



HILLINGDON
LONDON



Notice of Hearing

Licensing Sub Committee (North)

Date: WEDNESDAY, 20 JUNE
2012

Time: 2.00 PM

Venue: COMMITTEE ROOM 5 -
CIVIC CENTRE, HIGH
STREET, UXBRIDGE UB8
1UW

**Meeting
Details:** Members of the Public and
Press are welcome to attend
this meeting

This agenda and associated reports can be made available in other languages, in Braille, large print or on audio tape on request. Please contact us for further information.

Councillors on the Sub-Committee:

Andrew Retter (Chairman)
Lynne Allen
Judy Kelly
Carol Melvin
David Payne

Important Information

On receipt of this notice, you **MUST** notify the Committee Clerk (contact details below) by the following date:

Monday, 18 June 2012

If you don't notify you may lose your right to speak at the hearing. When notifying you must confirm:

- 1) Whether you intend to attend or to be represented by someone at the hearing;
- 2) If you consider a hearing to be unnecessary and;
- 3) Whether to request that another person attends (other than your representative) as a witness

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Contact: Nav Johal
Tel: 01895 250692
Fax: 01895 277373
Email: njohal@hillington.gov.uk

This Agenda is available online at:

<http://modgov.hillingdon.gov.uk/ieListMeetings.aspx?CId=300&Year=2012>

Lloyd White
Head of Democratic Services
London Borough of Hillingdon,
3E/05, Civic Centre, High Street, Uxbridge, UB8 1UW
www.hillingdon.gov.uk



INVESTOR IN PEOPLE

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Agenda

CHAIRMANS ANNOUNCEMENTS

- 1 Apologies for Absence

Hearing Protocol - Street Trading / Markets Policy / Premises Licence

- 2 Declarations of Interest in matters coming before this meeting
- 3 To confirm that the items of business marked Part 1 will be considered in Public and items marked Part 2 will be considered in Private
- 4 Matters that have been notified in advance or urgent

Part 1 - Members, Public and Press

Report of the Officers

	Title of Report / Address of application	Ward	Time
5	APPLICATION FOR A TEMPORARY STREET TRADING LICENCE - SHOP FRONT FOR KWALITY FOODS, 670-674 Uxbridge Road, Hayes, UB4 0RY	Barnhill	13:50 Briefing 14:00 Start of Hearing
6	APPLICATION FOR A MARKET LICENCE Savoir Fayre Ltd for a Market Licence for a temporary street market located in High Street, Uxbridge	Uxbridge North Uxbridge South	14:20 Briefing 14:30 Start of Hearing
7	NEW PREMISES LICENCE APPLICATION FOR SHELL YIEWSLEY, 209 HIGH STREET, YIEWSLEY, UB7 7QP	Yiewsley	15:30 Briefing 15:40 Start of Hearing

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HILLINGDON
LONDON

Part III of the London Local Authorities Act 1990 (as amended): Street Trading

Rules of Procedure for Licensing Sub-Committee Hearings

1. SCOPE

- 1.1 These procedure rules apply to Licensing Sub-Committees established by the Licensing Committee of Hillingdon Council acting as Licensing Authority. The rules are subject to Street Trading legislation as contained in Part III of the London Local Authorities Act 1990 (as amended).

- 1.3 The purpose of these procedure rules is to guide the Licensing Sub-Committees through the various stages of the hearing process and to direct the sub-committee hearing a case, and all other parties involved, on the essential procedural requirements to be followed before, during and after a hearing.

2. SUB-COMMITTEES

Role, Composition and Quorum

- 2.1 All hearings under these procedure rules will be conducted by licensing sub-committees for the sole purpose of determining applications for and in relation to licences as required under Street Trading legislation as contained in Part III of the London Local Authorities Act 1990 (as amended) [the “Act”].
- 2.2 A sub-committee will usually consist of five members drawn from the Licensing Committee. The quorum for hearings and meetings of a sub-committee is two members. Each meeting shall be chaired by a designated Licensing Sub-Committee Chairman.
- 2.3 The Head of Democratic Services, or his representative (usually the Clerk to the Licensing Committee) shall appoint each sub-committee taking into account the need for it to be politically balanced, where possible; the need to involve all members of the Licensing Committee as equally as possible; the need to avoid involving members with an interest in the item to be discussed or members from the ward in which the subject premises is located; and the timescale available for determining applications.
- 2.3 Where hearings are convened, sub-committees are not ordinarily subject to the normal committee procedures established under the Local Government Act 1972 and the Council Procedure Rules. For example, a Member who is not on the sub-committee hearing the case cannot address the proceedings in his/her capacity as an elected member, except where the member has properly made a representation or is formally representing objectors.

Power to adopt own Procedure

- 2.4 Except where otherwise prescribed by the Act, the sub-committee has wide powers to adopt its own procedures as to the general order and manner in which the hearing is to be conducted. For example, it may in any particular case dispense with or modify these Rules of Procedure.

3. BEFORE THE HEARING

Time Limits for Setting up Hearings

- 3.1 The Act does not prescribe a specific period of time within which a hearing is to be held. It is expected that a hearing will to be commenced as soon as is reasonably practicable after the deadline for making representations and in any case where a hearing is likely to exceed more than one day it must be arranged to take place on consecutive days.
- 3.2 The relevant sub-committee may at any time postpone the original date on which the hearing is to be held to a new date that it may specify if it considers it necessary to enable it to consider any information or documents provided by a party or having regard to the ability of any party, person representing a party or witness to attend the hearing.
- 3.3 Without prejudice to paragraphs 3.1 and 3.32, every effort will be made to arrange for hearings to be held within 10 working days after the end of the period within which representations may be made by responsible authorities and interested parties.

Notice Procedures

- 3.4 In order to hold a fair and transparent hearing, the Street Scene Enforcement Team and parties to proceedings are required to notify each other of relevant information in advance of the hearing as follows:

Notice of Hearing from the Licensing Authority

- 3.5 Notice shall given to all parties to the hearing specifying the date, time and place at which the hearing is to be held.
- 3.6 The Notice of Hearing shall be sent so that, in the ordinary course of events, it is received no later than 10 working days before the first day on which the hearing is to be held.
- 3.7 However, when the sub-committee has postponed the original hearing date it shall, as soon as reasonably practicable, notify the parties of the new date, time and place for the hearing.
- 3.8 The Notice of Hearing shall be accompanied by information in writing regarding the following:
- (i) This procedure note or a procedure guide , the report from the Street Scene Enforcement Officer and copies of written objections / petitions received;
 - (ii) Confirmation that a party may be assisted / represented by a person who does not have to be legally qualified;
 - (ii) The consequences if a party:
 - (a) Informs the sub-committee that he/she does not wish to attend or be represented at the hearing, or
 - (b) Fails to inform the relevant committee whether he/she wishes to attend or be represented at the hearing, or
 - (c) Informs the sub-committee that he/she wishes to attend or be represented at the hearing, but fails to attend or be represented.
 - (iii) The legal requirements imposed on the sub-committee in conducting the hearing.

- (iv) The procedure the sub-committee will follow at the hearing.
- (v) Time limits and method by which a party should inform the sub-committee whether he/she wishes: to attend or address the hearing, be assisted or represented by another person, call a witness to give evidence and in relation to what matters that witness will give evidence, to withdraw any representations or to consent to the application being determined without a hearing
- (vi) Any matters on which the Street Scene Enforcement Team considers that it will want clarification from a party.

Notice of Attendance from the Parties

- 3.9 Upon receipt of the Notice of Hearing, and by no later than 2 working days before the day or first day on which the hearing is to be held, each party must give to the sub-committee a notice stating:
- (i) Whether he/she wishes to attend or address the hearing;
 - (ii) Whether he or she wishes to be assisted or represented by another person;
 - (iii) Whether he/she wishes to call a witness to give evidence at the hearing and the matters in relation to which he/she wishes that witness to give evidence;
 - (iii) Whether he/she wishes to consent to the application being determined without his/her presence
 - (iv) Any special needs (for example language translation) to be accommodated
- 3.10 Such notice may be given either by completing and returning to the authority the pro-forma "Notice of Attendance" that accompanies the Notice of Hearing, or by providing any other form of written notification. Notices may be sent by post, fax or email.

Notice of Withdrawal of Representations

- 3.11 A party who wishes to withdraw any objection they have made may do so:
- (i) By giving notice to the licensing authority no later than 24 hours before the day of the hearing; or
 - (ii) Orally at the hearing

Street Scene Enforcement Team Officer's Report

- 3.12 A report on the application to be determined will be formulated by the authority's Street Scene Enforcement Team officers, which will contain a summary of the application, objections, their technical observations and recommendations.

Agenda for the Hearing

- 3.13 The Head of Democratic Services or Clerk to the Licensing Committee shall send out the agenda for the hearing (which will include the Licensing Officer's report) to all parties in advance of the hearing.

Consequences of failure to Attend Hearing

- 3.14 The sub-committee committee may proceed with a hearing in the absence of a party or a party's representative if the party has:
- (i) informed the sub-committee that he/she does not intend to attend or be represented at the hearing (and has not subsequently advised the sub-committee otherwise);
 - (ii) failed to inform the sub-committee whether he/she intends to attend or be represented at the hearing; or
 - (iii) left the hearing in circumstances enabling the sub-committee reasonably to conclude that he/she does not intend to participate further.

- 3.15 Where the hearing is held in the absence of a party, the relevant committee shall consider at the hearing the application or objections made by that party.
- 3.16 If a party has indicated that he does intend to attend or be represented at the hearing, but fails to so attend or be so represented, the relevant committee may:
- (i) adjourn the hearing to a specified date if it considers it to be in the public interest, or
 - (ii) proceed with the hearing in the party's absence.
- 3.17 Where, the relevant committee adjourns the hearing to a specified date it shall, as soon as reasonably practicable, notify the parties of the date, time and place to which the hearing has been adjourned.

4. THE HEARING

Principles to be applied

- 4.1 Subject to paragraph 4.2 and 4.3 below, the hearing shall take place in public.
- 4.2 The sub-committee may direct that all or part of a hearing must be held in private if it is satisfied that it is necessary in all the circumstances of the case, having had regard to:
- (i) Any unfairness to a party that is likely to result from hearing in public; and
 - (ii) The need to protect as far as possible, the commercial or other legitimate interests of a party.

- 4.3 Issues that involve personal details such as medical conditions or criminal records will normally be held in private session.
- 4.4 Changes to the membership of the sub-committee will be announced at the beginning of the hearing.
- 4.5 The hearing will take the form of a discussion led by the Chairman of the relevant committee. As the hearing is not a court:
- (i) Strict rules of evidence will not apply (see paragraphs 5.3 below for further details as to evidence).
 - (ii) Evidence will not be taken on oath.
 - (iii) Comments and questions are to be directed through the sub-committee Chairman.
 - (iv) Cross - examination will not be permitted unless the sub-committee considers that cross-examination is required for it to consider the representations or application.
 - (v) Evidence, discussion and address must be relevant to the Act.
 - (vi) all representations and other information received from absent parties will be considered.
- 4.6 The sub-committee will have regard to the common law rules of natural justice and the Human Rights Act 1998 when exercising its decision-making functions, with particular reference to Article 6 of the European Convention of Human Rights which provides that:
- “...in the determination of civil rights and obligations, everyone is entitled to a fair and public hearing within a reasonable time by independent and impartial tribunal established by law”.*
- 4.7 A party may be assisted or represented at the hearing by any person whether or not that person is legally qualified. For the avoidance of doubt, a party may be assisted or represented by their Ward Councillor. However, no member sitting on the relevant sub-committee

hearing the case can represent any of the interested parties or applicant.

Procedure at the Hearing

- 4.8 The order of business shall be at the discretion of the sub-committee, but will normally proceed in accordance with the following paragraphs or as shown in the flow chart attached at *Appendix 1*:
- 4.9 The Chairman shall at the beginning of the hearing introduce the members of the sub-committee, invite the parties to identify themselves and then explain to the parties the procedure that the sub-committee intends to follow.
- 4.10 The Street Scene Enforcement Team Officer will then be invited by the Chairman to present the relevant details of his/her report (referred to in paragraph 3.11 above), and any other information regarding any details relevant to the application or representations which may have come to light since the report was written. Alternatively, the Chairman may proceed directly to paragraph 4.11 below.
- 4.11 Parties or their representatives will normally be invited to address the sub-committee in the following order:
- (i) Applicant
 - (ii) Objectors
- 4.12 Where there is more than one objection raising the same or similar grounds, the Chairman will encourage parties to agree that only one party address the sub-committee on behalf of the parties who have made the representations in question.
- 4.13 Each party shall be entitled to:
- (i) Address the sub-committee or call witnesses.

- (ii) Provide further information on, or explanation of, any matter on which the licensing authority has indicated that it would want further clarification under paragraph 3.7(vi) above.
 - (iii) Subject to paragraph 4.4(iv) above, question any other party or person representing a party on any matter that is relevant to the application, or representation made on the application, where in all the circumstances the sub-committee considers it is appropriate to do so.
- 4.14 The sub-committee will take into consideration documentary or other information in support of the application or objections produced by a party:
- (i) Before the hearing; or
 - (ii) At the hearing, with the consent of all other parties attending the hearing.
- 4.15 At any time during the hearing, parties or their representatives or any of their witnesses may be asked questions upon their presentation or evidence by any member of the sub-committee.
- 4.16 At any time during the hearing, the sub-committee may decide to adjourn hearing to the earliest possible date or to a later time on the same date in order to conduct a site inspection of the relevant application. All site inspections will preferably be conducted in the presence of all parties to a Hearing. A party to a hearing may decline to attend such a site inspection. In such a situation, the site inspection may take place in the absence of the relevant party.
- 4.16 The parties shall be entitled to make closing submissions and will normally be invited to do in the following order:
- (i) Street Scene Enforcement Officer
 - (ii) Objector
 - (iii) Applicant

- 4.17 The sub-committee may place a time limit on a party's speaking rights as set out in paragraphs 4.13 and 4.16 above, but all parties shall be allowed an equal maximum period of time.
- 4.18 The sub-committee may require any person who in his/her opinion is behaving in a disruptive manner to leave the hearing and may refuse to permit that person to return or to return upon complying with such conditions as the relevant committee may specify. However, any such person will be allowed to submit any evidence in writing that they proposed to give orally, provided they do so before the end of the hearing.
- 4.19 At the conclusion of evidence and closing submissions, the sub-committee will adjourn into closed session in order to deliberate and reach a decision. During this process only the Legal Adviser and the Committee Clerk will remain with them.
- 4.20 If, during its deliberations, the sub-committee considers that it is necessary for any person present at the hearing to provide further information or clarification on a particular point, the hearing may be reconvened to deal with that issue before reaching a decision.

Role of Legal Advisor

- 4.21 The sub-committee may seek advice or clarification of any procedural, technical or legal matter from the legal adviser at any time during the course of the hearing.
- 4.22 The legal adviser will provide the Sub-Committee with any advice it requires properly to perform its functions whether or not the Sub-Committee requested that advice, on:
- (i) Questions of law or of mixed fact and law;
 - (ii) Matters of practice and procedure;
 - (iii) The range of options available to the Sub-Committee;

- (iv) Relevant national guidance, policy or codes;
- (v) Other issues relevant to the matter before the Sub-Committee;
- (vi) The appropriate decision-making structure to be applied in any given case.

4.23 The legal adviser may ask questions of witnesses and the parties in order to clarify the evidence and any issues in the case. The legal adviser is under a duty to ensure that every case is conducted fairly.

4.23 The legal adviser will play no part in making findings of fact but may assist the Sub-Committee by reminding it of the evidence taken from his/her own or the committee clerk's notes.

4.25 The legal adviser will assist the Sub-Committee where appropriate as to the formulation of reasons and the recording of those reasons.

5. THE DECISION

Principles to be applied

5.1 Each application will be determined on its own merits and the sub-committee shall make its decision based upon the merits of the individual circumstances of each case and its considerations shall be restricted to the evidence placed before it (see paragraph 5.3 and 5.4 below on how evidence will be assessed).

5.2 All decisions reached by a sub-committee shall be supported by reasons and a summary of the relevant evidence supporting those reasons. All decisions reached by a sub-committee must comply with the Act.

Evidence

- 5.3 While court rules of evidence will not strictly apply, they will, however, be followed to a great extent because sub-committee decisions must be based upon an objective assessment of the evidence. Hearsay evidence is permitted but will be given less weight than direct evidence. Evidence given in person where the testing of that evidence is possible through questioning, or cross-examination if appropriate, is likely to be given more weight than evidence or representations which are presented only in writing.
- 5.4 If the sub-committee considers that the evidence of a party is not relevant to the issue(s) to be decided, it shall be disregarded.

Time Limit

- 5.6 The relevant sub-committee shall determine the application on the last day on which the hearing was held. So, if the hearing finishes on a Monday, the determination must occur on the same day.
- 5.7 A verbal decision is given to the public at the end of the hearing or at the end of the relevant agenda item.

6. AFTER THE HEARING

Notification of Decision

- 6.1 After the hearing, formal notice of the sub-committee's decision and related information, such as any conditions that may be imposed on the street trading licence, shall be communicated to all parties to the proceedings, in writing, within 5 working days of a verbal decision being given.
- 6.2 The decision notice shall further point out that if the applicant (who is also the holder of a Permanent Street Trading Licence) is dissatisfied

with the decision of the sub-committee there is a right of appeal to the Registrations and Appeals Committee which must be exercised within 21 days from the date of receipt of the written notice of decision.

- 6.3 All decisions upon an application shall further be published for viewing on the Council's official website.

APPENDIX 1

ORDER OF PROCEEDINGS

Introduction by the Council's Street Scene Enforcement Team Officer

The Street Scene Enforcement Officer will introduce the report and will outline impartially the matter before the sub-committee, giving any relevant background information.



The Applicant (if present)

The applicant presents their case and brings forward any witnesses. Members of the sub-committee or the Legal Adviser may ask questions to clarify evidence given.



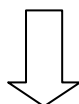
Objectors (if any objections are made)

The Objectors present their case, including any written correspondence and/or calling any witnesses in support of their objections. Members of the sub-committee or the Legal Adviser may ask questions to clarify evidence given.



OPTIONAL - DISCUSSION LED BY THE CHAIRMAN

A discussion may occur if there is a need for the parties involved to clarify each other's cases. At this point parties may ask questions of each other on any matter relevant to the application or any representations.



Closing Submissions from Each Party

The Street Scene Enforcement Officer, Applicant and Objectors make brief closing submissions on the application for decision. The applicant makes the final closing remarks.



Sub-Committee Deliberates

The sub-committee will remain in the room to deliberate and make their decision, with only the Legal Advisor and Clerk to the Committee remaining. All other present will be asked to leave the room.



Chairman may announce Decision

Parties may return to the room when asked and the Chairman announces the decision. The Chairman reminds the applicant that the decision will be sent to them in writing. There can be no further questions or statements

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HILLINGDON

LONDON

London Borough of Hillingdon
Street Trading & Markets Policy

Effective from 7th September 2011
Made by the London Borough of Hillingdon
Pursuant to: Section 27(3) of
London Local Authorities Act 1990 (as amended) and
Food Act 1984 (Part III)

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1.0 Introduction

This document sets out Council policy on the regulation of street trading and markets, and a procedure for applications for street trading licences. The policy proposes a simplified process for licensing of street markets and community events and offers a simple prior approval process to support applicants so that their proposals have the greatest chance of success when a final application is made.

2.0 Intention of this policy

The development of a street trading policy presents an opportunity to encourage small independent businesses and traders and increase employment opportunities, by minimising bureaucratic licensing burdens, but at the same time maintaining sensible levels of public protection and complimenting trading from permanent businesses.

The policy will be reviewed in light of developing practice, guidance and changing legislation as necessary, replaces all previous Terms & Conditions and covers the regulation of:

- Street trading pitches
- Tables & chairs
- Shop fronts
- Markets
- Community trading events

The policy sets out the Council's approach and requirements clearly, to help applicants and operators. It also aims to guide and re-assure the public, and other public authorities, ensuring transparency and consistency in decision making. This policy is meant as a guide to the Council's decision making process; all relevant factors will be taken into consideration in determining any application.

The grant of a licence for street trading does not override the need for licensees to comply with planning, building control, environmental, consumer protection, health and safety and other legislation. If necessary, the policy will be amended to prevent conflict with other legislation.

3.0 Street Trading Licences

Unless in respect of a market (see para 12.0), street trading licences will be determined under Part III of the London Local Authorities Act 1990 (as amended), referred to as "the Act" in this policy.

- a) Applications can be for permanent or temporary licences.
- b) The term "street trading" covers "pitches" (a defined or licensed area where a stall may be set up), "tables and chairs" – for example serving a café, and "shop fronts" – where there may be a display of goods outside a shop, directly concerned with that shop.
- c) "Street trading" means the sale, and exposing or offering for sale of any article (including a living thing) in a street. A display of goods or services within seven metres of the Highway will require a street trading licence.

Street trading without a licence is an offence under licensing and highways legislation.

4.0 Eligibility criteria & suitability of applicants

- a) Applicants must be aged 17 years or older.
- b) Suitability will be assessed on a case by case basis and information about an applicant's enforcement history with the Council may be referred to.

5.0 Making an application – the documentation needed

Applications for street trading licences must be made in writing or online, using the Council's application form, and must include the following;

- a) Two standard full face passport photographs;
- b) Evidence of public liability insurance for a minimum of £2 million cover;
- c) Proof of address;
- d) Identification that includes a photograph of the applicant; (such as a new style photo driving licence)

Sometimes, the Council may be able to accept alternative supporting documents, but by individual agreement.

6.0 Street Trading fees

Fees may be reviewed on an annual basis, and will be advertised in accordance with the legislation. Fees must be paid in full when the application for the grant, renewal, variation or transfer of a street trading licence is made. There will be no refund of licence fees should a licence for any reason become revoked or surrendered.

A list of current street trading and market licence fees can be found on the Council's website www.hillingdon.gov.uk/licensing or by contacting the Licensing Service on 01895 277524

7.0 Temporary applications - pitches

All applicants licensed as temporary traders under the London Local Authorities Act 1990 will have the same conditions as those for permanent street trading licences. However, the legislation does not give temporary licence holders the right of appeal to the Council or the relevant committee against a decision not to grant a licence, or to revoke or vary a licence.

The issue of a temporary licence is without prejudice to the Council's application process for a permanent licences – this means that if a trader is issued with a temporary licence, it does not guarantee that permanent licence will be issued.

The Council reserves the right to issue licences to traders who offer things for sale or goods ("commodities") which will enhance a shopping area or locale, before any other trader or applicant offering other commodities.

The Council reserves the right, *but only when appropriate*, to suspend the licence of any trader holding a temporary licence, without notice and without any reason having been given in writing. A trader who holds a temporary street trading licence must therefore stop trading straight away, when asked to do so by the Council, or a police officer.

8.0 Permanent applications - pitches

A pitch trader must have traded continuously under a temporary licence for a minimum of three years within the London Borough of Hillingdon prior to applying for a permanent licence.

Permanent licences must be renewed annually. Officers will advise licensees on the period of renewals and applications for permanent licences. However, responsibility for ensuring that a renewal occurs before the expiry of permanent licence lies with the licensee.

9.0 Succession of licences

“Succession” means when a permanent licence is transferred or “passed on” to a relation. There are rules about this in the legislation.

Succession of the street trading licence may only be granted to a relation of the licence holder specified in the legislation and under the following circumstances, listed in the legislation:

- a) When the licensee dies; or
- b) When the licensee retires, having reached the normal age for retirement; or
- c) When the licensee advises the Council that owing to ill-health, he is unable to continue to operate the licence, and submits evidence to satisfy the Council as to his ill-health.

Licensing officers can provide more detail on the subject of succession and it is always best to clarify what may be involved before any assumptions about any entitlement are made.

10.0 Renewals

The licensee must apply to the Council for a renewal, at least 28 days before the current licence’s expiry. If an application for renewal is not granted by the expiry date, then licence lapses, and the trader will have to cease trading.

The licensing service will aim to send renewal reminder notices to licensees up to 8 weeks before the date of expiry. No renewals should be accepted after the expiry date and in such cases any application should be treated as a new application, undergoing the full application process. No trading will be permitted unless a renewed licence has been issued.

11.0 Variation

Licensees may apply to the Council to vary their licence at any time during the licence period. Applications may be made to vary the commodities traded, the pitch size and any assistants.

12.0 Licensing of Markets and Occasional Street Markets

The Council is “invoking its market rights” under the Food Act 1984 (as amended) in the Borough.

The Food Act 1984 allows a local authority to establish a market within its area, and may designate a market place within its area and the days and hours during which markets may be held.

13.0 A Single Licence for Markets

The Authority will consider market applications on a case by case basis for markets proposed within the borough boundary to which there is a free public access, and which may have multiple stalls or pitches to sell commodities,

The Council will regulate markets under a single licence, as per Part III of The Food Act 1984. Markets held in the following locations are exempt from the market provisions of the Food Act 1984;

- a) Any Council park or green space
- b) Any private building
- c) Enclosed shopping centres
- d) Any school / community / church hall or similar

The licence issued will authorise a number of traders in a particular area, on predetermined days or dates (a market), or where trading takes place from a stall, a series of stalls or pitches, on an occasional basis.

The market licences may be granted to a private market operator(s), resident's associations or similar, or community/charitable groups. The Council does need to enforce its market rights in the interests of public safety, and so will determine the area, size of stalls etc and their general layout as well as relevant timings for trading to take place. Efforts will always be made to work with operators or groups, to agree and explain matters.

14.0 Occasional Street Markets

Occasional street markets can encourage economic activity and enhance shopping areas by offering variety and by increasing visitor numbers.

A market operator or a group of traders may apply to the market authority for a licence to hold an occasional street market, for commercial trading purposes. This is a market which takes place on specified dates or days.

15.0 Charity & Community Markets

It is recognised that regulation can sometimes have unwanted impacts on residents, businesses and community groups based in the borough. To minimise these burdens, specific arrangements for local community and charitable group events are outlined below.

- a) A charity or community group may apply for a licence to hold a market for the purpose of supporting a community event e.g. a fun day, or Christmas event.
- b) Applicants for a charity or community market must identify community or charitable benefit, or provide evidence of charitable status and intention.
- c) Charity or community applicants should apply to the Council for a waiver of market application fees. The Council will consider any applications for waivers on a case by case basis, and in light of the paragraph immediately above.

- d) Where a charity or community event market includes trading by commercial enterprises, a waiver of fees should also be applied for. Applications will be assessed on a case by case basis, but such events should mainly be community based, benefiting the social and economic wellbeing of an area.
- e) Licensees must ensure that the terms and conditions that come with the market licence are kept to by the individual traders, that they have adequate insurances, and sensible, that they have the required food hygiene training and registration certificates.
- f) Charity or community market operators will be required to make their market applications at least three months prior to the market event taking place.
- g) Where road closures are required, any initial approval in principle will be entirely subject to subsequent approval by the Highway Authority before the market application is made. Evidence of the approval will be required as part of the market application.

16.0 “Approval in Principle”

The Council wants good well promoted markets or events to go ahead. To save wasted effort, increase convenience and to ensure that applications have the smoothest possible journey to approval, the Licensing Service will give support in the form of “approval in principle”.

- a) Where early applications are made, not including full details of traders and their commodities, the Council may approve the application in principle, pending full details of the traders and their commodities being submitted, at least two weeks prior to the market event.
- b) Operators or organisers will be able to hold early meetings with licensing officers to encourage general dialogue, discuss proposals and the Council’s requirements, and agree layouts etc, before a full application is made. No fee is to be charged for these meetings. However, it is anticipated that most events will need one, or perhaps two meetings to agree matters.

Any approval in principle issued by the Council will be subject to other legislative requirements i.e. road closures, parking suspension, alcohol licensing etc.

17.0 Applications and supporting information

The Council will expect applicants for Market Licences to be of a good standard and competence. The Council may seek references from boroughs in which the Market has previously operated prior to the determination of the licence.

Market operators must make applications using the Council’s own form or online and should provide the following information and documents as part of the application;

- a) Two standard full face passport photographs;
- b) Evidence of public liability insurance for a minimum of £2 million cover;
- c) Proof of address;
- d) Identification that includes a photograph of the applicant; (such as a new style photo driving licence)
- e) Plan of the proposed market showing location, sizes and layout of stalls/pitches;

- f) Evidence of or proposals for a trade waste disposal agreement or similar;
- g) Photos/images showing the appearance and style of stall / pitch;
- h) A list of stall / pitch traders and what they want to sell - the commodities – this may be given a minimum of two weeks before the event in the “approval in principle” process.

Sometimes the Council may be able to accept alternative supporting documents, by agreement.

18.0 Market Fees

Market operators for occasional street markets are required to pay a fee in line with the current fee schedule.

Applicants for charity / community markets should apply to the market authority for a waiver of market licence fees. Information on current street trading fees is on www.hillingdon.gov.uk/licensing or can be obtained from the Licensing Service on 01895 277524.

19.0 Consultation and advertisement

On receipt and acceptance of any application for a new or renewal street trading licence, or application for a variation to an existing one, the Licensing Service will carry out consultation with relevant ward members, town centre management, traders or businesses in the area, and any others in the area that the Council sees as appropriate. The consultation period will be 21 days beginning on the day after receipt of the application.

In addition to the above, for applications for shop front and / or tables and chairs licences, consultation and advertisement will take the form of a “Notice of Application” which must be placed in the window of the relevant premises – so that it can be easily seen from outside. The notice will be at least A4 in size and must be in place and easily visible from the outside throughout the consultation period.

Where market applications are received, the Licensing Service will carry out consultation with ward members, town centre management, traders / businesses in the area and any others in the area that the Council sees as appropriate. The consultation period will be 21 days beginning on the day after receipt of the application.

20.0 Objections

Objections must be made in writing and made by those persons, bodies, or their representatives, who are likely to be affected (in the “vicinity”, or area) by the operation of the licence. Frivolous, vexatious, repetitious and competition based representations will not be accepted.

E.g. “Vicinity” has the common sense meaning of the word and is taken to mean the area in which objectors who are likely to be affected by the operation of the licence are located. E.g. “Frivolous” objections may be based on a one off issue concerning a licence that has previously been managed well. E.g. “Repetitious” means the objection is identical or substantially similar to an objection already discounted. E.g. “Vexatious” means the objection is not genuine – ie. It could have been made as a result of a dispute between neighbouring residents or businesses.

21.0 Consideration of Applications

Applications which have not been objected to will be considered by the Deputy Chief Executive and Corporate Director of Planning, Environment and Education Services or by officers authorised for the purpose of determining street trading applications.

If relevant objections are received during the consultation period for a licence application, a Licensing Sub-Committee will determine the application. Where applications are heard by a Licensing Sub-Committee, the Committee may exercise its discretion on accepting late representations where they have been received outside of the consultation period.

22.0 Hearings

Where the Licensing Sub Committee is to determine an application for the grant, variation or revocation of a street trading licence, the hearing will be held as soon as is reasonably practicable.

Where a permanent trader wishes to appeal a decision to grant/vary or revoke his/her licence, an appeal, and the reasons for the appeal, must be made in writing to the Licensing Service within 21 days of the decision being made. The appeal will be heard by a Licensing Sub-Committee as soon as reasonably practicable.

23.0 Decision-Making & Grounds for Refusal

All uncontested applications will be considered by the Deputy Chief Executive and Corporate Director of Planning, Environment and Education Services or by officers authorised for the purpose of determining street trading applications. Where valid objections are received to an application, a Licensing Sub-Committee will determine the application.

The complete application process may take up to three months and this is to take into account the 21 day consultation period, and also, if required, the arrangement of hearings of the relevant Licensing Sub-Committee.

Where there are no objections to an application, the Council aims to determine applications within one month of receipt of a fully completed application.

Standard conditions will be attached to every street trading licence and these may be varied by the Council at any time. Where relevant, specific trading conditions may be attached to a street trading licence by a Licensing Sub-Committee.

In considering applications for the grant or renewal of a street trading licence the following factors will be considered, and may be grounds for refusal, when the authority may refuse a street trading licence application.

- (a) Public safety - Whether the street trading activity represents, or is likely to represent, a substantial risk to the public from the point of view of obstruction of the highway to emergency vehicles, or otherwise, a fire hazard, unhygienic conditions or other danger that may occur when a trader is using the site.

- (b) Prevention of crime and disorder - whether the street trading activity represents, or is likely to represent, a substantial risk to public order. This is potentially more of a problem for licences operating late in the evening.
- (c) Prevention of public nuisance or environmental damage - whether the street trading activity represents, or is likely to represent, a substantial risk of problems from damage to street surfaces, or from noise, litter, refuse, vermin, fumes, odours or antisocial behaviour, particularly in residential areas.
- (d) For markets licensed under the Food Act 1984, appearance and suitability of the stall or vehicle from which trading takes place - the stall or vehicle must be of a good quality design, of good appearance and meet the criteria, including size, laid down in the standard licence conditions. It is advised that applicants provide photographs or sketches including dimensions of the stall with all new applications.
- (e) Needs of the area – amongst other things, the Council will consider the demand for the articles for sale, and the geographical location of the proposed site.
- (f) History of the applicant - the suitability of the applicant must be considered. Previous failures, without reasonable excuse, to comply with licence conditions or failure or neglect in paying licence fees may result in a licence being refused, revoked or not renewed.
- (g) Pedestrian or vehicular access – whether there is sufficient space for pedestrians and vehicles (including pedestrians using mobility aids and parents with pushchairs/buggies) to continue to use the public highway safely and unhindered.

In addition to the considerations listed above, the Council may refuse or revoke a licence if any of the following statutory grounds exist:

- h) the applicant wishes to trade for less days than any minimum required trading days;
- i) the applicant has been determined unsuitable to hold a licence do to any previous convictions or for other reasons;
- j) the licence holder has failed to pay fees due under another street trading licence or have failed to use a previous street trading licence.

Occasionally, if some grounds for refusal do exist, the Council may still decide to award a licence – but this could be for a shorter period than required, or to allow trading only in certain commodities.

24.0 Appeals

A Licensing Sub-Committee will determine appeals from permanent licence holders unhappy with a decision to grant / revoke / vary their street trading licence. In the event that a permanent licence holder is unhappy with the decision of the Licensing Sub-Committee, an appeal may be lodged with the Magistrates Court within 21 days of the date of the decision of the Licensing Sub Committee.

In the case of temporary licences, the legislation gives no right of appeal. Temporary licence holders may apply for a judicial review of decisions, though.

25.0 Duration of licences

Permanent licences will last for one year. Temporary pitch licence holders may apply for permanent licences after 3 years of continuous trading within the London Borough of Hillingdon.

Temporary licences are issued for six months, or a shorter period if the Licensing Committee / Applicant specifies otherwise. A shop front or tables and chairs licence shall be a temporary licence, and a permanent licence may not be issued to a trader who applies for a shop front or tables and chairs licence.

Market licences will be issued for a period in accordance with the application and / or any Licensing Sub-Committee decision made to alter the licence period.

26.0 Enforcement Action

The decision to use enforcement action will be taken on a case by case basis and, to ensure consistency of approach, in accordance with this and any other more specific policies which may be applicable. The action taken, which may be immediate, will be proportionate to the seriousness and nature of the non-compliance.

Factors that will be taken into consideration include, but are not limited to:

- a) The risk that the non-compliance poses to the safety, health or economic welfare of the public at large or to individuals;
- b) Evidence suggests that there was pre-meditation in the commission of an alleged offence;
- c) The alleged offence involved a failure to comply in full or in part with the requirements of this policy and / or the terms of the street trading licence;
- d) There is a history of previous warnings or the commission of similar offences;
- e) Aggravated circumstances such as obstruction of an officer or aggressive behaviour towards the public;
- f) If the alleged offence, though not serious itself, is widespread in the area where it is committed;
- g) The gravity of an alleged offence, taken together with the seriousness of any actual or potential harm;
- h) There has been a repetition of a breach that was subject to a formal caution or issue of a Fixed Penalty Notice;
- i) False information has deliberately been supplied and/or intention to deceive.

The Council may take any of the following types of enforcement action (*in no particular order*):

- a) Verbal/written warnings – e.g. a contravention and / or where Officer contact has not resolved the contravention;
- b) Simple cautions;
- c) Licence review or application for licence revocation e.g. when fees go unpaid, a breach of a licence condition;
- d) Fixed Penalty Notices;
- e) Prosecution.

Any decision to prosecute will be taken as a last resort and such a decision will be made in accordance with the Code for Crown Prosecutors. Council enforcement services will carry out their

enforcement-related work with due regard to the Enforcement Concordat. Information concerning non-compliance may be shared with other enforcement agencies. Any such action will only be undertaken in the public interest and in compliance with the Data Protection Act 1998.

Officers will regularly inspect street trading areas to ensure compliance with the licence terms and conditions i.e. the trader is only trading in the licensed pitch area. In addition, all complaints of unlicensed street trading will be investigated.

The Licensing Sub-Committee will hear all applications for the revocation, variation, or suspension of a street trading licence in the event that a trader significantly or persistently breaches such a licence.

Any trader who is convicted of an offence that is contrary to the Act or regulations made in pursuance of it may be requested to appear before the Licensing Committee or a Licensing Sub committee, when the determination of the recommendation to revoke the licence will be made.

Any contravention of licence terms and conditions by an assistant to the licensee will be viewed as a contravention by the licensee whether present or not.

Any breach of the conditions relating to Market Licences will be investigated and enforcement action taken where necessary. Any history of enforcement action may be considered as part of the application process.

27.0 Designation of Licence Streets

If the Council considers that street trading should be allowed or licensed in any area, it may pass a resolution designating any further street or part of a street as a licence street under Section 24 of the Act. In deciding if a street or site should be designated for street trading, the following may be considered;

- a) The presence of any existing or planned street furniture;
- b) The proximity and nature of any road junctions and pedestrian crossing points;
- c) The number of street trading sites already licensed in the vicinity;
- d) Whether the proposed site for designation would impact on accessibility for members of the public i.e. pedestrians, pushchairs, wheelchairs etc.
- e) If the safety of the public will be put at increased risk;
- f) Whether the proposed site will leave the recommended clearance of 2 metres clear passage between the trading area and the edge of the kerb or footway;
- g) If there will be a negative impact on the character or appearance of the area.

For designation, there is a consultation period of 28 days, when the Council consults with the Police and Highways Authority, and any other relevant body. The Council may also pass a resolution to rescind or vary the designation of a licence street, and must consult on any intentions to do so in a notice published in a local paper. After publishing the consultation notice, the Council will consider any representations received, before making a decision.

A street does not have to be designated as a licence street for street trading purposes where a temporary street trading licence is issued. A list of current licence streets may be found in **Appendix 1**

28.0 Other legislative considerations

Apart from the legislative requirements of the London Government Act 1990 (as amended) and the Food Act 1984, the Council will take into account its duties under other legislation including, but not limited to;

- a) Section 17 of the Crime & Disorder Act 1998, which places the Council under a duty to exercise its functions with due regard to the likely effect on, and the need to do all it reasonably can to prevent crime and/or disorder in the Borough.
- b) The Regulator's Compliance Code (set out in the Regulatory Reform Act 2006) which requires the Council not to impede economic progress by its regulations, and particularly to consider the impact on small businesses.
- c) The Provision of Services Regulations 2009 which requires the Council to ensure that its requirements are non-discriminatory; proportionate to the public interest; objective; clear and unambiguous; made public in advance; transparent and accessible.
- d) The Disability Discrimination Act 1995 which makes it unlawful to treat disabled persons less favourably than other people, for a reason related to their disability.

EU Services Directive

Tacit consent will apply to street trading licence applications if no objections are received and the applicant is not notified of the determination process within 28 days after receipt of a valid application.

29.0 Policy review

This Policy may be reviewed by Cabinet. Minor changes to this Policy may be made by the Deputy Chief Executive and Corporate Director of Planning, Environment, Education & Community Services, acting in consultation with the Leader of Council.

30.0 Commodities

Applications for street trading licences must be made in accordance with the Council's approved list of commodities and banned commodities (Included as Appendix 2). The Licensing Service will consider commodities that are not on the approved list at its own discretion.

The Council may amend this list in order to ensure fair trading opportunities to all traders in the relevant area. The Council may, from time to time, ban certain commodities in certain areas where there is a need to do so. If the Authority amends the list of banned commodities, a 21 day consultation with traders will be held in the affected area prior to a decision being made.

31.0 Ice Cream Traders

Ice cream trading means the selling, exposing or offering for sale of goods consisting wholly or mainly of ice cream, frozen confectionery or other similar commodities from a vehicle.

Itinerant ice cream trading means ice cream trading from a vehicle which goes from place to place remaining in any one location in the course of trading for periods of 15 minutes or less and not returning to the same location or any other location in the same street on the same day.

The Council may, from time to time, ban ice cream traders in certain areas where there is a need to do so. The Council will carry out the statutory consultation and advertisement before any decision is made. A full list of areas where a ban on ice cream traders is currently in force can be found in **Appendix 3**.

32.0 Licence Conditions

The various licences in this policy are issued under the terms and conditions below. These are effectively the rules by which licensees must operate. They are meant to allow trading to be carried out safely, responsibly and in harmony with the surroundings, other traders and residents.

Full schedules of conditions relating to street trading and market licences can be found in the following appendices;

Appendix 4 – Conditions applicable to all street trading and market licences

Appendix 5 – Additional conditions applicable to tables & chairs licences

Appendix 6 – Additional conditions applicable to shop front licences

Appendix 7 – Additional conditions applicable to market operators

Appendix 8 – Additional conditions applicable to market traders

33.0 Definitions

The definitions used in the conditions and elsewhere are from the legislation that the Council is given to manage licensing in the borough. Some of the meanings may not be clear – Licensing officers will try to answer any queries from residents, organisers or licence holders.

- a) "The Act" means Part III of the London Local Authorities Act 1990 as amended by the London Local Authorities Acts 1994, 1999, 2004 & 2007";
- b) "Assistant" means a named person, or persons, under the direction of the licensee, who is in control of the trading activities when the licensee is not present. Details of this person(s) must be formally notified in writing to the Council;
- c) "Licensed Street Trader" means any person who is licensed for a street trading under Part III of the Act;
- d) "Licensed Street Trading Pitch" means an area in any authorised street or place at which street trading may be conducted in by a licensed street trader, and includes any temporary alternative place approved by the Council.
- e) "Market" means a concourse of buyers and sellers to trade commodities.
- f) "Premises" means any land, building or part of a building and includes any commercial premises adjacent to a licensed street trading pitch.
- g) "Shop Front Trading" refers to a licence which permits the display of shop goods on a street in a manner permitted by the Act.
- h) "Street trading" shall have the meaning described in Section 21 (1) of the Act.
- i) "Tables and Chairs Licence" refers to a licence authorising the placement of tables and chairs on a street.
- j) "Trader" means a person or that person's assistant in whose name a current street trading licence is held, authorising street trading from a licensed street trading pitch. The street trading licence may be a permanent or temporary licence.

Appendix 1

SCHEDULE OF LICENCE STREETS

Pursuant to Section 24(10) of the London Local Authorities Act 1990 (as amended) the following streets are designated as "licence streets" for the purposes of street trading.

Bakers Road, Uxbridge Barra Hall Circus, Hayes Belmont Road, Uxbridge Betam Road Botwell Lane, Hayes Bourne Avenue, Gloucester Parade, Hayes Byron Way, West Drayton Cocks Yard, Uxbridge Coldharbour Lane, Hayes Coleridge Way, West Drayton Cowley Road 100-118, Uxbridge Cowley Road 18-20, Uxbridge Dawley Road 1-19, Hayes Dawley Road, Dawley Parade, Hayes East Lane, Hayes Eastcote High Road, Black Horse Parade, Eastcote Falling Lane, Yiewsley Field End Road, Eastcote Field End Road 702-724, South Ruislip Green Lane, Northwood Harlington Road 305-315, Hillingdon Harmondsworth Road, West Drayton Harlington Road 305-315, Hayes Harvil Road, Harefield Hayes By-Pass (The Parkway) Hercies Road, Hillingdon High Road 28-34, Cowley High Road 81-97, Ickenham High Road, Ickenham High Street, Cowley High Street, Dellfield Parade, Cowley High Street, Harefield High Street, Harlington High Street, The Parade, Cowley High Street, Uxbridge High Street, Uxbridge – <i>pedestrianised area between Vine Street and Belmont Road.</i> High Street, Ruislip High Street, Yiewsley High Street 110-118, Northwood	High Street 2-88, Northwood Hillingdon Hill, Hillingdon Horton Road, Yiewsley Howletts Lane, Ruislip Ickenham Road, Station Parade, West Ruislip Ickenham Road, Ruislip Joel Street, Northwood Hills Kingshill Avenue, Hayes Lansbury Drive, Hayes Laurel Lane, West Drayton Long Lane 1-12, Ickenham Long Lane 305-321, Hillingdon Long Lane 370-396, Hillingdon Long Lane, Crescent Parade, Hillingdon Long Drive, South Ruislip Manor Way, Ruislip Manor Maxwell Road, Northwood Moorfield Road, Cowley Moorhall Road, Harefield Mulberry Crescent, West Drayton North Hyde Road 141-171, Hayes Old Stockley Road Park Way, Ruislip Manor Park Lane, Harefield Pasadena Close Pembroke Road, Ruislip Manor Pield Heath Road, Cowley Pinner Road, Northwood Pinner Road, Northwood Hills Pump Lane, Hayes Pump Lane (Eastern end) Redmead Road, Hayes Rickmansworth Road, Harefield Romney Road, Romney Parade, Hayes Royal Lane, Yiewsley Ryefield Avenue, Hillingdon Salisbury Road, Eastcote Silverdale Road Sipson Road, West Drayton Skyport Drive Springfield Road Station Approach, South Ruislip Station Road, West Drayton
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Appendix 1 (Cont)

<p>Station Road, Cowley Station Road, Hayes (<i>NOT pedestrianised</i>) Station Road Hayes, <i>pedestrianised area between Pump Lane and Crown Close</i>; St Dunstons Road, Hayes Sutton Court Road, Hillingdon Swakeleys Road 1-31, Ickenham Swallowfield Way Swan Road 58-66 and 81, West Drayton The Green 1-16, West Drayton Victoria Road, South Ruislip Victoria Road, Ruislip Manor Victoria Road 439-445 and 490, South Ruislip Violet Avenue 53-65, Yiewsley West Drayton Road 177-183, Yiewsley West End Road, Ruislip Gardens Whitby Road 143-163 and 208-218, South Ruislip Windmill Hill, Ruislip Manor Uxbridge Road 1172-1380, Hayes End</p>	<p>Uxbridge Road 124-152, Hayes Uxbridge Road 641-693, Hayes Uxbridge Road 759-849, Hayes End Uxbridge Road, Blenheim Parade, Hillingdon Uxbridge Road, Byron Parade, Hillingdon Uxbridge Road, Crescent Parade, Hillingdon Uxbridge Road, Heathside Parade, Hillingdon Uxbridge Road, Marlborough Parade, Hillingdon Uxbridge Road, Westbourne Parade, Hillingdon Uxbridge Road, Whiteleys Parade, Hillingdon Vine Street, Uxbridge Welbeck Avenue, Yeading Willow Tree Lane, Hayes Windsor Street, Uxbridge Yeading Lane, Yeading</p>
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Appendix 2

Commodities

Category	Commodity
Clothing	<ul style="list-style-type: none">• Womens clothing• Gents clothing• Childrens clothing• Babywear• Sportswear• Clothing accessories i.e. hats scarves, ties, belts etc• Underwear/Nightwear• Footwear/slippers• Other items (must be specified)
Flowers	<ul style="list-style-type: none">• Cut flowers and plants• Uncut flowers and plants• Artificial flowers• Flower accessories i.e. pots, food, hanging baskets etc.• Seasonal i.e. Christmas Trees, Holly, Mistletoe etc• Other items (must be specified)
Fruit & Vegetables	<ul style="list-style-type: none">• Raw fruit/vegetables• Other items (must be specified)
Food	<ul style="list-style-type: none">• Pre-packed groceries• Dried fruit, seeds, pulses, beans etc• Cheese and dairy• Meat/fish• Bread/cakes• Deli food i.e olives, pickles, nuts etc• Confectionary• Other items (must be specified)
Household goods	<ul style="list-style-type: none">• Cleaning products• Laundry products• Cleaning utensils• Plastic storage and accessories e.g. crates, boxes etc• Lightbulbs• Other items (must be specified)
Toiletries & Cosmetics	<ul style="list-style-type: none">• Toiletries• Hair products• Make-up• Perfume• Other items (must be specified)

Appendix 2 (Cont)

Soft furnishings	<ul style="list-style-type: none"> • Cushions & throws • Bedding • Curtains & blinds • Rugs & mats • Dining linen • Other items (must be specified)
Kitchen/Dining	<ul style="list-style-type: none"> • Cookware • Serveware • Glassware • Tablewear • Other items (must be specified)
Electrical & Audio/Visual	<ul style="list-style-type: none"> • Audio/amplification equipment • Visual/display equipment • Computer hardware and accessories • Games consoles • Musical Instruments • Cameras • Electrical accessories • Other items (must be specified)
Travel Accessories	<ul style="list-style-type: none"> • Luggage • Sports bags • Handbags • Other items (must be specified)
Jewellery and accessories	<ul style="list-style-type: none"> • Costume jewellery • Precious jewellery • Hair accessories • Sunglasses • Watches • Other items (must be specified)
Stationery	<ul style="list-style-type: none"> • Office supplies • Paper • Greetings cards • Wrapping supplies/giftbags • Other items (must be specified)
Toys	<ul style="list-style-type: none"> • Childrens toys • Outdoor games and toys • Baby/nursery equipment • Other items (must be specified)
Textiles	<ul style="list-style-type: none"> • Fabric • Haberdashery • Yarn/Wool • Knitting/Sewing supplies • Other items (must be specified)

Appendix 2 (Cont)

Tools, DIY & Gardening	<ul style="list-style-type: none"> • Tools • Garden tools • DIY supplies • Other items (must be specified)
Furniture	<ul style="list-style-type: none"> • Furniture including antiques • Other items (must be specified)
Sports equipment	<ul style="list-style-type: none"> • Exercise equipment • Track & Field • Golf • Sports equipment • Other items (must be specified)
Pet supplies	<ul style="list-style-type: none"> • Pet food • Pet beds • Pet cages/hutches/tanks/carriers • Grooming and care supplies • Other items (must be specified)
Arts & Crafts (original handmade goods)	<ul style="list-style-type: none"> • Art • Sculpture • Craft items • Handmade textiles • Other items (must be specified)
Miscellaneous	<ul style="list-style-type: none"> • Other items not in any category above (must be specified by the applicant)

Banned Commodities

Commodity	Ward/Area of ban
Continuous or regular street trading of food (e.g. Mobile food traders)	Uxbridge Town Centre (<i>as agreed by Cabinet 17th March 2011</i>)

Appendix 3

Prohibition of mobile or “itinerant” ice cream trading.

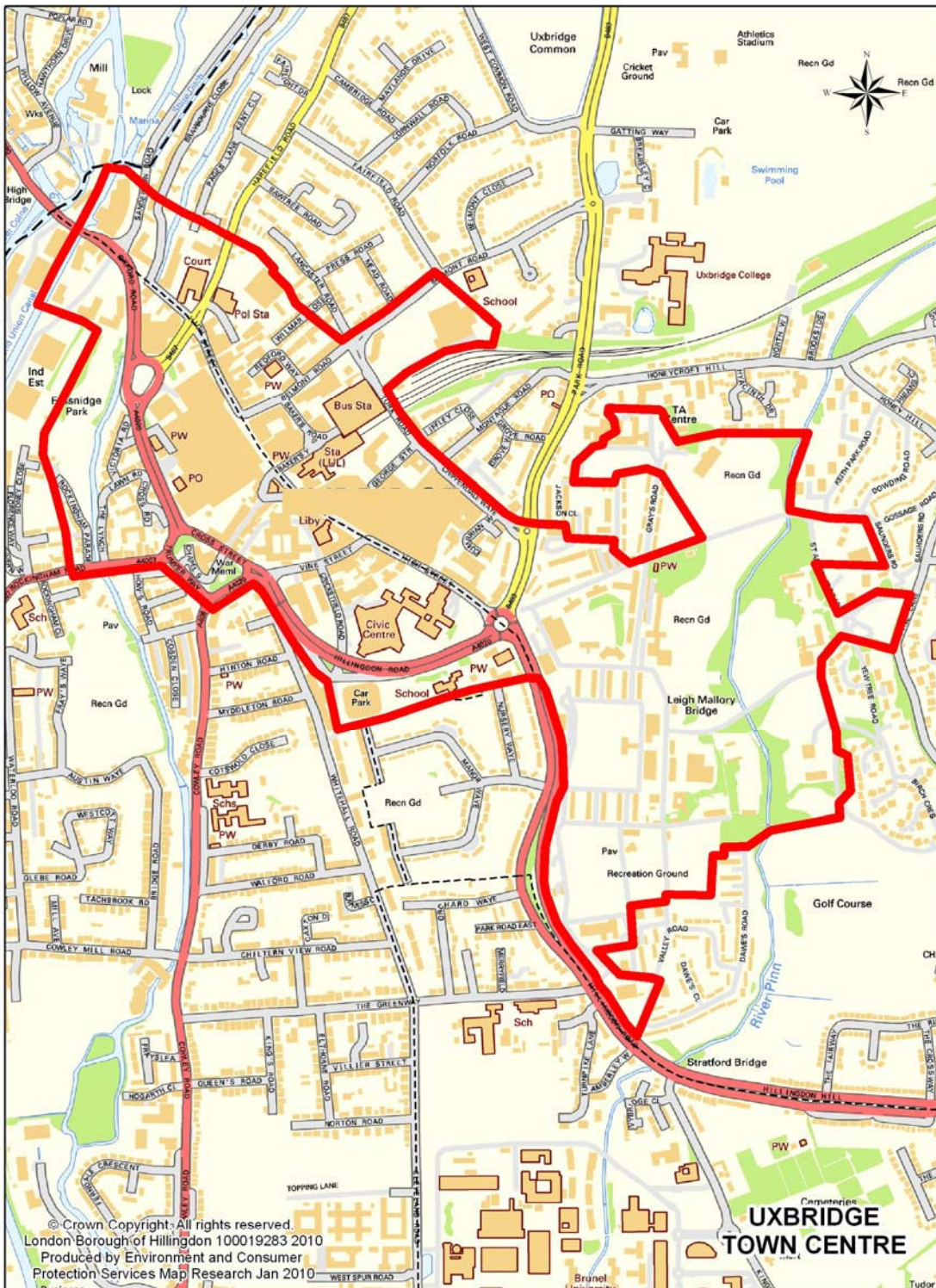
1. Any street or part of streets or side streets within 65 metres of any exit used by children from the following premises:
 - (i) Primary schools
 - (ii) Under 5 centres
 - (iii) Day nurseries
 - (iv) Secondary schools
 - (v) Special schools

2. Any street or side street falling within the Uxbridge Town Centre. The Uxbridge Town centre falls within the area bordered in red on the map below.

3. All streets, part of streets and side streets falling within major retail areas in
 - (i) Eastcote
 - (ii) Harefield
 - (iii) Harlington
 - (iv) Hayes
 - (v) Hillingdon Circus Area
 - (vi) Ickenham
 - (vii) Northwood
 - (viii) Northwood Hills
 - (ix) Ruislip
 - (x) Ruislip Manor
 - (xi) South Ruislip
 - (xii) Uxbridge
 - (xiii) Uxbridge Road Hayes
 - (xiv) Yiewsley and West Drayton

Appendix 3 (Cont)

Area of Uxbridge town centre.



Appendix 4

Terms and Conditions for all Street Trading Licences & Market Licences

1. FEES

A fee is payable to the Council for consideration of the grant, renewal or variation of a licence. The prevailing fees can be found on the Council's website. Fees must be paid at the time of application for the application to be accepted as "duly made".

2. SURRENDER OF LICENCES

A licence shall cease to have effect when it is returned to the Council by the licence holder. A receipt shall be provided by the Council confirming this. All fees and charges are due, up to and including the day accepted as the day of surrender of the licence.

3. TRADING LOCATION OR POSITION

The trader shall trade only from the position indicated on the licence, unless otherwise directed by an authorised officer. The Council reserves the right to suspend any licensed street pitch/market place if the highway is obstructed or if health and safety concerns emerge. If this happens, another street trading pitch/market place may be allocated by the Licensing Service, if one is available.

4. PITCH SIZE

The licensed area must be within the dimensions shown on the licence, or any relevant pitch limits marked out on the ground by the Council. An awning may be permitted to extend 30 cm (12 inches) at the front of the pitch/market area, but no articles are to be suspended from the awning beyond the permitted pitch/market area.

5. COMMODITIES / ITEMS TO BE TRADED OR SOLD

Only those commodities or groups of specified on the licence may be sold from the licensed street trading pitch/market place.

6. ADVERTISEMENTS

No advertisement shall be displayed on the licensed pitch/market place for goods, commodities or services other than those licensed for sale or provided on that pitch/market place.

7. DAYS AND TIMES OF TRADING OR BUSINESS

Trading may only take place on the days and during the times specified on the licence. The Council shall advise traders/market operators of any extension of trading times for specified trading periods when and as relevant.

8. TRADING ALONGSIDE PERMANENT BUSINESSES

Licence times shall be the same as trading times applicable to shops in the vicinity of the licensed street trading pitch/market place. However, traders may trade only during the times stated on the licence.

9. REFUSE OR WASTE

It is the trader's/market operators responsibility to ensure that all litter and waste generated by their licensed activity is collected for recycling or disposal, in ways that are compliant with legislation. This can mean storage in suitable bins or containers within the licensed area until collection can take place by a registered carrier of waste.

To prevent blockages, odours or nuisance to others, road gullies or surface water drains may not be used for the disposal of food based liquid wastes or other noxious substances.

10. PORTABLE GENERATORS

Generators shall be positioned so that they do not present problems for other street users or traders. Flammable fuel must be used safely and stored in suitable containers.

11. STREET CLEANLINESS

The trader/market operator must keep the immediate licensed area, and the area within 5 metres in any direction from the licensed area, free of any wastes or spillages resulting from the trading activity, throughout the trading day. When trading is finished or upon leaving the site the trader/market operator must leave it in a clean condition.

12. DISPLAY OF LICENCE

The licence must be shown at all times, in a prominent position, so that it can be easily read.

13. SAFETY OF EQUIPMENT

Electrical equipment must be approved by the Council before being used on a trading pitch. Regular testing may be required.

14. USING A MAINS VOLTAGE ELECTRICAL SUPPLY

Traders/market operators using a mains electrical supply must have consent from the Council before seeking installation from an electricity supplier. Where relevant, the trader/market operator and the electricity supplier will be required to provide the Council with certification for the safety of the electricity supply.

15. INTERFERENCE WITH ELECTRICAL SUPPLIES

A trader/market operator will be subject to suspension of a licence if they tamper with, or use an electricity supply belonging to the Council without a prior arrangement to do so. A trader/market operator causing damage to any Council installation or equipment will be required to pay the full cost of any repair or replacement.

16. PITCH EQUIPMENT, OR TRADING STALLS

Pitch equipment or stalls should be easily and quickly assembled and removed. The Council reserves the right to inspect for stability and safety and to ensure that they are fit for purpose. Any obviously dangerous item must be made safe or immediately removed on request. It is the trader's/market operators responsibility to ensure that items and structures are put up and taken down safely, are properly designed, well sited and in a good, clean condition.

17. GENERAL CONDUCT

Any trader/market stall holder and/or any assistants employed by them shall conduct themselves in a decent manner and ensure that all members of the community are fairly treated and shown courtesy and respect. Trading activities should not give rise to noise inappropriate to the area, or cause other nuisance.

18. PRODUCTION OF LICENCES ON REQUEST

All licensed traders shall produce their licence when requested to do so by an authorised officer the Council or a police officer.

19. NOTIFICATION OF LOCATION FOR STORAGE OF FOOD COMMODITIES, PITCH EQUIPMENT, OR TRADING STALLS etc.

Traders in foodstuffs must notify the Council in writing of any change of address or addresses at which the pitch equipment stalls etc (the "receptacles") and any commodities are stored. Such

notice must be given within 7 days of the change. Checks may be made to confirm details and suitability.

20. EMPLOYED ASSISTANTS

Traders shall notify the Council in writing of the name, address of every assistant who may be given responsibility for the pitch in the absence of the trader. Details of any subsequent change of assistant or any other relevant information regarding assistants should be given in writing to the Council.

21. EMPLOYMENT OF CHILDREN

A licensed trader shall not employ any person under the age of 17 years in any capacity in the course of his trade or business.

22. ASSISTANCE TO COUNCIL OFFICERS

A trader shall give immediate assistance to Council officers when requested to do so. In dealing with an emergency, this might mean moving a stall or equipment away from the area, quickly.

23. CHANGE OF ADDRESS AND CIRCUMSTANCES

A trader shall give notice in writing to the Council of the change of any of the addresses and circumstances. Unless a trader is unable to do so for good reason, notice of a change of address should be given within seven days of any change. Proof of new address will need to be submitted to the Council.

24. FOOD RELATED TRADING

Food traders shall comply with the necessary food hygiene, food hygiene training and food registration requirements as required by the Councils Food, Health & Safety Team.

Appendix 5

Conditions Specific to Tables & Chairs Licences

In addition to the conditions relating to all street trading and market licences, these conditions apply specifically to “Tables and Chairs” licences.

1. The grant of a tables and chairs trading licence does not give any approval or consent which may be needed under any other legislation other than under the Act(s).
2. A copy of the tables and chairs licence must to be displayed in the window of the licensed premises. The copy licence is to be displayed so as to be clearly visible and legible from the street.
3. Only those commodities sold in the relevant shop premises can be served under the tables and chairs licence.
4. Only those services provided within the relevant shop premises can be provided in the licensed area where a licence permits tables and chairs to be placed on the street.
5. A tables and chairs licence is not transferable.

Appendix 6

Conditions Specific To Shop Front Licences

In addition to the conditions relating to all street trading and market licences, these conditions apply specifically to “Shop Front” licences only

1. Any display or part of a display of goods or services sold or offered within a shop and that is located on a public forecourt adjacent to the shop shall require a shop front licence, if the display is placed within 7 metres of the boundary at the rear of the footway delineating between the private property and the public Highway, as may be evidenced by Deeds of the property and / or the Highway register.
2. A copy of the shop front trading licence must to be displayed in the window of the premises outside which trading is permitted. The copy licence is to be displayed so as to be clearly visible and legible from the street.
3. Food Traders shall comply with the necessary food hygiene and food registration requirements as required by the Councils Food, Health & Safety Team.
4. Monetary exchange or payment cannot be made in the licensed street trading pitch.
5. The dimensions of a licensed street trading pitch shall be such that a minimum of 2m clear of any obstruction shall be maintained on the Public Highway for the safe pass, re-pass and free flow of pedestrian and vehicular traffic.
6. No equipment, stall, container, or display or tables(s) or chair(s) shall at any time be permitted to obstruct an entrance or exit to any adjacent premises or to any part of the building to which the licence applies that is under separate occupation.
7. Temporary barriers of an approved type must be in place during licensed hours and the same must be removed outside of the hours permitted by the licence
8. A shop front trading licence is not transferable.
9. Only those commodities sold in shop premises can be displayed outside premises provided they are not excluded items as defined in these regulations.
10. A separate street trading licence shall be required in the event that a commodity that is not sold in the shop is displayed or offered for sale on the licensed street trading pitch.
11. Only that equipment, stall, container, or display or tables(s) or chair(s) and containers which is suitable and fit for purpose and approved by the Council shall be used by the licence holder and assistants for shop front trading or ancillary to shop front trading.
12. The following items may not form part of the commodities displayed under a shop front licence:
 - a. Alcoholic beverages, tobacco and tobacco products;
 - b. Lottery tickets, phone cards, raffles, tombola and/or other games of chance;
 - c. Medicines, drugs and other prescribed substances
 - d. Uncooked meat or fish

- e. New and used cars and motorcycles
- f. Pets and livestock
- g. Containers of Liquid Petroleum Gas (LPG) including any which are fully or partly discharged or emptied;
- h. Explosives, including fireworks;
- i. Goods considered by the Council to pose a Health and Safety risk to the public.

13. The dimensions of a licensed street trading pitch shall be such that a minimum of 2m clear of any obstruction shall be maintained on the public highway for the safe pass, re-pass and free flow of pedestrian and vehicular traffic.

14. Items that are likely to cause damage the street or street furniture may not be used.

15. An awning may be permitted to extend up to a maximum of 30 cm (12 inches) at the front of the licensed shop front pitch but no articles are to be suspended from the awning beyond the permitted area. Additionally, the placement of the awning must permit safe pass and re-pass by pedestrian traffic.

Appendix 7

Standard licence conditions for market operators

In addition to the conditions relating to all street trading and market licences, these conditions apply specifically to “market operator” licences only.

The licensed market operator must ensure that the following conditions are adhered to;

- 1) No person shall sell goods in a market place other than during market hours;
- 2) No person shall bring a vehicle into the market place during market hours unless in case of emergency;
- 3) No stall shall cover or obstruct a fire hydrant. Clear access must be maintained at all times.
- 4) No person in charge of a vehicle shall, during market hours, allow it to stop in the market place, or in its immediate approaches, for longer than is reasonably necessary for the loading or unloading of goods;
- 5) No person shall place any goods on, or occupy any stall or pitch without the permission of the licensed market operator;
- 6) No person shall light a fire in the market place;
- 7) No person shall keep or sell any explosive or highly flammable substance in the market place;
- 8) No person shall bring a petrol generator into the market place. NB. Diesel generators are permitted.
- 9) No person shall post or display any bill, placard or poster, other than a description of goods advertised for sale, in any part of the market place, except with the prior permission of the market authority;
- 10) No person in the market place or in its immediate approaches shall, except by way of sale, distribute or attempt to distribute to the public any printed matter unless prior consent has been obtained from the market authority;
- 11) No person shall bring into or allow to remain in the market place any animal;
- 12) Food traders shall comply with the necessary food hygiene and food registration requirements as required by the Council’s Food and Health & Safety Team.
- 13) The market operator shall ensure that each trader is able to demonstrate adequate public liability insurance cover of £2million minimum.

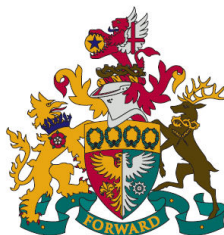
Appendix 8

Standard Licence Conditions for Market Traders

In addition to the conditions relating to all street trading and market licences, these conditions apply specifically to “Market” licences only

- 1) Every Market Trader;
 - a. Ensure that the stall/pitch is properly cleansed before and after market hours as often as may be necessary during those hours;
 - b. Ensure that all refuse accumulated in connection with the stall is placed in a bin or container provided *or* approved by the Council for that purpose;
 - c. As often as is necessary, ensure that the contents of the bin or receptacle are removed to an area designated by the Council for that purpose
- 2) Traders shall have in place the following documentation at the time of trade and must produce them if requested to do so by an Authorised Officer of the Council;
 - a. Food hygiene documentation (where the traders commodity is food)
 - b. Valid public liability insurance of £2million minimum
- 3) Traders shall not bring petrol generators into the market place. *NB. Diesel generators are permitted.*
- 4) The use of gas cylinders is permitted only where;
 - traders have checked the valves and hoses of gas cylinders for defects before bringing them into the licensed market place, and;
 - the cylinders are in safe working order

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HILLINGDON
LONDON

Licensing Act 2003

Licensing Sub-Committee Hearing Protocol for determining new & variation premises/club licences

This protocol outlines the procedures that will apply:

Full details of the regulations surrounding sub-committee hearings are available for download on the Department of Culture, Media and Sport's website by [clicking here](#).

It is important that you carefully read these procedures before you make representations to an application or wish to attend and be heard at a Licensing sub-committee hearing

1. On receiving the Notice of Hearing

What is the Notice of Hearing?

The Licensing Sub-committee hearing will normally be held within the period of 20 working days from when the consultation period ends. The Hillingdon Licensing Service will give appropriate notice of the hearing, which depends upon the type of application to be considered. Exact timings are attached in the Appendix (parts 2&3).

A Notice of the Hearing will be sent to all parties accompanied by:

- Date, time and location of the actual hearing and a procedural briefing to be held beforehand;
- This procedure note, the report from the Council's Licensing Officer with relevant representations attached;
- Confirmation that a party may be assisted / represented by a person who does not have to be legally qualified;
- Confirmation that a party to the hearing may address the authority, give further information on a point on which the authority requires clarification and, if considered by the authority to be required, question another party to the hearing;
- The consequences of not attending or being represented at a hearing (which normally will be that the hearing will proceed in the party's absence); and
- A note of any particular points on which the Hillingdon Licensing Service wants clarification.

Contact Information:

To give notice or any queries relating to the hearing please contact:

Clerk to the Committee

Tel: 01895 277655

Email: democratic@hillingdon.gov.uk

Write to: Clerk to the Committee, Cabinet Office, 3E/05, Civic Centre, Uxbridge, UB8 1UW

What do I do when I receive the Notice of Hearing?

On receipt of the Notice of Hearing, all parties must inform the Clerk to the Committee – **normally no later than 2 working days before the hearing*** – whether they:

- Intend to attend or to be represented at the hearing;
- Consider a hearing to be unnecessary; and
- Wish to request that another person appear at the hearing (other than their representative) as a witness. If such a request is made, it should be accompanied by details of the name of that person and a full description of the points about which that person may be able to assist the hearing.

*In the Appendix (part 4), full details are given of the deadline by which you should give your notice. All objectors and applicants are also reminded of their right to have a legal representative at the hearing.

If a party does not notify the above to the Clerk to the Committee before the relevant deadline they will not be entitled to speaking rights at the hearing.

IT IS IMPORTANT THAT YOU REPLY TO THE NOTICE

If I want to withdraw my representations - how do I do this?

Any party may withdraw their representations by contacting the Clerk to the Committee by phone, letter or email, providing they give notice no later than 24 hours before the hearing. If, during hearing, any party wishes to withdraw their representations they may do so orally by informing the Chairman.

What happens if I cannot attend the sub-committee hearing?

If you have made a representation and are unable to attend the sub-committee hearing, the sub-committee will only hear and consider any evidence and arguments put forward by or on behalf of the applicant and other parties present in relation to the written objections received. The sub-committee will take into account, in considering the importance to be attached to the objection that the objector was not available to be questioned about their statements.

Can you accommodate any special needs I may have?

Yes, if any person, who intends to be present at the hearing, has any special needs, (for example in connection with access, hearing, language or vision) this should be brought to the attention of the Clerk to the Committee prior to the hearing in order that appropriate provision may be made.

Can the date of the hearing be changed?

Unfortunately, the Hillingdon Licensing Service cannot be flexible in the dates for hearings as the Licensing Act 2003 sets a strict legal deadline by which hearings must be heard.

2. Before the Hearing

You will have been notified of the date and time of the Licensing Sub-committee hearing. The hearings will normally take place at the Civic Centre, High Street, Uxbridge in one of the Committee Rooms.

How do I get to the Civic Centre?

Parking may be available via the entrance to the Civic Centre in the High Street by contacting the Clerk to the Committee in advance. Parking is also available in the nearby Chimes Shopping Centre Car Park. Bus routes 207, U1, U3, U4 and U7 all stop at the Civic Centre. Uxbridge underground station, with the Piccadilly and Metropolitan lines, is a short walk away.

Please enter from the main reception where you will be directed to the relevant Committee Room. Please switch off your mobile phone when entering the room and note that Hillingdon Council operates a no-smoking policy in its offices.

Will the hearing be in public?

There may be other members of the public and press that attend the hearing to observe the proceedings, but they will not be allowed to speak. At any hearing, the applicant may attend in person or, if the application or objection is made by an organisation or corporate body, a duly authorised representative may be present, who is able to speak on their behalf can do so.

The hearing will take place in public. However, in exceptional circumstances, when the sub-committee considers that it is in the public interest, it may exclude the public from all or any part of a hearing. Hearings will normally take place during the day.

I have some new evidence - may I present it?

The sub-committee **will not** normally allow the production of new written evidence not previously submitted as relevant representations by any party. In the case where the sub-committee does allow new evidence, all other parties must give their consent before it is heard.

If new material is permitted, the hearing may need to be adjourned to allow time to consider it and for other parties to respond to it. Accordingly, any application to have new material considered should demonstrate exceptional reasons for its admission. It is, therefore important for parties to ensure that all evidence is submitted in writing as soon as possible and in accordance with the relevant timescales.

Will I be briefed on procedure before the hearing?

Yes, in the notice of hearing, you will have been asked to attend a procedural briefing before the hearing starts. All parties will be asked to attend this briefing so that the Council's Licensing Officer or Legal Advisor can outline the procedures to be followed at the hearing.

What if there are a number of objectors present?

At the briefing, in the event of a large number of representations, the Licensing Officer or Legal Advisor will ask that a spokesman is agreed amongst those present who have similar representations.

Who are the people on the Licensing sub-committee?

Five elected councillors of the London Borough of Hillingdon sit on a Licensing sub-committee and it is only they who can determine the application. Its minimum membership is two.

Councillors who sit on the sub-committees have been trained in the new Licensing regulations and have experience of determining applications of various kinds.

One of the Councillors will be the Chairman of the hearing and it will be he/she who will call interested parties and responsible authorities to speak and ensure time limits are adhered to as set out in the procedures.

Other people who will be present along with the Councillors include:

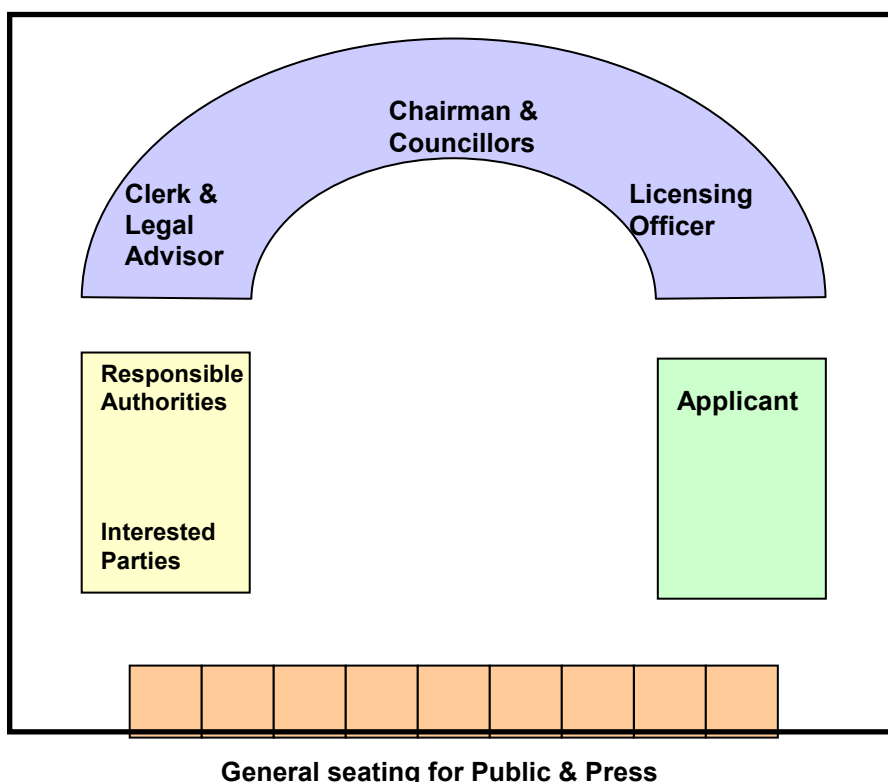
- The **Council's Licensing Officer** who will introduce the Officer report and outline his/her role.
- A **Legal Adviser** whose role is to assist the Committee with legal advice and to ensure that a fair and balanced hearing takes place.
- A **Clerk to the Committee** whose role is to summarise and record decisions on individual cases and to provide help and assistance to members of the public attending such meetings.

3. During the Hearing

The procedure at the sub-committee hearing will, in general, be based on those used in a court of law. Although the strict rules of evidence will not apply, they will be observed to a great extent, because this is the best way of hearing the evidence from all parties. The hearing will take the form of a discussion led by the sub-committee councillors. The sub-committee will seek clarification on the issues from the parties as it considers appropriate.

Where shall I sit at the hearing?

Once you have attended the procedural briefing, you will be directed into the relevant Committee Room. The set up of the room for those involved will generally be as shown below:



In general, how will the hearing be conducted?

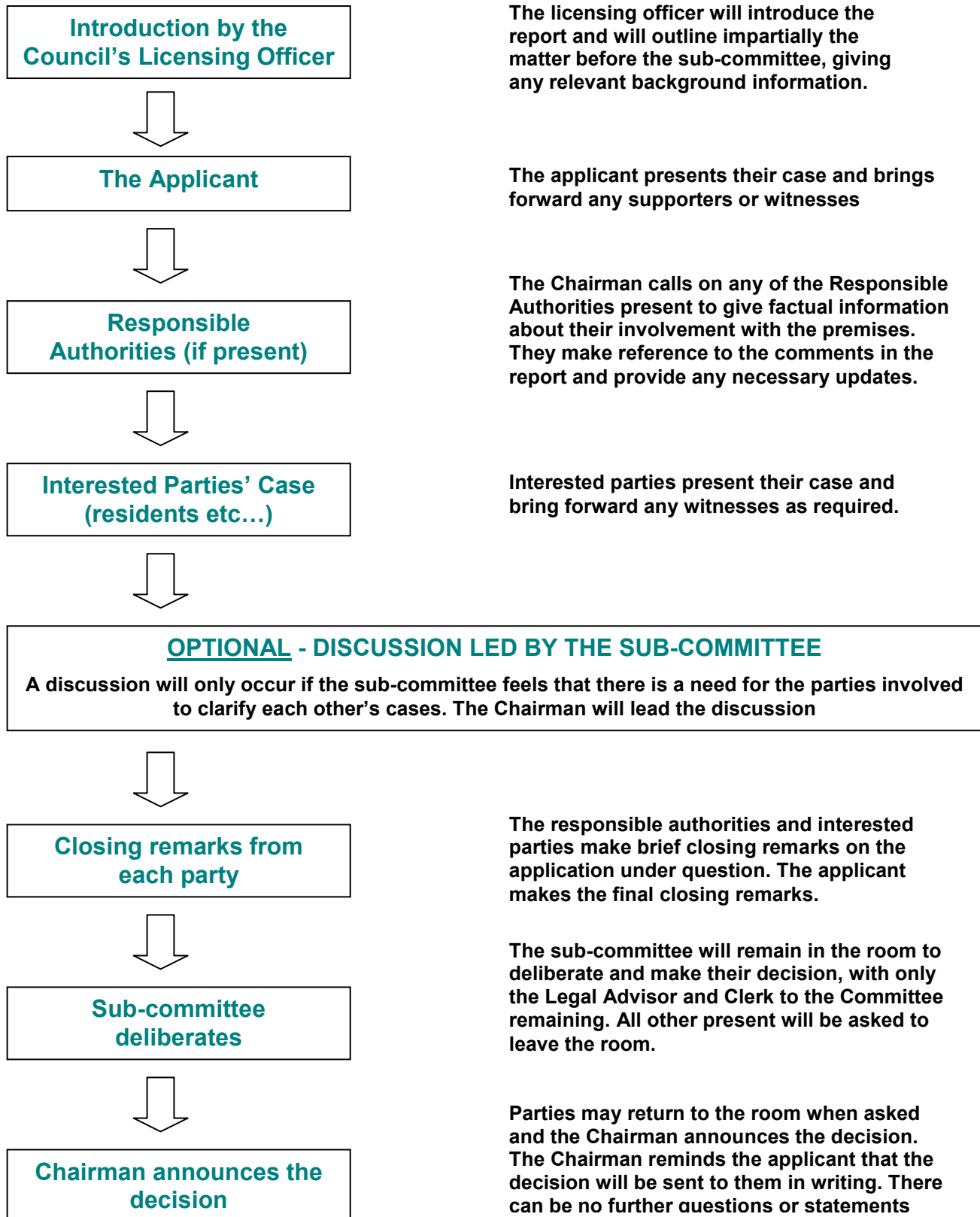
The procedure to be followed at the hearing will normally be as shown in the flow chart below, although all procedural matters will be subject to the discretion of the Chairman. All persons present will be requested to identify themselves and to give the reason for their presence. The sub-committee may consider any request from a party for another person to appear at the hearing as their representative.

It is important to note that cross-examination will not normally be permitted. Evidence, discussion and address must be relevant to the four licensing objectives. Repetition should also be avoided. The sub-committee will seek to prevent irrelevant and repetitive matters.

If, during its deliberations, the sub-committee considers that it is necessary for any person present at the hearing to provide further information or clarification on a particular point the hearing may be reconvened to deal with that issue. The sub-committee can also ask for procedural, technical or legal matter from officers present at any time during the proceedings.

What is the order of proceedings?

The Chairman of the sub-committee will open the hearing by introducing the Councillors explaining the purpose of the proceedings and the general procedure. The Chairman will then check that there are no additions or alterations to the list of those appearing at the hearing, which will have been prepared in advance by the Clerk to the Committee and will then outline the procedure that will be followed for the remainder of the hearing. The procedure is as follows:



Can a Councillor sit on a sub-committee if the application is in their ward?

Councillors who sit on a sub-committee are advised to take steps to minimise their involvement in any application prior to its consideration by the sub-committee so that decisions are seen to be reached at the hearing impartially and with an open mind. Councillors should not appear to be acting both as an advocate on behalf of their residents and as an adjudicator on an application.

If a Councillor on the sub-committee has already taken a view on an application in advance of the hearing, they should not be present for the hearing of the application and should leave the meeting room for that item. They should also not visit any premises under consideration prior to the hearing. In any cases of doubt, the Councillor should not sit on the sub-committee for a particular application. In this instance, a substitute Councillor may need to be found from the main Licensing committee of the Council or the hearing may continue as long as two of the five Councillors are still present.

The agenda papers will show which ward each Councillor sits for and the reports from the Council's Licensing Officer will detail which ward the application is in.

Can an Elected Member make a representation and or speak at a hearing?

If an Elected Member, who does not sit on the sub-committee, wishes to make a formal objection to an application they may only do so if they make a written relevant representation as would apply to an Interested Party and in the same way as any other member of the public using the procedures outlined in this protocol. If the Elected Member believes they have a personal or prejudicial interest in the application, they may still submit a relevant representation.

Elected Members, who do not sit on the sub-committee, may also speak at a sub-committee hearing in support or against an application, for example on behalf of their constituents. They may also speak as an advocate or witness on behalf of the applicant or an Interested Party, even if they believe they have a personal or prejudicial interest. However, for the purposes of transparency, at the hearing, the Elected Member should disclose what their personal or prejudicial interest is and whether they have been in contact with the applicant, agent, Interested Party or responsible authority beforehand or have visited the premises concerned.

Elected Members making either a written relevant representation or wish to speak at a hearing should not communicate about the application before the hearing with any Councillors who sit on the sub-committee. This is so the sub-committee makes their decision with an open mind.

What power does the Chairman have to control the meeting?

Under the Licensing act 2003, the Chairman may require any person attending the hearing who is behaving in a disruptive manner to leave the hearing and may refuse to permit that person to return or may permit the person to return only on such conditions as he or she may specify.

How will the sub-committee make its final decision?

Once the sub-committee has heard from officers and the parties to the hearing and has had answers to its questions, the sub-committee will usually withdraw to make its decision on the application. The sub-committee must disregard any information given or evidence produced by a party or witness, which is not relevant to the application, representations or notice or the promotion of the licensing objectives.

Members of the sub-committee have a duty to behave impartially, not to predetermine the issue and not to discuss matters with press or residents. In making its decision the sub-committee must state in respect of premises licences why refusal or attachment of conditions is necessary in order to promote a particular licensing objective, and in respect of all other applications the reasons why applications are refused or revoked, taking into account the evidence presented by all parties during the hearing.

4. After the Hearing

When will we get formal notice of the decision?

The Chairman will normally announce the Sub-committee's decision in public at the end of the hearing and the reasons for the sub-committee's decision. This decision will then be communicated in writing to the parties as soon as possible after the hearing.

The Council's Legal Advisor will send applicants a decision letter shortly after the meeting outlining the decision and any conditions that are attached to the application. In addition, a letter will be sent to all those who made relevant written representations in connection with the application. This will confirm the decision made; any conditions attached to an approval or the reasons for refusal. Details of the respective appeal rights will also be sent with this notice.

The minutes of the meeting will be made available on the Council's website at:

www.hillingdon.gov.uk

Can we appeal against the decision?

Following the decision, the applicant or any person who has made a relevant representation in respect of a particular application can appeal to the Magistrates Court.

How can I find out about other applications in my area?

Applicants for new premises licences and club premises certificates; applications for provisional statements and applications for variations of existing premises licences or club premises certificates must display a notice on the premises and advertise the application in a local newspaper.

All applications once they are lodged will be available for viewing on Hillingdon Council's website at www.hillingdon.gov.uk and in the Civic Centre Offices by appointment with the Licensing Service during working hours.

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APPLICATION FOR A TEMPORARY STREET TRADING LICENCE – SHOP FRONT

Committee	Licensing Sub Committee
Officer Contact	Stephanie Waterford – Ext 7232
Papers with report	Appendix 1 – Copy of application Appendix 2 – Copy of objection from Highways
Ward(s) affected	Barnhill

SUMMARY

The Licensing Service has received an application for a street trading licence – (3 metre Shop Front) for a six month period for KWALITY FOODS, 670-674 Uxbridge Road, Hayes, UB4 0RY

RECOMMENDATION

To grant the application for six months for a reduced size of 2 metres

ALTERNATIVE 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 in full as per the application or with further conditions

INFORMATION

The Licensing Service received a renewal of a Street Trading Shop Front Licence application from Mr Satpal Singh Arora on 16th April 2012. The application was supplied with all the necessary supporting documents and fee in compliance with the Council's application procedures. A copy of the application is attached as Appendix 1.

The application is for 3 metres of shop front space to display Fruit & Vegetables between 7am and midnight each day, outside the front of the premises Kwaliti Foods, 670-674 Uxbridge Road, UB4 0RY

The Licensing Service consulted with Ward Members, Licensing Committee Members, Investigations Team and the Highways Service during the consultation period.

The Highways Service has submitted an objection against the grant of a licence for 3 metres but have suggested that they would not have any objection to a reduced shop front of 2 metres trade space. A copy of the objection is attached as Appendix 2.

The applicant has not accepted a reduced space of 2 metres and preferred for the application to be heard by the Sub-Committee.

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 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. 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.

BACKGROUND DOCUMENTS

London Local Authorities Act 1990 (as amended)

London Borough of Hillingdon Street Trading & Markets Policy

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HILLINGDON
LONDON

Application for a Street Trading Licence
Pursuant to the London Local Authorities Act 1990 (as amended)

Important Notes:

1. If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.
2. You may wish to keep a copy of the completed form for your records
3. Incomplete applications will not be processed and returned to the applicant

Section 1. – Premises details

1.A Address/location of premises;

Trading Name of premises KQUALITY FOODS

Address 670 - 674 UYBRIDGE ROAD
..... HAYES, MIDDX

..... Post Code ... UB4 0RY

Contact number at premises 0208 573 6562

1.B Please tick the type of licence you are applying for;

- Shop Front
- Tables & Chairs
- Pitch

1.C Please tick whether your application is for a new licence or to renew your existing licence;

- New Licence application
- Renewal application

1.D Information relating to Shop Front applications only;

Size of shop front licensed area; 1 Metre 2 Metres 3 Metres

1.E Information relating to Tables & Chairs applications only;

How many Tables & Chairs will you be placing in the licensed area?

1.F Information relating to Pitch applications only;

Please provide details of the size and location of the proposed pitch -

Section 2. – About the Applicant & Assistants

2.A Applicants details;

Title MR First Name/s SATPAL SINGH ~~ARORA~~
Surname/s ARORA
Address 45 BARNHILL ROAD
HAYES
Post Code UB4 9AR
Date of Birth (D/M/Y) 08/08/1985 Place of birth JALALABAD
Mobile number 07940 438 980 email

2.B Assistant 1 Details;

Title MR First Name/s DILBIR SINGH
Surname/s ARORA
Address 45 BARNHILL ROAD
HAYES
Post Code UB4 9AR

2.C Assistant 2 Details;

Title MR First Name/s DILBIR SINGH
Surname/s ARORA
Address 45 BARNHILL ROAD
HAYES
MIDDX Post Code UB4 9AR

Section 3. – Details of trading

3.A Hours of trade;

Please give the days and times during which street trading activities will take place;

Monday	<u>7AM</u>	to	<u>12 PM MIDNIGHT</u>	Friday	<u>7AM</u>	to	<u>11-30PM</u>
Tuesday	<u>7AM</u>	to	<u>12 PM MIDNIGHT</u>	Saturday	<u>7AM</u>	to	<u>11-30PM</u>
Wednesday	<u>7AM</u>	to	<u>11.30PM</u>	Sunday	<u>7AM</u>	to	<u>11-30PM</u>
Thursday	<u>7AM</u>	to	<u>11.30PM</u>				

3.B Articles/Commodities/Services for sale;

FRUIT & VEG

Section 4. Checklist & Declaration

4.A Checklist

Please tick;

- I have enclosed a copy of my Photo ID (*Passport, Driving Licence etc*)
- I have enclosed proof of home address
- I have enclosed the licence fee (*Please refer to fee schedule*) ~~£~~ 204.65
- I have enclosed a plan/map of the proposed licensed area
- I have enclosed evidence of public liability insurance to £2million ~~£~~
- I have enclosed passport size photos of myself and the assistants
- I understand that I must display a notice of application in the window of the application premises for 21 days
- I understand that if I do not comply with the above requirements, my application will be rejected

IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE NOT EXCEEDING £20,000, FOR ANY PERSON TO MAKE A FALSE STATEMENT WHICH HE KNOWS TO BE FALSE IN ANY MATERIAL RESPECT, OR WHICH HE DOES NOT BELIEVE TO BE TRUE IN CONNECTION WITH AN APPLICATION FOR THE GRANT, VARIATION, RENEWAL OR TRANSFER OF A STREET TRADING LICENCE.

Applicant

I SATPAL SINGH ANORA (*insert name*) declare that the information given in this application is true and complete in every respect.

Signature;  Date; 29/03/12

Please send your application and its enclosures to;

**The Licensing Service
London Borough of Hillingdon
Civic Centre
High Street
Uxbridge
UB8 1UW**

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Re: Street Trading consultation - Barnhill Ward

Inbox x



John Fern

30 April 2012

to Diane, swaterford

Diane/Steph,

The applicant wishes to have 3 metres depth of display outside his shop however this footway has very heavy pedestrian footfall. Whilst it is a wide footway 3 metres depth is in my opinion too intrusive on to the footway so I have therefore suggested that 2 metres would be sufficient to satisfy the needs of the shop keeper to display his goods whilst affording sufficient footway for use by pedestrians.

The number of shop outlets requiring 3 metres in depth is growing in number and this will ultimately have a major impact on the available footway for pedestrian use. We need to balance the requirements of the shop keepers with that of the requirement to reduce obstruction to pedestrian use.

I hope the above is of help.

Regards
John

John Fern
Highways Inspection Manager
Street Scene Maintenance
Planning, Environment,
Education & Community Service
Civic Centre 4W/07
High Street
Uxbridge
Middx
UB8 1UW
Tel: 01895 277557

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APPLICATION FOR A MARKET LICENCE

Committee	Licensing Sub Committee
Officer Contact	Stephanie Waterford, Licensing Service Manager X7232
Papers with report	Appendix 1 – Market Licence Application Form Appendix 2 – Site Plan Appendix 3 – Standard Market Licence Conditions Appendix 4 – List of Traders – to follow Appendix 5 – Objections – to follow
Ward(s) affected	Uxbridge North Uxbridge South

SUMMARY

To consider an application by Savoir Fayre Ltd for a Market Licence for a temporary street market located in High Street, Uxbridge for 3 days between 4th – 6th July 2012. The applicant has applied for up to 50 stalls selling a wide range of food, craft and fashion items.

OFFICER RECOMMENDATION

To grant the application in full for the following reasons;

- 1) The applicant has complied with the application requirements as set out in the Councils Street Trading & Markets Policy, and;
- 2) The Licensing Service have not been made aware of any complaints following previous street Markets organised by the applicant

If granted, the licence should contain the following conditions as recommended by the Councils Highway Service;

- a) Each Trading Stall shall display a large number in a conspicuous position which corresponds with the list of Market Traders.
- b) Food traders shall install temporary, waterproof covering over the pavement to protect against spills etc.

ALTERNATIVE OPTIONS AVAILABLE TO THE COMMITTEE

- 1) To grant the application with a variation of;
 - i. days
 - ii. times,
 - iii. commodities
- 2) To refuse the application

INFORMATION

An application for a Temporary Street Market was submitted by Philippe Bassett, on behalf of Savoir Fayre Ltd on 15th May 2012. Application documents attached as **Appendix 1**.

The application is for approx 50 stalls along High Street, Uxbridge on Wednesday 4th, Thursday 5th and Friday 6th July. See **Appendix 2** for site plan.

The applicant has also signed a declaration agreeing to the Councils standard Market conditions. Attached as **Appendix 3**.

A full list of stall holders is attached as **Appendix 4**. – **TO FOLLOW**

The Licensing Service consulted with local Members and stakeholders including, Highways, Antisocial Behaviour Investigations Team, Ward Members and local businesses, between 18th May and 8th June 2012.

Objections (if any) **TO FOLLOW** as **Appendix 5**

The Sub Committee is requested to consider the application in line with the Council's Street Trading & Markets Licensing Policy.

Legal Implications

The Council is empowered to establish markets by virtue of Section 50 of the Food Act 1984. In this case, the market in question will be regulated by a single licence granted to the organiser of the market who will be responsible for ensuring that the market operates in a proper manner.

FINANCIAL IMPLICATIONS

NA

BACKGROUND DOCUMENTS:

The Food Act 1984

Hillingdon Street Trading & Markets Policy



HILLINGDON
LONDON

Application for a Market Operators Licence
Pursuant to the Food Act 1984 (as amended)

Important Notes:

1. You are advised to read the Council's Street Trading & Markets Licensing Policy prior to making an application.
2. If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.
3. You may wish to keep a copy of the completed form for your records
4. Incomplete applications will not be processed and returned to the applicant

Section 1. – Applicant details

1.A Applicants details;

Please tick whether you are applying as an individual or company/partnership/organisation etc;

- Individual Applicant
- Company/Partnership
- Charity/Community Group

Name of applicant **Savoir-fayre Ltd**

Registered Address **78 Dene Road**
..... **Northwood**

..... Post Code **H6 2DF**

Contact number **01923829299** email **p.basset@btinternet.com**

National Insurance Number;

1.B Please give details of previous markets held and their locations;

..... **Uxbridge continental market**
..... **eascote christmas market**

Section 2. – Proposed Market details

2.A Please tick the type of licence you are applying for;

- Street Market (commercial organisation)
- Charity/Community Market

2.B Address/location of the proposed market;

Uxbridge High street

Please provide a map of the area showing the location of stalls

2.C Please describe the type of market that you are proposing (e.g. Farmers, Craft, Continental etc);

European market

2.D Please give examples of the commodities/goods that will be available at the proposed Market;

Food, craft fashion from various european country
and stalls for local traders and businesses

2.E Number of market stalls/traders proposed;

50

2.F Date/s of Market;

4, 5 + 6 July 2012

2.G Times of trade;

9 am to 6 pm

2.H Please give the name of the nominated responsible person who will be in overall control of the Market and responsible for complying with the Market Licence conditions;

james Bradley kidd

2.I Mobile number of nominated responsible person;

07794346235

Section 3. Checklist & Declaration

3.A Checklist

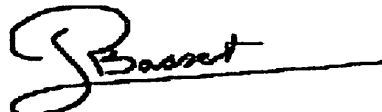
Please tick;

- I have enclosed a plan/map of the proposed licensed area
- I will complete Appendix 1 and send it to the Licensing Authority no later than 2 weeks prior to the proposed Market.
- I have enclosed a copy of my Photo ID (*Passport, Driving Licence etc*)
- I have enclosed proof of registered address
- I have enclosed the licence fee (*Please refer to fee schedule*)
- I have enclosed evidence of public liability insurance to £2million
- I have enclosed passport size photos
- I understand my application will be subject to a 21 day consultation period and may be subject to objections resulting in a public licensing hearing
- I understand that if I do not comply with the above requirements, my application will be rejected
- I understand that, if granted, I will have to comply with the licence conditions applicable to Market Licences.

IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE NOT EXCEEDING **£20,000**, FOR ANY PERSON TO MAKE A FALSE STATEMENT WHICH HE KNOWS TO BE FALSE IN ANY MATERIAL RESPECT, OR WHICH HE DOES NOT BELIEVE TO BE TRUE IN CONNECTION WITH AN APPLICATION FOR A MARKET LICENCE.

Applicant

I philippe Basset (*print name*) declare that the information given in this application is true and complete in every respect.

Signature;  Date; 14-05-2012

Address for correspondence;

Philippe basset
.....
savoir fayre
.....
78 Dene road.....
Northwood Ha6 2df
.....

Please send your application and its enclosures to;

**The Licensing Service
London Borough of Hillingdon
Civic Centre
High Street
Uxbridge
UB8 1UW**

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- Proposed stall area
- Benches
- stall frontage
- bicycle rack
- restricted area
- (number) stall area number
- Stall only possible if the benches are relocated

Revision

HILLINGDON

 IMPROVEMENT PROJECTS

 ONE CHINEE WALK, 3RD FLOOR, HILLINGDON TOWN

 CENTRAL BUSINESS DISTRICT, HILLINGDON, MIDDLESEX, UK

 Project: HIGH STREET, UXBRIDGE

Description: SURVEY

 Scale: 1:250

 Date: JUNE 2009

 Drawing No.: E/A1 2497

 No.: 1

Please note that the areas proposed may not be used this layout only suggest areas where stall will be authorised to be erected however it is strongly suggested that area 6-7-8-9-10 should be used as they fence-off the restricted area.

area 1-2-3-4 may only be used for large market (power supply to that area may require electric cables running on the floor, and even with proper matting we try to avoid this potential tripping hazard. any other area cable will be aerial or out side the reach of the public.)

Crowd control and flow have been considered in this layout. as well as emergency vehicle access

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Terms and Conditions for all Street Trading Licences & Market Licences

1. FEES

A fee is payable to the Council for consideration of the grant, renewal or variation of a licence. The prevailing fees can be found on the Council's website. Fees must be paid at the time of application for the application to be accepted as "duly made".

2. SURRENDER OF LICENCES

A licence shall cease to have effect when it is returned to the Council by the licence holder. A receipt shall be provided by the Council confirming this. All fees and charges are due, up to and including the day accepted as the day of surrender of the licence.

3. TRADING LOCATION OR POSITION

The trader shall trade only from the position indicated on the licence, unless otherwise directed by an authorised officer. The Council reserves the right to suspend any licensed street pitch/market place if the highway is obstructed or if health and safety concerns emerge. If this happens, another street trading pitch/market place may be allocated by the Licensing Service, if one is available.

4. PITCH SIZE

The licensed area must be within the dimensions shown on the licence, or any relevant pitch limits marked out on the ground by the Council. An awning may be permitted to extend 30 cm (12 inches) at the front of the pitch/market area, but no articles are to be suspended from the awning beyond the permitted pitch/market area.

5. COMMODITIES / ITEMS TO BE TRADED OR SOLD

Only those commodities or groups of specified on the licence may be sold from the licensed street trading pitch/market place.

6. ADVERTISEMENTS

No advertisement shall be displayed on the licensed pitch/market place for goods, commodities or services other than those licensed for sale or provided on that pitch/market place.

7. DAYS AND TIMES OF TRADING OR BUSINESS

Trading may only take place on the days and during the times specified on the licence. The Council shall advise traders/market operators of any extension of trading times for specified trading periods when and as relevant.

8. TRADING ALONGSIDE PERMANENT BUSINESSES

Licence times shall be the same as trading times applicable to shops in the vicinity of the licensed street trading pitch/market place. However, traders may trade only during the times stated on the licence.

9. REFUSE OR WASTE

It is the trader's/market operators responsibility to ensure that all litter and waste generated by their licensed activity is collected for recycling or disposal, in ways that are compliant with legislation. This can mean storage in suitable bins or containers within the licensed area until collection can take place by a registered carrier of waste.

To prevent blockages, odours or nuisance to others, road gullies or surface water drains may not be used for the disposal of food based liquid wastes or other noxious substances.

10. PORTABLE GENERATORS

Generators shall be positioned so that they do not present problems for other street users or traders. Flammable fuel must be used safely and stored in suitable containers.

11. STREET CLEANLINESS

The trader/market operator must keep the immediate licensed area, and the area within 5 metres in any direction from the licensed area, free of any wastes or spillages resulting from the trading activity, throughout the trading day. When trading is finished or upon leaving the site the trader/market operator must leave it in a clean condition.

12. DISPLAY OF LICENCE

The licence must be shown at all times, in a prominent position, so that it can be easily read.

13. SAFETY OF EQUIPMENT

Electrical equipment must be approved by the Council before being used on a trading pitch. Regular testing may be required.

14. USING A MAINS VOLTAGE ELECTRICAL SUPPLY

Traders/market operators using a mains electrical supply must have consent from the Council before seeking installation from an electricity supplier. Where relevant, the trader/market operator and the electricity supplier will be required to provide the Council with certification for the safety of the electricity supply.

15. INTERFERENCE WITH ELECTRICAL SUPPLIES

A trader/market operator will be subject to suspension of a licence if they tamper with, or use an electricity supply belonging to the Council without a prior arrangement to do so. A trader/market operator causing damage to any Council installation or equipment will be required to pay the full cost of any repair or replacement.

16. PITCH EQUIPMENT, OR TRADING STALLS

Pitch equipment or stalls should be easily and quickly assembled and removed. The Council reserves the right to inspect for stability and safety and to ensure that they are fit for purpose. Any obviously dangerous item must be made safe or immediately removed on request. It is the trader's/market operators responsibility to ensure that items and structures are put up and taken down safely, are properly designed, well sited and in a good, clean condition.

17. GENERAL CONDUCT

Any trader/market stall holder and/or any assistants employed by them shall conduct themselves in a decent manner and ensure that all members of the community are fairly treated and shown courtesy and respect. Trading activities should not give rise to noise inappropriate to the area, or cause other nuisance.

18. PRODUCTION OF LICENCES ON REQUEST

All licensed traders shall produce their licence when requested to do so by an authorised officer the Council or a police officer.

19. NOTIFICATION OF LOCATION FOR STORAGE OF FOOD COMMODITIES, PITCH EQUIPMENT, OR TRADING STALLS etc.

Traders in foodstuffs must notify the Council in writing of any change of address or addresses at which the pitch equipment stalls etc (the "receptacles") and any commodities are stored. Such notice must be given within 7 days of the change. Checks may be made to confirm details and suitability.

20. EMPLOYED ASSISTANTS

Traders shall notify the Council in writing of the name, address of every assistant who may be given responsibility for the pitch in the absence of the trader. Details of any subsequent change of assistant or any other relevant information regarding assistants should be given in writing to the Council.

21. EMPLOYMENT OF CHILDREN

A licensed trader shall not employ any person under the age of 17 years in any capacity in the course of his trade or business.

22. ASSISTANCE TO COUNCIL OFFICERS

A trader shall give immediate assistance to Council officers when requested to do so. In dealing with an emergency, this might mean moving a stall or equipment away from the area, quickly.

23. CHANGE OF ADDRESS AND CIRCUMSTANCES

A trader shall give notice in writing to the Council of the change of any of the addresses and circumstances. Unless a trader is unable to do so for good reason, notice of a change of address should be given within seven days of any change. Proof of new address will need to be submitted to the Council.

24. FOOD RELATED TRADING

Food traders shall comply with the necessary food hygiene, food hygiene training and food registration requirements as required by the Councils Food, Health & Safety Team.

Standard licence conditions for market operators

In addition to the conditions relating to all street trading and market licences, these conditions apply specifically to “market operator” licences only.

The licensed market operator must ensure that the following conditions are adhered to;

- 1) No person shall sell goods in a market place other than during market hours;
- 2) No person shall bring a vehicle into the market place during market hours unless in case of emergency;
- 3) No stall shall cover or obstruct a fire hydrant. Clear access must be maintained at all times.
- 4) No person in charge of a vehicle shall, during market hours, allow it to stop in the market place, or in its immediate approaches, for longer than is reasonably necessary for the loading or unloading of goods;
- 5) No person shall place any goods on, or occupy any stall or pitch without the permission of the licensed market operator;
- 6) No person shall light a fire in the market place;
- 7) No person shall keep or sell any explosive or highly flammable substance in the market place;
- 8) No person shall bring a petrol generator into the market place. NB. Diesel generators are permitted.
- 9) No person shall post or display any bill, placard or poster, other than a description of goods advertised for sale, in any part of the market place, except with the prior permission of the market authority;
- 10) No person in the market place or in its immediate approaches shall, except by way of sale, distribute or attempt to distribute to the public any printed matter unless prior consent has been obtained from the market authority;
- 11) No person shall bring into or allow to remain in the market place any animal;
- 12) Food traders shall comply with the necessary food hygiene and food registration requirements as required by the Council’s Food and Health & Safety Team.
- 13) The market operator shall ensure that each trader is able to demonstrate adequate public liability insurance cover of £2million minimum.

Standard Licence Conditions for Market Traders

In addition to the conditions relating to all street trading and market licences, these conditions apply specifically to “Market” licences only

- 1) Every Market Trader;
 - a. Ensure that the stall/pitch is properly cleansed before and after market hours as often as may be necessary during those hours;
 - b. Ensure that all refuse accumulated in connection with the stall is placed in a bin or container provided *or* approved by the Council for that purpose;
 - c. As often as is necessary, ensure that the contents of the bin or receptacle are removed to an area designated by the Council for that purpose
- 2) Traders shall have in place the following documentation at the time of trade and must produce them if requested to do so by an Authorised Officer of the Council;
 - a. Food hygiene documentation (where the traders commodity is food)
 - b. Valid public liability insurance of £2million minimum
- 3) Traders shall not bring petrol generators into the market place. *NB. Diesel generators are permitted.*
- 4) The use of gas cylinders is permitted only where;
 - traders have checked the valves and hoses of gas cylinders for defects before bringing them into the licensed market place, and;
 - the cylinders are in safe working order

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TITLE: APPLICATION FOR A PREMISES LICENCE

Committee	Licensing Sub-Committee
Officer Contact	Stephanie Waterford X7232
Papers with report	Appendix 1 – copy of application form Appendix 2 - list of responsible authorities Appendix 3 – copy of letter from Sgt Meens
Ward(s) affected	Yiewsley

SUMMARY

To consider a representation from the Metropolitan Police in respect of an application for a premises licence for Shell Yiewsley, 209 High Street, Yiewsley, UB7 7QP.

RECOMMENDATION

That the Licensing Sub Committee determine the application.

INFORMATION

1. An application for a premises licence for **late night refreshment and the sale of alcohol for consumption off the premises** at Shell Yiewsley, was submitted by Shell UK Oil Products Limited on 1st May 2012.

The proposed times for late night refreshment are between **23.00 and 05.00 each day**
The proposed times for alcohol sales are between **00.00 and 24.00 hours each day**
The premises are currently open 24 hours per day

The applicant has provided an operating schedule which addresses the steps intended to promote the four licensing objectives being;

Prevention of crime and disorder
Prevention of public nuisance
Protection of children from harm
Public safety

A copy of the application form and operating schedule is annexed to this report as **Appendix 1**

2. The application was advertised in accordance with the standard procedures required by the Licensing Act 2003

3. The period for consultation and the making of representations in respect of this application expired on 29th May 2012.
4. In accordance with the legislation, the applicant is required to send copies of the application to the responsible authorities (**See Appendix 2**) being:
 - The Metropolitan Police Service
 - London Fire & Emergency Planning Authority
 - Child Protection Service, LBH
 - Commercial Premises Service, LBH
 - Environmental Protection Unit, LBH
 - Trading Standards Service, LBH
 - Planning Service, LBH

5. **A representation was received from the Metropolitan Police Service**

A copy of the letter of representation is annexed to this report as **Appendix 3**.

6. **List of Representations**

	Prevention of Crime & Disorder	Public Safety	Prevention of Public Nuisance	Protection of Children from Harm
Metropolitan Police Service	X		X	

FINANCIAL IMPLICATIONS

Members should be aware that the Planning, Environment, Education and Community Services directorate does not have a budget provision for costs, should the applicant be successful in appealing to the Court(s) against a decision of the Council. In the event that a Court was to uphold an appeal, officers would need to identify how the costs would be funded before action could be taken in order to comply with Council financial policy.

LEGAL IMPLICATIONS

Principles for making the determination

The general principle is that applications for Premises Licence applications must be granted unless relevant representations are received. This is subject to the proviso that the applicant has complied with regulations in advertising and submitting the application.

Relevant representations are those which:-

- Are about the effect of the granting of the application on the promotion of the licensing objectives
- Are made by an interested party or responsible authority
- Have not been withdrawn
- Are not, in the opinion of the relevant licensing authority, frivolous or vexatious.

The four licensing objectives are :

- a. The prevention of crime and disorder;**
- b. Public safety;**
- c. The prevention of nuisance; and**
- d. The protection of children from harm.**

Members should note that each objective is of equal importance. There are no other licensing objectives, and the four objectives are paramount considerations at all times.

The Licensing Sub-Committee must also consider the London Borough of Hillingdon's Licensing policy when deciding whether or not to grant the application.

The terms of the Statement of Licensing Policy are highly persuasive, but not binding, on the Licensing Sub-Committee. The Licensing Sub-Committee may depart from the guidance contained in the Statement of Licensing Policy if it considers there are clear and convincing reasons to do so.

Where there is a conflict between the Licensing Act 2003 and the Statement of Licensing Policy, the Licensing Act must prevail.

Members are required to have regard to the DCMS Guidance in carrying out the functions of licensing authority. However, guidance does not cover every possible situation, so long as the guidance has been properly and carefully understood, members may depart from it if they have reason to do so. Full reasons must be given if this is the case

When relevant representations are received then the Sub-Committee must have regard to them. Representations based on commercial reasons or need are not in themselves relevant representations. For example, a representation from a bar owner that the grant of a premises licence to another bar will take customers away from his/her premises is not a relevant representation, nor is a representation from a local resident that another off licence in the parade of local shops is not needed.

The Licensing Sub-Committee can attach a "weight" to any relevant representations, such factors that could influence the "weight" to be placed on a representation could include:-

- Whether the representation can be clearly related to any one of the four licensing objectives;
- Whether the representation concerns matters over which the applicant is able to exercise control;
- Whether the representation is based on "hearsay" evidence;
- Whether the representation is supported by firm evidence;
- Whether the person making the representation has attended the hearing in person.

Having considered all relevant representations, and having taken into account the promotion of the licensing objectives, a decision can be taken:-

- To grant the licence, subject to the mandatory conditions and conditions consistent with the operating schedule;

- To impose additional relevant conditions to such an extent as is considered necessary for the promotion of the licensing objectives;
- To exclude any of the licensable activities to which the application relates
- To amend the times for all or some of the licensable activities;
- To refuse to specify a person in the licence as the premises supervisor
- To reject the application

Conditions

Conditions will not be necessary if they duplicate a current statutory requirement.

Members are also referred to the DCMS guidance on conditions, specifically section 10, and Annex D.

The Statutory Guidance states that only necessary, proportionate and enforceable conditions, which promote one or more of the licensing objectives, should be attached to the licence if it is granted (paragraph 10.11).

The Licensing Authority may therefore only impose such conditions as are necessary to promote the licensing objectives arising out of the consideration of the representations (paragraph 10.11), and should avoid straying into undisputed areas (paragraph 10.12).

Statutory Guidance also states that the pool of conditions that are supplied by the Secretary of State should not be applied universally irrespective of particular circumstances, but may be used as examples that can be tailored to suit individual premises and particular situations.

Reasons

If the Sub-Committee determines that it is necessary to modify the conditions, or to refuse the application for a Premises Licence application, it must give reasons for its decision.

The Role of the Licensing Sub-Committee

Sub-Committee members will note that, in relation to this application, the Council has multiple roles. Council officers from various departments have been asked to consider the application from the perspective of the Council as authority responsible respectively for environmental health, trading standards, health and safety and as the planning authority.

Members should note that the Licensing Sub-Committee is meeting on this occasion solely to **perform the role of licensing authority**. The Sub-Committee sits in quasi-judicial capacity, and must act impartially. It must offer a fair and unbiased hearing of the application. In this case, Members should disregard the Council's broader policy objectives and role as statutory authority in other contexts. Members must direct themselves to making a determination solely based upon the Licensing Law, Guidance and the Council's Statement of Licensing Policy.

As a quasi-judicial body the Licensing Sub-Committee is required to consider the application on its merits. The Sub-Committee must take into account only relevant factors, and ignore irrelevant factors. The decision must be based on evidence, that is to say material, which tends logically to show the existence or non-existence of relevant facts, the occurrence of which would be relevant.

The Licensing Sub-Committee must give fair consideration to the contentions of all persons entitled to make representations to them.

The Licensing Sub-Committee is entitled to consider events outside of the premises if they are relevant, i.e. are properly attributable to the premises being open. The proprietors do not have to be personally responsible for the incidents for the same to be relevant. However, if such events are not properly attributable to the premises being open, then the evidence is not relevant and should be excluded. Guidance is that the licensing authority will primarily focus on the direct impact of the activities taking place at the licensed premises on members of the public, living, working or engaged in normal activity in the area concerned.

The Sub-Committee can only consider matters within the application that have been raised through representations from interested parties and responsible authorities. Interested parties must live in the vicinity of the premises. This will be decided on a case to case basis.

Under the Human Rights Act 1998, the Sub Committee needs to consider the balance between the rights of the applicant and those making representations to the application when making their decision. The Sub-Committee has a duty under section 17 Crime and Disorder Act 1998 when making its decision to do all it can to prevent crime and disorder in the Borough.

Interested Parties, Responsible Authorities and the applicant have the right to appeal the decision of the Sub-Committee to the Magistrates' Court within a period of 21 days beginning with the day on which the applicant was notified by the licensing authority of the decision to be appealed against.

BACKGROUND DOCUMENTS

The Licensing Act 2003

Guidance under Section 182 of the Licensing Act 2003

The Council's Statement of Licensing Policy

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**Application for a premises licence to be granted
under the Licensing Act 2003**

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form.
If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.

You may wish to keep a copy of the completed form for your records.

I/We SHELL UK OIL PRODUCTS LIMITED

(Insert name(s) of applicant)

apply for a premises licence under section 17 of the Licensing Act 2003 for the premises described in Part 1 below (the premises) and I/we are making this application to you as the relevant licensing authority in accordance with section 12 of the Licensing Act 2003

Part 1 – Premises Details

Postal address of premises or, if none, ordnance survey map reference or description			
SHELL YIEWSLEY 209 HIGH STEET YIEWSLEY WEST DRAYTON			
Post town	MIDDLESEX	Post code	UB7 7QP

Telephone number at premises (if any)	01895 434350
Non-domestic rateable value of premises	£84000

Part 2 - Applicant Details

Please state whether you are applying for a premises licence as
Please tick yes

- a) an individual or individuals * please complete section (A)
- b) a person other than an individual *
 - i. as a limited company please complete section (B)
 - ii. as a partnership please complete section (B)
 - iii. as an unincorporated association or please complete section (B)
 - iv. other (for example a statutory corporation) please complete section (B)
- c) a recognised club please complete section (B)
- d) a charity please complete section (B)

- e) the proprietor of an educational establishment please complete section (B)
- f) a health service body please complete section (B)
- g) a person who is registered under Part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital please complete section (B)
- h) the chief officer of police of a police force in England and Wales please complete section (B)

* If you are applying as a person described in (a) or (b) please confirm:

Please tick yes

- I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities; or
- I am making the application pursuant to a
 - statutory function or
 - a function discharged by virtue of Her Majesty's prerogative

(A) INDIVIDUAL APPLICANTS (fill in as applicable)

Mr <input type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
Surname			First names		
I am 18 years old or over					<input type="checkbox"/> Please tick yes
Current postal address if different from premises address					
Post Town				Postcode	
Daytime contact telephone number					
E-mail address (optional)					

SECOND INDIVIDUAL APPLICANT (if applicable)

Mr <input type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
Surname			First names		
I am 18 years old or over					<input type="checkbox"/> Please tick yes

Current postal address if different from premises address			
Post Town		Postcode	
Daytime contact telephone number			
E-mail address (optional)			

(B) OTHER APPLICANTS

Please provide name and registered address of applicant in full. Where appropriate please give any registered number. In the case of a partnership or other joint venture (other than a body corporate), please give the name and address of each party concerned.

Name	SHELL UK OIL PRODUCTS LIMITED
Address	SHELL CENTRE LONDON SE1 7NA
Registered number (where applicable)	3625633
Description of applicant (for example, partnership, company, unincorporated association etc.)	PRIVATE LIMITED COMPANY
Telephone number (if any)	0207 9341234
E-mail address (optional)	

Part 3 Operating Schedule

When do you want the premises licence to start?

Day	Month	Year
3	0	05 2012

If you wish the licence to be valid only for a limited period, when do you want it to end?

Day	Month	Year

Please give a general description of the premises (please read guidance note1)

SEE ATTACHED OVERVIEW.

If 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend.

What licensable activities do you intend to carry on from the premises?

(Please see sections 1 and 14 of the Licensing Act 2003 and Schedules 1 and 2 to the Licensing Act 2003)

Provision of regulated entertainment

Please tick yes

- a) plays (if ticking yes, fill in box A)
- b) films (if ticking yes, fill in box B)
- c) indoor sporting events (if ticking yes, fill in box C)
- d) boxing or wrestling entertainment (if ticking yes, fill in box D)
- e) live music (if ticking yes, fill in box E)
- f) recorded music (if ticking yes, fill in box F)
- g) performances of dance (if ticking yes, fill in box G)
- h) anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H)

Provision of entertainment facilities:

- i) making music (if ticking yes, fill in box I)
- j) dancing (if ticking yes, fill in box J)
- k) entertainment of a similar description to that falling within (i) or (j) (if ticking yes, fill in box K)

Provision of late night refreshment (if ticking yes, fill in box L)

Supply of alcohol (if ticking yes, fill in box M)

In all cases complete boxes N, O and P

L

Late night refreshment Standard days and timings (please read guidance note 6)			Will the provision of late night refreshment take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon	23.00	05.00	Please give further details here (please read guidance note 3) THE PROVISION OF HOT PIES, SAVOURIES, SOUP, HOT DRINKS ETC CONSISTENT WITH A TAKEOUT SERVICE FOR CONSUMPTION ON OR OFF THE PREMISES		
Tue	23.00	05.00			
Wed	23.00	05.00	State any seasonal variations for the provision of late night refreshment (please read guidance note 4)		
Thur	23.00	05.00			
Fri	23.00	05.00	Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list (please read guidance note 5)		
Sat	23.00	05.00			
Sun	23.00	05.00			

M

Supply of alcohol Standard days and timings (please read guidance note 6)			Will the supply of alcohol be for consumption (Please tick box) (please read guidance note 7)	On the premises	<input type="checkbox"/>
				Off the premises	<input checked="" type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	State any seasonal variations for the supply of alcohol (please read guidance note 4)		
Mon	00.00	24.00			
Tue	00.00	24.00			
Wed	00.00	24.00			
Thur	00.00	24.00			
Fri	00.00	24.00			
Sat	00.00	24.00			
Sun	00.00	24.00			
			Non standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list (please read guidance note 5)		

State the name and details of the individual whom you wish to specify on the licence as premises supervisor

Name MELISSA ZAFFINO	
Address BARN OWL COTTAGE STOURPORT ROAD BEWLDEY	
Postcode	DY12 1QA
Personal Licence number (if known) WF201101381	
Issuing licensing authority (if known) WYRE FOREST DISTRICT COUNCIL	

N

Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 8)

NONE

O

Hours premises are open to the public Standard days and timings (please read guidance note 6)			State any seasonal variations (please read guidance note 4)
Day	Start	Finish	
Mon	00.00	24.00	<p>Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list (please read guidance note 5)</p>
Tue	00.00	24.00	
Wed	00.00	24.00	
Thur	00.00	24.00	
Fri	00.00	24.00	
Sat	00.00	24.00	
Sun	00.00	24.00	

P Describe the steps you intend to take to promote the four licensing objectives:

a) General – all four licensing objectives (b,c,d,e) (please read guidance note 9)

SEE ATTACHED.

b) The prevention of crime and disorder

SEE ATTACHED.

c) Public safety

SEE ATTACHED.

d) The prevention of public nuisance

SEE ATTACHED.

e) The protection of children from harm

SEE ATTACHED.

Section P Describe the steps you intend to take to promote the four licensing objectives:

a) General-all four licensing objectives (b, c, d, e)

A suitable and sufficient CCTV system with recording facilities will be in place at site and will operate at all times the premise is open for licensable activities. Images can be made available upon reasonable request by the Police or other relevant officers of a responsible authority.

Staff will be trained with regard to their responsibilities in the retail sale of alcohol and regular refresher training will also be undertaken. Training records can be made available for inspection upon reasonable request by the Police or other relevant officers of a responsible authority.

A refusals book will be operated and maintained and will be produced to a relevant officer of the Police or other relevant officers of a responsible authority upon request.

A Challenge 25 policy will be operated at the premise, acceptable forms of identification are a passport, photocard driving licence and PASS accredited identification card.

Spirits will be located behind the counter.

b) The prevention of crime and disorder.

A suitable and sufficient CCTV system with recording facilities will be in place at site and will operate at all times the premise is open for licensable activities. Images can be made available upon reasonable request by the Police or other relevant officers of a responsible authority.

Spirits will be located behind the counter.

Staff will be trained with regard to their responsibilities in the retail sale of alcohol and regular refresher training will also be undertaken. Training records can be made available for inspection upon reasonable request by the Police or other relevant officers of a responsible authority.

c) Public Safety.

A suitable and sufficient CCTV system with recording facilities will be in place at site and will operate at all times the premise is open for licensable activities. Images can be made available upon reasonable request by the Police or other relevant officers of a responsible authority.

d) Prevention of public nuisance.

Staff will be trained with regard to their responsibilities in the retail sale of alcohol and regular refresher training will also be undertaken. Training records can be made available for inspection upon reasonable request by the Police or other relevant officers of a responsible authority.

e) The protection of children from harm.

Staff will be trained with regard to their responsibilities in the retail sale of alcohol and regular refresher training will also be undertaken. Training records can be made available for inspection upon reasonable request by the Police or other relevant officers of a responsible authority.

A refusals book will be operated and maintained and will be produced to a relevant officer of the Police or other relevant officers of a responsible authority upon request.

A Challenge 25 policy will be operated at the premise, acceptable forms of identification are a passport, photocard driving licence and PASS accredited identification card.

Spirits will be located behind the counter.

Please tick yes

- I have made or enclosed payment of the fee
- I have enclosed the plan of the premises
- I have sent copies of this application and the plan to responsible authorities and others where applicable
- I have enclosed the consent form completed by the individual I wish to be premises supervisor, if applicable
- I understand that I must now advertise my application
- I understand that if I do not comply with the above requirements my application will be rejected

IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE UP TO LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION

Part 4 – Signatures (please read guidance note 10)

Signature of applicant or applicant’s solicitor or other duly authorised agent (See guidance note 11). **If signing on behalf of the applicant please state in what capacity.**

Signature	<i>M. J. M. P. Lockett + Co</i>
Date	30 TH APRIL 2012
Capacity	LOCKETT & CO - DULY AUTHORISED AGENTS

For joint applications signature of 2nd applicant or 2nd applicant’s solicitor or other authorised agent. (please read guidance note 12). **If signing on behalf of the applicant please state in what capacity.**

Signature	
Date	
Capacity	

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 13)

LOCKETT & CO
 LOCKETT HOUSE
 13 CHURCH STREET

Post town	KIDDERMINSTER	Post code	DY10 2AH
Telephone number (if any)	01562 864488		
If you would prefer us to correspond with you by e-mail your e-mail address (optional) info@lockett.uk.com			

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RESPONSIBLE AUTHORITIES FOR GRANT, VARIATION OF A PREMISES LICENCE OR CLUB PREMISES CERTIFICATE WITHIN THE LONDON BOROUGH OF HILLINGDON

The applicant must send the original application to the Licensing Service and a complete copy of the application including the form, operating schedule and plan in the prescribed form to each responsible authority as follows:-

<p>The Licensing Service London Borough of Hillingdon Civic Centre A357 High Street Uxbridge UB8 1UW licensing@hillingdon.gov.uk <i>Licensing Authority</i></p>	<p>Chief Officer of Police c/o Northwood Police Station Murray Road Northwood HA6 2YW Attn Sgt I Meens licensing-xh@met.pnn.police.uk <i>Hillingdon Police Enforcement</i> *for all areas except Heathrow</p>
<p>Chief Officer of Police (Licensing) Heathrow Police Station East Ramp Hounslow TW6 2DJ <i>Heathrow Police Enforcement</i> *for Heathrow area <u>only</u></p>	<p>Fire Safety Regulation: North West Area 1 London Fire Brigade 169 Union Street London SE1 0LL Attn: North West Area Team hillingdongroup@london-fire.gov.uk <i>Hillingdon Fire Authority</i></p>
<p>Service Manager- Safeguarding Children and Quality Assurance 4S/07 Social Services London Borough Of Hillingdon Civic Centre Uxbridge UB8 1UW PHewitt@hillingdon.gov.uk <i>A body involved in the Protection of Children from Harm</i></p>	<p>Food, Health and Safety Team London Borough of Hillingdon Civic Centre Uxbridge UB8 1UW environmentalhealthcp@hillingdon.gov.uk <i>Enforcing Authority for the Health and Safety at Work Act 1974</i></p>
<p>Trading Standards Service London Borough of Hillingdon Civic Centre Uxbridge UB8 1UW Attn Divisional Trading Standards Officer tradingstandards@hillingdon.gov.uk <i>Enforcing Authority under the Weights and Measures Act 1985</i></p>	<p>Environmental Protection Unit London Borough Of Hillingdon Civic Centre Uxbridge UB8 1UW environmentalhealthepu@hillingdon.gov.uk <i>Enforcing Authority for matters relating to Environmental Pollution and Public Nuisance</i></p>
<p>Head of Planning and Enforcement London Borough Of Hillingdon Civic Centre Uxbridge UB8 1UW planning@hillingdon.gov.uk <i>The Planning Authority</i></p>	<p>Dr Ellis Friedman NHS Hillingdon London Borough of Hillingdon Civic Centre Uxbridge UB8 1UW <i>Health Authority Body</i></p>

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Working together for a safer London

TERRITORIAL POLICING

28th May 2012

Ms Stephanie Waterford
Licensing Office
Civic Centre
Uxbridge

Licensing Dept
Northwood Police Station
2, Murray Road
Northwood
HA6 2YN

Your Ref

Dear Ms Waterford

Re; **Premises licence application; Shell Yiewsley 209 High Street
Yiewsley HB7 7QP**

On behalf of the Commissioner of Police I wish to make a representation to the application for the grant of a premises licence at the above venue.

Our representation is in support of the licensing objectives. The prevention of crime and disorder.

This application is from a premise which proposes a new alcohol licence for a 24hours operation. Further the supply of hot food subject to the regulations for a period 11pm to 5am.

The premise is in a difficult area for crime and anti social behaviour and will be on occasions challenging to run. A 24 hours operation is also of some concern as this type of operation is very rare in the borough of Hillingdon.

It is therefore important that a number of measures are incorporated to assist the premises running consistently with the licensing objectives.

The police would recommend the following

There shall be two adult staff members on the premises at all times after 7pm and before 2am

All alcohol products shall be stored in direct line of sight from the cashier's position and not obscured by other displays or shelving.

Products with an abv above 35 shall be stored behind the counter.

The till shall be placed under the counter or if on the counter it shall be fixed into position so that it cannot be easily moved.

No alcohol products shall be displayed within 2 meters of the door

The CCTV system shall be kept in good working order. One camera should be in a position to record all transaction at the counter, another the area where the alcohol is displayed and a third to record all head and shoulders of persons entering the store. A forth the area immediately outside night counter.

Images from the CCTV system shall be capable of retention for 30 days, and be made available to police on request. Staff should be trained as to how to download and view on the equipment so as to allow immediate viewing to take place where necessary.

If the CCTV system should at any stage fail to operate and record properly then the sales of alcohol shall cease until the system is again working.

A monitor showing one or more of the cctv images shall be positioned so that it is visible by customers and staff at the till area.

The counter shall be a minimum distance of one meter from the floor and at least 60 cm wide. Access behind the counter shall be via a door bolted from the inside. The floor behind the counter shall be raised 10cm above normal floor level.

After midnight and before 6am all alcohol shall only be dispensed through a sevice hatch and the door to the main premises closed so that general entry is not permitted by the public.



IAN C.R. WARES

Licensing Officer, Hillingdon Borough

Phone:0208 246 1933 Metphone: 41933

Mobile:07785 226483

Fax:0208 246 1990

E-mail: ian.wares@met.police.uk

Mail: Police Constable Ian Wares,

Licensing Officer

Northwood police Station

2 Murray Road

Northwood

HA6 2YW