

**MINUTES OF A MEETING OF THE LICENSING COMMITTEE
HELD AT THE TOWN HALL, PETERBOROUGH ON 3 SEPTEMBER 2015**

Members Present: Councillors Thacker (Chair), Hiller (Vice-Chair), Coles, Iqbal, Martin, Herdman, Jamil, Sharp and Sandford

Officers Present: Ian Robinson, Regulatory Officer
Colin Miles, Litigation Lawyer
Pippa Turvey, Senior Democratic Services Officer
Dania Castagliuolo, Democratic Services Officer

1. Apologies for Absence

Apologies for absence were received from Councillor Nawaz, Shabbir, Miners and Davidson. Councillors Jamil, Sharp and Sandford were in attendance as substitutes.

2. Declarations of Interest

There were no declarations of interest.

3. Minutes of the Meeting Held on:

3.1 18 June 2015

The minutes of the meeting held on 18 June 2015 were approved as a true and accurate record.

3.2 Minutes of the Sub-Committee Hearings Held Between June 2015 and July 2015

The following minutes of the Sub-Committee hearings held between June 2015 and July 2015 were approved as true and accurate records:

- i) 11/06/15 – Madina Kebab, 2 – 65 Gladstone Street (Review) and Nectar, 1 – 2 Central Square (New Premises)
- ii) 09/07/15 – Baltia, 148 – 150 Huntly Grove (Review)

4. Field Walk Appeal

The Regulatory Officer addressed the Committee and advised that the appeal was from Ms Sultan, the Applicant, against the refusal to grant a street trading consent. The appeal was for the Committee to reverse the decision of the Licensing Authority not to grant a street trading consent at 5 Field Walk, Peterborough.

The report detailed the background to the appeal and the completed application for a grant of a street trading consent was attached at Appendix A. Ms Sultan had applied for the hours of 6.00am to 11:00pm, on Sundays only.

The appeal letter received from Ms Sultan was attached at Appendix C to the committee report. Ms Sultan stated that she believed the decision not to grant the street trading consent was unfair and the reasons for refusal provided were

unsubstantiated. Letters of support and a petition in favour of Ms Sultan and a fellow trader were attached to the committee report at Appendix C.

The Regulatory Officer requested that the decision of the Licensing Authority be upheld. Following questions it was clarified that:

- Although there was a takeaway business on the same street, this was not on a residential premises.
- It had been necessary to divert resources to the area in order to deal with highway and congestion issues.
- A resident had complained in relation to the noise of this particular stall being set up in the morning.
- Other potential sites for the stall had been suggested to the Applicant, including a number of other car boot and market locations.
- The selling of food goods required registration. Market Stall locations were covered by separate legislation.
- The Regulatory Officer Confirmed that no application for planning permission for the site had been made.

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

- Ms Sultan had contacted the Licensing Team regarding her stall and had been advised to 'see how it goes'.
- Ms Sultan claimed advice was received stating that she could trade for up to four weeks in a year without making an application.
- After discussing the matter with the Planning Services it was established that a planning application would cost over £300. Ms Sultan explained that she had been advised by Donna Hall to instead submit a 'pre-app' application, at a lesser cost. Ms Sultan did so and continued to trade. The application was subsequently refused.
- Ms Sultan was made aware that Tony D'Alessio had made a complaint in relation to her stall. The Applicant believed that Mr D'Alessio was inciting the current action against her.
- Ms Sultan recounted a visit by a Traffic Warden in which she felt that she had been subject to rude and threatening behaviour.
- It was confirmed that officers of the Council did not advise Ms Sultan to keep on trading, nor did they advise her to cease her trade.
- In relation to the traffic concerns raised by officers, Ms Sultan explained that she stopped people parking by her stall and would not serve individuals until they moved. It was suggested that even without her stall traffic was an issue.

With the permission of the Committee, photos submitted by Ms Sultan were circulated showing traffic levels when her stall was inactive.

The Applicant called upon a witness, a resident at 1 Field Walk, who responded to questions from Members. The main issues highlighted were:

- The witness was not aware of any objections from other residents.
- It was believed that the main cause of disturbance in the area was the car boot sale.
- There was no organised ingress and egress from the car boot sale, which caused congestion on the surrounding roads.
- The sound of the car boot sale setting up began from 6:45am. It was not considered that the Applicant's stall added to the pre-existing disturbance.

The Regulatory Officer summed up the case for the Licensing Department and it was requested that the decision of the Local Authority be upheld. Following summing up

by the Applicant all parties and the press and public left the committee room while Members debated the application and made their decision.

RESOLVED: (8 for, 1 against)

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

Reasons for the decision:

1. It was not considered appropriate to grant street trading consent in that location as it was likely to add to traffic congestion and noise nuisance, and was likely to undermine the legitimate traders operating from the licensed Wellington car boot sale; and
2. The Committee was not willing to set a precedent of street trading consent in that area.

The Committee expressed a desire for officers to assist Ms Sultan in finding a legitimate location for her stall, where possible.

Chairman
7.00pm – 8:41pm

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