

NOTICE OF MEETING

MEETING	LICENSING COMMITTEE
DATE:	THURSDAY 21 JULY 2011
TIME:	7.00 pm
VENUE:	BOURGES/VIERSEN ROOMS - TOWN HALL
CONTACT:	<i>Gemma George, Senior Governance Officer</i> <i>Telephone: 01733 452268</i> <i>e-mail address: gemma.george@peterborough.gov.uk</i>
Despatch date:	<i>13 July 2011</i>

AGENDA

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1. Apologies for Absence	
2. Declarations of Interest	
3. Minutes of the Meeting held on 15 February 2011	1 - 4
4. Appeal Against the Revocation of an Ice Cream Trading Consent - Mr WH	5 - 26
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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.

MEMBERS OF LICENSING COMMITTEE

Councillors: Dobbs (Chairman), Benton (Vice Chairman), Allen, Peach, Todd, Simons, Miners, Saltmarsh, Ash and Khan

Subs: Councillors: Kreling, Swift and Shearman

Emergency Evacuation Procedure – Outside Normal Office Hours

In the event of the fire alarm sounding all persons should vacate the building by way of the nearest escape route and proceed directly to the assembly point in front of the Cathedral. The duty Beadle will assume overall control during any evacuation, however in the unlikely event the Beadle is unavailable, this responsibility will be assumed by the Committee Chair.

**MINUTES OF A MEETING OF THE LICENSING COMMITTEE
HELD AT THE TOWN HALL, PETERBOROUGH ON 15 FEBRUARY 2011**

Present: Councillor Allen (Chair), Thacker (Vice Chair), Dobbs, Peach, Nawaz,
Todd and Swift,

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

1. Apologies for Absence

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

2. Declarations of Interest

Councillor Allen declared that she was the Ward Councillor for the location but she did not have a personal or prejudicial interest.

3. Minutes of the Meetings held on:

- 3.1 29 November 2010
- 3.2 2 December 2010

The minutes of the meetings were approved as true and accurate records.

4. Appeal against Refusal of Street Trading Consent

The Licensing Manager addressed the Committee and advised that the appeal was from Mr James Carpenter, the applicant, against the refusal of a street trading consent to trade outside unit 14, Tresham Road, Orton Southgate, Peterborough.

The report detailed the background to the appeal, including the objections made against the application by the Licensing Manager. Members were advised that the trading location had been identified as being unsuitable for the application, due to nuisance or annoyance being caused by obstruction. This was not due to the applicant's unit, but by the customers visiting the unit. This objection related to a number of objections which had been received from the operator of Unit 14, Tresham Road.

The objections received dated back to 2008 and there had been a number of complaints made by the operator of Unit 14 against outcomes previously decided by Officers. The conclusion of a stage three complaint had resulted in the Chief Executives Office recommending that the trader be relocated,

possibly outside Unit 2, as per one of the recommendations outlined by the Highways Manager after undertaking a site visit.

The operator of Unit 14 had then made objections to their local MP and the applicant had subsequently exercised his rights and made a number of complaints, the outcomes of which he had not been happy with. The applicant had also contacted his local MP and the Local Government Ombudsman (LGO) as he felt dual standards were in operation, leading to him being at a trading disadvantage.

Members were advised that there was no way of controlling the parking situation as there were no parking restrictions along Tresham Road and customers would continue to cause an obstruction to Unit 14. The Licensing Manager further stated that due to the irreparable situation which had evolved between the applicant and the occupier of Unit 14, it was anticipated that future trading at the location would result in a continual dispute of a nature that would be impossible to resolve on an amicable basis.

In response to a query from Members the Licensing Manager advised that the applicant had originally been consented to trade outside Unit 12, Tresham Road.

The applicant addressed the Committee and responded to questions from Members. The main issues in respect of his appeal were highlighted, these included:

- The applicant had been trading along Tresham Road for the past thirteen years
- The applicant had tried to get along with all of the neighbouring properties
- The applicant acknowledged that there had been issues in the past leading to his fees not being paid on time, but this was due to the applicant feeling that other traders in the area were being given preferential treatment
- There would always be some disruption with any fast food unit parked on an industrial estate
- There had only ever been complaints received from the one unit, and this was the least busiest unit on the estate with regards to traffic flow
- The applicant acknowledged that there had been incidents of customers parking across the entrance of Unit 14 and where possible the applicant had asked these people to move
- The applicant had received more complaints since he had been trading from his current location than during all the years he had been trading in Tresham Road
- The applicant would work on building relations with the owners of Unit 14 if he was allowed to relocate there
- The applicant's takings had gone down by 35%
- The applicant had had issues with a number of unit occupiers since his relocation, all with whom he had never had issues with before
- The applicant had busy times and quiet times
- The applicant believed that outside Unit 14 was the best location on the estate for his van

Following questions to the applicant, the Licensing Manager summed up the case for the Licensing Department and stated that the situation was a difficult

one. There were parking issues and obstruction issues to take into consideration, both of which were difficult to prove and could not be directly attributed to the applicant.

The applicant addressed the Committee and summed up his case. He felt confident that if he was granted permission to trade outside Unit 14, he could address the situation with the operators. If he had to stay outside Unit 2, he felt that further issues would be highlighted and could possibly escalate out of control.

Following summing up, both parties and the press and public left the committee room while Members debated the application and made their decision.

RESOLVED: (5 for, 2 not voting)

The Committee agreed to grant permission for the applicant to trade outside of Unit 14.

Reasons for the decision:

1. The applicant had traded from 2003 until November 2010 with very few complaints;
2. The occupiers of Unit 14 were the only complainants and had been in the unit for a relatively short time;
3. The applicant offered a service to people in and around the area;
4. There were likely to be more complaints if the applicant was relocated to another unit; and
5. Going forward, the applicant was to respect the conditions on the consent.

7.00pm – 8.31pm
Chairman

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LICENSING COMMITTEE		AGENDA ITEM No. 4
21 JULY 2011		PUBLIC REPORT
Contact Officer:	Darren Dolby, Licensing Regulatory Officer	Tel. 453561

APPLICATION: APPEAL AGAINST REVOCATION OF ICE CREAM TRADING CONSENT

APPLICANT: Mr Wajid Hussain, .41 Waterloo Road, Peterborough, PE1 3AS

1. PURPOSE OF REPORT

1.1 Members are asked to consider and determine an appeal from Mr Wajid Hussain against the revocation of an ice cream trading consent taking into account the following:

- The revocation letter sent to Mr Hussain including a list of breaches of trading consent – **Appendix A**
- The appeal letter from Mr Hussain dated 11th June 2011 – **Appendix B**
- The four witness statements alleging breaches of trading consent – **Appendix C**
- The email from PC Kevin Drury regarding trading in Central Park – **Appendix D**
- The ice cream trading ‘check sheet’ signed by Mr Hussain – **Appendix E**
- The warning letter sent to Mr Hussain dated 20th April 2011 – **Appendix F**
- The warning letter sent to Mr Hussain dated 28th June 2011 – **Appendix G**

1.2 All appendices are contained in exempt papers.

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 and Licensing 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 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’.**

2.4 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.

2.5 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.

2.6 In granting permission to trade as a 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.

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

- 2.9** Consent for ice cream traders to trade in the area surrounding Central Park was withdrawn after a number of complaints regarding the trading practices of ice cream vans in that particular area.

3. DETAILS OF REVOCATION

- 3.1** On 5th April 2011 Mr Hussain submitted an application for an ice cream trading consent to sell ice creams in the Peterborough licensing area. As Mr Hussain met the criteria for a consent the ice cream trading consent was authorised.

- 3.2** Due to a number of complaints in 2010 regarding Mr Hussain's trading practices in the Park Farm area it was decided to place a condition upon Mr Hussain's consent preventing him from trading in this area and causing further complaints. When Mr Hussain attended the Council Offices to pick up his trading consent and badge he was spoken to by licensing staff who went through a detailed consent ' checklist ' (**Appendix E**) which Mr Hussain read and signed to say that he understood his consent and conditions placed upon it.

- 3.3** Since Mr Hussain was consented by the licensing authority it is alleged that Mr Hussain has breached his consent and conditions on a number of occasions. It is alleged that Mr Hussain has :

- Traded in the Park Farm area on at least 7 different occasions;
- Used his chimes in excess of the permitted 4 seconds at any one time;
- Traded in a stationary position for more than the permitted 15 minute period at any one time; and
- Traded in the Central Park area.

- 3.4** The information supporting these alleged breaches are attached to this report and are either in statement or email form. Mr Hussain was warned by Officers on a number of occasions regarding these breaches and the possibility that his consent would be revoked if he continued to trade in breach of his conditions. These warnings by licensing staff were either made verbally to Mr Hussain at the time of the alleged breach, on the telephone shortly after the breach and by sending out a warning letter.

- 3.5** Due to the continued breaches of his consent it was decided that Mr Hussain's consent would be revoked. A revocation letter (**Appendix A**) was handed to Mr Hussain on 1st July 2011. It was explained to Mr Hussain that he had the right to appeal the decision in writing within 21 days of the date of the revocation.

- 3.6** Mr Hussain delivered a letter to the Licensing team detailing his appeal against the revocation of his consent on 4th July 2011. In this letter (**Appendix B**) Mr Hussain stated a large proportion of the information contained within the revocation letter was incorrect. As a result of this letter the information contained in the revocation letter was checked and it was found that one complaint regarding the use of chimes in Walgrave was incorrectly attributed to Mr Hussain. As soon as this error was realised a letter was sent to Mr

Hussain detailing the error. All of the remaining information of the revocation was checked and confirmed as being correct.

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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Telephone: 01733 453561
Facsimile: 01733 453547
E-Mail: Darren.dolby@peterborough.gov.uk
Please ask for: Darren Dolby
Our Ref: M / 61161
Your Ref:

Mr Wajid Hussain
 41 Waterloo Road
 Peterborough
 PE1 3AS

Business Regulation
 Operations
 Bridge House
 Town Bridge
 Peterborough
 PE1 1HU

Telephone 01733 747474
 Minicom 01733 452421

1st July 2011

Dear Mr Hussain

Local Government (Miscellaneous Provisions) Act 1982 – Revocation of street trading consent

With respect to the ice cream street trading consent issued to you by this Authority it has been decided to revoke the consent due to continued breaches of the conditions placed upon the consent.

I have attached a sheet to this letter that details all of the complaints and breaches of the conditions on your consent made against you in 2011.

You have the right to appeal this decision. This appeal must be made in writing to the Licensing Authority within 21 days of the date of this letter. If you do decide to appeal the decision you must not trade ice creams until the appeal has been determined. If you are found to be engaged in ice cream trading within the Peterborough licensing authority area without a valid consent you may be prosecuted for an offence under the Local Government (Miscellaneous Provisions Act 1982).

You must return to the Licensing Authority your ice cream trading consent and badge within 7 days of the date of this letter

If you have any query regarding the contents of this letter or require assistance in complying with the required action(s) above please do not hesitate to contact me.

Yours sincerely

Darren Dolby
Licensing Regulatory Officer



2008-2009
Improving Accessibility



COMPLAINTS / BREACH OF CONDITIONS

Ice Cream Van : F243 TVN (Adams Ices)

Trader : Mr Wajid Hussain

Date consented to trade in 2011/12 (except Park Farm area) : 5th April 2011

Date consent to trade in Central Park removed : 28th April 2011

<u>Date</u>	<u>Nature of complaint / Breach of consent condition</u>
16/3/11	Illegal / dangerous parking in Park Road (opposite Kings School)
4/4/11	Trading without a consent in Park Road (opposite Kings School)
5/4/11	Trading without a consent in Central Avenue (opposite Dogsthorpe Junior School) – Prior to application being submitted
19/4/11	Trading longer than the permitted time period at Central Park
26/4/11	Using chimes longer than the permitted time in Walgrave.
18/5/11	Trading without consent in Park Farm
21/5/11	Trading without consent in Park Farm
28/5/11	Trading without consent in Park Farm
31/5/11	Trading without consent in Park Farm
1/6/11	Trading without consent in Park Farm
2/6/11	Trading without consent in Park Farm
7/6/11	Using chimes longer than the permitted time in Fletton Avenue
11/6/11	Trading without consent in Park Farm
26/6/11	Trading without a consent in Central Park
27/6/11	Using chimes after the permitted time period and for longer than the permitted time period in Cavendish Street.

Regulatory Services
The Licensing Team
Bridge House
Peterborough
PE1 1HU

PETERBOROUGH CITY COUNCIL

4 - JUL 2011

ENVIRONMENTAL HEALTH

Wajid Hussain
41 Waterloo Rd
Peterborough
PE1 3AS

Re Street Trading Application

I am writing to appeal against the decision not to grant me consent due to breaches of conditions.

I am appealing this decision, the reasons for my appeal are as follows:

- 16/3/11 dangerous parking opposite Kings School:

I didn't park dangerously at all there were 2 more ice cream vans behind me parked dangerously there.

- 26/4/11 using chimes longer than permitted time in Walgrave
I have never been there to do trading.

- 18/5/11 Trading without consent in Park Farm:

my chimes was broken and I didn't even go to work on that date I have receipt of an engineer who was fixing my chimes.

- 21/5/11 Trading without consent in Park Farm:

I had a booking on this day in Whittelsey on a funday from 1am - 8pm.

- 28/5/11 Trading without consent in Park Farm:

I was out of town on this day in Oldham and I didn't go to work. I have receipt of diesel for my car.

- 31/5/11 Trading without consent in Park Farm:

All day raining - no work.

1/6/11

2/6/11

} I was in standground not in Park Farm.

7/6/11 using chimes longer than the permitted time:

I have never been in Fletton Avenue.

11/6 Trading without consent in Park Farm:

I was in Standground.

- 26/6/11 Trading without a consent in Central Park:
I went to parents house after work on the way at Park Crescent I gave my kids Ice Cream outside the park before going inside my parents house I served 2 ~~to~~ customers who wanted Ice Cream from me, there ~~were~~ ^{was} already an Ice Cream van selling Ice Cream Reg num [redacted]

- 27/7/11 there were 2 Ice Cream vans outside Central park at 19:25 Regnum [redacted] ① Regnum [redacted] is there no rule for them, they haven't paid peterborough city council fee for trading. There are 5 vans which are yellow, 3 with the same chime as me. You never telephoned or contacted me these are your excusses for me as I have applied for a trading consent at the Central Park.

- 27/6/11 I was there at daytime 15:45-15:50 not In closing I ask you to reconsider your decision and bear in mind that I am only trying to make an honest living in order to support my wife and family.

Thankyou.

Wahid Hussain
04/07/11



STATEMENT OF WITNESS C.J.A. Statement

(Criminal Procedure Rules, r 27.1(1); Criminal Justice Act 1967, s. 9; Magistrates' Courts Act 1980, s. 5B)

STATEMENT OF Darren Michael DOLBY

Age of Witness Over 18

(True age to be shown where witness is a juvenile or person involved in serious crime enquiry, otherwise "over 18" will suffice)

Occupation of Witness Licensing Regulatory Officer

This statement, consisting of two (2) pages each signed by me, is true to the best of my knowledge and belief, and I make it knowing that if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false or do not believe to be true.

Dated the 11th July 2011

Signed.....

I am a Licensing Regulatory Officer employed by Peterborough City Council. I have witnessed on 2 occasions Mr Wajid Hussain of 41 Waterloo Road illegally selling ice creams from ice cream van registration number F243 TVN.

On Monday 4th April 2011 I saw ice cream van index F243 TVN parked on double yellow lines on Park Road, Peterborough opposite Kings School. I saw a man who I know to be Mr Wajid Hussain selling ice creams from the van to Kings School pupils. I approached and spoke to Mr Hussain. I informed him that as he did not have a valid street trading consent he was not allowed to sell ice creams in Peterborough. Mr Hussain stated that he was awaiting his CRB check to arrive. I stated that until his consent had been issued he was not authorised to sell ice creams. I then issued Mr Hussain with a warning about trading without a consent and told him not to trade until he has a consent. Mr Hussain then drove off. On 5th April 2011 I sent a warning letter to Mr Hussain regarding this matter.

On Tuesday 5th April 2011 at 12.15pm I was present in the reception area of Bridge House when myself and my colleague Jodie Morton – Rowell spoke to Mr Hussain. Mr Hussain tried to hand to Jodie an incomplete street trading application. Jodie explained to him that as there was no CRB with the application then the application was invalid and Mr Hussain

Signed.....

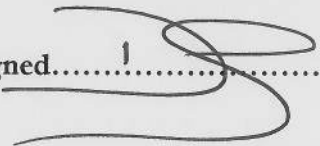
was not consented to trade ice creams. I reiterated this to him and he acknowledged understanding that he could not sell ice creams.

On Tuesday 5th April 2011 at 3.19pm I saw ice cream van index F243 TVN parked on the grass verge next to Central Avenue, opposite Dogsthorpe Junior School. As I drove past the van I saw Mr Hussain sitting in the drivers seat of the van. I parked my car and walked back towards where the van was. As I approached the back of the van I noticed that a young asian looking female was being served an ice cream. I saw her hand money over in exchange for the ice cream. As I walked towards the van I suddenly saw the van drive off from the grass verge, on to Central Avenue and drive towards Elmfield Road. Later on this day Mr Hussain returned to Bridge House with his application form and his CRB check and was then authorised to trade.

When Mr Hussain attended Bridge House to collect his ice cream trading consent and badge he was informed of the rules and regulations of ice cream trading in Peterborough. Mr Hussain signed a 'checklist' of these rules and regulations to say that he had read and understood them. The rules included that he was not consented to trade ice creams near to Central Park and in Park Farm.

On 29th June 2011 I received an email from PC Kevin Drury. PC Drury stated that he had seen several ice cream traders in the Central Park area. Further information supplied by PC Drury stated that he had seen Mr Hussain selling ice creams from van index F243 TVN.



Signed.....!.....




STATEMENT OF WITNESS C.J.A. Statement

(Criminal Procedure Rules, r 27.1(1); Criminal Justice Act 1967, s. 9; Magistrates' Courts Act 1980, s. 5B)

STATEMENT OF Simon Andrwes

Age of Witness Over 18

(True age to be shown where witness is a juvenile or person involved in serious crime enquiry, otherwise "over 18" will suffice)

Occupation of Witness Licensing Officer



This statement, consisting of one page signed by me, is true to the best of my knowledge and belief, and I make it knowing that if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false or do not believe to be true.

Dated the 11 July 2011

Signed.....

I am a Licensing Officer employed by Peterborough City Council.

On the 19th of April 2011 myself and Regulatory Officer Teresa Martin visited Central Park following reports of an Ice Cream van trading in the same position for more than 15 minutes. We approached Central Park 2.15pm, parked and then approached the trader at 2.25pm. Teresa Martin showed the trader her warrant card and explained who we were. The trader was Mr Wajid Hussain trading from van registration F243 TVN. We asked Mr Hussain how long he had been trading from the same position to which Mr Hussain replied 'about an hour' both myself and Teresa Martin reminded Mr Hussain of the conditions relating to street trading and that he could not trade in the same position for more than 15 minutes. Mr Hussain accepted that he could not continue to trade and he then drove away.


Signed.....

WITNESS STATEMENT

(CJ Act 1967, s.9; MC Act 1980, ss.5A(3) (a) and 5B; CPR r.27.1(1))

Statement of: **Adrian Day**.....

Age if under 18: **Over 18**... (if over 18 insert 'over 18') Occupation: **Licensing Manager**.....

This statement (consisting of ONE..... page(s) each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated anything which I know to be false or do not believe to be true.

Signature:  Date: 07/07/2011

I am the above named person, employed by Peterborough City Council as the Licensing Manager, working in the Licensing Department, Bridge House, Peterborough. My duties include the promotion of regulatory functions in accordance with legislation, by laws and council policies. Included in this are the Local Government (Miscellaneous Provisions) Act which includes Taxi Licensing, Street Trading, and Animal Welfare. The Licensing Act 2003 and the Gambling Act 2005.

I confirm that I witnessed Mr Wajid Hussain in vehicle registration number F243 TNV displaying the name Adam's Ices trading on Park Farm on the following dates:

Wednesday 18 May 2011 at 18:30
Trading on streets Porchester Close, Houghton Avenue and Framlingham Road. The chimes were sounded far in excess of the permitted 4 seconds.

Saturday 21 May 2011 at 13:45
Trading on streets Porchester Close, Houghton Avenue and Framlingham Road. The chimes were sounded far in excess of the permitted 4 seconds.


Saturday 28 May 2011 at 14:10
Trading on streets Porchester Close, Houghton Avenue and Framlingham Road. The chimes were sounded far in excess of the permitted 4 seconds.

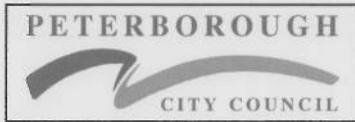
Tuesday 31 May 2011 at 15:40
Trading on streets Porchester Close, Houghton Avenue and Framlingham Road. The chimes were sounded far in excess of the permitted 4 seconds.

Wednesday 1 June 2011 at 15:00
Trading on streets Porchester Close, Houghton Avenue and Framlingham Road. The chimes were sounded far in excess of the permitted 4 seconds.

Thursday 2 June 2011 at 15:30
Trading on streets Porchester Close, Houghton Avenue and Framlingham Road. The chimes were sounded far in excess of the permitted 4 seconds.

Saturday 11 June 2011 at 14:35
Trading on streets Porchester Close, Houghton Avenue and Framlingham Road. The chimes were sounded far in excess of the permitted 4 seconds.

Signature:  Date: 07/07/2011



**STATEMENT OF WITNESS
C.J.A. Statement**

(Criminal Procedure Rules, r 27.1(1); Criminal Justice Act 1967, s. 9; Magistrates' Courts Act 1980, s. 5B)

STATEMENT OF Simon Andrwes

Age of Witness Over 18

(True age to be shown where witness is a juvenile or person involved in serious crime enquiry, otherwise "over 18" will suffice)

Occupation of Witness Licensing Officer

This statement, consisting of one page signed by me, is true to the best of my knowledge and belief, and I make it knowing that if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false or do not believe to be true.

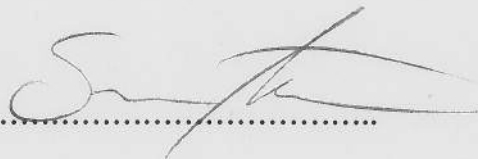
Dated the 7 July 2011

Signed.....

I am a Licensing Officer employed by Peterborough City Council.

On the 7th of June 2011 I was returning home from work and at approximately 17.20 I witnessed Ice Cream van Adams Ice's-F243 TVN chiming for in excess of 8 seconds. The Ice Cream van started chiming on Fletton Avenue before Chinzs store and then turned into Fellowes Gardens. While the van was on Fletton Avenue I immediately looked at my watch and counted for over 8 seconds.



Signed.....

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Daynes Alexander

From: Dolby Darren
Sent: 11 July 2011 11:18
To: Dolby Darren
Subject: Ice Cream Vans ~[NOT PROTECTIVELY MARKED]~

From: Kevin Drury
Sent: 29 June 2011 16:35
To: Dolby Darren
Subject: RE: Ice Cream Vans ~[NOT PROTECTIVELY MARKED]~

Darren

We were at the central park area of the city at approximately 16.00 hours , we were in the area of the Park Road and the junction of Park crescent for approximately 20 minutes. Initially were conducting speed enforcement , both vans were in situ during this period. Hussains van was parked opposite the entrance to the park on Park Crescent near the junction with Park Road and the other was opposite. Upon approaching Mr Hussains Van he was clearly trading as there was a family of four purchasing icecream related products and the female clearly handed money to him.

Kevin

From: Kevin Drury
Sent: 29 June 2011 10:34
To: Dolby Darren
Subject: Ice Cream Vans ~[NOT PROTECTIVELY MARKED]~

Darren

Sunday 26th June the following vans were trading outside central park Peterborough, The two in question were RxxxxR, the operator had it licence on display in the vehicle but he failed to have his id card on him, stating he had left it at home , forgot it. He stated his name was Axxxl Bxxxxxxxxxn , seemed very nervous and drove off as soon as i left him.
The other was F243 TVN, No licence was displayed the driver stating he had left it at home but he did have his ID badge on , Wajid Hussain

Regards

Kevin

To visit Cambridgeshire Constabulary's website please follow this link:

<http://www.cambs-police.co.uk/index.asp>

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Please Tick

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. 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

The 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

The unit must:

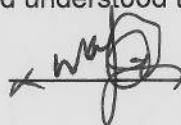
1. have the current Street Trading Consent issued by PCC clearly and publicly displayed
2. be kept in good and clean repair both inside (interior) and out (exterior)
3. comply with the Control of Pollution Act 1974, Code of Practice on noise from ice cream van chimes etc 1982

Chimes must not sound:

- (a) before 12.00 noon or after 7.00pm
- (b) for longer than 4 seconds at a time
- (c) more often than once every 3 minutes
- (d) more often than once in every 2 hours in the same length of street
- (e) when the mobile unit is stationary
- (f) when in sight of another unit which is trading
- (g) when within 50 metres of schools (during school hours), hospitals and places of worship (on Sundays and other recognised days of worship)

- I understand that **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.
- I understand that I **must not** trade near to Central Park or Park Farm
- I understand these conditions and the additional conditions printed on my Street Trading Consent
- I understand that if I do not comply with these conditions my Street Trading Consent may be revoked.

I, Wajid Hussain, confirm that I have read and understood the conditions issued to me for my Street Trading Consent. Licence no: **061161**



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Telephone: 01733 453486
Facsimile:
E-Mail: Eh.licensing@peterborough.gov.uk
Please ask for: Simon Andrews
Our Ref: SR/631788
Your Ref:

Mr Wajid Hussain
41 Waterloo Road
Peterborough
PE1 3AS

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

Telephone 01733 747474
Minicom 01733 452421

20th April 2011

Dear Mr Hussain

Local Government (Miscellaneous Provisions) Act 1982

Breaches of Ice Cream Trading Consent at Central Park – Adams Ices F243 TVN

Please accept this letter as a final warning with regards to trading at Central Park.

Over recent weeks several Officers and members of the public have witnessed 'Adams Ices – F243 TVN' breaching the following street trading conditions.

- Trading in a fixed location for more than 15 minutes
- Chiming for more than 4 seconds

Yesterday Regulatory Officer Terri Martin and I witnessed you trading at Central Park and you stated that you had been trading at the same location for 1 hour. We advised you of the ice-cream conditions and requested that you move to a different location and not return for 2 hours.

Any further breaches of the street trading conditions/regulations will result in your consent being revoked and you will not be able to trade in the Peterborough City Council area.

For your information I have attached the street trading conditions and definitions to the reverse of this letter.

Yours sincerely

Simon Andrews
Licensing Officer

The unit must:

1. have the current Street Trading Consent issued by PCC clearly and publicly displayed
2. be purpose made and should any alterations be needed they must first be approved by PCC
3. be kept in good and clean repair both inside (interior) and out (exterior)
4. contain suitable fire fighting equipment pertaining to the nature of the business to reduce the risk of an outbreak of fire
5. comply with the Control of Pollution Act 1974, Code of Practice on noise from ice cream van chimes etc 1982

Chimes must not sound,

- (a) before 12.00 noon or after 7.00pm
- (b) for longer than 4 seconds at a time
- (c) more often than once every 3 minutes
- (d) more often than once in every 2 hours in the same length of street
- (e) when the mobile unit is stationary
- (f) when in sight of another unit which is trading
- (g) when within 50 metres of schools (during school hours), hospitals and places of worship (on Sundays and other recognised days of worship)
- (h) as loudly in quiet areas or narrow streets as elsewhere
- (i) at a volume louder than 80 dB(A) at 7.5 metres**

**Noise measurements should be undertaken with a meter which confirms to BS5969:1981 (type 1) (*specification for sound-level meters*) set to the A-frequency weighting and the S-time weighting. The microphone should be held at a height of 1.2 metres above the ground, and at a distance of 7.5 metres from the loudspeaker. The microphone should, where necessary, be fitted with a windshield and the meter should be calibrated prior to use.

STREET TRADING DEFINITIONS

Street Trading means selling or exposing or offering for sale of any article (including a living thing) in a street.

A **Street** includes:

- any road, footway, beach or other area to which the public have access without payment.

A **Consent** means a consent to trade has been granted by the council

Consent holder means the person or company to whom consent to trade has been granted by the council.

Unit means a barrow, stall or vehicle as specified in the consent.

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.

A **Static Street Trader** means a trader who has been granted by the council to trade from a specified location.

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.

Telephone: 01733 453561
Facsimile: 01733 453547
E-Mail: Darren.dolby@peterborough.gov.uk
Please ask for: Darren Dolby
Our Ref: R / 631788
Your Ref:

Mr Wajid Hussain
 41 Waterloo Road
 Peterborough
 PE1 3AS

Business Regulation
 Operations
 Bridge House
 Town Bridge
 Peterborough
 PE1 1HU

Telephone 01733 747474
 Minicom 01733 452421

28th June 2011

Dear Mr Hussain

Ice Cream trading in Park Farm, Peterborough

With reference to the ice cream trading consent issued to you by this Licensing Authority I must remind you of the conditions placed on your consent pertaining to authorised trading areas.

Due to a number of complaints regarding your trading practices in the Park Farm area last year (ie chiming after 7pm and chiming for longer than the permitted period) you were prohibited from trading ice creams in the Park Farm area of Peterborough for this year.

I have to inform you that we have received 7 complaints of you trading within the Park Farm area since the 18th May 2011.

I must remind you that if you continue to breach your street trading consent by trading within the Park Farm area you may have your street trading consent revoked by this Licensing Authority.

If you have any query regarding the contents of this letter or require assistance in complying with the required action(s) listed above please do not hesitate to contact me.

Yours sincerely

Darren Dolby
Licensing Regulatory Officer

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LICENSING COMMITTEE		AGENDA ITEM No. 5
21 JULY 2011		PUBLIC REPORT
Contact Officers:	Darren Dolby, Licensing Regulatory Officer	Tel. 453561

APPLICATION: APPEAL AGAINST REFUSAL OF STREET TRADING CONSENT

APPLICANT: Mr Wajid Hussain, 41 Waterloo Road, Peterborough, PE1 3AS

LOCATION: Park Crescent, Central Park, Peterborough

1. PURPOSE OF REPORT

1.1 Members are asked to consider and determine an appeal from Mr Wajid Hussain against the refusal of a street trading consent taking into account the following:

- The completed new static pitch action sheet – **Appendix A**
- The appeal letter from Mr Hussain dated 11th June 2011 – **Appendix B**
- The email reply from the Network Team Manager – **Appendix C**
- Email replies from Councillors Kreling and Shearman – **Appendix D**
- The letter from Stewart Jackson MP – **Appendix E**
- The letters from the Broadway Residents Association and the Friends of Central Park – **Appendix F**.

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 and Licensing 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 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'**.

2.4 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.

2.5 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.

- 2.6** In granting permission to trade as a 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.
- 2.7** Conditions may be varied, or the consent revoked at any time. The holder may also surrender the consent.
- 2.8** 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 26th April 2011 Mr Hussain submitted an application for a street trading consent for a pitch in Park Crescent near to Central Park. **See Appendix G**
- 3.2** The consent application was subject to a 14 day consultation period. As part of the consultation process both Peterborough City Council's Highways department and Ward Councillors for the locality were consulted.
- 3.3** As a result of this consultation process there were six (6) representations made. These representations have been made by the Network Manager representing the Highways department, two (2) Councillors, 2 resident groups and from the local Member of Parliament. Only one of these representations, from Councillor Shearman, was in favour of the consent being granted, albeit with a number of conditions attached.
- 3.4** The other five representations made comment on the following issues pertaining to the grant of a consent :
- The timings applied for;
 - Negative impact on traffic flow in Park Crescent;
 - Safety issues for children; and
 - Another established business in the locality selling ice creams.
- 3.5** As a result of the representations being made the decision **not** to grant the consent was made by the Licensing Authority. The decision not to grant the consent was made for the following reasons :
- Approval of the application would have a detrimental effect on the already limited available parking around Central Park; and
 - The presence of a semi-permanent Ice Cream van would create a safety hazard particularly to children and families congregating in an already congested area of the park (it being one of the main entrances) as the Crescent restricts visibility and there is a constant flow of traffic with cars frequently arriving and leaving to visit the Park.
- 3.6** Mr Hussain was informed of the disapproval of his application and was given the chance to appeal the decision. Mr Hussain submitted his letter of appeal on 11th June 2011 and this letter can be seen at **Appendix B**.

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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NEW STATIC PITCH ACTION SHEET FOLLOWING CONSULTATION

MAU reference number: 061223

NOTIFICATIONS				
List of Consultees	SENT	REPLY	EXPIRY	OBJECTION
Cllr Kreling	<u>09.05.11</u>	<u>10.05.11</u>	<u>22.05.11</u>	Yes
Cllr Shearman	<u>09.05.11</u>	<u>20.05.11</u>	<u>22.05.11</u>	No
Cllr Lowndes	<u>09.05.11</u>	<u>No Response</u>	<u>22.05.11</u>	No Response
Cllr Peach	<u>09.05.11</u>	<u>No Comment</u>	<u>22.05.11</u>	No Comment
Highways – Peter Tebb	<u>09.05.11</u>	<u>12.05.11</u>	<u>22.05.11</u>	Various
Rep – Stuart Jackson		<u>11.05.11</u>		Yes
Rep – MOP		<u>16.05.11</u>		Yes
Rep – MOP		<u>18.05.11</u>		Yes

Application forwarded to Peter Gell for decision with consideration to the following:

I may object to the proposed licence based on the trading information supplied.

Virtually all of Park Crescent is covered by a parking restriction as follows

“Limited Waiting for 30mins – no return within one hour, between 8am and 11am Monday – Friday”

If the trading hours are outside of the above times I would withdraw my objection on highway grounds

Peter Tebb

Network Team Manager

I write as both a local resident and Member of Parliament for Peterborough in order to formally **OPPOSE** the application for a trading license for ice cream sales by Mr Wajid Hussain of Waterloo Road, Peterborough in Park Crescent, Peterborough.

I believe that such a grant of licence will have a detrimental effect on the residential amenity of local householders; will have a negative impact on traffic flows and parking availability as well as road safety implications for young children.

In addition, catering facilities are already provided for at the well-supported and popular Buttercross Café, whose owners have played such a significant part in the renaissance of Central Park over the last 18 years or so.

I think that it should also be born in mind that this application is *retrospective*, as Adam Ices have already been trading in Park Crescent, unlicensed, for a number of weeks, as I have myself recently witnessed.

Stewart Jackson MP

Dear Ms Leishman

The Broadway Residents Association includes residents in Park Crescent and several of our members have expressed concern about this application. Therefore on behalf of the Residents Association we oppose this application for the following reasons:

- 1. An area around the Park Crescent entrance near Park Road is marked as the location for the site. This is a public parking area and it would be inappropriate to designate a reserved space for an ice cream van in an*

area where there is frequently high demand and a shortage of parking spaces for Central Park users. Approval would undoubtedly be interpreted as a license to park anywhere around the Park if the preferred pitch was occupied. It is also not unusual to see an ice cream van double parked in the area, resulting in a hazard to traffic and especially to children attracted by the ice cream van.

2. Even without double parking, an ice cream van semi-permanently located in Park Crescent will create a hazard, particularly for children, as the Crescent restricts visibility and there is a constant flow of traffic with cars frequently arriving and leaving to visit the Park. In addition, there are ice creams available from the permanent facility at Buttercross Cafe, safely located about 50 metres away in the centre of the Park.

3. A semi-permanent pitch effectively introduces a commercial premises to the street in a residential area. This is inappropriate and detrimental to the amenity of local residents.

4. The whole purpose of a mobile ice cream van is to take a mobile service to customers, not to occupy a semi-permanent pitch in the street. Many ice cream vans operate in the area and if one is given a permanent pitch there will undoubtedly be further requests from competitors.

Hence we ask that the application is refused.

Yours sincerely,

Derek Brown

Chairman, Broadway Residents Association

Dear Councillors and Ms Leishman

The application attached, which has come to me as Chair of Friends of Central Park, is one I wish to oppose. My reasons are:

- traffic hazards – on a difficult bend at the top of Park crescent, children should not be encouraged to gather

- appropriateness of application – a static license here is in effect a shop – I do not believe the licensing authorities would approve a permanent shop at these points and so should not approve a mobile shop which is permanently sited here

- effect on other existing food outlets – the Buttercross cafe is a facility for park users for 48 weeks a year and seven days a week, providing good food and beverages; its most variable income is ice cream and soft drinks on hot summer days: this application is approved would endanger its business and so endanger a facility valued by all park users all year. Just as I would be concerned about a supermarket opening to top-slice the income of small shops, so I am concerned here.

I also note that neither residents nor park users have been consulted: surely there should be a wider consultation?

Please represent my views in the decision-making process.

Tony Forster

Friends of Central Park

Dear Kerry Leishman

Re: Application for street trading - Ice Cream - Park Crescent
from Wajid Hussain of 41 Waterloo Road.

Provided trading consent has not been granted to another trader operating from this on-street location, I have no objections to this application but wish to make the following observations:

- The vendor must observe the parking restrictions in Park Crescent.
- The van should not park on the bend in Park Crescent but use the 60/70 metre straight stretch leading northwards from the entrance to the Park at the junction with Park Road.
- The vendor should be asked not to park within a specified distance of the entrance to the Park.
- The fact that ice-creams are sold within the Park from the Buttercross is not in my view a valid reason for this application being refused. There is plenty of trade to warrant two outlets for the sale of ice-creams in this locality and surely competition can only be good for the ice-cream-buying public.

John Shearman

Councillor for Park Ward

I object to this application for an ice cream van to trade in Park Crescent. We have enough vans there already fighting for trade.

Cllr Pam Kreling

Licensing Manager for FINAL DECISION: (Adrian Day)

Date Received: 26/5/11 Date Comments Made: 26/5/11

Reasons for FINAL Disapproval (please circle one)

- Approval of the application would have a detrimental effect on the already limited available parking around Central Park.
- The presence of a semi-permanent Ice Cream van would create a safety hazard particularly to children and family's congregating in a already congested area of the park (it being one of the main entrances) as the Crescent restricts visibility and there is a constant flow of traffic with cars frequently arriving and leaving to visit the Park.
- The applicant is currently under investigation by the licensing team following numerous complaints regarding breaches of consent conditions.

Signature: *Peter*

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Regulatory Services
The Licensing Team
Bridge House
Peterborough
PE1 1HU

41 Waterloo Road
Peterborough
PE1 3AS

11 June 2011

Dear Mr Day

Re: Street Trading Application – Park Crescent

I am writing to appeal against the decision not to grant me a Street Trading licence for the above location. The reasons for my appeal are as follows:

- I do not accept the reasons you have given for rejecting my appeal are valid since I do not believe the presence of my van in Park Crescent presents a hazard to either pedestrians or motorists. I believe the rejection has more to do with safeguarding the trade of the owner of the cafe in the Park who has many influential friends within the Council.
- If my ice-cream van is to be parked in such a dangerous road, then why are there no speed humps, warning signs etc in Park Crescent? My vehicle would only be a risk if I parked on the bend, at a 'blind spot', on the kerb or immediately outside the Park entrance. My application made it clear I would do none of these and that I would not restrict visibility in the Crescent.
- In the town centre and at Ferry Meadows there are numbers of ice cream vans which have been trading for some considerable time on the public footpath. Indeed there is a van regularly parked on the pavement outside of the derelict night club, close to Laxton Square. Why have these traders been granted licences?
- Additionally there is a van regularly parked in the City centre in a half-hour waiting area for several years now. Surely this vehicle should not be allowed to trade at this site if you apply your licensing criteria in a consistent way?
- The recent letters I have received regarding breaches of consent conditions are unrelated to this application and as such I do not believe they have any bearing on it. I have been given a verbal warning about these other matters and Council officers are aware that I have abided by the details of the warning.
- Although there are clear limitations on parking in Park Crescent between the hours of 8.30am and 11.00am, I have made it clear that I will abide by these restrictions.

In closing I ask you to reconsider your decision and bear in mind that I am only trying to make an honest living in order to support my wife and family.

Yours sincerely



Wajid Hussain

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Daynes Alexander

From: Tebb Peter
Sent: 12 May 2011 13:48
To: Leishman Kerry
Subject: RE:

I may object to the proposed licence based on the trading information supplied.

Virtually all of Park Crescent is covered by a parking restriction as follows

“Limited Waiting for 30mins – no return within one hour, between 8am and 11am Monday – Friday”

If the trading hours are outside of the above times I would withdraw my objection on highway grounds

Peter Tebb
Network Team Manager
Bridge House
Tel 01733 453519

From: Leishman Kerry
Sent: 09 May 2011 13:02
To: Cllr Kreling Pam; Cllr Lowndes Yvonne* (No Direct E- Mail Link); Cllr Peach John; Tebb Peter
Cc: Members Services; Day Adrian
Subject:

Dear All

APPLICATION FOR NEW STREET TRADING CONSENT

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

Trading Location: Park Crescent

Description of Goods: Ice Cream

Trading Information: Monday - Sunday 06.00hrs to 23.00hrs (hours are an indication and not exact trading times)

For your convenience I have attached a street view and aerial plan of the proposed location.

If you wish to make any objections regarding the application please do so in writing to me by **22 May 2011**. If a reply is not received by that date it will be assumed that you do not have any observations to make.

Kind regards

Kerry Leishman
Licensing Development Officer
Licensing, Business Regulation

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

To find out more about Peterborough City Council please go to: www.peterborough.gov.uk
Please consider the environment before printing this email.

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Daynes Alexander

From: Cllr Kreling Pam
Sent: 09 May 2011 20:38
To: Leishman Kerry
Subject: Ice Cream van application

I object to this application for an ice cream van to trade in Park Crescent. We have enough vans there already fighting for trade.

Cllr Pam Kreling

Daynes Alexander

From: John Shearman
Sent: 20 May 2011 11:20
To: Leishman Kerry
Subject: SN04-20/5/2011 - Application for new street trading consent.

Dear Kerry Leishman

Re: Application for street trading - Ice Cream - Park Crescent
from Wajid Hussain of 84 Waterloo Road.

Provided trading consent has not been granted to another trader operating from this on-street location, I have no objections to this application but wish to make the following observations:

- The vendor must observe the parking restrictions in Park Crescent.
- The van should not park on the bend in Park Crescent but use the 60/70 metre straight stretch leading northwards from the entrance to the Park at the junction with Park Road.
- The vendor should be asked not to park within a specified distance of the entrance to the Park.
- The fact that ice-creams are sold within the Park from the Buttercross is not in my view a valid reason for this application being refused. There is plenty of trade to warrant two outlets for the sale of ice-creams in this locality and surely competition can only be good for the ice-cream-buying public.

John Shearman

Councillor for Park Ward

Labour.... 'getting things done in Park Ward'....



HOUSE OF COMMONS

LONDON SW1A 0AA

Mr Peter Gell
Strategic Regulatory Services Manager
Peterborough City Council
Town Hall
Bridge Street
Peterborough PE1 1HF

11 May 2011

Dear Gell,

**APPLICATION FOR NEW STREET TRADING CONSENT IN PARK
CRESCENT, PETERBOROUGH**

I write as both a local resident and Member of Parliament for Peterborough in order to formally **OPPOSE** the application for a trading license for ice cream sales by Mr Wajid Hussain of Waterloo Road, Peterborough in Park Crescent, Peterborough.

I believe that such a grant of licence will have a detrimental effect on the residential amenity of local householders; will have a negative impact on traffic flows and parking availability as well as road safety implications for young children.

In addition, catering facilities are already provided for at the well-supported and popular Buttercross Café, whose owners have played such a significant part in the renaissance of Central Park over the last 18 years or so.

I think that it should also be born in mind that this application is *retrospective*, as Adam Ices have already been trading in Park Crescent, unlicensed, for a number of weeks, as I have myself recently witnessed.

Representing Peterborough

Tel: 020 7219 8286 E-mail: jacksonsj@parliament.uk
Constituency office: 193 Dogsthorpe Road, Peterborough PE1 3AT
Constituency Tel: 01733 891080 www.stewartjackson.org.uk



I would ask you to pass on my comments to the appropriate officers and elected members.

Thank you, in advance.

Yours sincerely,

Stewart Jackson MP

Copies to: Cllrs John Peach and Pam Kreling; Derek Brown, Chairman,
Broadway Residents Association

From: Leishman Kerry
Sent: 16 May 2011 13:45
To: 'Derek Brown'
Subject: RE: Application for Street Trading Consent for an Ice Cream van in Park Crescent

From: Derek Brown [mailto:<email>]
Sent: 16 May 2011 12:28
To: Leishman Kerry
Cc: John Peach; Stewart JACKSON; Anne Brosnan
Subject: Re: Application for Street Trading Consent for an Ice Cream van in Park Crescent

Dear Ms Leishman

The Broadway Residents Association includes residents in Park Crescent and several of our members have expressed concern about this application. Therefore on behalf of the Residents Association we oppose this application for the following reasons:

1. An area around the Park Crescent entrance near Park Road is marked as the location for the site. This is a public parking area and it would be inappropriate to designate a reserved space for an ice cream van in an area where there is frequently high demand and a shortage of parking spaces for Central Park users. Approval would undoubtedly be interpreted as a license to park anywhere around the Park if the preferred pitch was occupied. It is also not unusual to see an ice cream van double parked in the area, resulting in a hazard to traffic and especially to children attracted by the ice cream van.
2. Even without double parking, an ice cream van semi-permanently located in Park Crescent will create a hazard, particularly for children, as the Crescent restricts visibility and there is a constant flow of traffic with cars frequently arriving and leaving to visit the Park. In addition, there are ice creams available from the permanent facility at Buttercross Cafe, safely located about 50 metres away in the centre of the Park.
3. A semi-permanent pitch effectively introduces a commercial premises to the street in a residential area. This is inappropriate and detrimental to the amenity of local residents.
4. The whole purpose of a mobile ice cream van is to take a mobile service to customers, not to occupy a semi-permanent pitch in the street. Many ice cream vans operate in the area and if one is given a permanent pitch there will undoubtedly be further requests from competitors.

Hence we ask that the application is refused.

Yours sincerely,
Derek Brown
Chairman, Broadway Residents Association
<address>
at www.environment-agency.gov.uk

From: Jantony [mailto:<email>]
Sent: 17 May 2011 16:47
To: pamela.kreling@peterborough.gov.uk; john.peach@peterbrough.gov.uk; Cllr Shearman John
Cc: Leishman Kerry
Subject: Application for static trading license - Park Crescent

.
Dear Councillors and Ms Leishman

The application attached, which has come to me as Chair of Friends of Central Park, is one I wish to oppose.

My reasons are:

- traffic hazards – on a difficult bend at the top of Park crescent, children should not be encouraged to gather
- appropriateness of application – a static license here is in effect a shop – I do not believe the licensing authorities would approve a permanent shop at these points and so should not approve a mobile shop which is permanently sited here
- effect on other existing food outlets – the Buttercross cafe is a facility for park users for 48 weeks a year and seven days a week, providing good food and beverages; its most variable income is ice cream and soft drinks on hot summer days: this application is approved would endanger its business and so endanger a facility valued by all park users all year. Just as I would be concerned about a supermarket opening to top-slice the income of small shops, so I am concerned here.

I also note that neither residents nor park users have been consulted: surely there should be a wider consultation?

Please represent my views in the decision-making process.

Tony Forster
<address>

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: WAJID.....

Present Address: 41 WATERLOO RD.....

Post town: PETERBOROUGH..... Postcode: PE1 3AS.....

Telephone Numbers: Daytime:..... Mobile No.....

Email:.....

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

Forenames:.....

Present Address:.....

Post town:..... Postcode:.....

Telephone Numbers: Daytime:..... Mobile No:.....

Email:.....

3. TRADING DETAILS

Vehicle Registration No: F243 - TVN..... Trading Location: PARK CRESCENT.....

Trading Name on Unit ADAM ICES.....

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

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: ICE CREAM VAN.....

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

IF not all week days then weekends.

12. FEES

Application fee (non refundable if unsuccessful)

£48.00

DECLARATION

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

I enclose the fee of £ 48

Payment may only be made at **Bayard Place before 14.00pm** and can be made by cash, cheque, credit card/debit card or postal order. Cheques must be made payable to Peterborough City Council.

The application must then be forwarded to Bridge House with all documents and the receipt.

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 26/04/11 Signature Wajid Hussain

Please print name: WAJID 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?

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

Peterborough City Council
Town Hall
Peterborough

Receipt No. 020004

024 26/04/2011 09:05

MISCELLANEOUS

E091030230000000 £48.00

CSH £48.00

****PAID WITH THANKS****

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