

NOTICE OF MEETING

MEETING	LICENSING COMMITTEE
DATE:	TUESDAY 15 FEBRUARY 2011
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>7 February 2011</i>

AGENDA

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1. Apologies for Absence	
2. Declarations of Interest	
3. Minutes of the Meetings held on:	
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4. Appeal against Refusal of Street Trading Consent	7 - 42



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 29 NOVEMBER 2010**

Present: Councillor Allen (Chair), Thacker (Vice Chair), Dobbs, Todd, Swift, Saltmarsh, Khan and Stokes

Officers in attendance: Adrian Day, Licensing Manager
Darren Dolby, Regulatory Officer
Gemma George, Senior Governance Officer

1. Apologies for Absence

Apologies were received from Councillors Peach, Winslade and Nawaz.

Councillor Stokes attended as substitute.

2. Declarations of Interest

There were no declarations of interest.

3. Minutes of the Meeting held on 22 June 2010

The minutes of the meeting held 22 June 2010 were approved as an accurate and true record.

4. Licensing of Sexual Entertainment Venues

The Committee received a report which outlined changes to the law relating to the licensing of sexual entertainment venues.

There had been recent changes in legislation brought about by Section 27 of the Policing and Crime Act 2009 which introduced a new category of sex establishment called a 'sexual entertainment venue'. These changes would allow local authorities to regulate lap dancing clubs and similar venues under Schedule 3 of the 1982 Act.

Section 27 gave local authorities more powers to control the number and location of lap dancing clubs and similar venues in their area. These powers were not mandatory and would only apply where they were adopted by local authorities. Where adopted, these provisions would allow local authorities to refuse an application on potentially wider grounds than was permitting under the Licensing Act 2003 and would give local people a greater say over the regulation of lap dancing clubs and similar venues in their area.

From April 2010, a change in the law was introduced by the Policing and Crime Act 2009. This change gave local communities a stronger say over the establishment and location of lap dancing clubs and similar establishments in their area. It also gave local authorities more power to reject applications for lap dancing clubs in line with other sex establishments, such as sex shops and sex

cinemas. This change in legislation was aimed at recognising that local people had legitimate concerns about where lap dancing clubs were located.

Lap dancing clubs were, at the current time, regulated under the Licensing Act 2003 and required a Premises Licence under Section 1 of the 2003 Act. There were no special provisions made within the 2003 Act for lap dancing clubs and therefore applications were submitted in the same way as a pub or a restaurant. If an application was submitted to the Licensing Authority for a Premises Licence, the only mandatory conditions that applied related to the sale of alcohol. It was only if relevant representations were made by either an interested party or a responsible authority that the Authority could, either following mediation or a hearing, impose other conditions or reject the application.

The powers available to local authorities to control the establishment of lap dancing premises or to impose conditions on their licences was therefore very limited. Following a Department of Culture, Media and Sports (DCMS) Consultation with local authorities, the majority of respondents felt that their current powers to regulate lap dancing clubs were inadequate and they therefore wanted the Government to intervene.

Going forward, lap dancing venues were to be regulated under the Local Government (Miscellaneous Provisions) Act 1982. It would be up to each local authority to decide whether the provisions of the 1982 Act should apply in their area, so it would therefore be possible that the new legislation would not apply all over England and Wales. However, those local authorities that did resolve to adopt Schedule 3, as amended, would be able to impose a wider range of conditions on lap dancing clubs. For example, opening hours, adverts and the visibility of the interior to passers by.

Whilst Peterborough City Council had already adopted Schedule 3 to the 1982 Act for the licensing of sex shops, a further resolution was necessary before the provisions introduced by Section 27 would have any effect in the local authority area.

Members were invited to comment on the report and the proposals contained therein and the following issues and observations were highlighted:

- Members sought clarification as to whether, at the current time, the number of lap dancing clubs in Peterborough could be limited. Members were advised that at the current time the numbers could not be limited, however, if the legislation was adopted, the local authority may decide on the number of sex establishments or the number of a particular kind of sex establishment it considered appropriate for the local authority area or specified area e.g. the city centre.
- Members questioned what the current licence fee was for sex shops. Members were advised that, at the current time, the licence fee for sex shops was £2080 per annum. Members were further advised that if the legislation was adopted then the local authority would have the ability to set the licence fees for sexual entertainment venues, as they did for sex shops.
- A query was raised regarding whether lap dancing venues and sex shops were subject to site visits and inspections. Members were

informed that if a complaint was received with regards to a specific site than a visit would be undertaken and the premises inspected.

- Clarification was sought as to the current process for issuing a licence to a lap dancing club. Members were advised that currently, lap dancing premises were regulated under the Licensing Act 2003 and therefore if an application was submitted it would be looked at in the same way as a pub or restaurant. The changes in legislation would allow for greater regulating powers and the local authority would be able to refuse to grant or renew a licence on the grounds that such a club would be inappropriate having regard to the character of the area, the use of other premises in the area, e.g. schools and churches, and they may also have regard for the number of similar premises in the area if the application is equal or exceeds the number that the local authority considers to be appropriate. Local residents would also be able to make written representation to the local authorities on these grounds, rather than being limited to make representations based on the four licensing objectives found in the Licensing Act 2003. Any contested application would be considered before the Licensing Committee.
- Members sought clarification as to the meaning of 'grandfather rights'. Members were informed that this simply meant that any existing premises would have to apply for a licence under the new regime if they wished to continue trading. A transitional period of 12 months would be given to existing lap dancing clubs to apply for a new licence. Premises which failed to apply for a licence within this timeframe would face closure.

After further debate, the Committee positively commented on the proposed amendments.

RESOLVED

The Committee received the report on the Licensing of Sexual Entertainment Venues and recommended:

1. to Full Council to resolve to formally adopt the amendments to the provisions of the Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 by Section 27 of the Policing and Crime Act 2009;
2. to Full Council to approve the delegation of functions under Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 to the Licensing Committee or the Executive Director of Operations as outlined in Appendix A to the committee report; and
3. in recommending the adoption of the amendment, officers to prepare a draft policy for consultation regarding the regulation of such establishments and report back to the Licensing Committee prior to the adoption of the licensing provisions

Reasons for the Decision:

To not adopt the amendment and maintain the current status quo would allow prospective sexual entertainment venues to take advantage of the perceived loophole in the Licensing Act 2003. The Authority would also have no legal powers to enforce or charge a licence fee for sexual entertainment venues.

The adoption of the provisions introduced by Section 27 would give local authorities more powers to control the number and location of lap dancing clubs

and similar venues in their area. These powers were not mandatory and would only apply where they were adopted by local authorities. Where adopted, these provisions would allow local authorities to refuse an application on potentially wider grounds than was permitted under the Licensing Act 2003 and would give local people a greater say over the regulation of lap dancing clubs and similar venues in their area.

7.00pm – 7.20pm
Chairman

**MINUTES OF A MEETING OF THE LICENSING COMMITTEE
HELD AT THE TOWN HALL, PETERBOROUGH ON 2 DECEMBER 2010**

Present: Councillor Allen (Chair), Thacker (Vice Chair), Dobbs, Peach, Stokes, Swift, Harrington and Khan

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

1. Apologies for Absence

Apologies for absence were received from Councillors Nawaz, Todd, Winslade and Saltmarsh.

Councillors Stokes and Harrington attended as substitutes.

2. Declarations of Interest

Councillor Allen declared that she used to live along Jubilee Street, however this would in no way affect her decision.

3. Application for Sex Establishment Licence Renewal – Private Shop, 75 Oundle Road, Peterborough, PE1 1HU

The Senior Governance Officer addressed the Committee and advised that the Director of Darker Enterprises had intended to be present at the meeting but due to the bad weather he had not been able to attend, however the hearing was to continue in his absence.

A written statement had been submitted by the applicant in support of the application and Members were given the opportunity to read through the statement and to consider the points made.

The Regulatory Officer addressed the Committee and advised that the application was for the renewal of a sex establishment licence at the Private Shop, 75 Oundle Road, Peterborough, made by Darker Enterprises.

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 25 October 2010.

The application requested the trading hours of:

- Monday to Saturday between 9.30am and 8.00pm; and
- Sunday between 10.00am and 4.00pm

Members were advised that the applicant had also applied to open on 27 and 28 December 2010, and 3 January 2011. This additional application was to

take into account the Bank Holidays around the Christmas and New Year period.

Members were advised that Darker Enterprises had held a sex establishment licence at the premises since 18 September 2001 and an outline of the current conditions was provided to Members.

The Regulatory Officer further advised Members that there had been one anonymous representation received against the application. This was from a local resident and was concerning the close proximity of the premises to the proposed Anglia Ruskin University campus and it stated that the premises would not be conducive to the positive image of the locale.

In response to a question from Members, the Regulatory Officer advised that there had been no complaints received against the premises and annual inspections were carried out.

The Regulatory Officer summed up the case for the Licensing Department and Members debated the application.

RESOLVED

The Committee agreed:

1. to grant the application for a sex establishment licence renewal during the hours requested in the committee report, those being:
 - Monday to Saturday 9.30am to 8.00pm;and
 - Sunday 10.00am to 4.00pm.
2. to grant the additional application to allow the premises to open on 27 December, 28 December 2010 and 3 January 2011, to take into account the bank holidays around the Christmas and New Year period.

Reasons for the decision:

The Committee was satisfied that, considering the positive trading history of the premises, the renewal of the sex establishment licence would have no negative effect on the surrounding area.

7.00pm – 7.08pm
Chairman

LICENSING COMMITTEE	AGENDA ITEM No. 4
15 FEBRUARY 2011	PUBLIC REPORT (This report contains Appendices which are NOT FOR PUBLICATION in accordance with paragraph 1 of Schedule 12A of Part 1 of the Local Government Act 1972 in that they contain information relating to an individual and it is considered that the need to retain the information as exempt outweighs the public interest in disclosing it)

Contact Officers:	Peter Gell, Regulatory Services Manager Adrian Day, Licensing Manager Teresa Martin, Regulatory Officer	Tel: 453419 Tel. 454437 Tel. 453561
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APPLICATION:	APPEAL AGAINST REFUSAL OF STREET TRADING CONSENT
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APPLICANT :	Mr James Carpenter, 152 Newark Avenue, Peterborough, PE1 4NP
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TRADING LOCATION :	Opposite Unit 14, Tresham Road, Orton Southgate, Peterborough
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1. PURPOSE OF REPORT

1.1 Members are asked to consider and determine an appeal from Mr James Carpenter against the refusal of a street trading consent to trade opposite unit 14 Tresham Road, Orton Southgate, Peterborough, taking into account the following:

- Representation received from the Licensing Manager, Mr Day, and his subsequent refusal to grant the application. Refusal letter (**Appendix A – Page 13**)
- No representations received from the Peter Tebb, Traffic Manager (**Appendix B – EXEMPT – Page 15**)
- No representation received from Councillor Gavin Elsey as Ward Cllr (**Appendix C – Page 19**)
- Notification from the applicant requesting to appeal decision (**Appendix D – Page 21**)

1.2 Issues raised which indicate this as an unsuitable trading location:

- Complaints received from the business operating at unit 14, Tresham Road.
 - Odour nuisance caused by cooking smells escaping from the trading unit
 - Customers of the trading unit causing an obstruction to / parking on the entrance to unit 14.
 - The addition of conditions cannot effectively control the complaints of nuisance, annoyance or obstruction.

- Due to the irreparable situation that has evolved between the applicant and the occupier of Unit 14 it is anticipated that future trading at the location will result in a continual dispute of a nature that is impossible to resolve on an amicable basis.

1.3 Applicants' issues raised to appeal the decision to refuse include:

- The location is safest position with minimum disruption
- No complaints from any other unit holders in 13 years
- No parking restrictions applicable to the area
- Complainants from unit 14 purchase food from the trading van

2. BACKGROUND INFORMATION

2.1 Peterborough City Council passed a resolution under part III Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982 designating all streets within the District of Peterborough (this included all future streets) including all forecourts, roads, footways or other areas adjacent to them for a distance of 20 meters, for the purpose of street trading as consent streets. This came into effect on 1 August 2001.

2.2 The Local Government (Miscellaneous Provisions) Act 1982 (The Act) (Paragraph 7 (2) of schedule 4) states that the Council **may grant a consent 'if they see fit'**.

2.3 (Paragraph 7 (4)) When granting or renewing a street trading consent the council may attach such conditions to it as they consider reasonably necessary.

2.4 (Paragraph 7 (5)) Without prejudice to the generality of sub-paragraph (4) above, the conditions that may be attached to a street trading consent by virtue of that sub-paragraph include conditions to prevent-

- Obstruction of the street or danger to persons using it; or
- Nuisance or annoyance (whether to persons using the street or otherwise)

2.5 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.

2.6 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.

2.7 In granting permission to trade in a consented street the Authority attaches conditions as is deemed reasonably necessary. These will include conditions relating to the location, the unit, and times when trading can take place.

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

3. APPLICATION

3.1 On 1 December 2010 an application for a street trading consent was received from Mr Carpenter to trade opposite unit 14 at Tresham Road, Peterborough (**Appendix E – Page 23**). The hours and days applied to trade are:

- Monday to Friday from 06:00 until 23.00.

3.2 The type of goods to be sold are; confectionary, fish and chips, hot and cold food.

3.3 A plan showing the location of the proposed trading unit is attached at (**Appendix F – Page 27**).

3.4 A photograph of the proposed new unit to be used is attached at (**Appendix G – Page 29**).

4 REASONS FOR REFUSAL

4.1 The trading location is not suitable for this application without causing nuisance or annoyance or obstruction which conditions cannot effectively control.

4.2 The static pitch action sheet following consultation is attached at (**Appendix H – EXEMPT – Page 31**).

5. LICENSING OFFICER COMMENTS

5.1 The applicant contacted the Local Government Ombudsman (LGO) as he felt ‘duel standards’ were in operation which meant that he felt he was at a trading disadvantage. The final report from the LGO is attached at (**Appendix I – EXEMPT – Page 35**).

5.2 The licensing department have received complaints from the operator of unit 14, the conclusion of the stage three (3) complaint resulted with the Chief Executives Office recommending the trader be relocated.

5.3 The applicant has now submitted written confirmation that he will comply with the principles of Street Trading Legislation and the requirement to be correctly consented at all times when trading. This document is attached at (**Appendix J – Page 41**).

6. STANDARD CONDITIONS PERTAINING TO STATIC STREET TRADERS

6.1 Consent holders must:

- 1) Have a current insurance policy against Public Liability and Third Party Risks
- 2) Ensure that no person under the age of 17 years old is employed in or assists in the unit.
- 3) Inform PCC in writing if trading is to stop for a period of three (3) weeks or more (should PCC not be informed this may result in the consent being revoked and the pitch being recorded as vacant).
- 4) Return the consent issued to PCC immediately if they are to cease (stop) trading. PCC must be notified in writing if trading is to cease.
- 5) Provide suitable storage for litter and refuse, which will be properly disposed of at the end of each trading day. (It is unlawful to put trade or commercial waste in public litter bins).
- 6) Ensure that the surrounding area on which the unit is located is left clean and free from debris.
- 7) Ensure that all waste matter is collected or disposed of appropriately and not disposed of down a road gully.
- 8) Ensure that any generator used is reasonable silent running, does not leak fuel (any spillage is the consent holders responsibility) and does not create a tripping hazard.
- 9) Ensure that no signs or advertisements relating to the unit are displayed at the pitch or on the approach to it, except those that have been approved by the Highways Department of PCC.
- 10) Ensure that no tables, chairs, trestles or any other structures are placed on the pitch without permission from PCC.

6.2 Consent holder or any other person working in the unit must:

- 1) Comply with the terms of the consent i.e. trading days, trading times, trading location.
- 2) Comply with the Food Safety Act 1990.
- 3) Comply with the Voluntary Code for Practice For The Fast Food Industry (DEFRA 2003) or any document that replaces this.
- 4) Ensure that no goods or produce are stored or displayed at the side of the unit.
- 5) Ensure that the unit is available for inspection by an authorised PCC officer at any time when trading is taking place or at other times with prior notice.

- 6) Ensure that trading does not cause a danger, annoyance or nuisance to the public.
- 7) Ensure that at all times access is clear for Emergency Service's vehicles.
- 8) In the event of an emergency or any other reasonable request by PCC, move the unit without prior warning.

6.3 The unit must

- 1) Have the current Street Trading Consent issued by PCC clearly and publicly displayed.
- 2) Be removed from the highway or trading area out of permitted trading hours.
- 3) Be purpose made and should any alterations be needed they must first be approved by PCC.
- 4) Be kept in good clean repair both inside (interior) and out (exterior)
- 5) Contain suitable fire fighting equipment pertaining to the nature of the business to reduce the risk of an outbreak of fire.

7. IMPLICATIONS

Corporate Resources

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.

Resources

There have been significant resources employed both in attempting to regulate the applicants trading behaviour previously as well as compiling this report.

Financial

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

Legal

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

8. BACKGROUND DOCUMENTS

Parts 3 and Schedule 4 of Local Government (Miscellaneous Provisions) Act 1982.

9. STREET TRADING DEFINITIONS

- 9.1 **Street trading** means selling or exposing or offering for sale of any article in a street.
- 9.2 A **Street** includes any road, footway, beach or other area to which the public have access without payment.
- 9.3 A **Consent** means a consent to trade had been granted by the council.
- 9.4 **Consent holder** means the person or company to whom consent to trade has been granted by the council.
- 9.5 **Unit** means a barrow, stall or vehicle as specified in the consent.
- 9.6 The **council** means Peterborough City Council as being the authority under the Local Government (Miscellaneous Provisions) Act 1982 that controls street trading in the Peterborough area.
- 9.7 A **Static Street Trader** means a trader who has been granted by the council to trade from a specified location.

- 9.8 A **Mobile Street Trader** means a street trader who 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.

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Telephone: 01733 454437
Facsimile: 01733 453547
E-Mail: Adrian.day@peterborough.gov.uk
Please ask for: Adrian Day
Our Ref: MAU 060410
Your Ref:



Mr J Carpenter
 152 Newark Avenue
 Peterborough
 PE1 4NP

Business Regulation
 Operations Directorate
 The Licensing Team
 Bridge House
 Town Bridge
 Peterborough
 PE1 1HU

Telephone 01733 747474
 Minicom 01733 452421

17 January 2011

Dear Mr Carpenter

Local Government (Miscellaneous Provisions) Act 1982

Further to the application for a street trading consent to trade from outside Unit 14 Tresham Road, Peterborough, I am formally advising you that after consideration the application has been declined. This decision has been based on the following:-

- The trading location is not suitable for this application without causing nuisance or annoyance due to obstruction. This relates to previous complaints received regarding customers of your unit parking on or causing obstruction to the entrance on Unit 14 Tresham Road.
- Due to the irreparable situation that has evolved between the applicant and the occupier of Unit 14 it is anticipated that future trading at the location will result in a continual dispute of a nature that is impossible to resolve on an amicable basis.

You have the right to appeal this decision to the Licensing Committee. If you wish to appeal you must do so in writing, giving reasons for the appeal, within 21 days of the date of this letter. If you require guidance on this appeal process please do not hesitate to contact me.

Whilst your initial application has been refused I confirm that we would be willing to accept an application to trade opposite Unit 12 or Unit 2 Tresham Road. The latter location has been suggested by the Highways Manager as being most suitable and I note the concerns you have also raised with regard to parking outside Unit 12. Any consent granted would be for an initial period of two months to enable you both to consider your options and demonstrate an ability to meet the prescribed requirements.

In conclusion

In addition to the above I must formally mention that you did breach legislation by trading without a valid consent from February to November 2010. During this period you did benefit financially by a substantial amount in not paying fees to the Council. You did explain your reasons for doing this, however when assessed by an independent body (Local Government Ombudsman) they found that you had not suffered a significant disadvantage.



2008-2009
 Improving Accessibility



It should also be mentioned that you have not fully cooperated in the past with officers in order to resolve disputes and conflicts.

In order to move forward and draw a line under the above I would ask that before we issue any consent you offer us assurance in writing of the following;

- That you will not trade in the future without having a valid Street Trading Consent and that you acknowledge doing so you may be liable for prosecution.
- If any future complaints are received regarding any consent that you hold, you will assist officers to the best of your ability in order to resolve any issues.
- You will not stop or withhold any payments due to the council in relation to a consent unless prior authorisation has been given by the Licensing Team. This does not affect your right to complain to the council; however we will not authorise any suspension of payments or authorise any trading without a valid consent whilst awaiting the outcome of any complaint.

Please feel free to contact me in order to progress on any of the options as mentioned above.

Yours sincerely



Adrian Day
Licensing Manager

By virtue of paragraph(s) 1 of Part 1 of Schedule 12A
of the Local Government Act 1972.

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Hi, I have no objections.

Cllr Gavin Elsey
Cabinet Member for Business Engagement
Peterborough City Council
Mobile: 07738 930599
Email: gavin.elsey@peterborough.gov.uk

From: Leishman Kerry
Sent: 17 December 2010 12:30
To: Cllr Allen Sue; Cllr Elsey Gavin; Cllr Stokes June; Tebb Peter
Cc: Day Adrian
Subject: APPLICATION FOR A NEW STREET TRADING CONSENT - for your consideration

Dear All

APPLICATION FOR A NEW STREET TRADING CONSENT

Please find below details of an application for a new street trading consent for your information and consideration.

Trading Locations: Opposite Unit 14 Tresham Road (plan attached)

Description of Goods: Hot & Cold Food.

Trading Times: Monday to Friday 6.00am – 11.00pm

Should you wish to make any comments or objections in respect of the application please do so by **31 December 2010**. If a reply is not received by that date it will be assumed that you do not have any observations to make.

Kerry Leishman
Licensing Development Officer
Licensing, Business Regulation

Email: kerry.leishman@peterborough.gov.uk
Tel: 01733 453502

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APPENDIX D

Dear Adrian,

Thank you for your email regarding the consent to trade outside 11/12 or alternatively the possibility of trading outside No 2 Tresham Road, Orton Southgate.

Following our telephone conversation I would like to lodge an appeal against the decision for refusal to allow me to trade outside No 14 which I have done so for several years.

My grounds of appeal, are I feel this location is the safest position for me to trade from with minimum disruption, the only complainant is No 14 , I respect as a local authority you cannot ignore complaints that are received but feel there are a number of factors that should be taken into consideration

1) No complaints from any other unit holders in the 13 years I have been trading there

2) No parking restrictions apply to Tresham Road.

3) Unit 14 (Astore Harrison) took up tenancy after I was trading in that location and was fully aware of my operation and both the directors and staff purchased food off me right up to November ;2010 when I ceased trading there which was some 3 years that Astore Harrison commenced complaining about my location/

There are other factors that will be raised at the appeal but the above points will outline the brief reason for my grounds of appeal.

Yours Sincerely

Jim Carpenter

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

PETERBOROUGH CITY COUNCIL
- 1 DEC 2010

PETERBOROUGH CITY COUNCIL
LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) SCHEDULE 4
ENVIRONMENTAL HEALTH

APPLICATION FOR INITIAL / RENEW STREET TRADING CONSENT

Important Information

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

1. MAIN APPLICANT'S DETAILS

Surname: CARPENTER (Mr/Mrs/Miss/Ms)
 Forenames: JAMES LEONARD
 Present Address: 152 NEWARK AVENUE
 Post town: PETERBOROUGH Postcode: PE1 4NP
 Telephone Numbers: Daytime: 01733 748149 Mobile No: 07802 421944
 Email: JIM.PAULINE@SMAIL.COM

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: CARPENTER (Mr/Mrs/Miss/Ms)
 Forenames: PAULINE
 Present Address: 152 NEWARK AVENUE
 Post town: PETERBOROUGH Postcode: PE1 4NP
 TELEPHONE NUMBERS: Daytime: AS ABOVE Mobile No: -
 Email: AS ABOVE

3. TRADING DETAILS

Vehicle Registration No: Trading Location: OPPOSITE UNIT 14 TRESHAM RD
 Trading Name on Unit: KALA'S KITCHEN
 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')

MS JAMES CARPENTER

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

Butcher / Bread & Cakes / Chilled Foods / Clothing / Confectionery / Fish & Chips / Flowers & Plants
 Fruit & Veg / Glassware/Crystal / Hot & Cold Food / Pet Supplies / Pound Items
 Textiles/Soft Furnishings / Ice Cream (static only please see section 10 below)

Other please state:

5. TRADING TYPE (please ✓ either box (a) or box (b) below):

- (a) Mobile Trader (b) Static Trader

Mobile Trader: Trades for up to 15 minutes at any one point before moving to another trading position and does not return to a similar position within 2 hours.

Static Trader: Trades at one specified place and, unless otherwise authorised by PCC unit removed daily at the end of each trading period.

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

7. TRADING DATES YOU WISH TO TRADE FROM 1st FEB 11 TO 31st MARCH 11
Please USE the calendar attached to this application (Minimum of THREE FINANCIAL CALENDAR MONTHS)

The consent periods run from 01 Apr to 30 Jun, 01 Jul to 30 Sept, 01 Oct to 31 Dec & 01 Jan to 31 Mar.

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

- Monday Tuesday Wednesday Thursday Friday Saturday Sunday All Days

9. NON-TRADING DATES: (List any specific day(s) e.g. Bank Holidays within the period as stated at 8 above)

WEEK - ENDS ONLY

10. STATIC ICE CREAM TRADERS ONLY, YOU MUST INCLUDE WITH YOUR APPLICATION

- Two passport size photographs of yourself. One copy endorsed as a true likeness by a person of professional standing with a statement verifying the likeness of the photograph to the applicant.
- Two passport size photographs of each person/s in your employ or persons standing in for you, one copy to be certified as above.
- Enclose for yourself and each employee or person/s standing in for you a Basic Disclosure Certificate. This can be obtained from Disclosure Scotland by telephoning 0870 609 6006 or by visiting www.disclosurescotland.co.uk The disclosure must be less than 2 months old at the time of application.
- Copy of current Driving Licence for applicant and anyone driving the vehicle.
- Copy of current MOT Certificate.

11. FEES

Trading between 06:00hrs - 23:00hrs
Trading between 23:00hrs - 06:00hrs

£7.95 (Daily rate)
£65.10 (Evening rate)

HOW MANY TRADING DAYS DO YOU WISH TO PAY FOR?

A 43 DAYS

ENTER THE FEE TAKEN FROM THE ABOVE LIST

B 7.95 PER DAY

MULTIPLY THE NUMBER OF DAYS YOU WISH TO TRADE BY THE DAILY FEE (A X B)

A x B 341.85 FEE DUE

DECLARATION

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

I enclose the fee of £ 48 - AS AGREED WITH A. DAY

Payment can be made at **Bayard Place before 14.00pm** by cheque/credit card/debit card/postal order only, please make cheques payable to Peterborough City Council. **The application, initial or renew must then be forwarded with the original receipt to Bridge House.**

I DECLARE THAT: I have received a copy of the Street Trading 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 _____ Signature *J. Royal*

Please print name: JAMES ORPELTOR

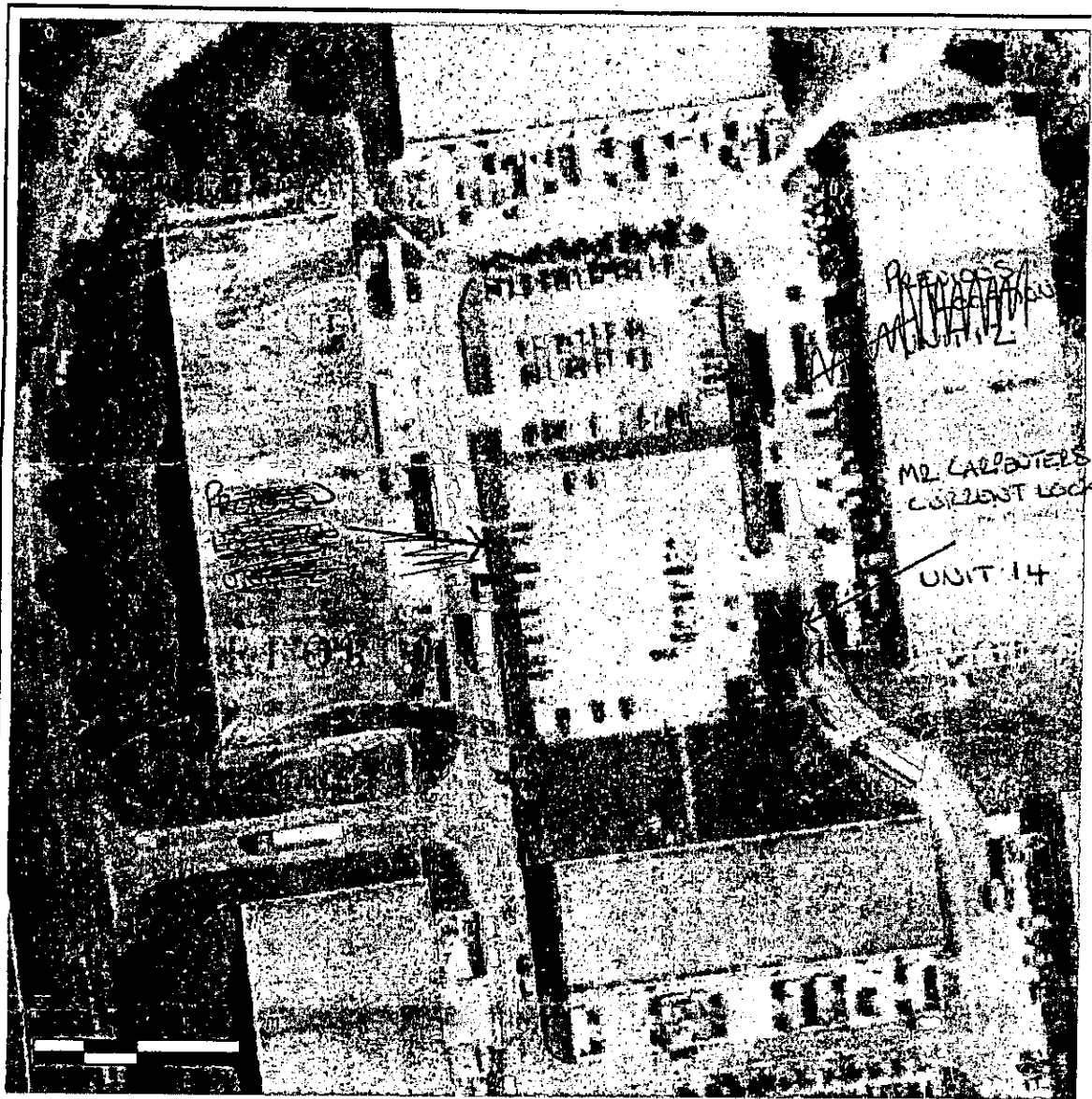
IMPORTANT: Before submitting your application please ensure you have: (Please ✓ each box as appropriate).

- 1. Fully completed your application form
- 2. Have included a plan showing the proposed location of the unit
- 3. Written permission from land owner where trading of private land N/A.
- 4. Included the correct fee SEE ABOVE
- 5. **Static Ice Cream Traders Only, have you included all documents as listed in Section 10**

If you are now satisfied that your application is complete please address 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

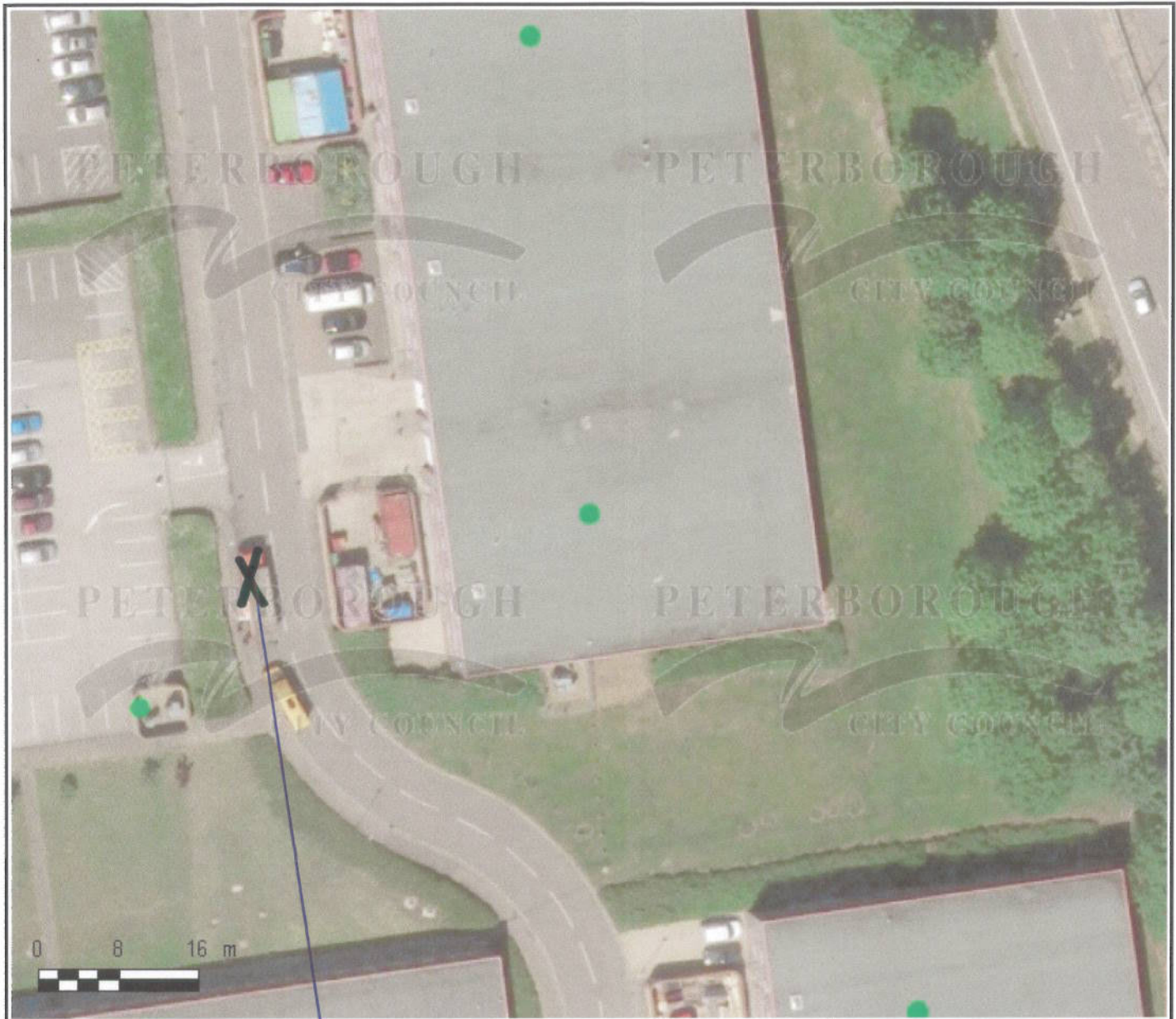


Date: 11/08/2010
 Scale: 1:1,250m
 Name: 2 Tresham Road
 Dept: Licensing



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 Peterborough City Council 100024236

CHAIRS PLACED AGAINST WEDGE OPPOSITE UNIT POSITION
 ELECTRIC SUPPLY CABLE ACROSS 2 FOOTPATHS ONE
 ADJACENT TO UNIT (TRADING) AND 1 RUNNING OPPOSITE
 DIRECTION OF CAR PARK TOWARDS UNIT 33 (REAR OF)
 WHERE CABLE CROSSES FOOTPATH PROPERLY COVERED WITH PROTECTIVE
 SUMPS, TRADING UNIT SIZE 16'4" TRAILER



Date: [REDACTED]
 Scale: [REDACTED]
 Name: [REDACTED]
 Dept: [REDACTED]



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 Peterborough City Council 100024236

Proposed Location

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By virtue of paragraph(s) 1 of Part 1 of Schedule 12A
of the Local Government Act 1972.

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of the Local Government Act 1972.

Document is Restricted

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APPENDIX J

From: *****
Sent: 27 January 2011 12:24
To: Day Adrian
Subject: Decision Letter our ref 060410

Dear Adrian,

Thank you for your letter dated 17th January, 2011 and your comments have been duly noted.

I wish to confirm I will not withhold fees for street trading for any application for street trading despite any dispute that may occur and I will follow the requirements as set out in the street trading conditions.

I understand if I have a grievousness or complaint then I will follow the complaints procedure like I have done so in the past.

I feel that up to March 2010 I did co-operate with officers in respect of the issues at that time but am aware of the difficult situation the licensing team were in at that time.

I confirm I will not withhold payment or stop any direct debits unless authorised to do so by your department.

I also confirm I will continue to co-operate with officers in the event of any complaints received to resolve any issues.

I would like to confirm my appeal against the refusal for issue of a consent to continue trading outside unit 14 Tresham Road, Orton Southgate which I have done so for several years, I understand the hearing date is 14th February at 7pm. I am disappointed with your decision as I feel the reason for refusal was insignificant taking into account no other complaints had been received by your department from any neighbouring properties. I will of course submit at the appeal additional information in respect of my reasons why the decision should be over turned.

Regards
Jim Carpenter

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