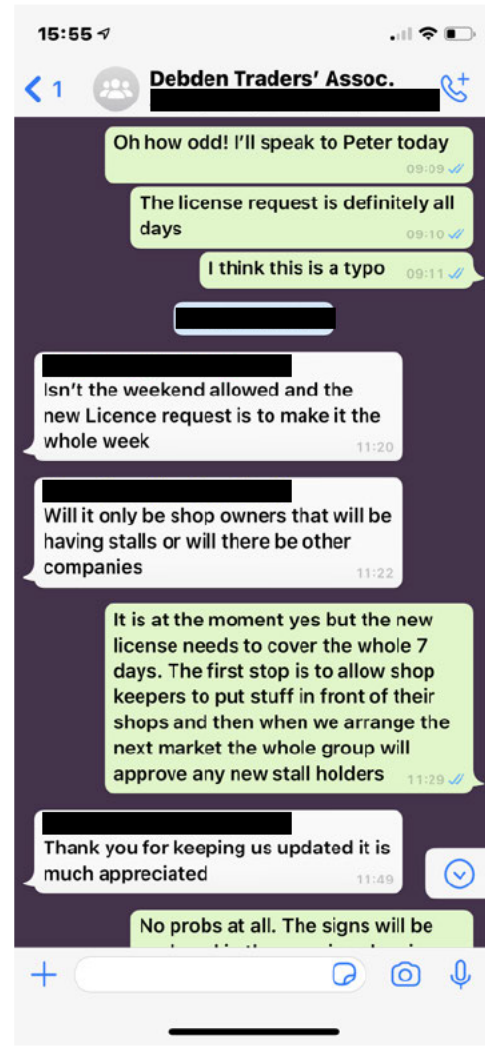
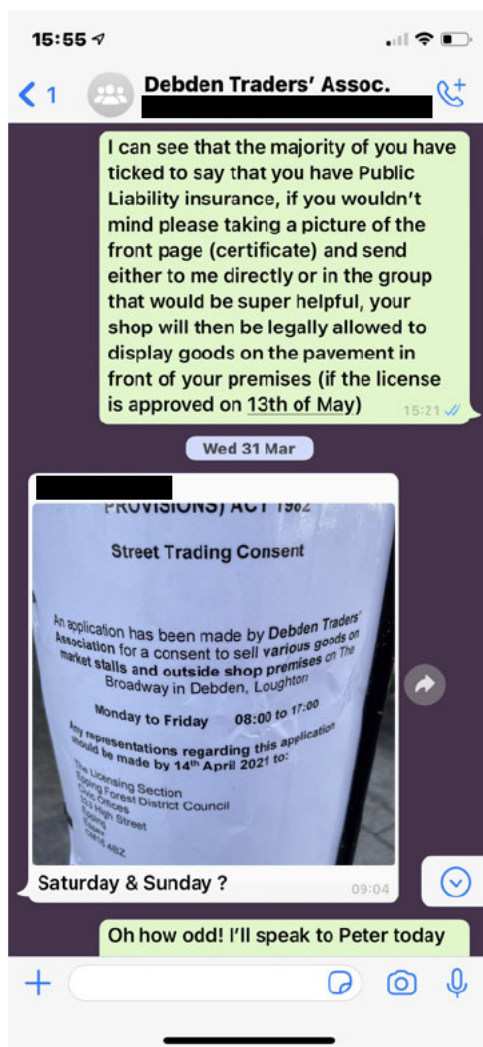
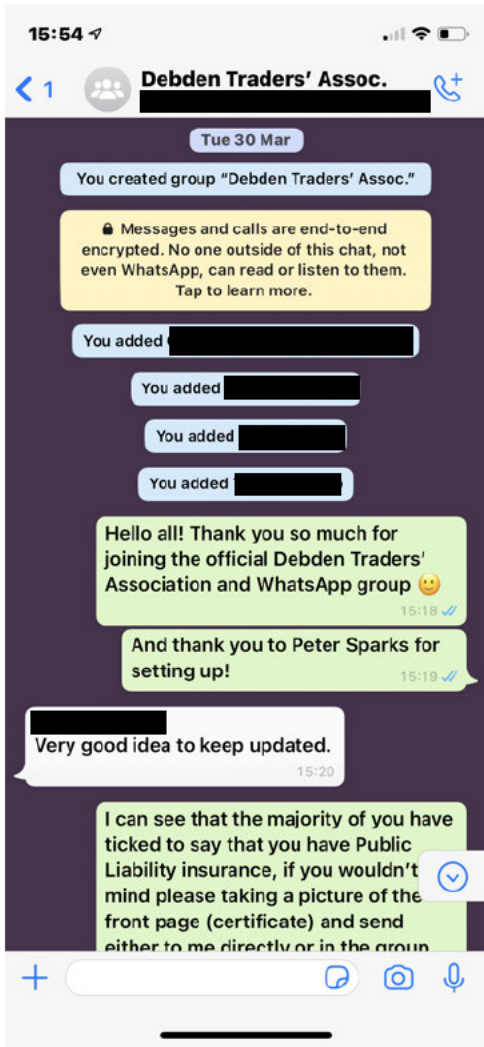
I would also like to formally request that the false allegations made my Emily are redacted on the public domain. As previously stated, these accusations are now considered a legal matter.

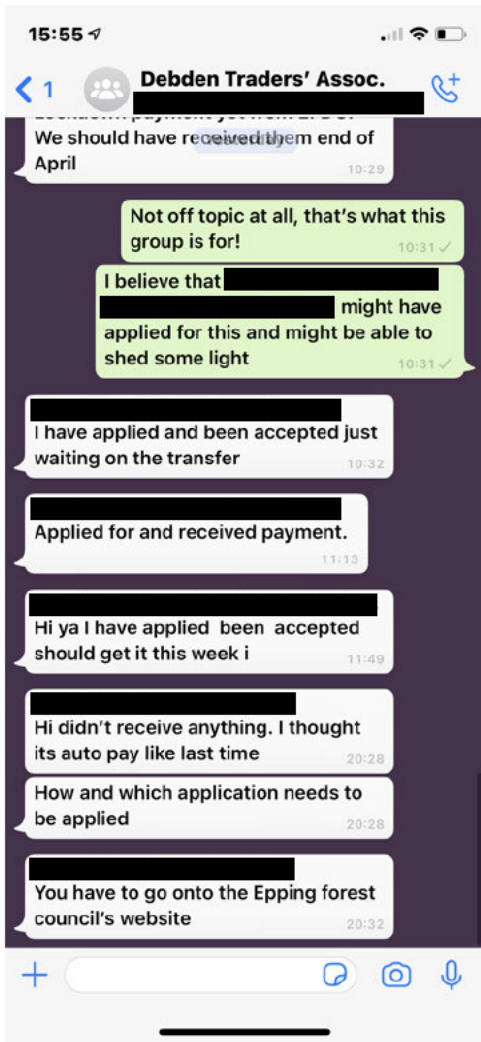
Thank you for considering my objections to Emily Grace's appeal, we sincerely hope that a resolution can be reached on Thursday 13th May that will satisfy all parties, including Emily and all shopkeepers and market stall holders.

Kind regards

Stuart Matthews

Stuarts Market Shop, 60 The Broadway, Loughton, Essex





Peter Jones

From: subhash Shah [REDACTED]
Sent: 11 May 2021 11:35
To: Licensing
Subject: Street trading consent Debden Broadway

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To the attention of Peter Jones

I am Subhash Shah from Tonys 61 The Broadway. I would like to point out that the statement Emily Smith made in her letter dated 13 April 2021 in which she mentioned that my store has been vandalised several times, since I had no evidence as to who was responsible for this I cannot prove it. Only one incident was captured and was dealt by appropriate authority .

I would like to also mentioned I have not given my consent to anyone to use this information to support their own arguments.

As to why I need to apply for trading consent I had like to say that my business relies on passing trade as well as repeat customers therefore displaying goods outside is very important. We do display bulky items so that we can use space inside the shop to its utmost capacity. Over the eleven years of owning Tonys I have not received any complaints about the display being untidy or such nor have compromised public safety, walk ways have always been left clear and we are always on the watchout and always willing to help customers. I am 100 percent sure that our regular as well as new customers will vouch for this.

If you need anymore information please do not hesitate to contact me.

Thanking you in anticipation.

Yours faithfully

Mr Subhash Shah

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