

<b>APPLICATION FOR RENEWAL OF A TEMPORARY STREET TRADING LICENCE – SHOP FRONT</b>		<b>ITEM</b>
<b>Committee</b>	Licensing Sub Committee (South)	
<b>Officer Contact</b>	Charlene Ellis, Residents Services	
<b>Papers with report</b>	Appendix 1 – Copy of application Nur Food Centre Appendix 2 – Copies of Written Correspondence Re: Renewal Appendix 3 – Copy of ASBIT Objection Letter Appendix 4 – Copy of Fixed Penalty Notice 1 Appendix 5 – Copy of Fixed Penalty Notice 2 Appendix 6 – Copy of Fixed Penalty Notice 3 Appendix 7 – Photos Appendix 8 - Copy of Existing Licence	
<b>Ward(s) affected</b>	Townfield	

## SUMMARY

The Licensing Service received an application for the renewal of a temporary street trading licence in respect of Nur Food Centre, 59 Station Road, Hayes, UB3 4BE which requires determination via the Licensing Sub-Committee (South).

## RECOMMENDATION

**To refuse the renewal application on grounds of misconduct.**

Other options available:

- A. Grant the licence for a shorter period as determined by the Licensing Sub-Committee.**
- B. Grant the licence for a reduced/increased size as determined by the Licensing Sub-Committee.**
- C. Grant the licence in full as per the application or with further conditions.**

## INFORMATION

The Licensing Service received a Temporary Street Trading Shop Front Licence, renewal application, from Mr Huseyin Kanisirin in respect of Nur Food Centre, 59 Station Road, Hayes on 4<sup>th</sup> November 2013; a copy of which is attached as Appendix 1.

Prior to this and in sequence with the Councils Street Trading Policy and aims, the application followed numerous attempts to make contact the licence holder in order to prevent the existing licence from lapsing whilst the renewal application underwent consultation; copies of this correspondence are attached as Appendix 2a and 2b respectively.

The applicant subsequently applied for the usage of 1 metre shop front space with the request to display vegetables between the hours of 06:00 – 23:00 Monday to Sunday, for a 6 month

period. If granted, the commodities would continue to be displayed outside the front of the premises.

The 21 day consultation period, initiated by the Applications Processing Team on behalf of the Licensing Service, consulted with all relevant bodies inclusive of Ward Members, Licensing Committee Members, Investigations Team and the Highways Service.

Consequently this prompted an objection from Mr Sudhir Bhatt of the Anti-Social Behaviour Investigations Team; copy of which is attached as Appendix 3. The recent enforcement actions carried out by ASBIT and as detailed in Mr Bhatt's objection letter have subsequently caused some doubts as to the applicant's suitability to hold a licence.

Between September and October 2013 the Nur Food Centre were issued with 3 Fixed Penalty Notices for breaching the terms of their existing licence by way of trading in excess of their authorised trading area, a copy of the fines issued are attached as Appendix 4 to 6 respectively.

Photos of these breaches were supplied by the Anti-Social Behaviour Team and are attached as Appendix 7

The applicants existing licence expires on 30<sup>th</sup> November 2013; a copy is attached as at Appendix 8

The Licensing Sub-Committee are requested to consider refusing the application on grounds of misconduct.

## **LEGAL COMMENTS**

1. Section 25(4) of the London Local Authorities Act 1990 (as amended) ("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.
2. In accordance with Section 25(6) of the Act, and Condition 23.0(f) of the Council's Policy on Street Trading, a Sub-Committee may refuse an application for a variety of specified reasons, including that the applicant is on account of misconduct or for any other sufficient reason unsuitable to hold the licence;
3. If the Council consider that grounds for refusal exist under section 25(6)(a) or (c) referred to above, the policy and Act permit the Sub-Committee, where they think it appropriate, to grant the applicant a licence which permits him–
  - (a) to trade on fewer days or during a shorter period in each day than is specified in the application; or

- (b) to trade only in one or more of the descriptions of goods specified in the application
4. As at 26 February 2010, all public pavements immediately in front of any shop within the London Borough of Hillingdon have 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 & Markets Policy