

## Minutes

### LICENSING SUB-COMMITTEE

12 July 2019

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



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|    | <p><b>Committee Members Present:</b><br/>Councillors Lynne Allen<br/>Roy Chamdal<br/>Eddie Lavery</p> <p><b>LBH Officers Present:</b><br/>Neil Fraser, Democratic Services Officer<br/>Steven Dormer, Licensing Officer<br/>Kerrie Munro, Legal Advisor</p>   |
| 1. | <p><b>APOLOGIES FOR ABSENCE</b> (<i>Agenda Item 1</i>)</p> <p>None.</p>   |
| 2. | <p><b>DECLARATIONS OF INTEREST IN MATTERS COMING BEFORE THIS MEETING</b><br/>(<i>Agenda Item 2</i>)</p> <p>None.</p>  |
| 3. | <p><b>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</b> (<i>Agenda Item 3</i>)</p> <p>It was confirmed that all items would be determined in public.</p>  |
| 4. | <p><b>MATTERS THAT HAVE BEEN NOTIFIED IN ADVANCE OR URGENT</b> (<i>Agenda Item 4</i>)</p> <p>It was confirmed that an addendum had been circulated to all parties prior to the meeting.</p>   |
| 5. | <p><b>STREET TRADING PITCH, SKYPORT DRIVE, HARMONDSWORTH</b> (<i>Agenda Item 5</i>)</p> <p><b>Introduction by the Licensing Officer</b></p> <p>Mr Steve Dormer - Licensing Officer, introduced the report and confirmed that the applicant was seeking to renew his street trading licence for a further six months, to continue selling hot food and drink from a mobile food trailer.</p> <p>However, the licensing authority had concerns as, while the applicant had held a licence to sell hot food and drink from the site for a number of years, recent inspections had shown the trailer to be closed and the site unused. In addition, the facility was falling into a state of disrepair and was unsightly.</p> |

It was recommended that the application to renew the licence be refused, so that the site could be made available to a trader who would use it regularly.

Mr Dormer confirmed that a recent site visit had shown that the trailer had recently been removed.

The Sub-Committee sought clarification on when the facility had been closed. In response, Mr Dormer confirmed that an inspection by the Council's food safety team on 12 June 2018 had resulted in a zero rating and the temporary closure of the facility. The Council's Licensing team then attempted to visit the site on 26 September 2018, but the site was closed.

The food safety team then attempted to visit the site in December 2018, but as the facility was closed, no inspection took place. A further visit from the Council's Licensing team on 29 May 2019 showed the facility closed and the site apparently abandoned. During various observations of the site during daytime hours from May through to June 2019, the premises had been closed.

Mr Dormer confirmed that the applicant had held a licence since 2010, and no issues relating to trading had been witnessed or evidenced between 2010 and 2018.

### **Representation by the Applicant**

The applicant, Mr Lakhani, asserted that the facility had been open without issue until June 2018 when, following the food safety inspection, it was closed for repairs. Food safety officers visited the site following completion of the repairs, and approved the site.

The site then re-opened on 30 September until 30 November 2018, when it was shut. The site then re-opened again for 7 days in February 2018, after which it was closed until the present date.

The Sub-Committee was advised that the reason for closure after November 2018 was due to health issues experienced by Mr Lakhani. In addition, his assistant (a family member) had also experienced issues which had prevented them from working. The applicant suggested that, prior to November, observed closures were on days when Mr Lakhani or his assistant were attending meetings, which included medical appointments.

### **The Discussion**

All parties discussed the application.

The Sub-Committee was advised that, in anticipation of a licence renewal, Mr Lakhani had made a deposit on a new modern unit for the serving of food and drink. The old unit had therefore been removed, and Mr Lakhani had also employed two new assistants who were keen to begin work. Details concerning the new unit had been sent to Mr Dormer at the end of April/early May 2019.

The Sub-Committee and Licensing Officer agreed to receive a late tabled receipt detailing Mr Lakhani's deposit for the new unit, alongside a picture of the unit itself. The Sub-Committee noted that the receipt was handwritten, with no company logo, address, or VAT details. In response, Mr Lakhani advised that this was a second hand trailer bought via private sale.

Upon request for information on staffing, Mr Lakhani confirmed that the newly

appointed staff would be on site from 8am to 6pm, Monday – Saturday, were enthused at the prospect of working in the new trailer, and would give 100% effort. It was confirmed that Mr Lakhani would maintain an overview of the site and staff as Manager, alongside his son.

During discussion, it became apparent that neither Mr Lakhani, nor his son, (who had completed all previous licence applications), had been aware that the site could have remained in operation while the application for renewal of the licence was being considered. The site had therefore remained closed longer than expected.

Mr Lakhani advised that if his licence was renewed, the site could be in operation by 1 August 2019.

### **Closing Remarks**

Mr Dormer confirmed that he had no further comments.

Mr Lakhani asserted that the business was important for the area and local customers, who required a place to eat.

### **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.

### **Reasoning**

The Sub-Committee heard all the representations from the papers and the oral submissions at the hearing. The Sub-Committee discussed the law, the licensing objectives, licensing authority's policy and guidance. The below reflects the Sub-Committee's reasons for their final decision:

- The Sub-Committee had serious concerns to the long time periods the business has not been in operation and making use of the street trading licence as in line with the Council's street trading policy, such as 1.3;
- The Sub-Committee did not accept that the business could not have traded between April 2019 - to date, pending the application being decided;
- The Sub-Committee accepted that the Applicant had been struggling with health difficulties and personal issues;
- The Applicant's representations, including the deposit being made for the purchase of a new trailer, had indicated a commitment to the business trading on the pitch; and
- Therefore, the Sub-Committee was willing to give the Applicant further opportunity to demonstrate that he would be making use of the licence, and trading in accordance with the operation schedule.

### **Decision**

The Sub-Committee considered the application and took into account evidence and submissions from all of the parties. In reaching its decision the Sub-Committee took 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 decided, on a balance of probabilities, to renew the permanent street trading licence for a period of **6 months**.

**Right of appeal**

The applicant has a right to appeal against this decision. The applicant has the right to challenge the decision by judicial review.

No decision made by the Council will have effect during the time period within which an appeal may be brought and until such time that any appeal has been determined or abandoned.

Such an appeal may be brought within 21 days of receipt of this Notice of Decision. A copy of the appeal should be sent to the Council's Licensing Service, or any other person who made relevant representations to the application may appeal against the Council's decision to the Justice Clerk at the Uxbridge Magistrates Court.

**ADDENDUM**

The meeting, which commenced at 10.10 am, closed at 11.30 am.

These are the minutes of the above meeting. For more information on any of the resolutions please contact Neil Fraser on 01895 250692. 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.**