

REFUSAL OF STREET TRADING LICENCES

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|---------------------------|--------------------------------|
| Committee | Licensing Sub-Committee |
| Officer Contact | Bill Hickson 01895 277402 |
| Papers with report | Annexure 1 |
| Ward(s) affected | Northwood Hills & Barnhill |

SUMMARY

The Street Scene Enforcement Team has now processed applications for new street trading licences. Having considered all the applications and documentation, the Street Scene Enforcement Team suggests that it would be appropriate not to issue the licences to traders as tabulated in Annexure 1.

RECOMMENDATION

That the Licensing Sub-Committee refuses to grant the street trading licences of each reported trader identified in Annexure 1.

ALTERNATIVE OPTIONS

- A. Grant the Licence application
or;
- B. Grant the Licence application but vary the conditions of the 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 traders listed in Annexure 1 are applying for shop-front licences. All traders listed on the annexure have been issued with temporary licences lasting for six months in the past but those have been allowed to lapse.
3. The Street Scene Enforcement Team has received applications for new licences as listed in Annexure 1.
4. The Street Scene Enforcement Team has examined all documentation accompanying the application. Copies of the relevant documentation for each trader will be available to be viewed by Councillors at the Licensing Sub-Committee Hearing.
5. The Street Scene Enforcement Team has found that the applications submitted are incomplete, as the relevant supporting documentation was not provided at the time of submitting this report to Democratic Services. The documents outstanding are also listed in Annexure 1.
6. The Street Scene Enforcement Team is therefore unable to comment on the eligibility of the trader to be awarded a street trading licence as applied for,

7. Section 25 (6) of the London Local Authorities Act 1990 (as amended) permits the Sub-Committee not to grant a street trading licence where the trader is, on account of misconduct or for any other sufficient reason unsuitable to hold a street trading licence.
8. The Street Scene Enforcement Team has served a notice of its preferred recommendation and notified the trader of a 21-day period within which to make any representations. The notices for the traders listed in Annexure 1 were sent on 9th June 2010.
9. On 9th June 2010 the relevant traders 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, along with notification that a recommendation to revoke the licence will be made. Copies of this correspondence will be available to be viewed by Councillors at the Licensing Sub-Committee Hearing.
10. The correspondence also advised traders of their right to attend the hearing and make written or verbal representations at the hearing.
11. Additionally, traders were 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.

LEGAL COMMENTS

12. Section 31(1)(b) of the London Local Authorities Act 1990 (as amended) states that the Sub-Committee may, if they think fit, grant a temporary street trading licence to an applicant.
13. Regulation 3 of the London Borough of Hillingdon Street Trading Licence Terms and Conditions states that it is the Licensed Street Trader's responsibility to ensure that all documents requested for any application for a grant, renewal or variation of a licence is provided on applying for a Street Trading Licence.
14. Section 31 of the London Local Authorities Act 1990 (as amended) states that an applicant must satisfy the Sub-Committee of ownership of the land on which trading is proposed. Alternatively, where the applicant proposes to trade on land which is owned and/or occupied by another person, the applicant must satisfy the Sub-Committee that he/she has the relevant consent to trade on the land. If such consent is withdrawn after the issue of a licence, the temporary licence that was granted shall lapse.
15. Section 31(2) authorises the Sub-Committee to prescribe conditions which it deems necessary for the use of the licence.
16. Section 25(3A) requires that where third party insurance is a requirement for the issue of a licence, such insurance must be provided before the licence is granted.
17. Traders have given the licence holder not less than 21 days previous notice in writing that a refusal is proposed. This notice also specified the grounds on which the recommendation is based. Additionally, the applicant was notified of his/her right to appear before the sub-committee determining the matter.

18. Section 28 (2) of the Act states that the Council may instead of revoking a licence, vary it by attaching further specified conditions;
- (a) reducing the numbers of days in any week or the period in any one day during which the licence holder is permitted to trade;
 - (b) specifying a different licence street or position or place at which the licence holder may trade;
 - (c) restricting the items which licence holder is permitted to sell.
19. The applicant must be notified in writing of the decision of the Sub-Committee.
20. The Council has a duty in considering this matter to take account of all relevant considerations and disregard any matters of irrelevance. In doing so, it must have regard to the rules of natural justice. This is in addition to complying with procedural requirements set out in the statute.

BACKGROUND DOCUMENTS

London Local Authorities Act 1990(as amended)
London Borough of Hillingdon Street Trading Licence Terms and Conditions

ANNEXURE 1

| NAME | LICENCE TYPE AND PERIOD | LOCATION | DOCUMENT OUTSTANDING / REASON FOR NON-RENEWAL |
|-----------------------------------|----------------------------------|------------------------------|---|
| Harts & Flowers Mrs D O'Conner | Shop Front Licence – 6 months | 67 Joel Street, Northwood | Commercial trade waste agreement; No photograph or proof of identity of assistant |
| Puri's Poundworld Mr S M Puri | Shop Front Licence – 6 months | 666 Uxbridge Road, Hayes | Proof of right to occupy premises |
| Kwality Foods Mr S S Arora | Shop Front Licence – 6 months | 674 Uxbridge Road, Hayes | Commercial trade waste agreement, proof of right to occupy property |