

Minutes of a meeting of the Licensing Committee held at the Town Hall,
Peterborough on 24 June 2008 at 9.30am

Members Present: Councillors Newton (Chairman), Thacker (Vice Chairman), Dobbs, Hiller, Khan, Morley and Lowndes

Officers Present: Adrian Day, Principal Licensing Officer
Jane Bosworth, Licensing Enforcement Officer
Amy Brown, Solicitor
Lindsay Tomlinson, Governance Support Officer

1. Apologies

There were no apologies.

2. Declarations of Interest

Councillor Morley advised that he was one of the Ward Councillors in Bretton but that this would have no bearing on his decision and he therefore did not have a prejudicial interest.

3. Minutes of the previous meeting

The minutes of the meeting held on 11 March 2008 were agreed as an accurate record subject to Councillor Thacker being listed as present at the meeting.

4. Appeal against Refusal of a Street Trading Consent

The Licensing Enforcement Officer introduced the report which detailed representations received, issues raised and the trading history of the appellant. In response to a question the principal licensing officer advised that Mr Karayilan's licence had not been renewed but that this was not relevant as he was not currently trading. If he resumed using the unit at that location then the licence fee would become payable.

Councillor Fitzgerald, Ward Councillor, addressed the Committee on behalf of residents. He stressed that there was an overwhelming level of objection to this application and that road safety was a key issue.

The applicant, through his solicitor, stated that he had been trading for four years and that he now held relevant certificates in food hygiene. The Committee agreed to accept photographic evidence showing the new trading unit along with a petition in support of his application, a receipt for his licence fee and a food hygiene certificate.

In response to questions Mr Karayilan gave the following responses:

- The new trading unit is in his possession
- He would ensure that the unit was kept clean and regularly serviced and would not allow it to deteriorate
- The hours he intended to trade were 5pm to 11pm; he acknowledged that this may lose him trade but he had chosen to cease trading at 11pm so as not to disturb local residents. If customers turned up after 11pm he would refuse to serve them.
- There would be 2 members of staff – Mr Karayilan and his son
- There had been problems previously of trading outside permitted hours but this would not happen again

- The difference between this application and the previous one were that a new trading unit would be used and the hours of trading had been amended from 6pm until 12 midnight to 5pm until 11pm.
- He would be able to use toilet facilities at nearby pubs or at houses of customers and would close the unit whilst using toilet facilities if necessary
- The food hygiene certificate shown to the Committee had not been renewed as he was not currently trading – if and when he did start trading again he would have it renewed

The Licensing Enforcement Officer queried the applicant on the fact that his van had been seen trading from a lay-by near the Norman Cross roundabout on the A1 and that the licensing department at Huntingdonshire District Council had advised her that the applicant did not currently hold a licence. The applicant told the Committee that he had spoken to Huntingdonshire DC about the matter and that the renewal of his licence was in hand.

The legal officer reminded the Committee that they should focus on the current application and in particular decide whether the applicant was a fit and proper person to hold a street trading consent and whether the proposed site was suitable.

The Principal Licensing Officer summed up the case for refusal of the street trading application and Mr Karayilan summed up his case for appealing against the refusal. Both parties, the press and public were then excluded from the meeting while the Committee deliberated.

RESOLVED: to uphold the decision of the Head of Environmental & Public Protection Services to refuse a Street Trading Consent.

Reasons for the decision:

Members did not think it fit to grant a Street Trading Consent to Mr Karayilan for the following reasons:

1. Bretton is a developing area with a number of street trading outlets and the Committee did not feel there was a need for an extra outlet
2. road safety issues relating to the application site
3. the previous trading history of the applicant at that site

CHAIRMAN
9.30am – 11.15 am