

NOTICE OF MEETING

MEETING	LICENSING COMMITTEE
DATE:	TUESDAY 22 JUNE 2010
TIME:	7.00 pm
VENUE:	BOURGES/VIERSEN ROOMS - TOWN HALL
CONTACT:	Gemma George, Senior Governance Officer Telephone: 01733 452268 e-mail address: gemma.george@peterborough.gov.uk
<i>Despatch date:</i>	<i>14 June 2010</i>

AGENDA

	PAGE NO
1. Apologies for Absence	
2. Declarations of Interest	
3. Minutes of the meeting held on 13 April 2010	1 - 2
4. Exclusion of Press and Public	
IT IS RECOMMENDED that in view of the nature of the business about to be transacted which would entail the disclosure of exempt information as defined by paragraphs 1 and 2 of Part 1 of Schedule 12A of the Local Government Act 1972, the press and public be excluded from the meeting for item 6.	
5. Appeal of Street Trading Consent - Mr SH	3 - 16
6. Appeal of Street Trading Consent - Mr UH	17 - 80



There is an induction hearing loop system available in all meeting rooms. Some of the systems are infra-red operated, if you wish to use this system then please contact Gemma George on 01733 452268.

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**MINUTES OF A MEETING OF THE LICENSING COMMITTEE
HELD AT THE TOWN HALL, PETERBOROUGH ON 13 APRIL 2010**

Present: Councillor Newton (Chair), Nawaz, Morley, Winslade, Swift and Saltmarsh

Officers in attendance: John Goodwin, Regulatory Officer
Colin Miles, Lawyer
Gemma George, Senior Governance Officer

1. Apologies for Absence

Apologies were received from Councillors Dobbs, Thacker (Vice Chair) and Khan.

2. Declarations of Interest

There were no declarations of interest.

3. Minutes of the Meeting held on 16 June 2009

The minutes of the meeting held 16 June 2009 were approved as an accurate and true record.

4. Changes in the Licensing Conditions for Hackney Carriage and Private Hire Vehicle Licences

The Committee received a report which revisited its decision of the 10 March 2009. It had previously been agreed that the completion of a NVQ / VRQ qualification would become mandatory for all new and existing hackney carriage and private hire drivers. It had also been agreed that new compulsory standardised and permanently affixed door stickers would be applied to the rear passenger doors of all private hire vehicles. The stickers would read "Private Hire Vehicle – Insurance Invalid Unless Pre-Booked with Operator". An amendment of Condition 2(c) of the Private Hire Conditions in relation to the implementation of the door stickers had also previously been agreed by the Committee. Vehicles solely used for corporate or airport work would perhaps be eligible for an exemption from the requirement to display the door signage.

Members were advised that NVQ / VRQ training providers had found it increasingly difficult to obtain funding in order to allow courses to run. As a consequence of this, the cost of the course would have to be independently funded by the drivers. It had also been evident that there were variations in content and delivery of the NVQ and VRQ between the different providers. As a result of the inconsistencies and funding difficulties it was recommended that the requirement for mandatory NVQ / VRQ training was withdrawn.

The requirement for a mandatory condition relating to door signs continued to remain valid. The implementation of the door signage would ensure

consistency and uniformity. It was accepted that some private hire vehicles were solely used for airport or executive purposes. This had been highlighted during the initial consultation, where some companies had stated that the display of signage could affect this aspect of their business. It was therefore acknowledged that it may be appropriate to offer an exemption to certain individually identified vehicles, on the proviso that assurances were made that the vehicle would not be used for normal private hire work.

Members were invited to comment on the report and the following issues were highlighted:

- Members expressed concern regarding the removal of the requirement to undergo NVQ / VRQ training. Could alternate training be provided for free, particularly in relation to dealing with disable passengers? Members were advised that this request would be looked into. Members were further advised that a video was shown to all hackney carriage drivers which detailed how to load and unload a passenger in a wheelchair.
- Members queried why some private hire vehicles displayed no signage at all. Members were informed that there were no points under legislation which stated that signage had to be displayed. A benchmarking exercise which had been undertaken against other authorities had shown that a number of them required permanent door signage and a number of them were also looking to amend their conditions to state that permanent signage was required.

RESOLVED:

1. to revoke the 10 March 2009 decision concerning the mandatory completion of the NVQ / VRQ qualifications and remove the specification criteria
2. to re-affirm the decision with regard to mandatory door signs and to approve the amendment of licensing condition 2(c)

Reasons for the Decision:

The funding issues had caused difficulties for drivers trying to obtain the NVQ course. The government had, at that stage, frozen or limited funding, making it impossible for the training providers to enrol drivers for future courses. If the NVQ remained a mandatory requirement of fitness, the driver or new applicant, would be required to pay for the training themselves.

The implementation of door signage would increase public education and would ensure consistency. Uniformed signage would help decrease the risk of private hire drivers unlawfully plying for hire and the public being carried uninsured as a result. The introduction of the signage would also help to reduce the number of unlicensed vehicles operating as taxis in Peterborough.

9.30am – 9.45am
Chairman

LICENSING COMMITTEE		AGENDA ITEM No 5
22 JUNE 2010		PUBLIC REPORT
Contact Officers:	Adrian Day, Licensing Manager Darren Dolby, Licensing Regulatory Officer Simon Andrews, Licensing Officer	Tel. 454437 Tel. 453491

APPLICATION: APPLICATION FOR NEW STATIC STREET TRADING CONSENT

APPLICANT: Mr Shakeel Hussain

LOCATION: Outside Armadillo Storage, minor road adjacent to Westfield Road.

1. PURPOSE OF REPORT

1.1 Members are asked to consider and determine an application from Mr Shakeel Hussain for the siting of a new catering trailer at Armadillo Storage taking into account the contents of this report.

2. BACKGROUND INFORMATION

2.1 On 19 March 2001, in a review document, the Environment Committee resolved that all streets in Peterborough be designated for the purpose of street trading as consented streets.

2.2 The Operations Director, Section Head of Business Regulation and Licensing Manager have delegated authority to issue, amend, revoke or refuse street trading consents, other than in the City Centre Pedestrian Area (the latter being delegated to the Head of Transport and Engineering).

2.3 There is no statutory procedure outlining how the Authority is to notify the applicant of any objections, however, the applicant must be notified of the substance of any objections to the granting of consent, and given an opportunity to respond to those objections.

2.4 The Act does not give a statutory right of appeal in respect of the refusal, revocation or variation of a street trading consent, though the Environment Committee resolved to give those whose applications for street trading consents that were refused a right of appeal to the Licensing Committee.

2.5 In granting permission to trade as a static street trader in a consented street the Authority may attach conditions as is deemed reasonably necessary. These will include conditions relating to the location and the times when trading can take place.

2.6 Conditions may be varied, or the consent revoked at any time. The holder may also surrender the consent.

- 2.7 Under the Act street trading includes sales from a van, or other vehicle, cart, barrow, or portable stall. Typically street traders are mobile food trailers, ice creams vans and flower sellers. See definitions below;

Mobile – Trader that moves from street to street but trades for less than 15 minutes at any one point and does not return to a similar trading position within 2 hours.

Static – Trader granted permission to trade from one specific location, the unit must be removed from that location at the end of each trading period.

3. APPLICATION

- 3.1 On 7 May 2010 Mr Shakeel Hussain submitted an application for a static street trading consent (**see Appendix 1**).

- 3.2 Mr Shakeel Hussain & employee Mr Aumar Hussain have liaised with David Denson PCC City Services with regards to the removal of the existing bollard protecting the road to ensure that any replacement is to a standard acceptable to David Denson PCC (**see Appendix 2**).

- 3.3 Mr Shakeel Hussain & employee Mr Aumar Hussain, have verbally agreed to the following conditions.

- The bollard protecting the road will be to a specification that the Head of Operations and the Asset Management Group Manager deem appropriate.
- Trading will not be permitted past 21.00hrs (may be extended after 3 month trial basis)
- No signs or advertising relating to the unit are displayed at the pitch or on approach to it.
- Ensure that all waste matter is collected or disposed of appropriately.
- Ensure that the surrounding area on which the unit is located is left clean and free from debris.
- Ensure that any generator used is reasonably silent running, and does not create any hazards.
- Provide suitable storage for litter and refuse, which will be properly disposed of at the end of each trading day.
- Any traffic/parking issues will be dealt with by the trader immediately and the road leading to Armadillo Storage will be kept clear at all times.

- 3.4 On 10 May 2010 the licensing team received an email from Cllr Newton (ward councillor for said area) objecting to the proposed site (**see Appendix 3**). On 25 May 2010 a second email was then sent on behalf of Cllr Newton by Members Services detailing further the reasons behind his objection (**see Appendix 4**).

4. IMPLICATIONS

Corporate Resources

The Legal Division support the Licensing Team regarding the provision of advice and guidance on street trading matters.

Cross Service Implications

Consultation in relation to possible consented sites is undertaken with a number of Council services.

Community Implications

Street Trading significantly impacts upon Peterborough in terms of the services provided, employment opportunities, and the look and feel of the City. It also has an impact on the local environment with issues such as litter and competition to local businesses.

Financial

The Council's fees for consents issued will cover the costs of administering this scheme.

Legal

Guidance has been sought from the Legal Section on the compilation of this report.

5. BACKGROUND DOCUMENTS

Parts 3 and 4 of Local Government (Miscellaneous Provisions) Act 1982
Street Trading Application Pack

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059304 →

CLI No..... (Official use only)

PETERBOROUGH CITY COUNCIL
LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982 SCHEDULE 4

APPLICATION FOR NEW STREET TRADING CONSENT (Consultation)

Important Information

Please ensure that ALL sections of this form are fully completed in BLOCK CAPITALS, failure to do so will delay your application.

* 1. MAIN APPLICANT'S DETAILS

Surname: HUSSAIN..... (Mr/Mrs/Miss/Ms)

Forenames: SHAKEEL.....

Present Address: [REDACTED].....

Post town: P'BOROUGH (CAMB'S)..... Postcode: PE3 9UN.....

Telephone Numbers: Daytime: [REDACTED]..... Mobile No [REDACTED].....

Email: [REDACTED].....

2. EMPLOYEE / OTHER PERSONS DETAIL'S i.e. Person/s who are in your employ or standing in for you that may assist you in trading without a further consent being required (Please use a separate sheet if necessary).

Surname: HUSSAIN..... (Mr/Mrs/Miss/Ms)

Forenames: AUMAR (MO).....

Present Address: [REDACTED].....

Post town: P'BOROUGH..... Postcode: PE3 6AR.....

Telephone Numbers: Daytime:..... Mobile No [REDACTED].....

Email: [REDACTED].....

3. TRADING DETAILS

Vehicle Registration No:..... Trading Location: WESTFIELD-ROAD (OUTSIDE ARMADILLO STORAGE)

Trading Name on Unit STEAK HOUSE.....

Registered address where unit is to be kept if different from above *.....

Please state registered owner of the vehicle (If same as applicant please state 'as applicant')

4. DESCRIPTION OF GOODS TO BE SOLD (Please circle relevant items)

Butcher / Bread & Cakes / Chilled Foods / Clothing / Confectionary / Fish & Chips / Flowers & Plants
Fruit & Veg / Glassware/Crystal / Hot & Cold Food / Pet Supplies / Pound Items
Textiles/Soft Furnishings

Other please state: MAINLY/IS HALAL.

5. PRIVATE LAND: Will you be trading on private land YES/NO? (please circle). If YES you must include written authorisation from the land owner with your application.

6. TRADING TIMES: Which time band will you be trading in? (Please ✓) 06:00-23:00 23:00-06:00

7. DAYS OF THE WEEK YOU WISH TO TRADE: (Circle as appropriate)

Monday Tuesday Wednesday Thursday Friday Saturday Sunday All Days
----- 7 DAYS A WEEK. -----

12. FEES

Application fee (non refundable if unsuccessful) £46.00

DECLARATION

I HEREBY APPLY for a street trading consent as per the above application.

I enclose the fee of £_____ (Payment can be made at Bridge House by cheque/credit card/debit card/postal order only, cheques must be made payable to Peterborough City Council).

I DECLARE THAT: I have received a copy of the Street Traders Information Pack; I have read the pack and will comply with the Street Trading Legislation.

I understand that it is an offence to make a deliberate false statement on this application form and I declare that to the best of my knowledge and belief, the answers given are true and correct.

Date 26/4/2010 Signature _____

Please print name: SHAKEEL HUSSAIN

IMPORTANT: Before submitting your application please ensure you have: (Please ✓ each box as appropriate).

- 1. Fully completed your application form?
- 2. Plan showing the proposed location of the unit?
- 3. Written permission from land owner where trading of private land
- 4. Included the correct fee?

FAOs
Simon AND

If you are now satisfied that your application is complete please send to:

The Licensing Team Peterborough City Council Bridge House Town Bridge Peterborough PE1 1HU	FOR OFFICE USE ONLY: Code E0910 30230 Income: Flare Ref: Letter: Consent: File:
Any queries please telephone: 01733 747474 Fax: 01733 543547 Email: eh@licensing.gov.uk Website: www.peterborough.gov.uk	Payment checked by: Date:

Peterborough City Council is registered under the Data Protection Act 1998 for the purpose of processing personal data in the performance of its legitimate business. Any information held by the council will be processed in compliance with the eight principles of the Act. We must protect the public funds we handle and so we may use the information you have provided on this form to prevent and detect fraud. We may also share this information, for the same purposes, with other organisations which handle public funds. Further information relating to your rights under the Data Protection Act can be sent to you on request

TABLES & CHAIRS - FUNDS LEFT? 8

From: Denson David
Sent: 07 May 2010 14:30
To: Andrews Simon
Subject: RE: RE: Westfield Road/Atherstone Avenue
 Simon,

I have meet (last Tuesday afternoon) with Mt Hussain, on site, to agree location of bollard and subject to availability of our JCB we will be moving soil and installing a bollard next week. He has confirmed he has made arrangement for the purchase and installation subject to my confirmation as moving the soil.

I have made it clear that the completion of this work is not a guarantee of a licence which is a matter being dealt with by you and any work done is at his risk.

I have made it clear that the authority to issue a licence is within your remit and not City Services albeit we may ask you to consider agreeing conditions to protection the Councils' interests.

David

David Denson
 Head of Operations
 City Services
 Peterborough City Council
 Tel: (01733) 425309

From: Andrews Simon
Sent: 28 April 2010 09:55
To: Tatt Andy; Tebb Peter; Denson David
Cc: Staite Andrea; Dolby Darren
Subject: RE: RE: Westfield Road/Atherstone Avenue

Dear All

I have had a few conversations with Mr Hussain over the past few weeks. I have stated that a consent (once we have completed a successful consultation) will be issued with specific conditions.

- The bollard protecting the road will be to a specification that the Head of Operations and the Asset Management Group Manager deem appropriate.
- Trading will not be permitted past 21.00hrs (may be extended after 3 month trial basis)
- No signs or advertising relating to the unit are displayed at the pitch or on approach to it.
- Ensure that no tables, chairs, trestles or any other structures are placed on the pitch without permission from PCC.
- Ensure that all waste matter is collected or disposed of appropriately.
- Ensure that the surrounding area on which the unit is located is left clean and free from debris.
- Ensure that any generator used is reasonably silent running, and does create any hazards.
- Provide suitable storage for litter and refuse, which will be properly disposed of at the end of each trading day.
- Any traffic/parking issues will be dealt with by the trader immediately and the road leading to Armadillo Storage will be kept clear at all times.

Mr Hussain is still 'shopping' around for suitable bollards to ensure the security of the site, once he is ready to apply I will liaise with all parties involved.

Kind Regards

Simon Andrews
 Licensing Officer
 Business Regulation
 Operations Directorate
 Peterborough City Council
 ☎(01733 45 3491)
 ✉simon.andrews@peterborough.gov.uk

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www.peterborough.gov.uk/business/licensing_and_permits.aspx

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From: Tatt Andy
Sent: 27 April 2010 19:00
To: Tebb Peter; Denson David; Andrews Simon
Cc: Staite Andrea; Dolby Darren
Subject: RE: RE: Westfield Road/Atherstone Avenue

Simon/Darren,

Further to Peter's mail with regards to traffic and bollard implications, I am also happy as long as conditions placed are met as long as the owner of the land is in agreement.

Regards

Andy Tatt
Asset Management Group Manager
Operations Directorate
Tel: 01733 453469

From: Tebb Peter
Sent: 21 April 2010 14:45
To: Denson David; Tatt Andy; Andrews Simon
Cc: Staite Andrea; Dolby Darren
Subject: RE: RE: Westfield Road/Atherstone Avenue

Hi Simon / Darren

Further to our discussion, I'm happy to let you place whatever conditions you deem necessary on the application in respect of the bollard that David requires and the trading hours etc

Peter Tebb
 Traffic Management Group Manager
 Tel (01733) 453519

From: Denson David
Sent: 20 April 2010 11:58
To: Tatt Andy; Andrews Simon; Tebb Peter
Cc: Staite Andrea; Dolby Darren
Subject: RE: RE: Westfield Road/Atherstone Avenue

Dear All

I attach various documents which show highway responsibility, city services responsibility and a proposed site location plan for the food van.

As you will see the area of land on which Mr Hussain wishes to park his van is not within the responsibility of any of our respective departments/sections. Therefore the applicant does not need our consent as land owners although he will still need a licence from the Council before he can operate from this location.

The real issue for me is that this is an area that travellers have previously occupied and currently access is restricted and Mr Hussain has indicated that if he is given permission to use this area of hardstanding then he is happy to install a drop down bollard and be responsible for ensuring that it is properly used. I would not have any objections to his licence application if he was willing to take this preventative measure.

If any licence is granted then in addition to the bollard there will need to be requirements as to the provision of litter receptacles.

Many thanks

David

From: Denson David
Sent: 06 April 2010 12:11
To: Tatt Andy; Andrews Simon; Tebb Peter
Subject: RE: Westfield Road/Atherstone Avenue

Peter,

You may recall that Mr Hussain has previously submitted a licence application for a food van on land in the Councils ownership at this site which was refused.

I understand that highways had a problem as to access/turning round of vehicles and I had a problem re the need to keep secure because this is a site that travellers have previously used.

Mr Hussain states that in a conversation with yourself that you may be in agreement if the soil, blocking access, was remove and replaced with a suitable locking bollard so he could secure the site when not present.

I am minded to agree, provided that the applicant met the cost of this work. He would, of course, Have to meet the requirements of the licence to trade together with the agreement to occupy Council land which Property Records would deal. The agreement can also contain any restrictions that you may wish to include?

Regards
David

David Denson
Head of Operations
City Services Department
425309

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From: Cllr Newton Harry
Sent: 10 May 2010 20:55
To: Andrews Simon
Subject: RE: New Street Trading Consultation
Hello _____

Hello Simon

Both Cllr Nawaz and I strongly oppose the granting of street trading consent at this site due to the historical

Problems over the last 10 years. If you are not thinking of refusing this application we request that you pass this over to Licensing Committee to for determination.

Regards Cllr H Newton

FromSimonS

: Andrews Simon

Sent: 10 May 2010 10:53

To: Cllr Nawaz Gul* (No Direct E- Mail Link); Cllr Newton Harry

Cc: Denson David

Subject: New Street Trading Consultation

Dear Councillors

The documents attached relate to a new application for a street trading consent outside Armadillo Storage on Westfield Road.

The applicant has gone to great lengths to ensure the safety and cleanliness on the site.

At the moment the road next to Armadillo Storage is secured by bollards and a concrete mound to stop people parking overnight. The applicant is proposing to move this mound and replace it with a new security bollard (at his own cost). The applicant has been dealing with City Services to ensure that all work is completed to a satisfactory standard.

The pitch, if granted, will have strict conditions relating to trading but I believe that enough work has been carried out by myself, Mr A Hussain (applicant) and David Denson (City Services).

The document named 'plan' show the proposed site (Area 3) which is behind the existing bollards, but as previously stated the site will be protected by a new Security bollard which will improve the security and overall aesthetic of the site.

I have copied in the conditions of trade relating to the pitch below, please feel free to contact me at anytime.

Kind Regards

Simon Andrews
Licensing Officer
Business Regulation
Operations Directorate
Peterborough City Council
☎(01733 45 3491)
✉simon.andrews@peterborough.gov.uk

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<< File: 1799 NW NECROP.jpg >> << File: app form.pdf >> << File: Land at Westfield Road as at 12.04.2010.pdf >> << File: plan.pdf >>

- The bollard protecting the road will be to a specification that the Head of Operations and the Asset Management Group Manager deem appropriate.
- Trading will not be permitted past 21.00hrs (may be extended after 3 month trial basis)
- No signs or advertising relating to the unit are displayed at the pitch or on approach to it.
- Ensure that all waste matter is collected or disposed of appropriately.
- Ensure that the surrounding area on which the unit is located is left clean and free from debris.
- Ensure that any generator used is reasonably silent running, and does not create any hazards.
- Provide suitable storage for litter and refuse, which will be properly disposed of at the end of each trading day.
- Any traffic/parking issues will be dealt with by the trader immediately and the road leading to Armadillo Storage will be kept clear at all times.

From: Members Services
Sent: 25 May 2010 10:50
To: Andrews Simon
Cc: Cllr Newton Harry; Cllr Nawaz Gul* (No Direct E- Mail Link)
Subject: Westfield Road site

This e-mail has been forwarded on behalf of Councillor Harry Newton:

Re: Westfield Road site

“There was an ongoing problem at this site with burger bars for over 15 years. The main complaints being litter, noise, and traffic danger with vehicles driving in and out of the site. Another problem to this site is that the footpath and ground to the sides of the footpath are not the property of the City Council, but property of the Crown. When the passport office was situated at this site there was a daytime trade, but now there is no requirement for this type of food, there is already sufficient permanent fast food outlets in this area. The residents of Netherton and Westwood do not wish this now pleasant area to return back to the condition it used to be.

Whilst realising that the new applicant will promise to keep the site clean, in reality he will not have any control over the clientele that would use this site and strew litter down Westfield Road. For a few pounds paid for trading consent it will cost the City Council several hundred pounds per week to clean up daily, with litter lying all over from the weekend.”

**Councillor Harry Newton
Ravensthorpe Ward**

END OF MESSAGE

Regards,

Pam Blair
Casual Clerk
Members' Services
Town Hall
Bridge Street
Peterborough
PE1 1HZ
e-mail: pamela.blair@peterborough.gov.uk
Tel: 01733 452253

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