

LICENSING COMMITTEE		AGENDA ITEM No. 4
17 NOVEMBER 2011		PUBLIC REPORT
Contact Officers:	Darren Dolby, Licensing Regulatory Officer	Tel. 453561

APPLICATION: APPEAL AGAINST REFUSAL TO RENEW A STREET TRADING CONSENT

APPLICANT: Mr Serkan Gokmen, 47 Lansdowne Walk, Peterborough, PE2 7GD

LOCATION: Laxton Square, Peterborough

1. PURPOSE OF REPORT

1.1 Members are asked to consider and determine an appeal from Mr Serkan Gokmen against the refusal to renew a street trading consent taking into account the following:

- The completed application for a renewal of a street trading consent – **Appendix A**
- The appeal letter from Mr Gokmen dated 26th October 2011 – **Appendix B**
- The letter of representation against a consent from Inspector Matt Newman, Cambridgeshire Constabulary – **Appendix C**
- The 2 photographs of Laxton Square showing the area where the street trading unit would be located – **Appendix D**

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 and Licensing 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 The Local Government (Miscellaneous Provisions) Act 1982 (The Act) (Paragraph 7 (2) of schedule 4) states that the Council **may grant a consent 'if they see fit'**.

2.4 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.

2.5 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.

- 2.6 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.
- 2.7 Conditions may be varied, or the consent revoked at any time. The holder may also surrender the consent.
- 2.8 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 13th October 2011 Mr Gokmen submitted an application to renew a street trading consent for a pitch in Laxton Square - **see Appendix A**. The application is to trade Fridays & Saturdays between October and December 2011. The hours for trading are from 11pm (Friday) to 6am (Saturday) and 11pm (Saturday) to 6am (Sunday). Mr Gokmen's previous street trading consent had expired on 30th September 2011. The application is to trade hot food & drinks from a static street trading unit within Laxton Square.
- 3.2 A letter of representation against the consenting of a street trading unit in Laxton Square was received by the Licensing Authority from Inspector Matt Newman of Cambridgeshire Constabulary. Inspector Newman – **see Appendix C**. The substance of Inspector Newman's representation was that the street trading unit, together with a nearby premises named 'City Kebabs', became a focal point for persons leaving clubs in the area to purchase and consume hot food. This in turn has led to a high number of Police calls for service with regard to antisocial behaviour in the Laxton Square area.
- 3.3 As a result of the representation being made the decision **not** to grant the renewal of a consent was made by the Licensing Authority. The decision not to renew the consent was made for the following reason:
- Approval of the application would lead to continued, or an increase in, anti social and violent behaviour in and around the Laxton Square area.
- 3.4 Mr Gokmen was informed of the disapproval of his application and was given the chance to appeal the decision.
- 3.5 Mr Gokmen submitted his letter of appeal on 26th October 2011 and this letter can be seen at **Appendix B**.

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 Financial

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

4.5 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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