

**MINUTES OF THE LICENSING COMMITTEE MEETING
HELD AT 6PM, ON
WEDNESDAY, 1 SEPTEMBER 2021
ENGINE SHED, SAND MARTIN HOUSE, BITTERN WAY, PETERBOROUGH**

Committee Members Present: Councillor Warren (Chair), Councillors Allen, Ayres, S Bond, Hiller, Murphy, Sainsbury and Wiggin

Officers Present: Gareth Brighton, Licensing and Business Manager
Colin Miles, Litigation Lawyer
Terri Martin, Strategic Regulatory Officer - Licensing
Dan Kalley, Senior Democratic Services Officer

1. APOLOGIES FOR ABSENCE

No apologies for absence were received.

2. DECLARATIONS OF INTEREST

No declarations of interest were received.

3. MINUTES OF THE LICENSING COMMITTEE MEETING HELD ON 18 NOVEMBER 2020

The minutes of the meeting held on Licensing Committee on 18 November 2020 were agreed as a true and accurate record.

4. REVIEW OF THE STREET TRADING CONSENT AT WAINMAN ROAD, PE2 7BU

The Licensing Committee received a report in relation to a review of the street trading consent for the Roundabout Café, Wainman Road.

The Licensing and Business Manager introduced the report and stated that consented trade had been carried out on the pitch for over 20 years. There were several parking spaces around the turning head, which was in close proximity to the Roundabout Café. It was important to note that there were no parking restrictions in place. Most of the issues had arisen due to the parking issues and had been a contentious issue between the street trader and the nearby automotive garage. Over the past few years there had been a steady increase in of complaints made by both parties against the other and had escalated at times to issues around public safety. Members of the committee were informed that there had been over 50 complaints made in 2021 alone.

Members were advised that some of the complaints had related to planning matters, however this was something that could not be taken into account as this fell under a different regime. It was important to note that the licensing team were not apportioning blame on either party however the Council had a responsibility to

ensure that public safety was maintained. It was felt that the relationship between the parties could escalate severely going forward if no resolution was found.

Officers had tried to mediate between the parties involved, however it was felt that there was no reasonable prospect of mediation occurring. Officers had also offered alternative sites for the Roundabout Café to continue but these had been rejected. It was therefore the officers recommendation that the street trading be revoked and an alternative pitch found.

In response to further questions from members, the Licensing and Business Manager responded in summary below:

- Parking restrictions had been explored, however there was the potential for any restrictions to cause more issues between the parties involved. Although mediation had been attempted it was felt that the relationship between the parties had broken down to such an extent that there was no way for it to be repaired. There had been no concessions made by either party to try and resolve the issues at hand.
- A Police Community Support Officer (PCSO) had not, to officers' knowledge, been to talk to either party.
- The biggest issue was that there was unlikely to be any long-term solution to the issue between the parties. Any potential measures would likely only last a short time.

The Street Trader Mr Mutlu addressed the committee and responded to questions outlined below:

- There were a number of people working in the automotive garage and these staff members were parking on the road outside the café. There were no dedicated parking spaces and for a number of years people struggled to find any parking spaces on site. Employees of the garage were working on cars all over the place taking up space that could be used for potential customers of the café.
- It was felt that the Council were protecting the garage and not the street trader. No one from the Council had spoken directly to the street trader with regards to the issues but had mainly had dialogue with the owners of the garage. A number of emails had been sent to the Council but there had been no response to the street traders concerns.
- Officers confirmed that they were not apportioning blame on either party. It was important for members to note that the Council had a responsibility to find a permanent solution. The recommendation from officers was based solely on public safety grounds. There had been a meeting scheduled with the street trader however this meeting had not gone well, officers were unable to discuss the matters with the street trader.
- A summary report on site around parking issues had been carried out by highways officers. These officers had visited the site at different parts of the day and monitored traffic flow. The conclusions from these site visits had been that a resolution was needed and this had led to an alternative site being offered to the street trader.
- Members were informed that any issues relating to planning permissions was not a consideration when determining the possibility of revoking a street trader consent.
- When discussing public safety it would be more beneficial to close the automotive garage, rather than prevent the continuation of the street trading.
- The site had been trading as a food outlet for nearly 30 years and there had always been a steady flow of customers who frequented the stand.

- There had been a number of complaints made to the police over the behaviour of the owners and employees of the garage towards the street trader.
- Although the Council had offered a number of alternative sites to relocate, none of these were deemed suitable. None of the spots offered would be as busy as the one currently occupied.
- Mediation and dialogue had been attempted with the owners of the garage; however this had failed. In addition, local ward councillors had been contacted but no response had been forthcoming. Legal advice had been sought and would continue to be sought depending on the outcome of the hearing.
- Customers who visited the stand only spent two or three minutes on site ordering their food and then taking this away with them. These customers were not the ones causing parking issues on site.
- It was reiterated that none of the proposed alternative sites were suitable and would not create as much trade for the business.

At this point all parties left the room so as to enable the committee to deliberate in private.

The Licensing Committee **RESOLVED** (7 for and 1 no vote) to:

- I. Revoke the consent for trade by virtue of schedule 4 of the local government (miscellaneous) Act 1982 to the proprietors of the Roundabout Café located in Wainman Road, Woodston, PE2 7BU; and
- II. That there cannot be consent given for this site without the express permission of this Committee or any future committee charged with such means.

REASONS FOR THE DECISION

- III. Committee Members were concerned with the escalation and aggressive behaviour from all parties who trade in the immediate area.
- IV. There was a clear breakdown in relations between Mr Mutlu and the other traders.
- V. The Committee Members believed that no form of mediation that was appropriate, given the position adopted by all parties.
- VI. Committee Members were concerned with public safety issues and believed that the site was now not suitable for such a trade given the traffic issues and the animosity shown by parties to each other.
- VII. Noted that alternative sites had been offered nearby.
- VIII. Street trading consent allowed a trader to trade by permission. It had not conferred any legal right to occupy a particular site, merely a permission to trade which could be revoked.
- IX. Therefore, the Committee's decision was to revoke the consent to trade by virtue of Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982 due to public safety reasons.

CHAIRMAN
END – 8pm