

LICENSING COMMITTEE

THURSDAY 17 NOVEMBER 2011
7.00 PM

Bourges/Viersen Rooms - Town Hall

AGENDA

	Page No
1. Apologies for Absence	
2. Declarations of Interest	
3. Minutes of the Meeting held on 21 July 2011	1 - 6
4. Appeal Against Refusal to Renew a Street Trading Consent - Mr SG	7 - 20
5. Appeal Against Refusal to Grant a Street Trading Consent - Mr JM	21 - 36

Committee Members:

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

Substitutes: Councillors Kreling, Swift and Shearman

Further information about this meeting can be obtained from Gemma George on telephone 01733 452268 or by email – gemma.george@peterborough.gov.uk

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.



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 as soon as possible.

This page is intentionally left blank

**MINUTES OF A MEETING OF THE LICENSING COMMITTEE
HELD AT THE TOWN HALL, PETERBOROUGH ON 21 JULY 2011**

Present: Councillor Dobbs (Chairman), Benton (Vice Chairman), Allen, Peach, Todd, Simons, Miners and Khan

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 Saltmarsh and Ash.

2. Declarations of Interest

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

3. Minutes of the Meeting held on 15 February 2011

The minutes of the meeting held on 15 February 2011 were approved as a true and accurate record.

4. Appeal against the Revocation of an Ice Cream Trading Consent

The Regulatory Officer addressed the Committee and advised that the appeal was from Mr Wajid Hussain, the applicant, against the revocation of an ice cream trading consent. The appeal was for the Committee to reverse the decision of the Licensing Authority to revoke Mr Hussain's ice cream trading consent.

The report detailed the background to the appeal and the revocation letter, which had been sent to Mr Hussain detailing the number of complaints and alleged breaches of the trading conditions, was attached at Appendix A.

Members were advised that the sheer volume of complaints and breaches highlighted, in the opinion of the Licensing Authority, that Mr Hussain had little or no regard to trading in a lawful manner. Mr Hussain had been given numerous warnings with regards to his trading practices and it appeared that those warnings had been ignored.

The appeal letter received from Mr Hussain was attached at Appendix B to the committee report. This contained information which contradicted information that had been provided by Police Officers and the Local Authority. Members were further informed that the Licensing Manager was in attendance to address

the Committee, if it so wished, in order to support his written statement which was included in Appendix C, attached to the committee report.

Appendix E to the committee report highlighted the ice cream trading 'check sheet' which had been personally signed by Mr Hussain. The Regulatory Officer advised that he had personally been through each individual point on the sheet with Mr Hussain and had explained in detail what each point meant. Mr Hussain had subsequently signed the sheet to indicate that he had read and understood the conditions placed on his street trading consent. It was highlighted to the Committee that on the sheet, it clearly stated that trading should not take place in Park Farm or in Central Park. It was therefore the opinion of the Licensing Authority that Mr Hussain had breached these conditions on a number of occasions, despite acknowledging that he was aware of the conditions.

The Regulatory Officer further advised that the decision to revoke the trading consent had not been taken lightly. Mr Hussain had been contacted on a number of occasions in order to try and dissuade him from breaching the conditions on his licence and he was forewarned that if he did continue to breach the conditions, his licence may be revoked. The advice had been disregarded and Mr Hussain had continued to breach his conditions.

Mr Hussain's ice cream trading consent had been withdrawn from Peterborough, therefore this did not restrict him from plying his trade outside of the Peterborough area. Mr Hussain did regularly trade in Whittlesey.

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

Members requested clarification as to comments contained within witness statements. It had been stated that Mr Hussain was in situ on certain days, and Mr Hussain had subsequently refuted these claims in his appeal letter. Members sought clarification as to how the Licensing Authority could be sure that Mr Hussain was in situ on those occasions. The Licensing Manager addressed Members and stated that he had personally seen Mr Hussain in the location on the occasions outlined in his witness statement. The Licensing Manager lived in the vicinity and had been at home at the times detailed.

Clarification was sought as the origin of the complaints as they all appeared to be from officers. Was this normal practice? The Regulatory Officer advised that there were a large number of complaints received against ice cream vans each year, therefore all of the sixteen vans currently licensed were being proactively monitored by officers in order to ascertain alleged breach of conditions.

Members questioned what the time limit was for an ice cream van to be stationary by the side of the road. In response, Members were advised that the time limit was fifteen minutes in a stationary position, at one time, in one street. The van must then move away and it was permitted to return to the same location after two hours.

Councillor John Shearman, speaking as Ward Councillor, addressed the Committee on behalf of the applicant and responded to questions from Members. The main issues in respect of the appeal were highlighted, these included:

- It was believed that the report contained a number of inaccuracies
- Within the documents, Mr Hussain had been accused of selling ice cream in Walgrave. A letter had subsequently been received from Licensing Officers retracting this accusation stating that it was not Mr Hussain. Did this mean that the notes which had been made about the vehicle were inaccurate, and could the same be said of notes made on other occasions?
- On 21 May 2011, Mr Hussain had been seen to be selling ice creams in Park Farm at 13.45pm. However, Councillor Shearman had received verbal confirmation from a lady who ran a football club in Whittlesey stating that she had hired Mr Hussain for the duration of a junior football competition from 1.00pm to 7.00pm, on Saturday 21 May 2011
- On 28 May 2011 Mr Hussain had obtained petrol for his Toyota Verso at 7.00pm that evening in Oldham, for which he had a receipt. The receipt did not have a registration number on it, but it was for diesel, which Mr Hussain's car was. Mr Hussain maintained that he could not have therefore been in Peterborough at the time
- There were no double yellow lines on Kings Road opposite Kings School, as stated in one of the witness statements
- In a witness statement it was claimed that on Tuesday 5 April 2011 Mr Hussain had been witnessed driving off of the grass verge onto Central Avenue. A van could not be parked on this verge opposite Dogsthorpe School as there were metal posts and railings. But perhaps the railings had been put up subsequently?
- There had been sufficient questions raised over a number of entries contained within the witness statements, could this mean that there may be more inaccuracies?
- A strong warning was sought instead of revocation of the licence, and a time period for surveillance to ensure that the conditions were being adhered to

The Regulatory Officer addressed the Committee in response to points raised by Councillor Shearman and advised that a mistake had indeed been made in relation to the time Mr Hussain had been trading along Walgrave. It had been acknowledged that this was a mistake and this was highlighted in the committee report.

In response to the point raised by Councillor Shearman in relation to the inability of ice cream vans to mount the verge opposite Dogsthorpe School, the Regulatory Officer advised that he had two photographs in his possession taken on 5 April 2011, at 3.10pm, which showed Mr Hussain parked on the grass verge. It was also believed that Mr Hussain did not have his licence at that time, and was therefore trading without consent. Mr Hussain had collected his consent later on in the day.

These photographs were circulated to Councillor Shearman, the applicant and the Committee.

In response Councillor Shearman stated that the verges across from Dogsthorpe School were bounded by metal railings, therefore perhaps the railings had been put up after 5 April 2011, or perhaps Mr Hussain's van had actually been located further up the road away from the school when the photographs were taken.

As a point of information, Councillor Miners, a Committee Member and Dogsthorpe Ward Councillor stated that it was a regular occurrence for people to park on the other side of the barriers which were in place, he had never seen an ice cream van do so, but cars certainly did.

For clarification as to where the photographs had been taken, the Regulatory Officer addressed the Committee and stated that the location was opposite the Methodist Church on the corner of Birchtree Avenue and Central Avenue.

Members further queried whether it was Mr Hussain driving the vehicle at all times when breaches had occurred. In response, Members were advised that all persons wishing to trade in the van must be identified and on Mr Hussain's application there was only Mr Hussain permitted to trade in that vehicle within the Peterborough Licensing Authority.

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

- Mr Hussain had paid his fees for his licence on 5 April 2011 and his licence had been issued on 21 April 2011
- Mr Hussain had been approached with regards to trading in Central Park for 45 minutes in May 2011 and he had told the truth and admitted to this, however he had not been told of the laws as to how long he was permitted to remain in one location. He presumed that the time may have increased as the fees had increased year on year
- There had been a lack of communication between Mr Hussain and the Licensing Team
- New papers had not been sent to Mr Hussain in the first instance, he had had to chase them
- Mr Hussain had not been notified previously of the complaints against him
- There were three or four other vans that used the chime of 'Teddy Bear's Picnic' not just Mr Hussain's van
- Had the Licensing Officers got him mixed up with another trader?
- Why was Mr Hussain the only one to be identified? There were other vans trading in a similar manner
- Mr Hussain tended to work until about 7.00pm and he didn't just work in the Peterborough area
- If his licence was removed, Mr Hussain would not be able to support his family or pay his bills
- Mr Hussain had never traded along Fletton Avenue
- Mr Hussain admitted that he had traded in Central Park and he should not have done so

Following questions to the applicant, the Regulatory Officer summed up the case for the Licensing Department.

Councillor Shearman addressed the Committee and summed up the case for Mr Hussain. It was acknowledged that there had been some breaking of the agreement made by Mr Hussain but there had also been errors highlighted on the part of officers. It was therefore suggested that a further extension of time be given to Mr Hussain where he be strictly monitored going forward.

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

RESOLVED: (6 for, 1 against)

The Committee agreed to refuse the appeal against the revocation of an ice cream trading consent.

Reasons for the decision:

1. The applicant had breached the conditions of his trading consent on a number of occasions;
2. The applicant had signed a consent checklist stating that he understood his consent and the conditions placed upon it;
3. The applicant had been forewarned on a number of occasions that if he continued to breach his consent then his licence may be revoked; and
3. The volume of complaints received against the applicant and the number of breaches against his consent, highlighted that the applicant had shown disregard for trading in a proper manner.

5. Appeal against the Refusal to grant an Ice Cream Trading Pitch, Central Park, Peterborough

The Chairman addressed the Committee and advised that in light of the outcome of the previous item, this item was irrelevant and was now withdrawn.

7.00pm – 8.10pm
Chairman

This page is intentionally left blank

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

APPLICATION: APPEAL AGAINST REFUSAL TO RENEW A STREET TRADING CONSENT

APPLICANT: Mr Serkan Gokmen, 47 Lansdowne Walk, Peterborough, PE2 7GD

LOCATION: Laxton Square, Peterborough

1. PURPOSE OF REPORT

- 1.1 Members are asked to consider and determine an appeal from Mr Serkan Gokmen against the refusal to renew a street trading consent taking into account the following:
- The completed application for a renewal of a street trading consent – **Appendix A**
 - The appeal letter from Mr Gokmen dated 26th October 2011 – **Appendix B**
 - The letter of representation against a consent from Inspector Matt Newman, Cambridgeshire Constabulary – **Appendix C**
 - The 2 photographs of Laxton Square showing the area where the street trading unit would be located – **Appendix D**

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 13th October 2011 Mr Gokmen submitted an application to renew a street trading consent for a pitch in Laxton Square - **see Appendix A**. The application is to trade Fridays & Saturdays between October and December 2011. The hours for trading are from 11pm (Friday) to 6am (Saturday) and 11pm (Saturday) to 6am (Sunday). Mr Gokmen's previous street trading consent had expired on 30th September 2011. The application is to trade hot food & drinks from a static street trading unit within Laxton Square.
- 3.2 A letter of representation against the consenting of a street trading unit in Laxton Square was received by the Licensing Authority from Inspector Matt Newman of Cambridgeshire Constabulary. Inspector Newman – **see Appendix C**. The substance of Inspector Newman's representation was that the street trading unit, together with a nearby premises named 'City Kebabs', became a focal point for persons leaving clubs in the area to purchase and consume hot food. This in turn has led to a high number of Police calls for service with regard to antisocial behaviour in the Laxton Square area.
- 3.3 As a result of the representation being made the decision **not** to grant the renewal of a consent was made by the Licensing Authority. The decision not to renew the consent was made for the following reason:
- Approval of the application would lead to continued, or an increase in, anti social and violent behaviour in and around the Laxton Square area.
- 3.4 Mr Gokmen was informed of the disapproval of his application and was given the chance to appeal the decision.
- 3.5 Mr Gokmen submitted his letter of appeal on 26th October 2011 and this letter can be seen at **Appendix B**.

4. IMPLICATIONS

4.1 Corporate Resources

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

4.2 Cross Service Implications

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

4.3 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.

4.4 Financial

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

4.5 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

This page is intentionally left blank

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

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

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

PETERBOROUGH CITY COUNCIL
1.3.OCT.2011
ENVIRONMENTAL HEALTH

Surname: GOKMEN (Mr/Mrs/Miss/Ms)
Forenames: SERKAN
Present Address: LANSDOWNE WALK
Post town: PE2 7GD Postcode: PETERBOROUGH
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: GOKMEN (Mr/Mrs/Miss/Ms)
Forenames: CHARLOTTE
Present Address: AS ABOVE
Post town: PETERBOROUGH Postcode: PE2 7GD
TELEPHONE NUMBERS: Daytime:..... Mobile No:.....
Email:.....

3. TRADING DETAILS

Vehicle Registration No: F373 GRH Trading Location: LAXTON SQUARE
Trading Name on Unit:
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')

AS APPLICANT

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: HOT DOGS / BURGERS

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 OCTOBER TO DECEMBER
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)

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

£8.35 (Daily rate)
£65.10 (Evening rate)

HOW MANY TRADING DAYS DO YOU WISH TO PAY FOR?

A 15 DAYS

ENTER THE FEE TAKEN FROM THE ABOVE LIST

B 65.10 PER DAY

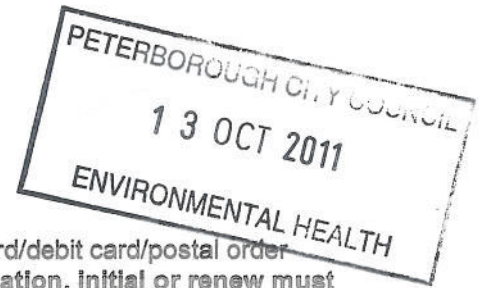
MULTIPLY THE NUMBER OF DAYS YOU WISH TO TRADE BY THE DAILY FEE (A X B)

A x B 976.50 FEE DUE

DECLARATION

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

I enclose the fee of £ _____



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 _____

Please print name: C GORMEN

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
- 4. Included the correct fee
- 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

Street Trading Calendar January 2011 to December 2011



January

M	T	W	T	F	S	S
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30
31						

February

M	T	W	T	F	S	S
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28						

March

M	T	W	T	F	S	S
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30	31			

April

M	T	W	T	F	S	S
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	

May

M	T	W	T	F	S	S
						1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30	31					

June

M	T	W	T	F	S	S
		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30			

July

M	T	W	T	F	S	S
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	31

August

M	T	W	T	F	S	S
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30	31				

September

M	T	W	T	F	S	S
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30		

October

M	T	W	T	F	S	S
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30
31						

November

M	T	W	T	F	S	S
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30				

December

M	T	W	T	F	S	S
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30	31	

City Kebabs
Laxton Square
Peterborough
Cambridgeshire

PETERBOROUGH CITY COUNCIL
26 OCT 2011
ENVIRONMENTAL HEALTH

Dear Sir/Madam,

I am writing to ask for an appeal against the decision of removing my "Burger Van" from Laxton Square.

I understand that there is anti social behaviour in the area, but to be quite honest I don't see how us selling food is the cause.

We have employed bouncers at the shop, and they have been a nice addition to our staff.

It is just confusing that we had never had any complaints about the caravan, from police or council no warning at all.

When Mr Reese had the caravan we asked repeatedly for him to be moved on and we were turned down flat.

we were told that's his pitch for life; so we brought the caravan for £20,000 and now it is just sitting doing nothing.

We are not rich people and made major sacrifices to raise that money and now we are losing 1,500 to 2,000 a week.

We are happy to work with police and the council of course we are, I am just asking for you to reconsider or let us work together by moving us to another location in the City centre.

Thank you for your time

Paul Lundy

APPENDIX C

Wednesday 21st September 2011

Adrian Day
Peterborough City Council
Bridge House
Peterborough
PE1 1HU



Dear Adrian,

Re: Laxton Square

On behalf of the Constabulary, I am identifying ways of reducing crime and disorder in the city, especially those relating to alcohol. I appreciate that the desire to drive down alcohol related crime and disorder is a partnership priority and with the increasing pressures on our resources, we need to ensure that attention is focussed on high impact areas.

We have ascertained that the presence of two licensed premises, namely City Kebabs and the 'on street' fast food van, 'This City', provide a focal point for people leaving clubs in the area, whereupon they remain in the area, queuing to order and consume food. As a result, there are conflicts and disturbances at the location.

In the 12 months September 2010 to September 2011, the police have received 59 calls for service relating to Laxton Square. The calls recorded are between 7pm and 7am and this compares to a total of 5 calls received regarding this location during daylight hours.

Many of the calls relate to antisocial behaviour and allegations of violence and we have recorded 57 crimes at this location in the same period. Our records show a 79% detection rate which is a good indication that the offenders were either known to the victim or the offenders were arrested at the scene.

I understand that the Authority has the ability to grant 'on street' trading on Laxton Square, and I would strongly urge the Authority to consider whether this is appropriate in respect of supporting the licensing objective of crime and disorder and consider withdrawing this location as a suitable on street trading location, particularly to the late night economy.

I am sure that you are aware of the policing commitment in the city centre, and our initiative to ensure that all licensable activity is truly focussed on the objectives, especially that of crime and disorder. I would suggest that the more appropriate way to tackle this

issue would be through the Miscellaneous Provisions Act, rather than through the licensing review process.

Yours faithfully,

Matt Newman
Licensing Inspector
Northern Division





LICENSING COMMITTEE		AGENDA ITEM No. 5
17 NOVEMBER 2011		PUBLIC REPORT
Contact Officers:	Adrian Day, Licensing Manager Darren Dolby, Licensing Regulatory Officer	Tel. 454437 Tel. 453561

APPLICATION: APPEAL AGAINST REFUSAL TO GRANT A STREET TRADING CONSENT

APPLICANT: Mr James McLay, 110 Kirk Meadow, Peterborough, PE3 8JJ

LOCATION: Unipart, Newark Road, Peterborough

1. PURPOSE OF REPORT

- 1.1 Members are asked to consider and determine an appeal from Mr James McLay against the refusal to grant a street trading consent taking into account the following:
- The completed application, including landowners consent, for the grant of a street trading consent – **Appendix A**
 - Photographs showing the proposed street trading area – **Appendix B**
 - The appeal letter from Mr McLay dated 3rd November 2011 – **Appendix C**
 - The email from Peter Tebb, Peterborough City Council Network Team Manager, objecting to the application – **Appendix D**
 - The letter from Peterborough City Council rejecting the application – **Appendix E**

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 24th October 2011 Mr McLay submitted an application for a new street trading consent for a pitch in the car park area of Unipart which is situated in Newark Road - **see Appendix A**. The application is to trade hot food and drink from a static unit Monday to Friday between 6am & 11pm.
- 3.2 An email objecting to the issue of the consent was received from Peter Tebb, Peterborough City Council's Network Manager – **see Appendix D**. The substance of Mr Tebb's objection is that the positioning of a street trader at the location applied for would compound the issue of vehicles parking on both sides of the road, restricting the width of the road and blocking access routes in to nearby business units.
- 3.3 As a result of the objection being made the decision **not** to grant the renewal of a consent was made by the Licensing Authority. The decision not to grant the consent was made for the following reason:
- Approval of the application would lead to continued, or an increase in, road safety issues.
- 3.4 Mr McLay was informed of the disapproval of his application and was given the chance to appeal the decision. A copy of the letter sent to Mr McLay can be seen at **Appendix E**.
- 3.5 Mr McLay submitted his letter of appeal on 4th November 2011 and this letter can be seen at **Appendix C**.

4. IMPLICATIONS

4.1 Corporate Resources

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

4.2 Cross Service Implications

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

4.3 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.

4.4 Financial

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

4.5 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

This page is intentionally left blank

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: MCLAM (M)Mrs/Miss/Ms

Forenames: JAMES

Present Address: BRETTON

Post town: PETERBOROUGH Postcode: PE3 8JJ

Telephone Numbers: Daytime..... Mobile No

Email: ?

PETERBOROUGH CITY COUNCIL
24 OCT 2011
ENVIRONMENTAL HEALTH

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: T689 JUK Trading Location: UNIPART NEWARK ROAD

Trading Name on Unit THE FRYING SCOTSMAN

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

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

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

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

Other please state:

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

12. FEES

Application fee (non refundable if unsuccessful)

£50.00

DECLARATION

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

I enclose the fee of £ 50.00

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 18/10/2011 Signature _____

Please print name: JAMES MCCLAY

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:

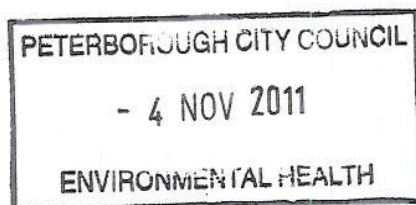
Licensing Team -Operations Directorate Peterborough City Council 4 th Floor Bayard Place Broadway Peterborough PE1 1HZ.	FOR OFFICE USE ONLY: Code E0910 30230 Income: Flare Ref: Letter: Consent: File:
Any queries please telephone: 01733 747474 Fax: 01733 863877 Email: eh@licensing.gov.uk Website: www.peterborough.gov.uk	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







Mr James McLay

Bretton
Peterborough
PE3 8JJ

TEL:

3rd November 2011

Operations Directorate
Fourth Floor
Bayard Place
Broadway
Peterborough
PE1 1HZ

RE: APPEAL FOR TRADING CONSENT

I received your letter today refusing me consent to trade selling hot and cold food in the car park of Unipart.

I have had consent from Unipart, I have only been there for 3 weeks.

There was a complaint made the first day I was there by the manager of Masteroast. There were a lorry parked at either side of his drop kerb, so I placed traffic cones either side of the drop kerb so no vehicles could park there, since then there has been no problems with parking there.

I have spoken to people from other companies around the area and they have not noticed any extra traffic around the area and no-one has a problem with me trading there with the exception of Masteroast.

The head of the licensing department came to see me and even he said he had been watching the area for 3 weeks and has admitted he has seen no problems caused by my trading at Unipart or no change in the amount of traffic. There are no parking restrictions there so I suppose people park wherever is convenient to use any of the companies around there, not just to buy food from me, so I don't know why the Highways Agency should have any problem with me.

I have a trading place at fourth drove, but am finding it difficult to do enough trade to keep my business afloat. To make matters worse Gypsies keep turning up and taking my space, when they are eventually moved on they leave such as mess it's a rat trap which is unhealthy and bad for business.

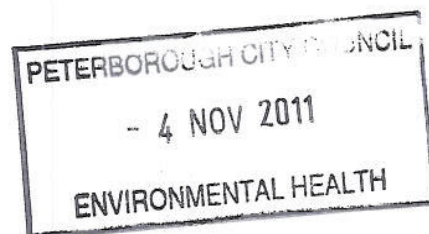
Until 4 years ago I was in my job for 10 years, I was made redundant because the company when bust. I was then made redundant the following year and the year after that. Finally I'd had enough so I scraped together every penny I could and bought my burger van, but no matter what I do it seems there's always someone to make things difficult for me to work.

It seems no matter what I do I am destined to end up in the queue for unemployment benefit alongside all the other millions of people.

I am so disgusted that its so hard to make a living in this country now, that I am forwarding a copy of this letter with copies of several letters from the council and highways agency along with a petition wanting me to stay at Unipart to my MP.

Yours sincerely

James McLay



From: Tebb Peter
Sent: 02 November 2011 11:37
To: Morton-Rowell Jodie
Subject: RE: New Street Trading Consultation- Unipart, Padholme Road East

Hi Jodie,

I object to this on the grounds of road safety.

Vehicles are parking both sides of the road restricting its width for traffic,
There are a number of entrances to units which are affected by the parking between them in terms of visibility for emerging vehicles and difficulty for large vehicles making deliveries to the adjoining units
It is too close to the roundabout and thus parked vehicles affect the safe passage of traffic entering and exiting the roundabout

Peter Tebb
Network Manager
Stuart House
Tel 01733 453519

From: Morton-Rowell Jodie
Sent: 24 October 2011 14:43
To: Tebb Peter
Subject: New Street Trading Consultation- Unipart, Padholme Road East

Hi Peter,


We have a new Street Trading Consultation for the Unipart site at Padholme Road. The applicant has permission from the manager of Unipart to trade from the site. Please find attached the Letter and photos of the area.


Please can I have your comments and observations by Tuesday 3rd November 2011?

Regards

Jodie


Jodie Morton-Rowell
Licensing Officer

 Peterborough City Council
Operation Directorate
4th Floor
Bayard Place
PE1 1HZ

 (01733) 453429

 jodie.morton-rowell@peterborough.gov.uk

To find out more about Peterborough City Council please go to:

 www.peterborough.gov.uk

 Please consider the environment before printing this email

This page is intentionally left blank

Telephone: 01733 453561
Facsimile: 01733 453547
E-Mail: Darren.dolby@peterborough.gov.uk
Please ask for: Darren Dolby
Our Ref: 062152
Your Ref:

Mr J Mclay
 110 Kirkmeadow
 Bretton
 Peterborough
 PE3 8JJ

Operations Directorate
 Fourth Floor
 Bayard Place
 Broadway
 Peterborough
 PE1 1HZ
 Telephone 01733 747474

03 November 2011

Dear Mr J Mclay

Street Trading Consent – Unipart, Padholme Road, Fengate

With reference to your street trading consent to operate a hot food unit in the carpark of Unipart I am writing to inform you that we will not be granting a consent.

The reason for not granting a consent is due to information being received from the Highways Section on the 2nd November 2011. This information which is contained in an email from Peter Tebb, Networking Manager, states that the locating of a hot food unit at this location is a contributory factor in Road Safety issues at the location. It is therefore felt by this Authority that by granting a consent to trade hot food in this location may lead to continued, or an increase, road safety issues.

You do have the right to appeal the Licensing Authority's decision. If you do wish to appeal this must be done within 21 days of the date of this letter by submitting a written submission to the Licensing Committee via the Licensing Team at the address above. Your submission, which can be in the form of a letter, should contain the reasons why you feel the Licensing Authority's decision not to grant a consent is wrong.

I must remind you that as a street trading consent has not been granted you cannot trade at the location in Unipart carpark as of Monday 7th November 2011.

If I can be of any further assistance in this matter please do not hesitate to contact me.

Yours sincerely

Darren Dolby
Licensing Regulatory Officer

This page is intentionally left blank