

APPLICATION FOR TEMPORARY TABLES & CHAIRS STREET TRADING LICENCE

Committee	Licensing Sub-Committee
Officer Contact	Stephanie Waterford 01895 277232
Papers with report	Appendix 1 – Copy of application Appendix 2 – Copy of objection letter from local resident
Ward(s) affected	Eastcote & East Ruislip

SUMMARY

The Licensing Service has received an application (as attached at Appendix 1) for a new temporary Street Trading Licence – (tables & chairs) for a period of six months for Costa Coffee, 153 Field End Road, Eastcote.

RECOMMENDATION

That the Sub-Committee grant the temporary tables & chairs Street Trading Licence for a period of 6 months for a maximum of 1 meter.

ALTERNATIVE OPTIONS

- A. Grant the licence for a time limited period of less than 6 months – as specified by the Sub-Committee.**
- B. Refuse to grant the temporary tables & chairs Street Trading Licence.**

INFORMATION

The Licensing Service received a valid Street Trading Licence application from Mrs Yasmin Chagani on 3rd August 2011. The application was supplied with all the necessary supporting documents in compliance with the Council's application procedures.

The Licensing Service carried out consultation with Ward Members and other interested parties. The consultation period lasted for 21 days and ended on 24th August 2011.

One Letter of objection ((as attached at Appendix 2) was received from a local resident on 10th August 2011 highlighting health & safety fears and concerns about the remaining width of the highway.

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John Fern of the Council's Highways Service has confirmed that the footway measures at 3.6 metres, which would leave 2.6 metres clear passage in excess of the Council's minimum requirement of 2 metres.

John Fern has confirmed that the Highways Service has no objections to this application and the recommendation is therefore to grant the application.

LEGAL COMMENTS

1. Section 25(4) of the London Local Authorities Act 1990 (as amended) 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 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.
3. 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 & Markets Licensing Policy.