

VARIATION OF TEMPORARY STREET TRADING TABLES & CHAIRS LICENCE

Committee	Licensing Sub-Committee
Officer Contact	Bill Hickson 01895 277402
Papers with report	Annexure 1
Ward(s) affected	Uxbridge South

SUMMARY

The Street Scene Enforcement Team has now processed the application for the variation of a street trading licence. Having considered the application, the Street Scene Enforcement Team suggests that it would be appropriate to vary the Temporary Tables & Chairs Licence in respect of Mr M Wehbe, 7 High Street, Uxbridge.

RECOMMENDATION

That the Temporary Tables & Chairs Licence of the trader identified below be revised for the remaining period of the current licence & extend the existing trading pitch area by 1 metre, from 2 metres to 3 metres:

NAME: Mr M Wehbe

LICENCE TYPE AND PERIOD: Temporary Tables & Chairs Licence – 6 months

LOCATION: 7 High Street, Uxbridge

COMMODITY: Tables & Chairs

ALTERNATIVE OPTIONS

A. Refuse to approve the variation of licence

INFORMATION

1. Street trading activity within the London Borough of Hillingdon is regulated by the London Local Authorities Act 1990 (as amended).
2. The application set out above is to vary the current temporary tables & chairs licence.
3. The variation if granted would be for a period ending 30th September 2010
4. The Street Scene Enforcement Team has examined all documentation accompanying the application. Copies of the relevant documentation supplied by the trader will be available to be viewed by Councillors at the Licensing Sub-Committee Hearing.

Licensing Sub-Committee A Meeting – 9 July 2010

PART 1 – MEMBERS, PUBLIC AND PRESS

5. The Street Scene Enforcement Team is satisfied that the application complies with the London Borough of Hillingdon's Street Trading Regulations and the legislation.
6. Street Scene Enforcement Team Officers confirm the proposed trading activities have sufficient space of two (2) metres on the pavement for pass and re-pass by pedestrians.
7. The Street Scene Enforcement Team confirms that it has no objection to the grant of the licence.
8. On 18th June 2010 correspondence was despatched to the trader. They were advised by the Street Scene Enforcement Team by post of the date and time of the Sub-Committee meeting at which their application to renew their street trading licence would be considered. Copies of this correspondence will be available to be viewed by Councillors at the Licensing Sub-Committee Hearing.
9. The correspondence also advised the trader of their right to attend the hearing and make written or verbal representations at the hearing.
10. Additionally, the trader was advised via correspondence that the application would be decided in their absence in the event that Democratic Services were not notified of the trader's intention to attend and/or address the Sub-Committee.
11. In light of the traders' compliance with Street Trading Regulations, the Street Scene Enforcement Team is not aware of any reason to revoke the licence or not to vary the licence as applied for.

LEGAL COMMENTS – TO BE COMPLETED BY BEEJAL

12. This report recommends that the street trading licence as attached at Annexure 1 be renewed in accordance with Section 25(1) of the London Local Authorities Act 1990 (as amended) – ("the Act").
13. An application for the renewal of a street trading licence should be made not later than two months before the date on which the existing licence will cease to be valid. This time period may be shortened if the Local authority considers it reasonable to do so.
14. Section 25(4) of the Act specifies that a street trading licence may not be granted:
 - a. To a person under the age of 17 years;
 - b. To a company incorporated under the Companies Acts, an unincorporated association or a partnership except where such an application is made to carry on ice cream trading
 - c. In respect of an application for a street trading licence which, if granted, would authorise trading in a street which is not a licence street. An exception to this prohibition is where the application is for the grant of a temporary permit and the proposed trader has the permission of the owner of the land to carry out trading activities. In such a situation, the applicant is required to provide sufficient evidence of such permission to the Licensing Sub-Committee.

d. Where the goods that the trader proposes to trade in are prohibited or embargoed by a resolution passed in compliance with Section 24(1)(b) of the Act.

15. In accordance with Section 25(4)(b), a licence may not be granted unless the Sub-Committee are satisfied that there is enough space in the street for the applicant to engage in the trading activity without causing undue interference or inconvenience to persons or vehicular traffic using the street.

16. As at 26 February 2010, all public pavements immediately in front of any shop within the London Borough of Hillingdon has been designated as a licence street for the purposes of street trading under the Act.

BACKGROUND DOCUMENTS

London Local Authorities Act 1990(as amended)

London Borough of Hillingdon Street Trading Licence Terms and Conditions