

**MINUTES OF A MEETING OF THE LICENSING COMMITTEE
HELD AT THE TOWN HALL, PETERBOROUGH ON 22 JUNE 2010**

Present: Councillor Allen (Chair), Thacker (Vice Chair), Dobbs, Nawaz, Winslade, Stokes, Harrington and Khan

Officers in attendance: Darren Dolby, Regulatory Officer
Colin Miles, Lawyer
Gemma George, Senior Governance Officer

1. Apologies for Absence

Apologies for absence were received from Councillors Peach, Todd, Swift and Saltmarsh.

Councillors Stokes and Harrington attended as substitutes.

2. Declarations of Interest

There were no declarations of interest.

3. Minutes of the Meeting held on 13 April 2010

The minutes of the meeting held on 13 April 2010 were approved as a true and accurate record.

4. Exclusion of Press and Public

In accordance with Standing Orders, Members agreed that agenda item 6 contained exempt information as defined by paragraphs 1 and 2 of Schedule 12A of Part 1 of the Local Government Act 1972 and that the public interest in maintaining the exemption outweighed the public interest in disclosing the information, therefore the press and public were excluded from the meeting for the duration of the item.

5. Appeal of Street Trading Consent – Mr SH

The Regulatory Officer addressed the Committee and advised that the application was for a static street trading consent, for the siting of a new catering trailer located outside of Armadillo Storage, on the minor road adjacent to Westfield Road, Ravensthorpe, Peterborough.

The report detailed the background to the application, including the issues raised and representation received. The Committee was advised that the applicant had submitted the application on 7 May 2010.

Discussions had taken place between the applicant and City Services with regards to the removal of an existing bollard, which protected the road, and the

installation of a replacement bollard which was required to meet the standards acceptable to City Services.

The Regulatory Officer advised Members that, had there not been representations received against the application, a street trading consent would have been issued for a three month trial period and the conditions, detailed in the committee report, which had been verbally agreed, would have been placed upon the consent. If there had been valid complaints against the consent, made within the three month trial period, and these complaints could not be resolved, then consideration would have been given to revoking the consent.

In response to a question from Members, the Regulatory Officer advised that the re-positioning of the bollard had been confirmed and Mr Hussain had verbally agreed to numerous conditions, as previously mentioned, one of which specifically related to the specifications of any new bollards.

In response to a further question from Members, the Regulatory Officer further advised of the specific location of the site and stated that Highways had looked at the application carefully and had agreed that there was sufficient area for a catering trailer unit to be located.

The applicant, Mr Hussain, addressed the Committee and stated that the replacement bollard had been purchased and it was ready to be fitted, but the fitment had been put on hold pending the outcome of the application being heard by the Licensing Committee. Mr Hussain further advised that Armadillo Storage had stated that they were happy for him to trade on the site as long as the entrance was kept clear at all times.

In response to further questions by Members of the Committee, Mr Hussain advised the following points:

- He was trying to stand on his own two feet and the granting of the street trading consent was extremely important to him
- He currently worked in the family business as a funeral director
- He did not see that litter would be a problem and Members were advised that bins would be provided on the site
- The area would be kept clean and tidy. Mr Hussain stated that he too lived in the area and he did not wish to see rubbish laying around
- The generator which had been purchased was a silent one and a box had also been purchased to go over the top of the generator, so this would aid in the reduction of any generator noise
- Noise coming from people using the facilities would be controlled at all times
- The main customer base would be casual passers-by
- A small survey had been conducted in the surrounding area as to the local feeling regarding the siting of the catering trailer. Overall, the feedback which had been received was positive
- With regards to the concerns about the amount of traffic going in and out of the site, Members were informed that there was already a large amount of traffic going in and out of the site due to Armadillo Storage, therefore the introduction of the catering trailer would not substantially increase the traffic flow
- There was not another food van located in the vicinity
- How would the introduction of a food van make the area bad?

The Chair addressed the Committee and stated that if any Member present had an interest in the item they should declare it. There were no declarations from any Member present.

The Regulatory Officer summed up the case for the Licensing Department and advised Members that Mr Hussain had liaised with all of the relevant departments and had gone out of his way to resolve all the issues which had been highlighted, such as the bollards and times of opening. Members were further advised that if there were any issues in the future then the licence could be revoked.

Mr Hussain then summed up his case for appealing against the refusal. Both parties then left the meeting room while the Committee deliberated.

RESOLVED: to grant the application for a three month trial period for a new static street trading consent, during the hours requested in the committee report, those being Monday to Sunday 06.00 to 23.00, subject to the verbally agreed conditions as set out in paragraph 3.3 of the committee report.

Reasons for the decision:

1. If there were subsequent issues with the licence, then it could be revoked at any time
2. The applicant had verbally agreed to numerous conditions which would be implemented
3. The applicant had gone out of his way to resolve all of the issues which had been highlighted against his application
4. The applicant was a professional, responsible person
5. The applicant deserved a chance to earn a living for himself

6. Appeal of Street Trading Consent – Mr UH

Mr UH had appealed against a refusal of his application for a street trading consent.

The Regulatory Officer addressed the Committee and advised Members of the main issues.

Mr UH addressed the Committee and highlighted his reasons for appealing against the refusal.

Questions were posed to both parties by Members and both parties responded and were given the opportunity to sum up their cases.

Both parties then left the meeting room while the Committee deliberated.

RESOLVED: to grant the application for a new mobile street trading consent, subject to any conditions imposed by the Licensing Authority.

Reasons for the decision:

In view of the evidence presented, the Committee did not consider Mr UH to be unfit to hold such a consent.

7.00pm – 8.25pm
Chairman