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| LICENSING COMMITTEE | | AGENDA ITEM No 5 |
| 22 JUNE 2010 | | PUBLIC REPORT |
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APPLICATION: APPLICATION FOR NEW STATIC STREET TRADING CONSENT

APPLICANT: Mr Shakeel Hussain

LOCATION: Outside Armadillo Storage, minor road adjacent to Westfield Road.

1. PURPOSE OF REPORT

1.1 Members are asked to consider and determine an application from Mr Shakeel Hussain for the siting of a new catering trailer at Armadillo Storage taking into account the contents of this report.

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 Regulation 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 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.

2.4 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.

2.5 In granting permission to trade as a static 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 holder may also surrender the consent.

- 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. APPLICATION

- 3.1 On 7 May 2010 Mr Shakeel Hussain submitted an application for a static street trading consent (**see Appendix 1**).

- 3.2 Mr Shakeel Hussain & employee Mr Aumar Hussain have liaised with David Denson PCC City Services with regards to the removal of the existing bollard protecting the road to ensure that any replacement is to a standard acceptable to David Denson PCC (**see Appendix 2**).

- 3.3 Mr Shakeel Hussain & employee Mr Aumar Hussain, have verbally agreed to the following conditions.

- The bollard protecting the road will be to a specification that the Head of Operations and the Asset Management Group Manager deem appropriate.
- Trading will not be permitted past 21.00hrs (may be extended after 3 month trial basis)
- No signs or advertising relating to the unit are displayed at the pitch or on approach to it.
- Ensure that all waste matter is collected or disposed of appropriately.
- Ensure that the surrounding area on which the unit is located is left clean and free from debris.
- Ensure that any generator used is reasonably silent running, and does not create any hazards.
- Provide suitable storage for litter and refuse, which will be properly disposed of at the end of each trading day.
- Any traffic/parking issues will be dealt with by the trader immediately and the road leading to Armadillo Storage will be kept clear at all times.

- 3.4 On 10 May 2010 the licensing team received an email from Cllr Newton (ward councillor for said area) objecting to the proposed site (**see Appendix 3**). On 25 May 2010 a second email was then sent on behalf of Cllr Newton by Members Services detailing further the reasons behind his objection (**see Appendix 4**).

4. IMPLICATIONS

Corporate Resources

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

Cross Service Implications

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

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.

Financial

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

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

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