

Minutes

LICENSING SUB-COMMITTEE

16 October 2015

Meeting held at Committee Room 5 - Civic Centre,
High Street, Uxbridge UB8 1UW



HILLINGDON
LONDON

	<p>Committee Members Present: Councillors Dominic Gilham (Chairman) Lynne Allen Roy Chamdal</p> <p>Also Present: Mr G Craddock (Applicant), Mr J Craddock Councillors Ray Graham Councillors David Yarrow</p> <p>LBH Officers Present: Claire Freeman (Regulatory Services Manager), Stephanie Waterford (LBH Licensing Officer), Adam Stitson (ASBIT), Gurmeet Matharu (Highways), Beejal Soni (Legal Advisor) and Charles Francis (Democratic Services Officer).</p>	
3.	<p>APOLOGIES FOR ABSENCE (<i>Agenda Item 1</i>)</p> <p>None.</p>	
4.	<p>DECLARATIONS OF INTEREST IN MATTERS COMING BEFORE THIS MEETING (<i>Agenda Item 2</i>)</p> <p>None.</p>	
5.	<p>TO CONFIRM THAT THE ITEMS OF BUSINESS MARKED PART I WILL BE CONSIDERED IN PUBLIC AND ITEMS MARKED PART II WILL BE CONSIDERED IN PRIVATE (<i>Agenda Item 3</i>)</p> <p>It was confirmed that the item would be considered in public.</p>	
6.	<p>MATTERS THAT HAVE BEEN NOTIFIED IN ADVANCE OR URGENT (<i>Agenda Item 4</i>)</p> <p>No matters had been notified in advance or were urgent.</p>	
7.	<p>APPLICATION FOR A TEMPORARY STREET TRADING PITCH LICENCE (<i>Agenda Item 5</i>)</p> <p>Introduction by the Regulatory Services Officer</p> <p>Claire Freeman, Regulatory Services Manager introduced the report relating to an application for Temporary Street Trading Pitch licence for the period of 28 November 2015 to 24 December 2015. The</p>	

Committee was informed the application was for a pitch measuring six metres by three metres to be situated adjacent to their existing permanent Flower Stall pitch, with a two metre gap between the two stalls. This was requested for a limited period prior to Christmas for the sale of Christmas trees.

The Committee's attention was drawn to the addendum sheet which had been circulated to all parties in advance of the meeting. This set out the following corrections to the published agenda:

Appendix 1 - Photographs of Uxbridge Station Flower stall and surrounding area

Appendix 2 - Scale map showing area around Uxbridge Station Flower stall and all street furniture

Appendix 3 - Ariel photo of Uxbridge Station forecourt area

Appendix 4 - Additional contextual information in relation to Cllr Graham's representation

Appendix 5 - Additional supporting background information

Appendix 6 - Additional scale map, showing 3 metre gap

Appendix 7 - Plan of the ariel elevation of the permanent flower stall structure

As the Highways Service had confirmed the grant of the licence would not cause undue interference to pedestrians, Officers recommended the Licensing Sub-Committee grant the licence in full, as applied for.

The Licence Applicant

Mr Craddock (the applicant) attended the meeting and explained he had been trading in Uxbridge for the last 25 years and the temporary street trading licence was for the sale of Christmas trees which was granted last year in the same location.

Referring to the information in the Officer report, he confirmed that one complaint had been received relating to the display exceeding its licensed area but this had been resolved informally with the Council. Commenting on the appearance of the pitch, he confirmed that fellow businesses in Uxbridge had been complimentary and supportive of his business which created a festive atmosphere in the High Street. He explained that his local delivery service was welcomed by elderly residents and also those customers which were reliant on public transport.

In relation to some concerns which had been raised about sight lines and access around the pitch, he confirmed he had been in contact with Regulatory Services and adjusted the layout of the pitch so better access was achieved. Mr Craddock circulated a revised Plan. Mr Craddock offered to extend a 2 metre gap to a 3 metre gap between the permanently licensed pitch and the temporary Christmas tree pitch. Mr Craddock confirmed it was in his best interests that shoppers and the Local Authority welcomed his business.

Consultees

Adam Stitson from the Anti-Social Behaviour Investigations Team confirmed that his Department supported the application. In response to a Committee question, he confirmed that if the pitch was thought to exceed its pitch footprint, a representative of the ASBIT would measure the pitch to ensure compliance.

Gurmeet Matharu from Highways confirmed that in some cases, trading areas had been demarked with brass studs. Responding to a Committee a question, he confirmed that the current walk ways of 80 cm were unacceptable given the Authorities' responsibility to provide disability access. He confirmed that if the width were increased to 1.2 metres, the adjustment would permit full wheelchair access to the recycling bins situated to side of the pitch.

Cllr Raymomd Graham spoke as a Ward Councillor. Referring to the objection made in the agenda pack, he confirmed he had concerns he wished to place on record as a Ward Councillor about sight lines and the free movement of pedestrians. He confirmed that while he had no objection to the principle of a temporary pitch, he was concerned that any complaints received in relation to the footprint of the pitch were addressed in an appropriate way.

Cllr David Yarrow spoke as a Ward Councillor. He commented that that he was aware there had been a history of complaints about the pitch exceeding its approved footprint and the reason he had made a representation was to ensure the Council took enforcement action in a clear and consistent way. Cllr Yarrow welcomed the offer by the applicant to make the necessary changes to the sight lines and access routes to ensure the pitch complied with the guidance provided by the Highways Officer.

Discussion

The Chairman stated he welcomed the applicants' offer to extend the separation distance between the between the permanently licensed pitch and the temporary Christmas tree pitch from 2 metres to 3 metres. In relation to the comments the Highways Officer had made about the use of brass studs to delineate the dimensions of pitches, Officers confirmed that this was not usual practice for temporary pitches.

Mr Cradduck suggested that yellow barriers could be used to demark the area of the pitch. In response, the Licensing Officer confirmed that barriers were usually only applied to tables and chairs applications but measures could be considered on case by case basis. The Committee agreed with the suggestion proposed by the applicant and suggested this be added as a condition to its final decision.

Committee Deliberation

All parties were asked to leave the room while the Sub-Committee considered its decision. The Sub-Committee discussed whether it would be appropriate for Mr Craddock to be granted a temporary street trading pitch licence

The Decision

All parties were invited back into the room for the decision.

The Sub-Committee had considered the application and taken into account evidence from parties, as contained in the agenda pack and submissions made at the hearing. In reaching its decision the Sub-Committee had taken into account the relevant provisions of the Licensing Act 2003, the Secretary of State's Guidance issued under that Act, the Council's Statement of Licensing Policy, human rights legislation and the Public Sector Equality Duty.

The Sub-Committee decided to **APPROVE** the application.

The Sub-Committee considered the application and took into account evidence and submissions from all parties, and decided on a balance of probabilities to grant your application subject to the following conditions:

- 1) That there be a minimum gap of three metres between the permanently licensed pitch and the temporary Christmas tree pitch.**
- 2) That there shall be a minimum of 1.2 metres of clear space surrounding the recycling bin to allow access.**
- 3) That the trading space shall be demarcated with temporary barriers to clearly define the trading area.**

The meeting, which commenced at 2:00pm, closed at 2:50pm.

These are the minutes of the above meeting. For more information on any of the resolutions please contact Charles Francis on 01895 556454. Circulation of these minutes is to Councillors, Officers, the Press and Members of the Public.