



HILLINGDON
LONDON



Notice of Hearing

Licensing Sub-Committee

Date: MONDAY, 20 MARCH 2017

Time: 2.00 PM

Venue: COMMITTEE ROOM 6 -
CIVIC CENTRE, HIGH
STREET, UXBRIDGE UB8
1UW

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

Councillors on the Sub-Committee:

Dominic Gilham, Chairman of Licensing
Committee

Janet Gardner

Brian Stead

Important Information

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

Wednesday 15 March 2017

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

Published: Friday, 3 March 2017

Contact: Anisha Teji

Tel: 01895 277655

Email: ateji@hillington.gov.uk

This Agenda is available online at:
<http://modgov.hillingdon.gov.uk/ieListMeetings.aspx?CId=352&Year=0>

Putting our residents first

Lloyd White

Head of Democratic Services

London Borough of Hillingdon,

3E/05, Civic Centre, High Street, Uxbridge, UB8 1UW

www.hillingdon.gov.uk

Useful information for residents and visitors

Watching & recording this meeting

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Watch a **LIVE** broadcast of this meeting on the Council's YouTube Channel: *Hillingdon London*

Those attending should be aware that the Council will film and record proceedings for both official record and resident digital engagement in democracy.



It is recommended to give advance notice of filming to ensure any particular requirements can be met. The Council will provide seating areas for residents/public, high speed WiFi access to all attending and an area for the media to report. The officer shown on the front of this agenda should be contacted for further information and will be available to assist.

When present in the room, silent mode should be enabled for all mobile devices.

Travel and parking

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Agenda

CHAIRMAN'S ANNOUNCEMENTS

Hearing Protocol

- 1 Apologies for Absence
- 2 Declarations of interest in matters coming before this meeting
- 3 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
- 4 Matters that have been notified in advance or urgent

Part I - Members, Public and Press

	Title of Report / Address of application	Ward	Time	Page
5	Application for Temporary Street Trading Licence Hayes Food Centre, 66 - 70 Coldharbour Lane, Hayes, UB3 3ES	Townfield	Application for Temporary Street Trading Licence	3 - 24

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ORDER OF PROCEEDINGS

Introduction by the Council's Street Scene Enforcement Team Officer



The Applicant (if present)



Objectors (if any objections are made)



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



Sub-Committee Deliberates



Chairman may announce Decision

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

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.

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

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.

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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Application for a Temporary Street Trading Licence

Committee	Licensing Sub-Committee
Officer Contact	Steven Dormer, Regulatory Services 01895 277409
Papers with report	Appendix 1 - Application Form Appendix 2 - Site plan & photos Appendix 3 - ASBIT Representation Appendix 4 - Current Licence Appendix 5 - Comments from Highways
Ward name	Townfield

1.0 SUMMARY

An application has been received for a New Street Trading Licence for a two metre deep shop front display outside Hayes Food Centre 66 to 70 Coldharbour Lane, Hayes, UB3 3ES. The applicant seeks a licence to display produce on the public highway 24 hours a day seven days a week. The current licence at the premises allows for two metres over the three shop fronts operating 07:00 - 23:00.

2.0 RECOMMENDATION

2.1 That the Licensing Sub-Committee **GRANT** the application.

3.0 APPLICATION

3.1 Name of applicants

Mr Teyfik Cagin - Main Applicant.

Mr Mustafa Cagin - Assistant 1

3.2 Type of application applied for

Application for a New Shop Front Street Trading Licence.

3.3 Shop front details

The application is to licence a shop front display projecting two metres from the shop front, the site covers from 66 to 70 Coldharbour Lane Hayes. The area will be used to display a selection of fruit and vegetables. The facility will operate for 24 hours a day seven days a week.

3.4 A copy of the application form is attached as **Appendix 1**

3.5 A site map and photos of the local area are attached as **Appendix 2**

4.0 CONSULTATION

4.1 Closing date for objections 15 January 2017

4.2 The relevant consultees were notified of the application on 10 January 2017. The following were consulted on this application:

- Highways
- Anti Social Behaviour Investigations team
- Ward Councillors

4.3 The application was received on Saturday 24 December 2016 when the Council offices were closed. The next working day was Wednesday 28 December 2016. The Application Processing team has a five working day policy on validating applications.

5.0 Responses to the consultation

5.1 Highways have no concerns over the display being on the public highway. **Appendix 5**

5.2 The Anti Social Behaviour Investigations Team made in respect of the application a representation to the application. Two fixed penalty notices have been served for exceeding the trading area. A fixed penalty notice was also served for failing to demonstrate a duty of care for controlling waste. **Appendix 3**

5.3 No objections received from Ward Councillors.

6.0 FURTHER INFORMATION

6.1 The current licence expires on the 10 April 2017. **Appendix 4**

6.2 The members enquiry team has received no enquiries relating to this site.

6.3 During the consultation period for the Street Trading Licence the Anti Social Behaviour Investigations Team issued a fixed penalty notice. Upon a visit to the premises to prepare this report the trading area was found to be exceeding the then current allocated area by 1.3 meters.

6.4 The products will be displayed on plastic type crates. The crates are 80cm by 100cm and 100cm by 100cm. The staff will replenish the display between 7am and 11am every day. The stock will then get replenished between 5pm to 6pm.

Stock will be also stored inside a walk in fridge and a dry food stock cupboard.

There are no immediate plans to update the equipment or the display area.

Hayes Food Centre holds a waste disposal contract with Hillingdon Council.

6.5 A response from London Borough of Hillingdon Planning Department confirmed that no restrictions on hours of operation have been placed on the site.

6.6 There has been no response from waste services regarding the detail of the waste contract.

7.0 LEGAL COMMENTS

7.1 The granting of a temporary street trading licence under the London Local Authorities Act 1990 is discretionary and the Act does not set specific criteria for determining temporary applications. Determination of applications must therefore be in accordance with the Council's published Street Trading Policy (the "Policy"). Decisions must be in accordance with the policy unless there are strong reasons for departing from it.

7.2 In accordance with the Policy, applicants must be aged 17 years or older and 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.

7.3 In considering applications for the grant or renewal of a street trading licence the following factors specified in the Policy should be considered:

- Paragraph 2.1 - Traders should be aware that this policy relates only to street trading activities and it is the responsibility of the trader to ensure that they are compliant with other legislation. Traders should consider whether their activities are likely to require authorisation and/or compliance with other regulatory regimes. For example; Planning, Building Control, Food Safety, Health & Safety, Control of Waste, Highway Obstruction, Trading Standards, Late Night Refreshment/Entertainment/Alcohol Licensing etc.
- Paragraph 3.2 The Council will assess the suitability of the applicant on a case by case basis and may have regard to any relevant enforcement history concerning the applicant and/or the location of the proposed street trading.
- Paragraph 9.1 Where the Council receives feedback or an objection to an application consultation, it will carefully consider whether that feedback/objection may influence the Council's discretionary decision making powers.
- Paragraph 10.5 of the Policy states:
"The discretionary grounds for refusal are:
 - a) *There are enough street traders in the area offering the same or similar goods to those of the applicant.*
 - b) *The applicant is unsuitable to hold a licence.*
 - c) *The applicant has previously demonstrated misconduct or unscrupulous behaviour whilst being the holder of a street trading licence.*
 - d) *The applicant has failed to comply with the terms or failed to pay a fee of a street trading licence.*
 - e) *The applicant has failed to propose suitable measures for the storage of perishable items when street trading is not taking place.*
 - f) *The applicant for a shop front licence is proposing to sell goods or offer services which are not sold or offered for sale within that shop.*
 - g) *The applicant is not the owner/occupier of a shop outside which a shop front trading licence is sought."*

- Paragraph 10.7 of the Policy states:

"The Council may also have regard to the other following factors when considering the impact on the local area of the proposed trading activity. This may result in additional conditions being imposed upon any licence granted.

- a) *Public Safety – whether the street trading activity represents, or is likely to represent, a substantial risk to members of the public from the point of view of obstruction of the highway for emergency vehicles, or otherwise, a fire hazard, unhygienic conditions or other danger that can be reasonably foreseen, 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 an issue for traders wishing to operate as part of the night time economy.*
- c) *Prevention of public nuisance or environmental damage – whether the street trading activity represents, or is likely to represent, a substantial risk of nuisance or environmental issues. Examples include; damage to street surfaces; noise; litter; refuse; vermin; fumes/odours etc.*
- d) *Appearance of trading area – Whether the street trading area is properly constructed and presented and enhances the aesthetic street scene of an area. Guidance will be given to applicants regarding the standard expected by the Council."*

- 7.4 If discretionary grounds for refusal do exist, the Sub-Committee 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.
- 7.5 Standard conditions will be attached to every street trading licence. Where relevant, the Licensing Sub-Committee may attach specific trading conditions to a street trading licence.
- 7.6 There is no right of appeal against a decision to refuse a temporary street trading licence.

Reference: AF226328

Are you applying for a new licence, or a renewal of your existing licence?*

New licence application

Please select the type of licence you are applying for:*

Shop front

A 12 month licence is classed as a 'permanent licence', renewed on an annual basis. In order to apply for this licence type you must have been trading for a continuous period of 3 years

Size of shop front licensed area* 2 metres

What duration of licence do you want?* 12 month

Trading name of premises* HAYES FOOD CENTRE
 Postcode* UB3 3ES
 Address 66 Coldharbour Lane
 calc_selected_add 100023416283
 House name
 House number 66
 Street* Coldharbour Lane
 Town* Hayes
 Postcode UB3 3ES
 uprn 100023416283

Contact number at premises* 0208 5732208

Applicant's details

Title* MR
 First name* TEYFIK
 Last name* CAGIN
 House name
 House number
 Street*
 Town*
 Postcode*
 Date of birth*
 Please confirm that you are aged 17 or over*
 Place of birth* TURKEY
 Mobile number*
 Email*

Please specify the number of assistant(s) you have* 1

Assistant 1 details

Title* mr
 First name* mustafa
 Last name* cagin
 House name
 House number
 Street*
 Town*
 Postcode*
 Please upload proof of address*

Hours of trade

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

Monday*	Open	to*	06:59:00
from*	07:00:00		
Tuesday*	Open	to*	06:59:00
from *	07:00:00		
Wednesday*	Open	to*	06:59:00
from*	07:00:00		
Thursday*	Open	to*	06:59:00

from*	07:00:00		
Friday*	Open	to*	06:59:00
from*	07:00:00		
Saturday*	Open	to*	06:59:00
from*	07:00:00		
Sunday*	Open	to*	06:59:00
from*	07:00:00		

[List of authorised commodities](#)

Articles/commodities/services for sale*

Part III of The London Local Authorities Act 1990 as amended

Uploads

Please upload a copy of your photo id (passport, driving licence, etc)*

TEYFIK PASSPORT.pdf

Please upload proof of your home address*

TEYFIK ADDRESS.pdf

Please upload a plan/map of the proposed licensed area*

side map.pdf

Please upload evidence of public liability insurance to £2million*

INSURANCE.pdf

Please upload passport size photos of yourself and your assistants*

TEYFIK PICTURE.pdf
MUSTAFA PICTURE.pdf

Payment

This cost of this application is £288.

On submitting this form you will be redirected to our payment pages where you can continue to make your payment online.

Declaration

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 all 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.

I declare that the information given in this application is true and complete in every respect.*

Dated

24 Dec 2016



View of the shop front facing towards Station Road Hayes.

Appendix 2



View of the shop face on. This demonstrates the width of the facility.



This picture shows the length of the display. The tape measure is 3 metres and the approved length is 2 metres.





This shows a more up close photo of the display facing away from Station Road Hayes.



Appendix 2



This photo shows the display facing towards Station Road Hayes.





HILLINGDON

LONDON

Attn Licensing Officer

Ref: Hayes Food Centre ASBIT 1

Your Ref: Hayes Food Centre ASBIT 1

Date: 13th January 2017

Dear Licensing Officer

**Re: Application for Hayes Food Centre, 66-68 Coldharbour Lane Hayes UB3 3ES
The London Local Authorities Act 1990**

I refer to the application for a new street trading licence at above location and note that the applicant has requested the licence for 24 hours per day, 7 days per week.

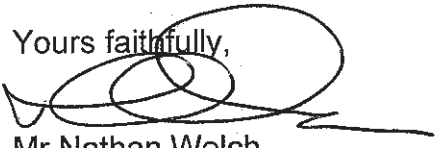
The Antisocial Behaviour Investigations Team have considered the application and have decided to object to the renewal of this application on the following grounds:

- *The applicant is unsuitable to hold a licence.*
The applicant has been served with a Fixed Penalty Notice for failure to demonstrate a duty of care regarding waste arrangements. The applicant has also been caught on a number of occasions exceeding their permitted street trading area. 2 Fixed Penalty Notices, references:

Street 47358
Section 34, 2332
- *Likelihood of public nuisance*
The likelihood of public nuisance, i.e. noise and litter, occurring will be significantly higher if a licence for 24 hour trading is granted. There are residential flats above the premises and the increase in customers attending the premises through the night, will create a disturbance.

I would therefore recommend the refusal of a new street trading licence being granted.

Yours faithfully,

A handwritten signature in black ink, consisting of several overlapping loops and a long horizontal stroke at the end.

Mr Nathan Welch

Deputy Manager Anti Social Behaviour Investigations Team.



HILLINGDON
LONDON

Fixed Penalty Notice

W-STEVEN

NOTICE OF OPPORTUNITY TO PAY FIXED PENALTY

Section 1

Reference Number: STREET 47358

Alleged Offender

First Name: MR TRIFEK

Last Name: CAGINI

Address: 66-70 CANAL ARBOUR LANE, HAYES T/A
HAYES FOOD CENTRE Postcode: UB3 3ES

I, LBH122 an Officer authorised to serve fixed penalty Notices on behalf of the London Borough of Hillingdon have reason to believe that on (date) 19/01/17 you committed the offence numbered 12 overleaf, the circumstances alleged to constitute the offence are as follows: CONTRAVENTION OF STREET TRADING LICENCE BY TRADING OVER THE 7 METRE ALLOWANCE. TRADING MEASURED AT 3.2 METRES

This Notice offers you the opportunity to discharge any liability to conviction for the above offence by payment of a fixed penalty. If you pay the penalty of **£80/£100** within the stated payment period following the date of this Notice, no further proceedings will be taken for this offence. If you do not pay the fixed penalty within the stated payment period, you may be prosecuted for the offence described and, if convicted could receive a fine to the maximum level for the offence as detailed.

You may pay the lesser amount of £50/£60 if you do so within the stated discount period following the date of this Notice.

Payment of this penalty can be made by **cheque or postal order**, made payable to the "London Borough of Hillingdon", and posted it to the address stated in Section 2 of this Notice. The use of the recorded delivery system is recommended as proof of posting.

Section 2 of this Notice must be removed and accompany your payment for this fixed penalty.

If you wish to make payment by **credit/debit card** you can telephone **01895 556000 Monday – Friday, between 09:00 hours – 17:00 hours.**

03453199632

If you wish to make cash payment you may attend the Civic Centre, Uxbridge **Monday – Friday, between 09:00 hours – 16:00 hours to pay at the automated payment kiosk.**

Signature of Authorised Officer S.S. Date 19/01/17

All enquiries concerning this Notice must be in writing sent to: London Borough of Hillingdon Anti-social Behaviour Investigations Team, Civic Centre, High Street Uxbridge, UB8 1UW

-----tear off here-----

Section 2

Fixed Penalty Notice – Reference Number: STREET 47358

Account Number: 11561 4586

Fine = £100 or £60 if paid before 19/01/17 stated discount period (date of service + 10/14 days) Date Notice Served: 19/01/17

To: London Borough of Hillingdon, Cashiers Department
A132 1 South, Civic Centre, High Street, Uxbridge, UB8 1UW.

I enclose the amount of £_____ being the fixed penalty for the offence numbered _____ overleaf.

Name (in block capitals): _____

Address (in block capitals): _____



HILLINGDON
LONDON

Fixed Penalty Notice

ICGM
W139
21/07/17

NOTICE OF OPPORTUNITY TO PAY FIXED PENALTY

Reference Number: STREET 47187

Section 1

Alleged Offender

First Name: MR TOYFIK CAGIN

Last Name: CAGIN

Address: 66-68 Cold Harbour Lane Hayes Food Centre

Postcode: U13 3GS

I, 132 an Officer authorised to serve fixed penalty Notices on behalf of the London Borough of Hillingdon have reason to believe that on (date) 23/12/2016 you committed the offence numbered 10 overleaf, the circumstances alleged to constitute the offence are as follows: Failure To produce waste Document

This Notice offers you the opportunity to discharge any liability to conviction for the above offence by payment of a fixed penalty. If you pay the penalty of ~~£80/£300~~ within the stated payment period following the date of this Notice, no further proceedings will be taken for this offence. If you do not pay the fixed penalty within the stated payment period, you may be prosecuted for the offence described and, if convicted could receive a fine to the maximum level for the offence as detailed.

You may pay the lesser amount of £50/£100 if you do so within the stated discount period following the date of this Notice.

Payment of this penalty can be made by **cheque or postal order**, made payable to the "London Borough of Hillingdon", and posted it to the address stated in Section 2 of this Notice. The use of the recorded delivery system is recommended as proof of posting.

Section 2 of this Notice must be removed and accompany your payment for this fixed penalty.

If you wish to make payment by **credit/debit card** you can telephone **01895 556000 Monday – Friday, between 09:00 hours – 17:00 hours.**

If you wish to make cash payment you may attend the Civic Centre, Uxbridge **Monday – Friday, between 09:00 hours – 16:00 hours to pay at the automated payment kiosk.**

Signature of Authorised Officer [Signature] Date 23/12/2016

All enquiries concerning this Notice must be in writing sent to: London Borough of Hillingdon Anti-social Behaviour Investigations Team, Civic Centre, High Street Uxbridge, UB8 1UW

-----tear off here-----

Section 2

Fixed Penalty Notice – Reference Number: STREET 47187

Account Number: 11561 4586

Fine = £~~300~~ or £~~100~~ if paid before 06/01/2017 stated discount period (date of service + 10/14 days) Date Notice Served: 23/12/2016

To: London Borough of Hillingdon, Cashiers Department
A132 1South, Civic Centre, High Street, Uxbridge, UB8 1UW.

I enclose the amount of £ _____ being the fixed penalty for the offence numbered _____ overleaf.

Name (in block capitals): _____

Address (in block capitals): _____

STREET TRADING LICENCE (6 MONTH)

The council of the London Borough of Hillingdon being the Licensing Authority under section 22 of the above Act.

HEREBY GRANT LICENCE to: Mr Teyfik Cagin

Assistant/s being **Mr Mustafa Cagin**

to trade at: **Hayes Food Centre, 66-70 Coldharbour Lane Hayes UB3 3ES for 2 metres**

ON Monday to Sunday between the HOURS of 07:00 - 23:00

In **articles** of the following description:



Fruit and vegetables display

THIS Licence is **renewed** subject to the London Borough of Hillingdon Street Trading Licence Terms and Conditions.

THIS Licence is for a **period of 6 months** starting on **10th October 2016** ending on **10th April 2017** unless surrendered or revoked.

GRANTED on: 10th October 2016

SIGNED: on behalf of the London Borough of Hillingdon

		Photo
Licensee Mr T Cagin	Assistant 1 Mr M Cagin	Assistant 2

This Licence must be clearly displayed in such a position as to be easily readable by persons using the trading facilities (Ref: Street Trading Licence Condition 9.1)

Application to renew this Licence must be received by the London Borough of Hillingdon 3 months prior to expiry date



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Applications Processing Team <applicationsprocessingteam@hillingdon.gov.uk>

Re: Street Trading Application - Hayes Food Centre - Townfield Ward

1 message

Wayne Greenshields <wgreenshield@hillingdon.gov.uk>

12 January 2017 at 11:31

To: Applications Processing Team <applicationsprocessingteam@hillingdon.gov.uk>

Cc: Cllr Lynne Allen <LAllen@hillingdon.gov.uk>, Cllr Peter Curling <PCurling@hillingdon.gov.uk>, Cllr Robin Sansapuri <rsansapuri@hillingdon.gov.uk>, Nathan Welch <nwelch@hillingdon.gov.uk>, "licensing ." <licensing@hillingdon.gov.uk>, David Brough [REDACTED], ajaibsingh puar [REDACTED]

Dear Diane,

From a Highways point of view, I have no objections to the 2m applied for however a 24hr licence to store fruit and veg on the public highway is extreme to say the least.

Please ensure comments are received by environmental team as this will almost certainly cause issues with noise to residents and so forth.

Regards

Wayne Greenshield
Network Operations Manager
Traffic Management Section
Residents Services
4W/07, Civic Centre
High Street
Uxbridge
UB8 1UW
London Borough Of Hillingdon
01895277553
07411966799

E,mail -wgreenshield@hillingdon.gov.uk

On 10 January 2017 at 15:01, Applications Processing Team <applicationsprocessingteam@hillingdon.gov.uk> wrote:

The following Street Trading application has been received:

- Hayes Food Centre, 66 Coldharbour Lane, Hayes. UB3 3ES
- 2 metres
- **07:00 - 06:59**
- Fruit & Vegetables

Please note requested opening & closing times. Previous licenses have been for 07:00 - 23:00.

Please submit any comments or objections by 31st January 2017.

Regards

Diane

—
Applications Processing Team
London Borough of Hillingdon
Residents Services
Civic Centre, 3N/04
High Street, Uxbridge
UB8 1UW

Please note our new number is
Tel. 01895 558 311

Please Note:

We aim to respond to all queries within 72 hours.

Applications will be acknowledged within 5 working days and subsequently determined within the time limits specified on our website.

Please note, if you are applying for a Child Performance Licence you must provide us with 10 clear working days notice and applications must be submitted in full or they will be returned. You can now apply online by visiting <https://www.hillingdon.gov.uk/article/26426/Childs-performance-licence>

Please do not proceed with any activity until you have received the approved licence/permit