

APPLICATION FOR A TEMPORARY STREET TRADING LICENCE – SHOP FRONT

Committee	Licensing Sub-Committee
Officer Contact	Stephanie Waterford, Residents Services
Papers with report	Appendix 1 - Application form Appendix 2 - Objections from Ward Councillors Appendix 3 - Submission from Street Scene & Traffic Manager Appendix 4 - London Borough of Hillingdon Street Trading & Markets Policy.
Ward(s) affected	Hillingdon East

SUMMARY

The Licensing Service has received an application for a new street trading licence – (1 metre Shop Front) for a 6 month period in respect of Asha London Ltd, 8 Marlborough Parade, Uxbridge Road, Hillingdon, UB10 0LR.

RECOMMENDATION

That the Licensing Sub-Committee determine the application with a decision from the following options:

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

INFORMATION

The Licensing Service received a Street Trading Shop Front Licence application from Mr Raj Mumjal in respect of Asha London Ltd, 8 Marlborough Parade, Uxbridge Road, on 17th June 2014. The application was supplied with all the necessary supporting documents, appropriate fee and in full compliance with the Council's application procedures. A copy of the application is attached as Appendix 1.

The application is for 1 metre of shop front space with the request to display fruit and vegetables between the hours of 08:00 – 23:00 Monday to Saturday and 09:00 - 22:30 on Sundays.

Commodities will be displayed outside the front of the premises.

The Licensing Service consulted with Ward Councillors, Licensing Committee Members, Investigations Team and the Highways Service.

Two objections were received from Cllr Pat Jackson and Cllr Wayne Bridges, expressing concerns around obstruction and litter. The objections are attached as Appendix 2.

Supplementary information was sought from the Highways Service on the obstruction issue, attached as Appendix 3.

The Licensing Sub-Committee are requested to determine the application.

LEGAL COMMENTS

1. 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.
2. In accordance with Section 25(4)(b), a licence may not be granted unless the Sub-Committee is 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.
3. In accordance with Section 25(6) of the Act, the council may refuse an application on any of the following grounds:—
 - (a) That there are enough traders trading in the street or in any street adjoining the street in respect of which the application is made in the goods in which the applicant desires to trade;
 - (b) That the applicant is on account of misconduct or for any other sufficient reason unsuitable to hold the licence;
 - (c) That the applicant is an individual who has without reasonable excuse failed personally to avail himself fully of a previous street trading licence;
 - (d) That the applicant has at any time been granted a street trading licence by the borough council which was revoked or could have been revoked on the grounds that he had refused or neglected to pay fees or other charges due to them in respect of the licence;

(e) That the applicant has failed to provide or to identify suitable or adequate premises for the storage of any receptacles or perishable goods in which he proposes to trade when street trading is not taking place;

(f) that:

- (i) the application is for the grant (but not the renewal) of a street trading licence; and
- (ii) the only available position is in that part of the street which is contiguous with the frontage of a shop; and
- (iii) the articles, things or services mentioned in the application are sold or provided at the shop;

(g) that:

- (i) the application is for the grant (but not the renewal) of a street trading licence; and
- (ii) the only available position in the street is within the curtilage of a shop; and
- (iii) the applicant is not the owner or occupier of the premises comprising the shop.

4. If the Council consider that grounds for refusal exist under section 25(6)(a) or (c) referred to above they may 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
5. 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.

The London Borough of Hillingdon Street Trading and Markets Policy is attached at the end of this report as Appendix 4.

BACKGROUND DOCUMENTS

London Local Authorities Act 1990 (as amended).