

APPLICATION FOR TEMPORARY PITCH STREET TRADING LICENCE

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

SUMMARY

The Street Scene Enforcement Team has now processed the new application for temporary pitch street trading licence in respect of Fast Food, Betam Road, Hayes. Having considered the application and documentation, the Street Scene Enforcement Team suggests that it would be appropriate to issue temporary pitch licence in respect of Fast Food 4 You, Betam Road, Hayes.

RECOMMENDATION

That temporary pitch street trading licence for the trader listed below be issued for a period of 6 months.

NAME: Mrs B K Bhogal trading as Fast Food 4 You

LICENCE TYPE AND PERIOD: Temporary Pitch Street Trading Licence – 6 months

LOCATION: Betam Road, Hayes

COMMODITY: Fast Food

ALTERNATIVE OPTIONS

- A. Approve the issue of the licence for a further time limited period of less than 6 months – time period to be specified by the Sub-Committee.**
or;
B. Refuse to issue of licence temporary pitch street trading 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 for a new pitch licence.
3. The licence issued will be temporary licence lasting for a period of 6 months.
4. The Street Scene Enforcement Team has examined all documentation accompanying the application. Copies of the relevant documentation supplied by each trader will be available to be viewed by Councillors at the Licensing Sub-Committee Hearing.

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. The Street Scene Enforcement Team confirms that it has no objection to the grant of the licence.
7. On 8th June 2010 the Street Scene Enforcement Team Administrative Assistant meet & informed the applicant of the date and time of the Sub-Committee meeting at which their application for their street trading licence would be considered.
8. The Street Scene Enforcement Team Administrative Assistant also advised the trader of their right to attend the hearing and make written or verbal representations at the hearing.
9. 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.
10. In light of the trader's compliance with Street Trading Regulations, the Street Scene Enforcement Team is not aware of any reason refuse the licences for the period requested.

LEGAL COMMENTS

11. This report recommends that the street trading licences as attached at Annexure 1 be renewed in accordance with Section 25(1) of the London Local Authorities Act 1990 (as amended) – ("the Act").
12. 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.
13. 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.
14. 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.

15. As at 26 February 2010, all **Highway**” means a route or area which all persons can use to pass and repass along as often and whenever they wish without let or hindrance and without charge; this includes carriageway, footway and any part of that area where the public have access and which may be in public or private ownership public within the London Borough of Hillingdon designated 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