

**MINUTES OF A MEETING OF THE LICENSING COMMITTEE
HELD AT THE TOWN HALL, PETERBOROUGH ON 17 NOVEMBER 2011**

Present: Councillor Benton (Vice Chairman), Allen, Peach, Todd, Simons, Kreling, Saltmarsh, Swift and Khan

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

1. Apologies for Absence

Apologies for absence were received from Councillor Dobbs and Councillor Miners.

Councillor Kreling and Councillor Swift were in attendance as substitutes.

2. Declarations of Interest

Councillor Todd declared that she was the Ward Councillor for the location of the proposed trading pitch in Newark Road, but that she did not have a personal or prejudicial interest.

Councillor Khan declared that he was the Ward Councillor for the location of the proposed trading pitch in Laxton Square, but that he did not have a personal or prejudicial interest.

3. Minutes of the Meeting held on 21 July 2011

The minutes of the meeting held on 21 July 2011 were approved as a true and accurate record.

4. Appeal against Refusal to Renew a Street Trading Consent

The Regulatory Officer addressed the Committee and advised that the appeal was from Mr Serkan Gokmen, the applicant, against the refusal to renew a street trading consent. The appeal was for the Committee to reverse the decision of the Licensing Authority not to renew a street trading consent in Laxton Square, Peterborough.

The report detailed the background to the appeal and the completed application for a renewal of a street trading consent was attached at Appendix A. Mr Gokmen had applied to renew an existing consent for the hours of 11.00pm to 6.00am, on Fridays and Saturdays only.

Members were advised that Laxton Square had been consented for trading for the proposed hours for at least the past seven years.

The appeal letter received from Mr Gokmen was attached at Appendix B to the committee report. Mr Gokmen stated that he believed the decision not to renew the consent had come out of the blue, as he had not been notified of any reports of anti-social behaviour in the vicinity, by either the police or the Council, as a direct result of the trading unit being placed on Laxton Square. Members were further informed that the letter of representation from Cambridgeshire Constabulary, against the granting of

a consent, was attached to the committee report at Appendix C. This representation had been submitted due to the number of incidents of anti-social behaviour and violence in the area.

Since the street trading consent had not been renewed, the Regulatory Officer advised that work would be undertaken with Mr Gokmen in order to find a suitable alternative trading location for him. An application for a pitch in Cattle Market Road, had initially been identified, however this had been rejected after representation had been made by Cambridgeshire Constabulary.

The Regulatory Officer requested that the decision of the Licensing Authority be upheld.

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

- Mr Gokmen had purchased the caravan unit nine months ago for a substantial sum of money
- There had been no trouble outside the caravan unit during the last nine months
- The caravan had CCTV and there were doormen located on the door of Mr Gokmen's premises, City Kebabs
- Mr Gokmen had received no warning letters notifying him that he could possibly lose his licence
- Mr Gokmen had worked alongside the police and he believed that he had built up a good working relationship with them
- Two members of staff had lost their jobs
- A caravan had been situated on the same spot for the past twelve years. Mr Gokmen had only owned the caravan for nine months before losing his licence. This did not seem fair
- There did tend to be trouble in the area but this was due to the pubs and clubs and the amount of alcohol consumed
- The licenses of the pubs and clubs should also be taken away or they should be made to close earlier. They caused the majority of the issues in the area
- If the pubs and clubs closed at 2.00am, Mr Gokmen would close his premises at 3.00am
- Mr Gokmen always called the police when he witnessed any anti-social behaviour or violence
- The police had suggested that the implementation of doormen would be a good idea and this advice had been taken on board
- Four additional cameras had been installed, one of which was located outside of the shop
- Mr Gokmen was losing, on average, £2k per week due to the loss of the food van
- The seating area in Laxton Square did tend to attract people who had been drinking all night, this in turn did cause issues in the area

PC Grahame Robinson, the Licensing Officer, Northern Division, addressed the Committee and responded to questions from Members. The main concerns were highlighted, these included:

- The venue was the only late night licensed refreshment venue within the vicinity of the licensed premises in the area
- At the end of the night, people tended to converge and congregate at City Kebab, Laxton Square
- This congregation created a choke point and increased anti-social behaviour

- Mr and Mrs Gokmen had both been very co-operative and door staff, CCTV and Citylink Radio had all been implemented
- Ways of reducing crime and disorder in the vicinity had been discussed
- From the 1 October 2010 to 14 October 2011, there had been 74 reported incidents to the police in the area. There had only been two reported incidents since 14 October 2011 to the present time
- This decrease showed that the removal of the food van had impacted on crime and disorder
- Since the removal of the food van, the area had been calmer, with fewer people congregating
- People were now walking to further venues
- The Gokmen's had been very co-operative and there was nothing personal held against them, it was simply in relation to the removal of the van to in order to improve the incidents of crime and disorder
- Mr Gokmen had not had his licence removed, it had expired

Following questions from Members, the Regulatory Officer summed up the case for the Licensing Department and it was requested that the decision of the Local Authority be upheld.

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

RESOLVED: (7 for, 2 against)

The Committee agreed to uphold the refusal to renew a street trading consent.

Reasons for the decision:

1. The number of people congregating in Laxton Square late at night, and in turn creating a bottle neck, had decreased since the removal of the licence.
2. The number of reported incidents of crime and disorder in the area had decreased since the removal of the licence.

5. Appeal against Refusal to Grant a Street Trading Consent

The Regulatory Officer addressed the Committee and advised that the appeal was from Mr James McLay, the applicant, against the refusal to grant a street trading consent. The appeal was for the Committee to reverse the decision of the Licensing Authority not to grant a street trading consent in the car park of Unipart, situated in Newark Road, Peterborough.

The report detailed the background to the appeal and the completed application, including landowners consent, for the grant of a street trading consent was attached at Appendix A. Mr McLay had applied to be consented between the hours of 6.00am and 11.00pm from Monday to Friday.

Members were advised that there had not been a street trading consent granted at this location previously.

Mr Peter Tebb, the Peterborough City Council Network Team Manager had submitted an objection to the application, on the grounds of road safety, and this was attached at Appendix D to the committee report.

The appeal letter received from Mr McLay was attached at Appendix C to the committee report. Mr McLay stated that he believed the decision not to grant the

consent was wrong and he disputed the fact that there would be an increase to the risk of road safety in the area.

The Regulatory Officer advised that he had visited the site on a number of occasions prior to the refusal of the application, and whilst he had not witnessed any instances of parking that could lead to issues around road safety, the visits had never been for a considerable period of time. However, since the refusal of the application, the Regulatory Officer had visited once again and had subsequently witnessed an incident of road obstruction.

Members were advised that Mr McLay did have an up to date street trading consent for a pitch located at Fourth Drove and he would still be entitled to trade at this location.

The Regulatory Officer requested that the decision of the Licensing Authority be upheld.

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

- Mr McLay had been made redundant three years ago and on numerous occasions since
- Mr McLay had looked for training options through the Job Centre, however they had not been able to offer him anything suitable
- Mr McLay had purchased his burger van and had the opportunity to move to Unipart
- The first week he was located there, he had had a complaint made against him
- Not all of the vans and lorries located on the road used Mr McLay's burger van
- There were no parking restrictions on the road i.e. yellow lines
- Mr McLay had placed a sign on his van requesting patrons to not park directly next to, or opposite, the van

Mr Peter Tebb, Peterborough City Council Network Team Manager, addressed the Committee and responded to questions from Members. The main concerns were highlighted, these included:

- The parking near to the location by larger vehicles such as articulated lorries and fixed rigid lorries
- Cars and the smaller vans would most likely use Unipart's car park and would therefore not cause an issue
- The drivers of the larger vehicles would most likely park near to the burger van to save walking, there was no space to fit a large vehicle without overhanging the entrance to one of the units, or being so tight up against an entrance that it decreased visibility for drivers wishing to pull out onto the road
- The entrance off Newark Road, closest to where the burger van was situated, was located within 15 metres from the roundabout
- There was concern with regards to the safe flow of traffic at the junction
- The implementation of double yellow lines on one side of the road would not deter large vehicles from parking on the other side of the road
- Mr Tebb had witnessed a large vehicle parking opposite the burger van, near to the junction and this one vehicle had caused problems with the safe flow of traffic entering and exiting the roundabout

Following questions from Members, the Regulatory Officer summed up the case for the Licensing Department and it was requested that the decision of the Licensing Authority be upheld.

Following summing up by the Applicant and Mr Peter Tebb, Peterborough City Council's Network Manager, both parties and the press and public left the committee room while Members debated the application and made their decision.

RESOLVED: (Unanimous)

The Committee agreed to grant the street trading consent as applied for.

Reasons for the decision:

The Committee was satisfied that granting a consent to trade hot food in the car park of Unipart, Newark Road, Peterborough, would not lead to continued, or an increase in, road safety issues in the area.

7.00pm – 8.10pm
Chairman