

Minutes

LICENSING SUB-COMMITTEE

7 November 2016

Meeting held at Committee Room 6 - Civic Centre, High Street,
Uxbridge UB8 1UW



	<p>Committee Members Present: Councillors David Yarrow (Chairman) Lynne Allen Brian Stead</p> <p>LBH Officers Present: Kate Boulter, Democratic Services Officer Nicole Cameron, Legal Advisor Stephanie Waterford, Licensing Service</p>
6.	<p>APOLOGIES FOR ABSENCE (<i>Agenda Item 1</i>)</p> <p>There were no apologies for absence.</p>
7.	<p>DECLARATIONS OF INTEREST IN MATTERS COMING BEFORE THIS MEETING (<i>Agenda Item 2</i>)</p> <p>There were no declarations of interest.</p>
8.	<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 all items were Part I and would be considered in public.</p>
9.	<p>MATTERS THAT HAVE BEEN NOTIFIED IN ADVANCE OR URGENT (<i>Agenda Item 4</i>)</p> <p>None.</p>
10.	<p>RENEWAL APPLICATION FOR TEMPORARY STREET TRADING LICENCE OUTSIDE "ONE POUND PLUS", 37 STATION ROAD, WEST DRAYTON (<i>Agenda Item 5</i>)</p> <p><i>Introduction by Licensing Officer</i></p> <p>Stephanie Waterford, Licensing Officer at London Borough of Hillingdon, introduced the report relating to an application for the renewal of a temporary street trading licence outside "One Pound Plus", 37 Station Road, West Drayton. The application had been made by the premises occupier, Mr Gurbajan Singh.</p> <p>The applicant sought to renew the licence to display household goods in a one metre shop front display outside the shop. The licence had been held since March 2014.</p> <p>It was noted that a letter dated 27 October 2016 from the applicant's representative, Mr</p>

Indranil Chakraborty, had been circulated as an addendum.

The application had been put before the Sub-Committee due to the receipt of one representation made in relation to the application, which stated concerns in relation to the application.

The Committee was invited to determine the application, and either grant, refuse, or amend the application as applied for.

Representation by the Applicant

Mr Singh's representative, Mr Chakraborty, addressed the Sub-Committee. The issues Mr Chakraborty raised in his representation were:

- The applicant endeavoured to contain his display within the permitted area but acknowledged that on occasions he had exceeded the one metre permitted by a few inches when, for example, the display moved when it was windy. There was a wide footpath and movement of a few inches would not block pedestrian access. The applicant was reliant upon others to tell him if the display had moved.
- The display was colourful and attractive.
- Mr Singh was experienced in managing the display to minimise disruption if a customer wished to buy goods at the bottom of the display. He did not leave goods on the pavement when rearranging the display.
- Thieves operated in the area and had stolen from the applicant's shop.
- Profit margins were small and Mr Singh worked very hard to run his business. If the licence were revoked, Mr Singh would lose his business as he could not compete against large businesses in the area.
- It was a difficult location to run a business from as there were no loading bays and the applicant had paid over £600 in parking fines received for leaving his vehicle outside the shop to load and unload.
- Mr Chakraborty and Mr Singh stated that a man and a woman had come to the shop, claiming to be from the Council's Street Trading Department, and ordered Mr Singh to pay fines for exceeding the permitted size of his display. In response to this, officers advised that the Licensing Department had not issued any fines to Mr Singh during the past twelve months, and that officers would not visit premises to demand money. The Chairman advised that this issue was not a material consideration for the application to be determined, but should be investigated further outside of the meeting.
- Mr Chakraborty stated that the representations made by the objector, Councillor Dominic Gilham, were based on hearsay rather than fact. The allegations that the applicant had been dumping trade waste unlawfully was incorrect. The only trade waste Mr Singh's business generated was cardboard packaging which was recycled. The bins mentioned in Councillor Gilham's objection belonged to the flats at the rear of the shop, not the applicant.
- Mr Chakraborty requested that the applicant be given another opportunity to demonstrate he could run his business and comply with the conditions of the licence. He suggested Members could consider extending Mr Singh's display area

by a few inches, and monitoring compliance with the licence.

Representation by the Applicant

The objector, Councillor Dominic Gilham, addressed the Sub-Committee. With the agreement of the applicant and with permission from the Chairman, Councillor Gilham circulated some photographs of the applicant's street display. The issues Councillor Gilham raised in his representation were:

- Councillor Gilham, as a local Ward Councillor, passed the applicant's shop daily. He had observed and reported infringement on a number of occasions. The display was too large and did not adhere to the criteria specified in the licence. The photographs showed that the display was always larger than one metre outside the shop.
- The Council's adopted policy stated that street trading must enhance the street scene. Councillor Gilham did not believe the display enhanced the street scene.
- The applicant had admitted to numerous breaches and fines which demonstrated he was not complying with the licence.
- Councillor Gilham did not believe the applicant's claim that his business did not generate any trade waste other than cardboard.
- The circulated photographs showed items including a shopping trolley and shelves stacked on land at the side of the applicant's shop, which contravened the requirement for the area to be kept clear throughout the street trading day. In response, the applicant stated that he was refitting his shop and the shelves were being stored there temporarily and would be gone by the end of the week. The applicant stated that the shopping trolley was not his and must have been dumped there by another party.
- Councillor Gilham acknowledged that there was a problem across the road from the applicant's shop, where donations for a charity shop were left on the pavement, and with the flats behind, but stated that these did not remove Mr Singh's obligation to keep a five metre area around his site clear.
- Councillor Gilham stated that he had spoken to the applicant on a number of occasions and had asked the Council's Antisocial Behaviour Team to visit. Residents had voiced their concerns about the applicant's shop to Councillor Gilham on a number of occasions. Residents were unhappy with rubbish around the site. It was Councillor Gilham's view that a street trading licence should not be granted to the applicant at this time.

Discussion

Members noted that the land at the side of the shop where shelving was stored belonged to Mr Singh, and asked whether he had considered erecting a fence to prevent other people dumping rubbish there. Mr Singh stated that in his view this could cause more of a problem as people could throw rubbish over the fence. Members reminded Mr Singh that the onus was on him as licence holder to comply with all the conditions of the licence, which included keeping the area around the shop clear.

Mr Singh advised that he had ordered trolleys which were 97cm deep which he planned to use to display his goods. These would ensure he kept within the one metre permitted, and also make it easier to move goods around. The refurbishment currently

under way would optimise space within the shop and mean fewer goods needed to be displayed outside.

The applicant confirmed that he paid to dispose of trade waste.

The Chairman confirmed that during deliberation, the representations that were received would be discussed and considered in any decision that was made.

Committee Deliberation

All parties were asked to leave the room while the Sub-Committee considered its decision.

All parties were invited back into the room for the Chairman to announce the decision of the Sub-Committee.

The Decision

RESOLVED:

The Sub-Committee has considered this application and taken into account evidence and submissions from all of the parties. In reaching its decision the Sub-Committee has taken into account the relevant provisions of Part III of the London Local Authorities Act 1990 and the Council's Street Trading Policy.

The Sub-Committee has decided, on a balance of probabilities, to renew a temporary street trading licence for a period of 3 months subject to the following condition:

1. The trading space shall be demarcated with demarcation studs to clearly define the trading area.

The Sub-Committee further make the following recommendations:

1. The Licence Holder is requested to work with the Council as part of the refurbishment to ensure that the Licence Holder's suggested improvements to the street trading area are in line with the Council's Street Trading Policy 2015.
2. That the Anti-Social Behaviour Investigations Team makes unannounced visits to the premises once a month.

The meeting, which commenced at 2.00 pm, closed at 4.30 pm.

These are the minutes of the above meeting. For more information on any of the resolutions please contact Kate Boulter, Clerk to the Licensing Sub-Committee on . Circulation of these minutes is to Councillors, Officers, the Press and Members of the Public.

The public part of this meeting was filmed live on the Council's YouTube Channel to increase transparency in decision-making, however these minutes remain the official and definitive record of proceedings.