

LICENSING COMMITTEE

**WEDNESDAY 1 SEPTEMBER 2021
6.00 PM**

Sand Martin House

AGENDA

Page No

- 1. Apologies for Absence**
- 2. Declarations of Interest**

At this point Members must declare whether they have a disclosable pecuniary interest, or other interest, in any of the items on the agenda, unless it is already entered in the register of members' interests or is a "pending notification " that has been disclosed to the Solicitor to the Council. Members must also declare if they are subject to their party group whip in relation to any items under consideration.

- 3. Minutes of the Meeting Held on 18 November 2020** **3 - 6**
To approve the minutes of the meeting held on 18 November 2020.
- 4. REVIEW OF THE STREET TRADING CONSENT AT WAINMAN ROAD,
PE2 7BU** **7 - 34**

"Did you know? All Peterborough City Council's meeting agendas are available online or via the [modern.gov](#) app. Help us achieve our environmental protection aspirations and view this agenda online instead of printing it."

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.. The officers on duty will assume overall control during any evacuation, however in the unlikely event an officer is unavailable, this responsibility will be assumed by the Committee Chair. In the event of a continuous alarm sounding remain seated and await instruction from the duty Beadle.

Recording of Council Meetings

Any member of the public may film, audio-record, take photographs and use social media to report the proceedings of any meeting that is open to the public. Audio-recordings of meetings may be published on the Council's website. A protocol on this facility is available at:

<http://democracy.peterborough.gov.uk/documents/s21850/Protocol%20on%20the%20use%20of%20Recording.pdf>

For more information about this meeting, including access arrangements and facilities for people with disabilities, please contact Karen S Dunleavy in the City Council's Democratic Services team on Peterborough 01733 452233 or by email at democraticservices@peterborough.gov.uk

Committee Members:

Councillors: Warren (Chair), Ayres (Vice Chairman), Allen, P Hiller, Sainsbury, Joseph, Hussain, E Murphy, Wiggin and Bond

Substitutes: Councillors: Hussain, Hogg and Dowson

Further information about this meeting can be obtained from Karen Dunleavy on telephone 01733 452233 or by email – karen.dunleavy@peterborough.gov.uk

**MINUTES OF THE LICENSING COMMITTEE MEETING
HELD AT 6:00PM, ON
WEDNESDAY, 18 NOVEMBER 2020
VIRTUAL, TOWN HALL, PETERBOROUGH**

Committee Members Present: Hiller Chairman (Chair), Councillors Cllr Allen, Brown, Coles, Hiller, Joseph, Ellis, Wiggin, Hogg, Farooq and Fox

Officers Present: Kerry Leishman, Head of Operations - Environmental Health & Licensing
Colin Miles, Litigation Lawyer
Terri Martin, Strategic Regulatory Officer - Licensing
Gareth Brighton, Licensing and Business Manager
Karen S Dunleavy, Democratic Services Officer
Daniel Kalley, Senior Democratic Services Officer

1. APPOINTMENT OF CHAIRMAN

Following a nomination, which was seconded, Councillor Hiller was appointed as Chairman for this Licensing Committee meeting.

2. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor Azher Iqbal and Ayres. Councillors Brown and Farooq were in attendance as substitutes.

3. DECLARATIONS OF INTEREST

No declarations of interest were received.

4. MINUTES OF THE LICENSING COMMITTEE MEETING HELD ON 13 FEBRUARY 2020

The minutes of the meeting held on 13 February 2020 were agreed as a true and accurate record.

5. LICENSING ACT 2003 – STATEMENT OF LICENSING POLICY AND CUMULATIVE IMPACT – REVIEW, CONSULTATION AND RESPONSES

The Licensing Committee received a report in relation to the statement of licensing policy and cumulative impact review, consultations and responses.

The purpose of the report was for Members to consider and note the contents, including due consideration of the responses and evidence received following the public consultation, to modify the Cumulative Impact Policy (CIP) and recommend to Council the adoption of the final Statement of Licensing Policy.

The Strategic Regulatory Officer - Licensing introduced the report and summarised the consultation undertaken of the Statement of Licensing Policy and the modifications to the CIP.

The Licensing Committee debated the report and in summary, key points raised and responses to questions included:

- The Business and Planning Act 2020 Act temporarily amended the Licensing Act 2003, by allowing certain premises, which held a relevant authorisation on or before the 26 July 2020, to provide 'Off sales' of alcohol without the requirement to submit an application. The 2020 Act provided an expedited review process, available to Responsible Authorities, for individual premises should problems arise. Further information on the temporary amendments was attached at Annex A to the Statement of Licensing Policy.
- There was an area just outside of the Can-do boundary, in PE1 2AU where there were licensed premises which had not been included in the Cumulative Impact Policy. Although there were issues, such as car cruising being experienced in that area, they were not associated with the licensed premises. The boundary would be reviewed every three years and if issues occurred during that time, that could be attributed to licensed premises the CIP boundary could be reviewed and amended accordingly following due process.
- The proposed modification to the CIP would mean that only new and variation applications requesting 'Off sales' of alcohol, would be subject to the policy. Whether or not the application also requested 'On sales' of alcohol. The boundary to remain unchanged. This had not restricted residents from making objections to any new or variation application, if they had cause. The CIA to be updated, detailing the current issues and evidence obtained during the consultation process.
- Members felt that the proposals were clear and there had been no reason to refuse the recommendation.

The Licensing Committee considered the report and **RESOLVED** (Unanimously) to agree the modification to the Cumulative Impact Policy (CIP) in relation to 'Off Sales as part of the authorised licensing activities and recommended to Council the adoption of the final Statement of Licensing Policy

AGREED ACTIONS

The Licensing Committee:

- I. Modified the current Cumulative Impact Policy (CIP) so that it was only applicable to applications (new and variation) which request 'Off Sales' of alcohol as part of the authorised activities, and revise and republish the Cumulative Impact Assessment (CIA) in line with this decision.
- II. Recommended the adoption of the final Statement of Licensing Policy to Full Council for 9 December 2020

REASONS FOR THE DECISION

- I. When reviewing the CIP, the licensing authority must ensure that it remained relevant to the current problems described geographically and evidentially robustly supported. The evidence obtained in the review and consultation process, indicated that the current problems identified in the boundary were relevant, but not to all types of applications.
- II. There was no doubt that there were compelling reasons to retain the CIP, the concentration of licensed premises within the current defined boundary, continue to negatively impact on the objectives, the residents and businesses within the

boundary. However, when assessing the types of activities which were seen to most contribute to the problems experienced and reported, it had been those selling alcohol for consumption 'Off' the premises that were highlighted.

- III. The data provided by the police showed that alcohol related crimes within the boundary were on the increase, (160 (8%) in 2017–2018 and 263 (13.7%) in 2019-2020, despite an overall drop in crime. The data also showed that the crimes and incidents were not occurring at the actual location of the licensed premises. This indicated that the problems were not associated with 'On' licensed premises. The report stated: ...' Alcohol was driving crimes in the Op-Can-Do area, especially within homes, but it had not been clear if this was due to local licensed premises (though it would stand to reason that if alcohol had been readily available near home, residents were likely to go to local off licenses and bars to get it.).
- IV. The response from the Director of Public Health referred to the considerable body of research examining the relationship between alcohol outlet density (AOD), alcohol related harms and social disorder in areas of deprivation. Op-Can-Do was one of the most deprived areas of Peterborough, with a higher rate of alcohol related hospital admissions in central ward.
- V. The information provided by Peterborough Enforcement Services (PES) detailed the alcohol related incidents reported to the police between May 19 to May 20. Most of the incidents related to anti-social behaviour of people in the street, either drinking, being rowdy, aggressive, etc. 'That the frequency of cleansing had been significantly higher in the CI area, partly due to the amount of alcohol related litter, which also posed a safety risk and degraded the area.'
- VI. Most of the responses to the consultation support the intention of the CI and also list a multitude of 'street' related problems, such as street drinking, anti-social behaviour, street toileting, street alcohol related litter as many of the problems experienced. With the proliferation of 'Off' sales premises considered as the 'attractive' cause, for people to gather on the street then behave in an anti-social manner.
- VII. Based on the overall evidence, the CIP and CIA should be modified to reflect the current problems identified. Therefore, it should be modified and only be applicable to new and variation applications requesting 'Off' sales of alcohol.

Chairman

6:00pm - 6:20pm

This page is intentionally left blank

LICENSING COMMITTEE	AGENDA ITEM No. 4
01 SEPTEMBER 2021	PUBLIC REPORT

Report of:	Peter Gell, Assistant Director: Regulatory Services	
Cabinet Member(s) responsible:	Councillor Allen, Deputy Leader and Cabinet Member for Housing, Culture and Communities	
Contact Officer:	Gareth Brighton, Licensing & Business Manager	Tel. 864103

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

RECOMMENDATIONS
FROM: Peter Gell, Assistant Director: Regulatory Services
Members are asked to consider and determine the proposed revocation of the street trading consent issued to the proprietors of the Roundabout Café located in Wainman Road, Woodston, PE2 7BU taking into account all of the evidence presented.

1. PURPOSE OF REPORT

1.1 Members are asked to consider and determine the proposed revocation of the street trading consent issued to the proprietors of the Roundabout Café located in Wainman Road, Woodston, PE2 7BU taking into account the following:

- The Local Government (Miscellaneous Provisions) Act 1982 (The Act) (Section 7(10) of schedule 4) – **Appendix A**
- The current street trading consent issued to Mr and Mrs Mutlu – **Appendix B**
- Google Maps view of the street trading location – **Appendix C**
- Summary of site visits by Peter Tebb, Network & Traffic Manager, dated September 2020 – **Appendix D**
- Summary of site visits by Gareth Brighton, Licensing & Business Manager, dated October 2020 – **Appendix E**
- Police incident log – **Appendix F**
- PCC incident log – **Appendix G**
- Email from Clair George, Head of Prevention & Enforcement Service detailing complaints made to the PES, dated 17 June 2021 – **Appendix H**
- Google Maps view of proposed alternative street trading locations – **Appendix I, J & K**

- 1.2 It is proposed that an alternative trading pitch be offered to the proprietors of the Roundabout Café.
- 1.3 Owing to the complexity of the issues at Wainman Road, the interest from Members on both sides, and the volume and seriousness on the incidents reported, it is appropriate that the matter be referred to the Licensing Committee for decision.

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 Executive Director of People and Communities and the Licensing Manager have delegated authority to issue, amend, revoke or refuse street trading consents borough wide an including the use of the city centre pedestrian area.
- 2.3 The Local Government (Miscellaneous Provisions) Act 1982 (The Act) (Section 7(10) of schedule 4) states that the Council may revoke a street trading consent 'at any time'. - **see Appendix A**
- 2.4 The Act does not give a statutory right of appeal in respect of a 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.
- 2.5 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.
- 2.6 Conditions may be varied, or the consent revoked at any time. The consent holder may also surrender the consent at any time.
- 2.7 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. RELEVANT MATTERS

- 3.1 The Roundabout Café is a catering unit that is owned and operated by Mr Sebahattin and Mrs Aysegilil Mutlu. The Roundabout Café trades from a consented static pitch within the turning head in Wainman Road, Woodston, PE2 7BU. The catering unit is towed to the site at the beginning of the trading day and removed from the site once the days' trading has concluded.
- 3.2 The turning head located in Wainman Road has been a consented street trading pitch for at least 16 years – this being as far back as the Council's current electronic records go - although it is believed that the location was a consented pitch for some time prior to this. The current proprietor of the Roundabout Café has been trading from this location since 2014 – **see Appendix B**.

- 3.3 Wainman Road is situated within a low rise industrial trading estate located approximately 2.5 miles from the city centre. The estate is accessed via Shrewsbury Avenue and lies in close proximity to the A1260 (Nene Parkway). A lay-by located on Morley Way provides a waiting area for incoming Heavy Goods Vehicles to lay over before making deliveries or collections to the adjacent industrial areas – **see Appendix C.**
- 3.4 Wainman Road is an area of relatively heavy traffic with the catering unit and neighbouring auto repair business attracting vehicles from outside of the trading estate. There are several parking spaces available within the turning head which when in use, still allow vehicles to safely turn around in the turning head as intended. The parking spaces are not marked out or designated and there are no parking restrictions in operation (in either Wainman Road or the lay-by on Morley Way).
- 3.5 Issues relating to parking are the source of dispute between the Roundabout Café, Frank's Automotive Services (Mr Frank Dilustro) and other neighbouring businesses.
- 3.6 Due to the ongoing dispute, Peter Gell, Assistant Director of Regulatory Services requested that a Highways assessment be undertaken at Wainman Road. Peter Tebb, Network & Traffic Manager provided a report to the Licensing Team dated September 2020 – **see Appendix D.**
- 3.7 In October 2020, Gareth Brighton, Licensing & Business Manager undertook a review of the Wainman Road site as a street trading location. The review focused on three areas: street scene, vehicular movement in Wainman Road and vehicular movement in the lay-by on Morley Way – **see Appendix E.**
- 3.8 Ongoing issues relating to parking has caused the relationship between the Roundabout Café and the neighbouring auto repair business to break down completely. The result of which is a steady increase in calls to services (both Police and PCC) in relation to incidents and behaviour that stem primarily from the issue of parking (and double parking) in and around the turning head. For every allegation from one party, there is an equal and opposite allegation from the other. This is not a matter where one party is wholly at fault, but rather it is the case that both parties are equally culpable of wrongdoing and provocation to some degree.
- 3.9 There is a history of complaints received by PCC and the Police from both the catering unit and nearby businesses. These complaints have steadily increased in frequency with over 50 complaints being received in 2021 – **see Appendices F, G and H.**
- 3.10 Concern is for the fact that the incidents reported are escalating in seriousness as evidenced in both the Police and PCC incident logs with allegations of harassment, intimidation and common assault being reported. There is clearly a need for action in order to prevent a serious incident and/or serious harm from occurring.
- 3.11 In light of the above, and considering the amount of resource that both PCC and the Police have invested, and continue to invest in the matter, it is apparent that the current situation has become unsustainable and a permanent solution is required.
- 3.12 On 09 August 2021, The Licensing Manager, Gareth Brighton and Regulatory Officer, Darren Dolby held a meeting with Mr and Mrs Mutlu at Sand Martin House. The purpose of the meeting was to address the ongoing issues at Wainman Road and to inform Mr and Mrs Mutlu that, in the interest of public safety, the Licensing Authority would be recommending to the Committee that their street trading consent for the Wainman Road pitch be revoked and an alternative pitch be offered to them.

The meeting did not achieve its intended purpose as it ended when Mr and Mrs Mutlu abruptly left the meeting before Officers had the opportunity to appropriately address the matters at hand. Mr and Mrs Mutlu were insistent that the issues at Wainman Road stem wholly from the improper parking and behaviour of the neighbouring businesses. Mr Mutlu advised that he would not be open to mediation.

- 3.13 It is the recommendation of the Licensing Authority that in the interest of public safety, the street trading consent issued to Mr and Mrs Mutlu in respect of the Wainman Road pitch should be revoked and an alternative pitch be offered to them.
- 3.14 A consented street trading pitch located in Welbeck Way, Woodston, PE2 7WH is currently available and should be offered as an alternative trading location for the Roundabout Café. The distance from the current trading pitch and this proposed alternative pitch is approximately ½ a mile – **see Appendix I.**
- 3.15 A consented street trading pitch located in Maxwell Road, Woodston, PE2 7HU is currently available and should be offered as an alternative trading location for the Roundabout Café. The distance from the current trading pitch and this proposed alternative pitch is approximately ½ a mile – see Appendix J.
- 3.16 A consented street trading pitch located in Saville Road, Westwood, PE3 7PR is currently available and should be offered as an alternative trading location for the Roundabout Café. The distance from the current trading pitch and this proposed alternative pitch is approximately 4.4 miles – see Appendix K.
- 3.17 If Mr and Mrs Mutlu's consent to trade from Wainman Road is revoked, the Licensing Authority would not issue consent to another street trader that would permit them trade from this location for the foreseeable future.

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

APPENDIX A

The relevant provision of the Local Government (Miscellaneous Provisions) Act 1982 (The Act).



SCHEDULE 4

Section 7 – STREET TRADING CONSENTS

“(10) A street trading consent may be granted for any period not exceeding 12 months but may be revoked at any time”.

APPENDIX B

The current street trading consent issued to Mr and Mrs Mutlu.

Licence No: 073022	
STREET TRADING CONSENT	
<u>LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982</u>	
THE PETERBOROUGH CITY COUNCIL being the enforcement Authority under Section 3 of the above Act, HEREBY GRANT CONSENT to:-	
Mr Sebahattin Mutlu & Mrs Aysegil Mutlu	
Details:	
UNIT REGISTRATION NO:	MF13 ONN
TRADING NAME:	Roundabout Cafe
TRADING LOCATION:	Wainman Road "(Specific trading location is detailed on the attached location plan)".
TRADING DAYS:	Monday to Saturday
TRADING HOURS:	05:00hrs to 23:00hrs
NON TRADING DAYS:	<ul style="list-style-type: none">• Bank Holiday's• Saturday & Sunday
PRODUCT DESCRIPTION:	Hot and cold food
This consent is valid from 01/07/2021 and expires on 30/09/2021 unless previously revoked or surrendered.	
	
Business Regulation Strategic Manager	
IMPORTANT INFORMATION CONTAINED OVERLEAF, PLEASE TAKE TIME TO READ.	

This consent MUST be displayed in a prominent position.

STREET TRADING CONDITIONS PERTAINING TO STATIC TRADERS ONLY

Consent holders must:

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

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
2. comply with the Food Safety Act 1990
3. comply with the Voluntary Code for Practice For The Fast Food Industry (DEFRA 2003) or any document that replaces this
4. wear their photograph identification badges issued by PCC when trading is taking place (where issued)
5. ensure that no goods or produce are stored or displayed at the side of the unit
6. ensure that the unit is available for inspection by an authorised PCC officer at any time when trading is taking place or at other times with prior notice
7. ensure that trading does not cause a danger, annoyance or nuisance to the public
8. ensure that at all times access is clear for Emergency Service's vehicles
9. in the event of an emergency or any other reasonable request by PCC move the unit without prior warning

The unit must:

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

APPENDIX C

Site map - The area highlighted in **red** denotes the current street trading location.



APPENDIX D

Highways assessment of the Wainman Road site – Sep 2020.

From: Peter Tebb <peter.tebb@peterborough.gov.uk>

Sent: 25 September 2020 12:35

To: Peter Gell <peter.gell@peterborough.gov.uk>; Kerry Leishman <kerry.leishman@peterborough.gov.uk>

Cc: Stacie Edwards <Stacie.Edwards@peterborough.gov.uk>

Subject: Wainman Road

Hello Peter / Kerry

I have visited the site to view the parking situation in the turning head near Franks Automotive Services on the morning of 18th Sept and again on 25th Sept along with one late evening to observe the situation with no businesses operating.

On the first occasion I did period inspections between 9am and 12 noon) and observed

1. An HGV parked in lane one of Morley Way, whilst the driver presumably went to the Catering Unit. This is an unsafe act and should not occur. The vehicle was unable to enter the layby as it was blocked by a "pick up" style truck which I believe would be used to transport the catering unit to and from the trading pitch each day that they operate. This pick up truck was present for at least three hours with no evidence of having moved. It was also present on my visit on 25th September but parked more on the grass verge.
2. The turning head was heavily parked throughout the morning and delivery vans to adjoining units were unable to use the turning head for its intended purpose.

On my second set of visits

1. At c 8.30 the turning head had spaces available for parking but on my return at around 9.30 these had all been taken and vehicles were double parking in the turning head and opposite the forecourt to Franks Autos. The catering unit was noticeably busier with customers and the volume of cars present would prevent the turning head from being used for its intended purpose. The pick up truck was parked on the verge and large depressions have developed in the verge to the rear of the layby, which would not occur through conventional use of the layby for its intended purpose of providing a weighting area for incoming HGVs to lay over before making deliveries or collections to the industrial areas. It was not provided as a parking area for the use of customers of Wainman Road.

Evening visit

1. The turning head was almost free of vehicles and the only vehicles present were in active use (loading/unloading) associated with the units on the opposite side of the road to Franks Autos

Conclusion

1. There are unsafe acts occurring on Morley Way directly associated with the presence of the Catering Unit
2. The turning head cannot be used for its intended purpose due to the amount of vehicles present, which results in double parking.

3. The layby cannot be used for its intended purpose due to it being occupied with customers for the Catering Unit
4. The highway verge is being damaged which I do not believe would occur if the Catering Unit was not present

From a highway perspective I would therefore suggest that consideration is given to seeking an alternative location for the Catering Unit

Peter Tebb
Network and Traffic Manager

Peterborough Highway Services
Place and Economy Directorate
Peterborough City Council
Dodson House
Fengate
Peterborough
PE1 5X

APPENDIX E

Summary of site visits by Gareth Brighton, Licensing & Business Manager - October 2020.

19 OCTOBER 2020 – 11:50 – 12:30

Arrived at Wainman Road at 11:50. On arrival, the turning head spaces were all occupied by parked vehicles, however there was no double-parking occurring. The turning head was observed from the entrance of 'Clearview' for 40 minutes; leaving the site at 12:30.

The area, including the grass verge, was found to be free from any debris/refuse.

The layby located on Morley Way was largely obscured from view, however a silver Nissan pick-up type vehicle (reg MF13 ONN) was observed to be parked in the layby throughout the site visit. It is believed that this vehicle is used by the proprietor of the Roundabout Café to transport the catering unit to and from the site.

The assessment of traffic in the turning head was limited to the area highlighted on the below site plan (*Fig 1*) and took into consideration all vehicles seen to stop in this area between 11:50 and 12:30. This time period was chosen in order to account for what was assumed would be a 'busy' trading period (lunchtime) for the Roundabout Café.

Site plan (*Fig 1*):



Photograph taken on arrival (Fig 2):



Vehicles observed in the turning head:

Vehicle	Time in	Time out	Comments
Grey Fiat 500 X	11:50	12:23	Moved from turning head space into Frank's Automotive Services
Black Skoda estate	11:50		Parked adjacent Clearview
White Peugeot 208	11:50	12:00	Moved from turning head space into Frank's Automotive Services
Black Audi Q7	11:50		Parked in turning head space
White Ford Mondeo	11:50	11:56	Moved from turning head space into Frank's Automotive Services
Silver Ford Fiesta (new shape)	11:50	12:20	Parked adjacent Frank's Automotive Services while customer entered the premises
Silver Ford Fiesta (old shape)	11:50		Parked in turning head space
Grey Fiat Punto	11:50		Parked adjacent Frank's Automotive Services
White Range Rover Evoque	11:50		Parked adjacent Clearview
Silver VW Transporter	11:50		Parked adjacent Clearview
Red Jaguar XK	11:59		Moved from Frank's Automotive Services into a turning head space
Red Honda Civic	12:03	12:20	Customer of Roundabout Café – double parked in the turning head
Green Range Rover Evoque	12:14	12:18	Parked in turning head space while customer entered Frank's Automotive Services
White Peugeot Partner van	12:19	12:30	Customer of Roundabout Café – partially parked in a turning head space
Silver/blue Peugeot 206	11:50		Parked in turning head space

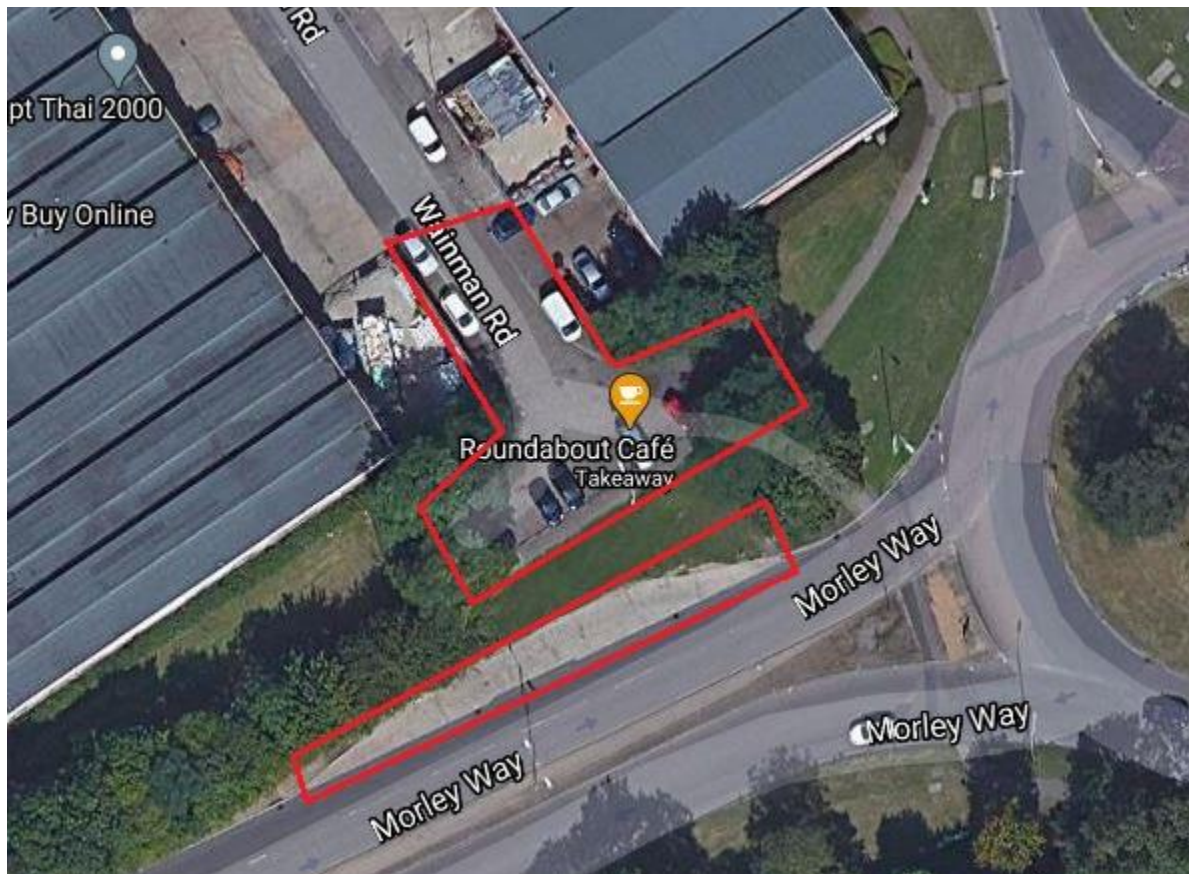
20 OCTOBER 2020 – 16:00 – 16:40

Arrived at Wainman Road at 16:00. On arrival, the turning head was noticeably less busy than the previous day with some parking spaces available. The turning head and layby were observed from the entrance of 'Clearview' for 40 minutes; leaving the site at 16:40. Upon arrival, it was apparent that the Roundabout Café had ceased trading for the day and staff were seen to be in the process of 'packing away' the catering unit. The layby located on Morley Way was in view.

The area -including the grass verge - was found to be free from any debris/refuse.

The assessment of traffic included the turning head and the layby on Morley Way (the areas highlighted in (Fig 3)) and took into consideration all vehicles seen to stop in these areas between 16:00 and 16:40. This time period was chosen in order to understand the impact the street trading location has on the overall site towards the end of the trading day.

Site plan (Fig 3):



Photograph taken on arrival (Fig 4):



Vehicles observed in the turning head:

Vehicle	Time in	Time out	Comments
Blue Mini	16:00		Parked adjacent Frank's Automotive Services
Black Toyota Celica	16:00		Parked adjacent Frank's Automotive Services
Silver Ford Transit	16:00		Parked adjacent Clearview
Blue Vauxhal Astra	16:00		Parked in space in the turning head
Blue Honda Accord	16:00		Parked in space in the turning head
Black Audi A3	16:00		Parked in space in the turning head
Blue Toyota Avenis (Private Hire Vehicle)	16:26	16:28	Briefly stopped, blocking the turning head. Passenger exited vehicle and entered Frank's Automotive Services.
Blue Citroen C3	16:32	16:33	Exited Frank's Automotive Services and briefly double parked in the turning head. Driver exited Frank's, entered the vehicle and left the area
Silver Nissan pick-up	16:00		This vehicle was clearly being used by the proprietors of the Roundabout Café to transport the retail unit from the site

Vehicles observed in the layby:

Vehicle	Time in	Time out	Comments
Blue Skoda Superb (Private Hire Vehicle)	16:00	16:06	Vehicle waited before exiting the area

21 OCTOBER 2020 – 08:50 – 09:30

Arrived at Wainman Road at 08:50. On arrival, the turning head spaces were all occupied by parked vehicles, however there was no double-parking occurring. The turning head and layby were observed from the entrance of 'Peterborough Martial Arts Academy' for 40 minutes; leaving the site at 09:40. The layby located on Morley Way was in full view.

Once again, the area -including the grass verge - was found to be free from any debris/refuse.

The assessment of traffic included the turning head and the layby on Morley Way (the areas highlighted in (Fig 3)) and took into consideration all vehicles seen to stop in these areas between 08:50 and 09:30. This time period was chosen in order to account for what was assumed would be a 'busy' trading period trading (breakfast) for the Roundabout Café.

Photograph taken during visit (Fig 5):



Vehicles observed in the turning head:

Vehicle	Time in	Time out	Comments
Silver Renault Clio	08:50		Parked adjacent Frank's Automotive Services
Silver Toyota Verso	08:50		Parked adjacent Clearview
Black VW Passat	08:50		Parked adjacent Clearview
Black VW Toureg	08:50		Parked in space in the turning head
White Ford Fiesta	08:50		Parked in space in the turning head
Black Vauxhall Insignia	08:50		Parked in space in the turning head
Silver Nissan pick-up	08:50		Parked in space in the turning head – understood to belong to the proprietor of the Roundabout Café
White Ford Transit	09:00	09:04	Parked adjacent Frank's Automotive Services and driver entered the premises
Silver SEAT Alhambra	09:00	09:16	Customer of Roundabout Café - Double parked in turning head
White Ford Transit	09:05	09:06	Briefly stopped, blocking the turning head before moving into Frank's Automotive Services
Blue VW Transporter (Campervan)	09:08		Had difficulty turning in the turning head. Double parked adjacent Clearview while driver entered Frank's Automotive Services
Silver Citroen C3	08:51		Customer of Roundabout Café – parked in turning head space
Red Peugeot 308	09:16		Double parked in the turning head while driver entered Frank's Automotive Services

Vehicles observed in the layby:

Vehicle	Time in	Time out	Comments
White HGV	08:50		Vehicle waiting
7.5t lorry marked 'Oakham Ales'	08:50	09:12	Vehicle waited before exiting the area

CONCLUSION

Peterborough City Council, as the licensing authority, regulates street trading within the Peterborough area by means of issuing a 'consent' to trade. This consent permits a trader to sell goods and services at a specific location for a specific time period and is subject to conditions being placed on the consent to ensure that the trader is selling their goods in a lawful and hygienic manner.

The turning head located at Wainman Road has been a consented street trading pitch for at least 16 years – this being as far back as the Council's current electronic records go - although it is believed that the location was a consented pitch for some time before this. The current street vendor has been trading from this location since 2014.

The purpose of this study was to assess the ongoing suitability of the location as a consented pitch by gathering information to better understand the effects that street trading has on the overall location, with a particular focus on the local street scene, road network and the impact on neighbouring businesses.

1. Street scene

In August 2020 the Council responded to a complaint regarding alleged inadequate disposal of waste by the Roundabout Café and in doing so, sought a positive and timely response from the proprietor of the Café. The proprietor committed to disposing of waste responsibly and there have been no further issues reported.

On each visit by Licensing Officers, the area of the turning head, layby and grass verge were found to be free from refuse and accumulations.

2. Road Network – the turning head

It cannot be disputed that the turning head at Wainman Road is an area of relatively heavy traffic with the catering unit attracting vehicles from outside of the trading estate. There are several parking spaces available within the turning head which when in use, still allow vehicles to safely turn around in the turning head as intended (NOTE: parking spaces are not marked out or designated and there are no parking restrictions in operation).

The amount of traffic in the area is exacerbated by the presence of the automotive business adjacent the turning head which, by the very nature of the business, gives rise to numerous motor vehicles being present in the locality at any given time throughout the trading day.

Issues relating to double-parking in the turning head cannot be directly attributed to customers of the Roundabout Café and the use of this location as a consented pitch. This study has shown that there were very few occasions where the use of this location as a consented pitch contributed to the issue of double-parking. There were no instances of customers of the catering unit parking in such a way so as to prevent entry/egress from neighbouring business premises recorded.

3. Road Network – the layby

It is accepted that vehicles stopping in the layby located at Morley Way could prevent the layby from being used for the intended purpose as a waiting area for incoming HGVs to lay over before making deliveries or collections to the industrial areas. This study has shown that use of the layby by vehicles other than HGVs is seemingly minimal, and there is insufficient evidence to demonstrate that vehicles using the layby are doing so in order to visit the catering unit.

Similarly to the turning head at Wainman Road, there are no parking restrictions in operation in the layby.

Notwithstanding the above, the licensing authority can only regulate trading activities and any other related issues would need to be directed to the appropriate authority for action. Parking of vehicles in Wainman Road and the layby at Morley Way is unregulated at the present time meaning that formal enforcement action may not be possible.

APPENDIX F

Police incident log.

WAINMAN ROAD – POLICE INCIDENTS

DATE	TIME OF REPORT	PERSON REPORTING	INCIDENT	RESULT
18/6/20	10.23am	S. Mutlu	Report that Franks Autos were repairing cars in the middle of the road causing a nuisance	Advice given – contact PCC
24/6/20	3.25pm	F Di Lustro	Parking issues outside Franks Autos – alleged by street trader and / or his customers	Advice given – contact PCC
26/10/20	5.18pm	S. Mutlu	Mutlu alleges that Franks Autos submitted false info to PCC re Planning Application	NFA by Police
27/10/20	1.27pm	S. Mutlu	Report that Franks Autos were repairing cars in the middle of the road causing a nuisance	Advice given – contact PCC
21/5/21	4.04pm	F Di Lustro	Reports an altercation after male (presumably Mutlu) allegedly refusing to move vehicle	NFA by Police
21/5/21	4.05pm	S Mutlu	As above	As above
1/6/21	5.20pm	Parent	Alleged common assault on 15 y/o employee of Franks Auto by Mrs Mutlu	Words of advice given to Mrs Mutlu
8/6/21	5.10pm	Parent	Report of threatening words and behaviour made towards Mrs Mutlu by 15 y/o child employee of Franks Autos	Currently under investigation by Police – Section 4(a) Public Order Act offence alleged
8/6/21	5.38pm	A Mutlu	Alleging that child employed at Franks Auto was making obscene hand & body gestures towards the trader	Advice given by Police to complainant
30/6/21	11:40am	F Dilustro	Report that the burger van is not blocking anyone in, however is parked up on the side of the road, and is restricting access slightly for his vehicles.	No Action
30/6/21	12:47pm	S Mutlu	Report that informant was asked to move his car from the front the neighbouring garage, and upon refusing the do so, the suspect has	Advice given

			become angered and has said 'MOVE IT OR I'LL BURN IT.'	
2/7/21	6:07pm	A Mutlu	Reports that a male attends garage unit at 5-6 WAINMAN ROAD and has since 21 MAY 2021 been verbally abusive and intimidating towards her on 21 May, 30 June, 01 July and 02 July. The victim believes that they are targeted as the garage proprietor wants their burger trailer moved and is aware they have made complaints to the council about the garage business.	Ongoing investigation

APPENDIX G

PCC Incident Log.

WAINMAN ROAD – REPORTS TO PCC

DATE	PERSON REPORTING	INCIDENT	RESULT
8/11/19	Cllr Fitzgerald	Alleged that trader (Mutlu – Roundabout Café) is pouring fat down the drain, urinating in bushes and throwing food waste encouraging rats	DD visited trader and the surrounding area where alleged issues are occurring. No evidence that fat is being poured down drain (they have a barrel where excess fat is poured and then taken to Bookers for disposal), No evidence re urinating in bushes & trader has a large plastic skip/bin & a waste disposal contract in place. NFA
23/6/20	Food & Safety Team	Tables & chairs being used by trader contrary to current C19 regs that none were permitted	Mr Mutlu contacted and tables & chairs removed
24/6/20	E Doran	Advice re alleged poor behaviour of street trader to customers of nearby business and also parking issues	ED was told that it appeared to be tit for tat complaints due as ED had informed DD that trader had reported ED business for planning issues.
25/6/20	F Dilustro (FD)	Allegations of poor practice & behaviour from street trader – Parking issues by alleged customers & poor attitude of female trader (presume Mrs Mutlu)	DD visited trader. Allegations relayed to trader (Mr Mutlu) and he was advised that there was no automatic right to any business in the area to have priority customer parking. He was advised to ensure that he acts professionally at all times and to get along with neighbour businesses.
30/7/20	F Dilustro	Email stating that trader was continuing to cause issues with parking, bird droppings on cars due to waste rolls being thrown on floor & alleged poor driving practices by traders customers	DD contacted FD and explained that he had spoken to the trader again and reminded him of his obligations re trading and also stated that Licensing could only deal with issues surrounding the licensing of the trader and not anything that was out of their remit (ie parking).
3/8/20	Cllr Fitzgerald	Phone call from WF stating that another local business (Clearview) may email in to Licensing with details of an altercation they had with the trader over parking.	WF was reminded by DD that Licensing could only deal with issues relating to the trading consent. WF stated that he understood this.
3/8/20	F Dilustro	Email from FD stating that his issues were not about the customers parking but with the attitude of the	Recorded on Flare

		traders towards other drivers of vehicles parked in the area. FD stated that he was aware that the trader had made a complaint to planning about FD's business	
8/9/20	S & V Autos	Email describing alleged efforts by trader to encourage other businesses to complain about Franks Autos and S&V Autos. No licensing issues raised	Forwarded to CG at ASB Team for info / action (together with issues below)
9/9/20	F Dilustro	Email regarding further parking issues alleged to be caused by the trader and/or the traders customers	DD informed FD that he had passed the issues and concerns on to the ASB Team (Clair George - CG) to see if they could find a solution to the issues
10/9/20		Email regarding further parking issues alleged to be caused by the trader and/or the traders customers	Email forwarded to CG
17/9/20	F Dilustro	Email regarding further parking issues alleged to be caused by the trader and/or the traders customers	Email forwarded to CG
18/9/20	P Gell	Email from PG to FD stating that he had asked Highways to conduct an assessment of the trading pitch and its ongoing suitability for trading	
19/10/20 20/10/20 21/10/20	G Brighton	Observations on vehicular movement within Wainman Road.	Report completed by GB
28/10/20	G Brighton	Email sent to FD detailing the result of investigations & observations by Licensing / Highways / PES	Email stated that there was no evidence to support that the trader was in breach of their trading consent conditions
23/2/21	F Dilustro	Email regarding further parking issues alleged to be caused by the trader and/or the traders customers	Email sent to FD reminding him of GB's email
26/2/21	F Dilustro	Email regarding further parking issues alleged to be caused by the trader and/or the traders customers	Email to FD reminding him that Licensing could not deal with parking issues
24/5/21	F Dilustro	Email stating that the trader coned off the area at the bottom of Wainman Rd where his trading unit is sited during the day	Being looked at by Highways – no street trading offence (unit had left for the day)
1/6/21	F Dilustro	Email regarding further parking issues alleged to be caused by the trader and/or the traders customers	NFA
2/6/21	F Dilustro	Email from FD stating that the female trader had verbally abused a 15 y/o employee of Franks Autos	NFA – words of advice to female trader

8/6/21	F Dilustro	Email from FD detailing further alleged verbal abuse from female to 15 y/o employee	Currently subject to a Police investigation
30/6/21	S & V Body Repair	Email from Steve at S & V alleging that vehicles belonging to the street trader are blocking the road. Photograph attached to email.	Retained on file
30/6/21	S Mutlu	Email with photographs alleging that vehicles belonging to Frank's Autos have blocked the layby. Photos show Police officers in attendance.	Retained on file
30/6/21	F Dilustro	Email alleging that because of parking issues caused by the street trader (and its customers) FD had to park vehicles in the layby. This resulted in a dispute with the street trader and Police were called.	Retained on file
30/6/21	F Dilustro	Email stating that Police were called again to the site by way of a 999 call. FD alleges that the street trader and his wife left a vehicle double parked and took a taxi home. FD alleges that the wife of the trader shouted at one of his employees.	Retained on file
30/6/21	S Mutlu	Email complaining about vehicles from neighbouring businesses parking in the layby and alleging that 'friends' of nearby businesses approached him, caused 'harassment' and tried to start a fight.	Retained on file
05/7/21	S Mutlu	Email with photos attached reporting that staff of neighbouring units are parking in the lay-by and their customers double parking on Wainman Road.	Retained on file
07/7/21	F Dilustro	Email with photos attached reporting that the owner of the catering unit has moved cones into the turning head; taking up 4 parking spaces.	Retained on file
08/7/21	Cllr Hogg	Email reporting 'intimidating behaviour' by staff of the catering unit - On a visit to Frank's Autos, Cllr Hogg witnessed staff from the catering unit taking photos of his vehicle and of employees of Franks Autos.	Email to Cllr Hogg advising that a review into Wainman Road as a street trading location is underway
09/7/21	F Dilustro	Email reporting that vehicles belonging to the catering unit were parked in such a way that they prevented	Retained on file

		FD from moving vehicles that were parked in the turning head.	
09/7/21	S Mutlu	Email alleging 'harassment' by staff of Unit 6 that was reported to Police. Furthermore it is alleged that staff from neighbouring units are again using the lay-by to park their vehicles.	Retained on file
20/7/21	F Dilustro	Email alleging that the owners of the catering unit have parked their vehicles in such a way so as to take up a number of parking spaces in the turning head. Email also alleges that the Mrs Mutlu gave a "torrent of abuse" when FD tried to park cars in the turning head.	Retained on file
21/7/21	F Dilustro	Email alleging parking issues caused by the owners of the catering unit. Email that's that, "this situation with the Cafe is going to explode soon".	Retained on file
21/7/21	Cllr Hogg	Email to Peter Gell expressing concern that issues are "spiralling" and requesting an update re possible Committee meeting	Update provided to Cllr Hogg by Licensing Manager
22/7/21	Mr Mutlu	Email alleging that vehicles visiting Frank's Autos are blocking the road and being repaired on the highway – photos attached to email	Retained on file
28/7/21	F Dilustro	Email with photos showing vehicles belonging to the street trader occupying multiple parking spaces in the turning head.	Retained on file
29/7/21	Mr Mutlu	Email with photos reporting that vehicles belonging to the auto repair business are parked in such a way that they are 'blocking the road'.	Retained on file

APPENDIX H

Email from Clair George, Head of Prevention & Enforcement Service detailing complaints made to the PES - 17 June 2021

From: Clair George (PES) <Clair.GeorgePES@peterborough.gov.uk>

Sent: 17 June 2021 17:10

To: Darren Dolby <darren.dolby@peterborough.gov.uk>

Subject: Re: Wainmain road

Hi Darren

I have received 20 emails from Mr Mutlu since the start of April 2021, and more prior to this date. Mr Mutlu is complaining that garages in Wainman Road are undertaking vehicle repairs on the highway, double parking and blocking the road which impacts on his customers. The majority of the images show vehicles with bonnets up which could be classed as inspection rather than repair and they are also parked on either side of the adopted highway which is private. I have also explained to Mr Mutlu the legislation around double parking and that the offence of obstruction can only be enforced by the police. Also, of note we did undertake some random visits at different times and did not witness any of the issues Mr Mutlu is complaining about.

Mr Mutlu is in contact with the central complaints, it might be worth speaking to Belinda Evans, we have offered to meet with him to explain the legislation and the information which we require but to date he has declined.

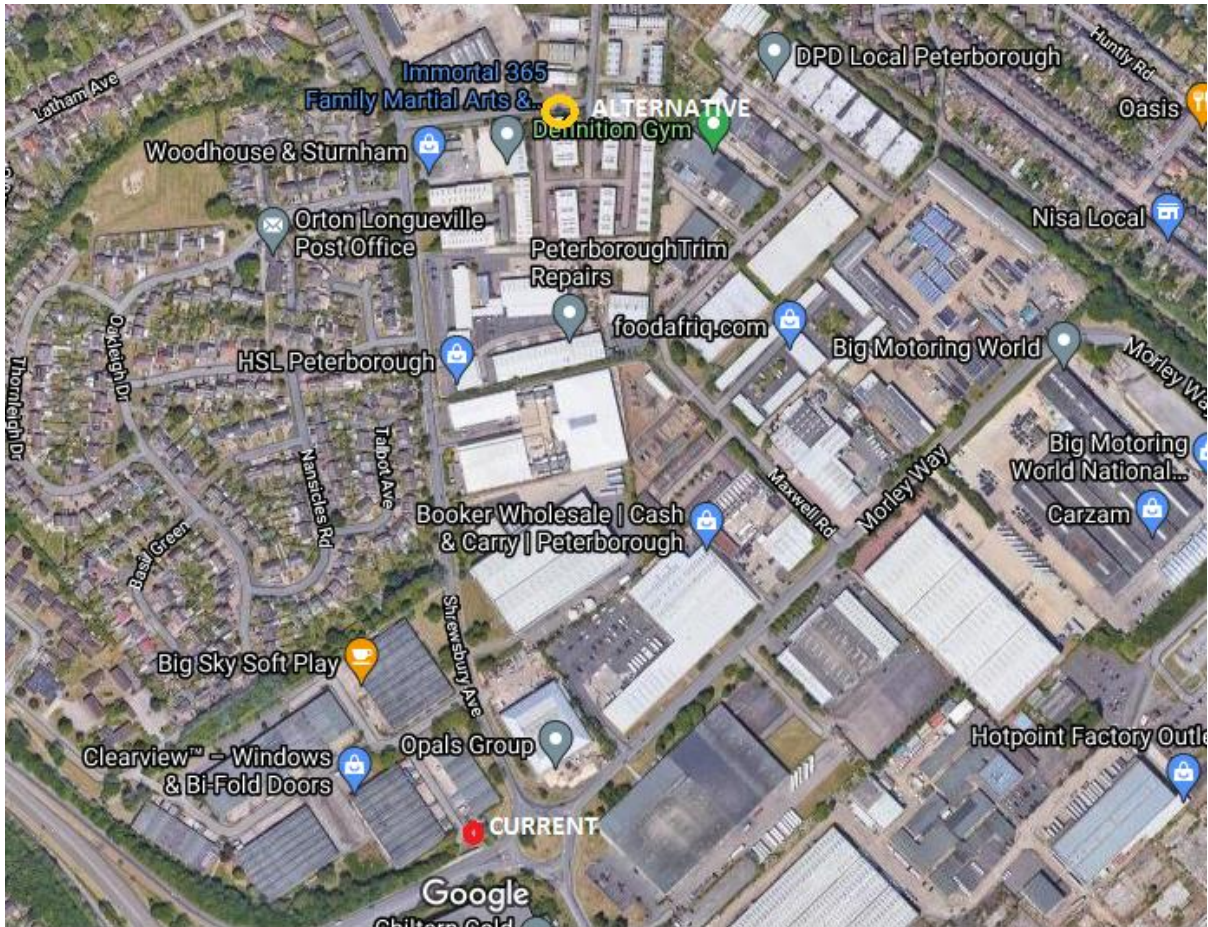
Thanks

Clair

Clair George
Head of Prevention and Enforcement Service
Communities & Safety
Prevention and Enforcement Service
Sand Martin House
Bittern Way
Fletton Quays
Peterborough
PE2 8TY

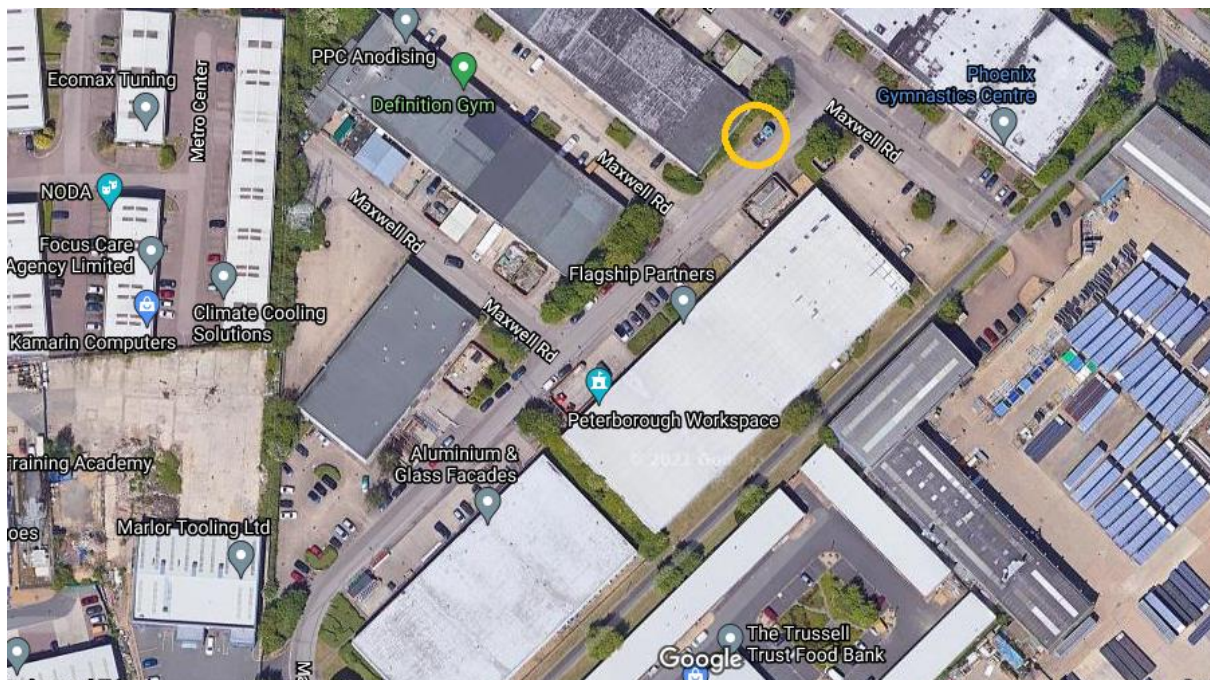
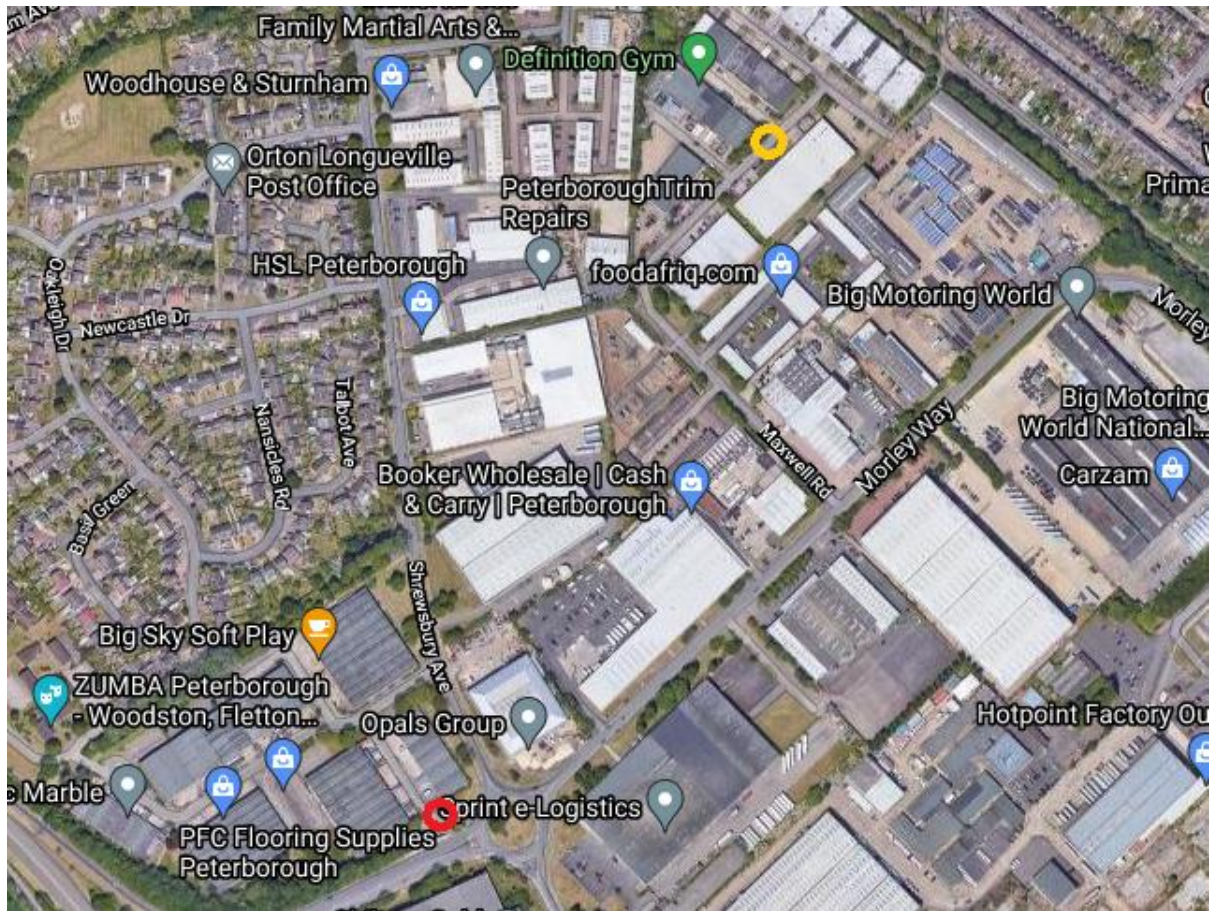
APPENDIX I

Site maps of proposed alternative trading location in Welbeck Way, PE2. The current location is marked in **red** and the proposed alternative location is marked in **yellow**.



APPENDIX J

Site maps of proposed alternative trading location in Maxwell Road, PE2. The current location is marked in **red** and the proposed alternative location is marked in **yellow**



APPENDIX K

Site map of proposed alternative trading location in Saville Road, PE3 7PR.



This page is intentionally left blank