

Minutes

LICENSING SUB-COMMITTEE

8 November 2018

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



HILLINGDON
LONDON

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| | <p>Committee Members Present: Councillors Roy Chamdal (Chairman) Lynne Allen Teji Barnes</p> <p>LBH Officers Present: Jhini Mukherjee, Licensing Officer Kerrie Munro Luke Taylor, Democratic Services Officer</p> <p>Ward Councillors Present: Councillor David Yarrow</p> <p>Also Present: Mrs Fatima Inam-UI-Haq, Applicant Mr Ali Ben Khalid, Applicant's Representative</p> |
| 32. | <p>APOLOGIES FOR ABSENCE (<i>Agenda Item 1</i>)</p> <p>There were no apologies for absence.</p> |
| 33. | <p>DECLARATIONS OF INTEREST IN MATTERS COMING BEFORE THIS MEETING (<i>Agenda Item 2</i>)</p> <p>There were no declarations of interest.</p> |
| 34. | <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 agreed that all items were marked Part I, and would be considered in public.</p> |
| 35. | <p>MATTERS THAT HAVE BEEN NOTIFIED IN ADVANCE OR URGENT (<i>Agenda Item 4</i>)</p> <p>None.</p> |
| 36. | <p>APPLICATION FOR A TEMPORARY STREET TRADING LICENCE - TELEPHONE BOXES OUTSIDE 163 HIGH STREET, JUNCTION WITH BAKER'S YARD, UXBRIDGE, UB8 1JZ (<i>Agenda Item 5</i>)</p> <p><i>Introduction by the Licensing Officer:</i></p> <p>Ms Jhini Mukherjee, Licensing Officer at the London Borough of Hillingdon, introduced the report relating to an application for a temporary street trading licence from a one</p> |

metre pitch in front of two redundant red telephone kiosks. These are located on the footway outside 163 High Street, at the junction with Baker's Yard, Uxbridge, UB8 1JZ.

Ms Mukherjee stated that, on 8 August 2018, the applicant was found to be trading unlicensed and was told to apply for a street trading licence. A fine was issued to the applicant, and this fine was paid in full. An application was then submitted for a street trading licence, and his application received two objections, from Councillor Keith Burrows and Councillor David Yarrow.

Members were informed that there were no objections to the application from the Anti-Social Behaviour and Environment Team, nor the Highways Team, and while the applicant had yet to comply with planning restrictions, this was an issue that was to be determined by the Planning Officers or the Planning Committee.

The Sub-Committee heard that the site of the application was in the proximity of two other tobacconists and a number of shops that were selling confectionary. Ms Mukherjee clarified the operating times for the application that were confirmed by the applicant as 0800-1800 on Monday to Fridays, 0800-1900 on Saturdays, and 0900-1800 on Sundays and Bank Holidays. Responding to the Chairman's questioning, Ms Mukherjee confirmed that these opening times were similar to those of nearby shops.

Representation by the Applicant:

The Sub-Committee were informed by the applicant that they had previously attempted to trade on the site but were unaware that they needed a licence to do so, and this led to a penalty notice. Following this, the applicant sought more information on street trading, improved their knowledge of the situation and applied for a street trading licence to sell non-alcoholic drinks, confectionary and tobacco.

The applicant's representative noted that the applicant was aware of the objections, but stated that these would be dealt with at the planning stage of the application.

Members heard that the chillers detailed in the plans would be stored inside the red telephone kiosks, while a trader would also be able to sit inside and there was enough space for waste to be stored in a bin within the kiosks too.

Responding to questioning from the Sub-Committee, the applicant's representative confirmed that the chillers were small and would be taken out of the kiosks in the morning and replaced once trading had ended for the day. Councillors were also informed that the applicant was not anticipating a lot of waste, but there would be a container for waste and this would be taken away at the end of the day and disposed of in the applicant's own personal bin. The applicant's representative confirmed that stock would be carried from a car to the kiosk at 07:30 before opening hours, with 24 cans of fizzy drinks and two boxes of chocolate bars, and once the stock had all been purchased on any given day, it would not be re-stocked until the next day.

The Sub-Committee asked about the applicant's experience, and heard that the applicant had experience in trading and worked at a bazaar in East Ham. Members were informed that currently the applicant and her husband would run the business themselves, but future plans included two full-time staff and two part-time staff on the stand, although any recruitment plans were on hold until the relevant permissions had been granted. The applicant's representative confirmed that the company was registered, but no licensing training had been undertaken by staff or the applicant.

Representation by Interested Parties:

Councillor David Yarrow confirmed that he was also speaking on behalf of Councillor Burrows, and that the objections were based upon the lack of trading space in the area and the obstructions that street trading at the site would cause. Councillor Yarrow noted that there was nowhere for a car to park to unload the stock and the Committee heard that the area outside the station was very busy, there were concerns that queues would lead to congestion and obstructions. Due to the traffic and footfall obstructions, Councillor Yarrow requested that the application was turned down.

Discussion:

Ms Mukherjee noted that the Highways Officer was best placed to comment on the concerns surrounding obstructions and the congestion, and it was noted that the officers had been consulted and confirmed that there were no concerns about safety and enough space for a small pitch as was proposed. As such, the Highways Team had confirmed that they did not envisage any issues if the licence was granted.

The Sub-Committee were informed by the Legal Advisor of the two separate processes that were involved for the proposed business at this site. The Legal Advisor highlighted the need for the applicants to make an application for planning operations, and another application to the planning listed building department, but the Sub-Committee heard that these issues were not relevant to the licensing hearing on this day.

Responding to questioning from Councillors, the applicant's representative confirmed that stock would be purchased in bulk from pound-shops and registered wholesalers, and while the company was not currently VAT registered, it would be if the relevant licences and permissions were granted.

Members asked how the applicant would deal with congestion caused by footfall at the site, and were informed that more staff would be recruited if necessary to serve customers. The applicant stated that they hoped to be coming to a busy area as it would be good for a small business, and do not want to break Council policies or cause obstructions in the local area, and would act accordingly.

The applicant's representative confirmed that any waste or mess around the site would be cleaned by the applicant or staff on the site with a broom and brush, but there was not much mess anticipated.

The Chairman noted that there was competition in the vicinity of the site, and asked the applicant if the area needed another confectionary and tobacco vendor. The applicant's representative confirmed that there were a few retailers nearby, and they were aware of the competition, but the area was busy and due to the footfall there would be a lot of people passing by who may choose to buy from them instead of the nearby shops.

Responding to questioning from the Committee, the applicant's representative noted that most of the items for sale would be removed from the site at the end of the day if they had not already been sold, although some stock, including cigarettes, may be left locked in the kiosk overnight.

When asked whether the applicant knew about the Council's licensing objectives, the applicant's representative stated that they were not aware of these.

Councillor Yarrow noted that the information that had been heard at the Sub-Committee Hearing did not change his mind and that the application would cause congestion at the site and should be refused.

The applicant's representative commented that both he and the applicant wanted to become a part of the local community. The Committee heard that both the applicant and her representative had retail experience and would appreciate the opportunity to prove themselves on the site.

Committee Deliberation:

All parties were asked to leave the room while the Sub-Committee considered its decision. During deliberations, Councillor Lynne Allen indicated that she would not support the application.

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

The Decision:

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 grant a temporary street trading licence for a period of three months subject to the following conditions:

1. The Licence Holder must adhere to the London Borough of Hillingdon's Street Trading Policy;
2. The Licence Holder ensure the site location is kept clean at all times during operation;
3. The Licence Holder must remove all of their waste daily from the site in accordance with council policy;
4. The Licence Holder must purchase their stock from a VAT registered business, with receipt retained for 6 months.

The applicant has no right to appeal against this decision. The applicant has the right to challenge the decision by judicial review.

*this decision was decided by a majority of the sub-committee, however, Councillor Lynne Allen asked for it to be noted that she voted against the application.

The meeting, which commenced at 10.00 am, closed at 12.13 pm.

These are the minutes of the above meeting. For more information on any of the resolutions please contact Luke Taylor on 01895 250 693. 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.