

NOTICE OF HEARING

Licensing Sub-Committee

Date: FRIDAY, 12 JULY 2019

Time: 10.00 AM

Venue: COMMITTEE ROOM 5 - CIVIC CENTRE, HIGH STREET, UXBRIDGE

Meeting Details: Members of the Public and Media are welcome to attend. This meeting may also be broadcast live.

If this is a public hearing, the agenda is available online at www.hillingdon.gov.uk or you can use a smart phone camera and scan the code below:



Councillors on the Sub-Committee:

Roy Chamdal (Chairman)

Eddie Lavery

Lynne Allen

IMPORTANT INFORMATION

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

Tuesday 9 July 2019

If you don't notify you may lose your right to speak at the hearing. When notifying you must confirm:

1. If you intend to attend the hearing;
2. Whether you wish to be assisted or represented by another person;
3. If you wish to request that another person appears at the hearing (other than your representative) as a witness;
4. Whether you wish to consent to the application being determined without your presence
5. Any special needs you may require.

Published: Thursday, 27 June 2019

Contact: Neil Fraser

Tel: 01895 250692

Email: nfraser@hillingdon.gov.uk

Useful information for residents and visitors

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If this meeting is to be held in Public (Part 1) you can watch it on the Council's YouTube channel, live or archived after the meeting. Residents and the media are also welcome to attend in person, and if they wish, report on the public part of the meeting. Any individual or organisation may record or film proceedings as long as it does not disrupt proceedings.

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.

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Accessibility

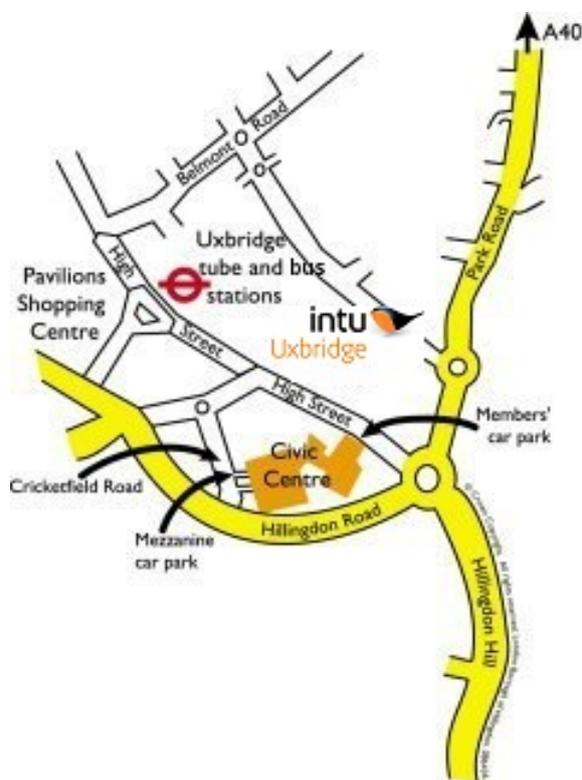
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Those attending should be aware that the Council will film and record proceedings for both official record and resident digital engagement in democracy.



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	Street Trading Pitch, Skyport Drive, Harmondsworth	Heathrow Villages	10 AM (Briefing at 9:45 AM)	3 - 20

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Order of proceedings – Street Trading Hearings

The Chairman of the Sub-Committee will open the hearing by introducing the Councillors, explaining the purpose of the proceedings and the general procedure. The Chairman will then check that there are no additions or alterations to the list of those appearing at the hearing.

Introduction by Regulatory Services Officer



The Applicant



Any Officer who has submitted representations



Residents / objectors etc.. who have submitted formal representations



DISCUSSION LED BY THE SUB-COMMITTEE

The Chairman will lead the discussion. This will be a chance for all parties to provide comments on any submissions that have been made to the Sub-Committee.



Closing remarks from each party



Sub-Committee deliberates



Chairman announces the decision

The Officer will introduce the report and will outline the matter before the Sub-Committee, giving any relevant background information. Members may ask questions of the officer.

The Applicant or the person representing him/her will be invited to address the Sub-Committee. The Sub-Committee may ask questions.

Officers of the Council and/or any Officer who performs an enforcement function in relation to the Act will be invited to address the Sub-Committee. Councillors may ask questions of the Responsible Authorities.

Other people who have made formal representations will be invited to address the Sub-Committee. Where there are a number of parties making similar representations the Chairman will expect the parties to nominate a spokesperson to make the representations. The Sub-Committee may ask questions.

The Chairman will invite the parties to the hearing, in reverse order, to make brief closing remarks on the application. 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 the Clerk to the Sub-Committee remaining. All others present will be asked to leave the room.

Parties may return to the room when invited to do so and the Chairman will announce the decision. The Chairman will remind 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 Renewal of a Street Trading Licence

Committee	Licensing Sub-Committee
Officer Contact	Steven Dormer, Licensing Service
Papers with report	Appendix 1 - Application Form submitted on 10 April 2019 Appendix 2 - Site Map & Photos Appendix 3 - Representation
Ward name	Heathrow Villages

1.0 SUMMARY

An application has been received for a renewal for a permanent street trading pitch licence on Skyport Drive, Harmondsworth, which is recommended to be refused. The applicant has requested the opportunity to make representations to the Licensing Sub-Committee.

2.0 RECOMMENDATION

2.1 **It is recommended that the Licensing Sub-Committee refuse the renewal of the Street Trading Licence.**

3.0 APPLICATION

3.1 Name of applicant
Mr Hitesh Lakhani

Name of assistants
Mrs Mahalina Collins
Mrs Shriti Lakhani

3.2 Application Details

Mr Lakhani wishes to renew his Street Trading Licence for a further six months, to continue selling hot food and drink from a mobile food trailer.

Mr Lakhani has named two assistants to the application.

Trading hours are 06:00 to 18:00 Monday to Saturday.

No trading on a Sunday.

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 of consultation

1 May 2019

4.2 The relevant consultees were notified of the application on **12 April 2019**.

5.0 Responses to the consultation

5.1 No objections were received from any consultee.

6.0 LICENSING OFFICER ASSESSMENT

6.1 Mr Lakhani has held a licence for several years to sell hot food and drink from a mobile catering trailer on Skyport Drive. The facility has not been open for some considerable amount of time and the facility is slowly falling into a state of disrepair.

On the 12 June 2018, Hillingdon Council's Food and Health and Safety Team inspected the premises. At the time of the visit, the food business received a zero rating and was temporarily closed. Some minor improvements were made and no further action was taken at the time.

Hillingdon Council's Food and Health and Safety Team were due to visit Mr Lakhani's catering facility in December 2018. As the business is currently not operating, no inspection was able to take place. The facility has been removed from the system and is not scheduled to be inspected. Hillingdon Council are unable to give this premises an accurate food hygiene rating without a full inspection of the business.

Mr Lakhani is obliged to have consideration to **13.4** of the Council's Street Trading Policy. This section expects all licence holders to maintain their trading area in a proper manner. It also states that any trading equipment is of a good quality and of tidy appearance. On two visits to the site, no improvements had been made to the facility.

Mr Lakhani has given vague assurances that the facility would be replaced by an updated facility and that he does intend to trade from the pitch. However, Mr Lakhani has failed to provide any of the following:

- Proof of purchase of a new facility;
- New lay out of the proposed site;
- Specific dates of when the facility would be in place;
- Business plan of intended trading;

Following this assessment, a letter was sent to Mr Lakhani on 30 April 2019, stating the intention to refuse the application. Under the provisions of the London Local Authorities Act 1990, the Council is required to provide the applicant with an opportunity to make representations against any such recommendation for refusal. A copy of the letter is attached as **Appendix 3**.

Council officers have witnessed the premises on numerous occasions not operating. Please see the table below:

Date	Timings	Status
2 nd May 2019	09:30 - 11:30	Closed
8 th May 2019	10:00 - 12:30	Closed
14 th May 2019	09:30 - 13:00	Closed
17 th May 2019	13:30 - 15:30	Closed
21 st May 2019	12:30 - 15:30	Closed
29 th May 2019	09:00 - 12:30	Closed
04 th June 2019	09:30 - 13:00	Closed
6 th June 2019	09:30 - 13:00	Closed

6.2 Officers' Visit

On Wednesday 29 May 2019 a site visit was conducted. The facility was closed and appeared abandoned.

A notice was positioned to the front of the facility, informing customers of a leakage to the facility. The notice also informed potential customers of refurbishment going to take place. The same note was on display on the 26 September 2018 during a previous visit. During the visit no persons responsible for the facility were on site.

On Wednesday 26 September 2018 a site visit was conducted. The purpose of the visit was to establish if the facility was currently operating. The facility was not operating at the time of the visit.

The facility was in a poor state of repair and did not enhance the street scene.

A notice was displayed informing potential customers of a leakage to the facility. The notice also informed potential customers of refurbishment going to take place. During the visit no responsible person for the facility was on site.

During various observations of the site during daytime hours through May - June 2019, the premises has been closed.

7.0 LEGAL COMMENTS

7.1 Street trading activity within the London Borough of Hillingdon is regulated by the London Local Authorities Act 1990 (as amended).

7.2 In accordance with Section 25(4) of the Act and Paragraph 10.3 of the Council's policy, the Council may refuse an application on any of the following mandatory grounds:–

(a) The applicant is under the age of seventeen.

(b) The proposed trading location is not within a designated licence street.

(c) The applicant is proposing to sell goods or services which the Council has resolved to ban.

(d) There is not enough physical space within the proposed trading location and any trading activity would have an adverse impact on the surrounding area by causing obstructions to persons or vehicles using the street.

(e) The applicant has made an application to trade in a location which does not satisfy the definition of a 'street' for the purposes of the legislation."

7.3 In accordance with Section 25(6) of the Act and Paragraph 10.5 of the Council's policy, the Council may refuse an application on any of the following discretionary grounds:–

- 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) *That the applicant is an individual who has without reasonable excuse failed personally to avail himself fully of a previous street trading licence*
- d) *The applicant has previously demonstrated misconduct or unscrupulous behaviour whilst being the holder of a street trading licence.*
- e) *The applicant has failed to comply with the terms or failed to pay a fee of a street trading licence.*
- f) *The applicant has failed to propose suitable measures for the storage of perishable items when street trading is not taking place.*
- g) *The applicant of a shop front licence is proposing to sell goods or offer services which are not sold or offered for sale within that shop.*
- h) *The applicant is not the owner/occupier of a shop outside which a shop front trading licence is sought."*

7.4 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."*

7.5 Upon considering and hearing the parties' representations the Sub-Committee can decide to:

1. Grant the licence ;
2. Refuse to grant the licence;
3. Grant the licence for a shorter period as determined by the Licensing Sub-Committee;

4. Grant the licence in full as per the application or with further conditions.
- 7.6 If a mandatory ground is established, the application for renewal must be refused.
- 7.7 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.
- 7.8 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.
- 7.9 If a licence is due to expire and the Council has not determined the renewal application, the trader may be allowed to continue trading during the interim period. This will usually be allowed save for circumstances where the trader has been subject to enforcement action or other reasons where the Council may not wish for the licence to continue during this period.
- 7.10 Any person aggrieved by the Council's decision to refuse or revoke a street trading licence may lodge an appeal to the Magistrates Court within twenty one days of receipt of the written decision notice following the outcome of the Licensing Sub-Committee.

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Contact number at premises	
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Page 2

Title	MR
First name	HITESH
Last name	LAKHANI
House name	
House number	
Street	
Town	
Postcode	
Date of birth	
Please confirm that you are aged 17 or over	Yes
Place of birth	KENYA
Mobile number	
Email	
Please specify the number of assistant(s) you have	2
Assistant 1 details	
Title	MRS
First name	MAHALINA
Last name	COLLINS
House name	
House number	
Street	
Town	
Postcode	
Please upload proof of address	file/D2A6FC79-284E-4403-B029-B3939C3C2E50/IMG_2481.jpg
Assistant 2 details	
Title	MRS
First name	SHRITI
Last name	LAKHANI
House name	
House number	
Street	
Town	
Postcode	
Please upload proof of address	file/E41B513E-4E3B-4C2D-966A-85A7832CA9B7/Scan 2019-4-10 15.36.29.pdf
Assistant 3 details	
Title	

First name	
Last name	
House name	
House number	
Street	
Town	
Postcode	
Please upload proof of address	

Page 3

Monday	Open
From	06:00
To	18:00
Tuesday	Open
From	06:00
To	18:00
Wednesday	Open
From	06:00
To	18:00
Thursday	Open
From	06:00
To	18:00
Friday	Open
From	06:00
To	18:00
Saturday	Open
From	06:00
To	18:00
Sunday	N_A
From	
To	
Articles/commodities/services for sale	GENERAL HOT FOOD/ HOT DRINKS/ COLD SNACKS/ COLD DRINKS.
	440

Page 4

Please upload a copy of your photo id (passport, driving licence, etc)	file/2D76128F-2253-4605-8AFC-10B6317DE70D/Scan 2019-4-10 15.58.12.pdf
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Please upload proof of your home address	file/44F9CAAF-D5B6-4CCB-ACDE-F7ACAB913775/Scan 2019-4-10 15.36.29.pdf
Please upload a plan/map of the proposed licensed area	file/70B589C3-0D0B-4A80-883E-18D1994DA4F7/Scan 2019-4-10 15.56.43.pdf
Please upload evidence of public liability insurance to £2million	file/6D5C07E3-3459-4B81-8B30-451F506DAD7C/Event Organisers Schedule_OC.pdf
Please upload passport size photos of yourself and your assistants	file/CFF6FC63-17ED-4B9F-8A9E-07D02E674ADD/Scan 2018-5-18 08.16.28.pdf
I understand that I must display a notice of application in the window of the application premises for 21 days	Yes
I understand that if I do not comply with all requirements, my application will be rejected	Yes
I declare that the information given in this application is true and complete in every respect.	Yes
Dated	10/04/2019
	https://www.hillingdon.gov.uk/licensing
	Street Trading form
	LBH1554909628745
	060191
	applicationsprocessingteam@hillington.gov.uk
	goss_forms_archive@hillington.gov.uk

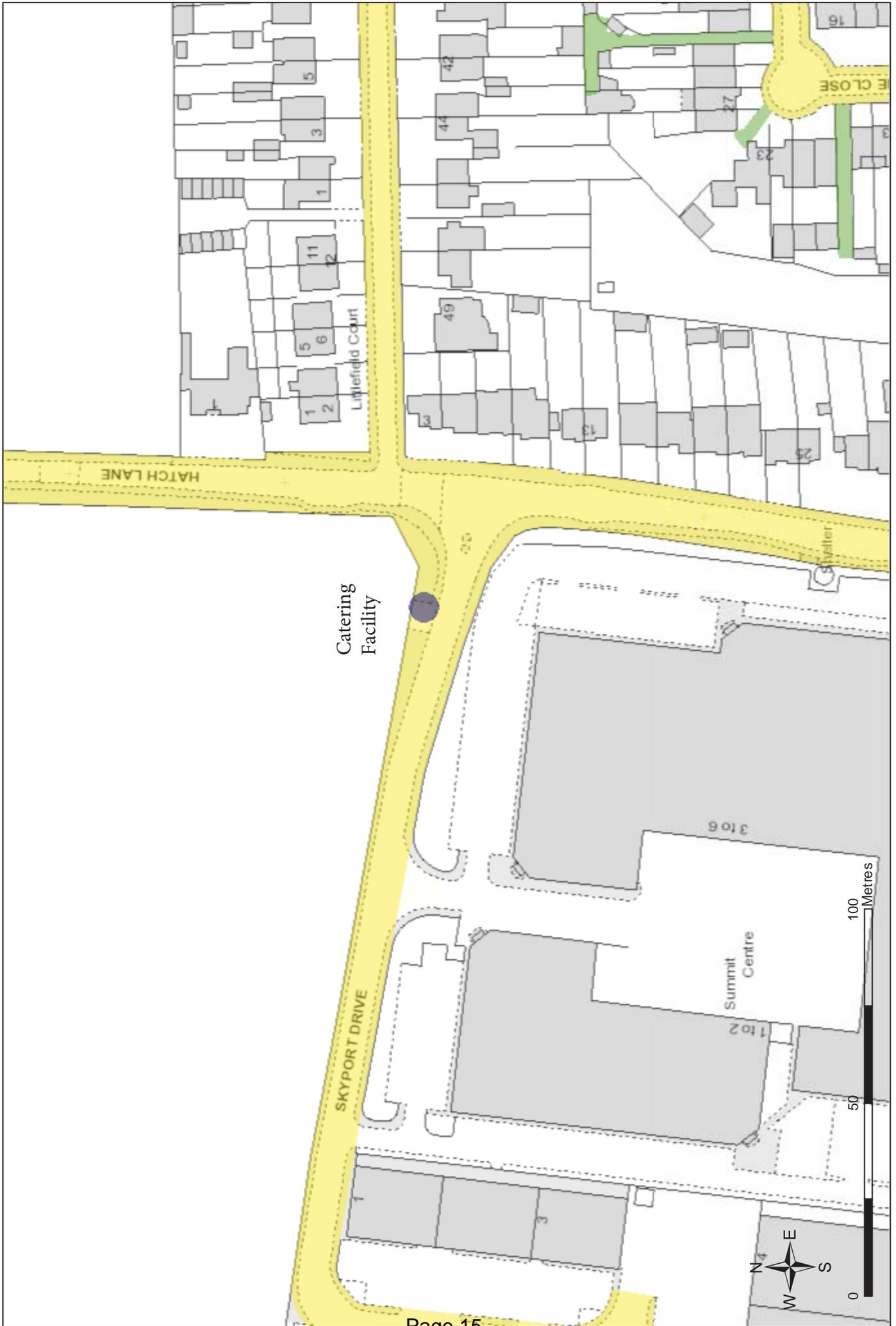


NOTICE

SORRY WE ARE CLOSED DUE
TO LEAKAGE AND REPAIRS.
ONCE REPAIRED WILL OPEN
ASAP.

THANKYOU

STAFF



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HILLINGDON
LONDON

Mr Hitesh Lakhani

30th April 2019

Dear Sir

**SKYPORT DRIVE CATERING UNIT, HARMONDSWORTH - STREET TRADING PITCH
London Local Authorities Act 1990**

I write regarding your application to renew your street trading pitch licence for the above location. It has come to the attention of the Licensing Section that there has been no trading activity for a significant period from this pitch and that the trailer has been closed for a number of months.

It is therefore our view under the London Local Authorities Act 1990 section 25(6)(c), that grounds exist to refuse to renew your Street Trading Licence. The reason for refusal under S25(6)(c) is as follows:

***25(6) ...the Council may refuse an application on any of the following grounds:
(c) that the applicant is an individual who has without reasonable excuse failed personally to avail himself fully of a previous street trading licence;***

In simple terms, this section allows for refusal where street trading activity is licensed but where the licence holder has not made full use of the trading pitch.

I can confirm that clarification was sought from you regarding the dates and times on which you traded. You claimed that you were open very briefly but no clear time period was specified.

As you are aware, pitches in this borough are in extremely high demand and the Council has a duty to ensure that all licensed premises and pitches are used to their full potential.

You are advised that the Council will be refusing your licence unless you decide to make full written representations within 21 days of this letter.

Should you decide to make representations under Section 29 of the London Local Authorities Act 1990, the case will be determined by the Licensing Sub-Committee and you will be afforded the opportunity to explain how you intend to operate the business.

If you have any further questions then please do not hesitate to contact me.

Yours Faithfully

Steven Dormer - Licensing Officer



HILLINGDON
LONDON

Mr Hitesh Lakhani

30th May 2019

Dear Mr Lakhani,

SKYPORT DRIVE CATERING UNIT, HARMONDSWORTH - STREET TRADING PITCH
London Local Authorities Act 1990

With regards your application for a Street Trading Licence the Licensing Authority make the following representation.

Back in September 2018 the Licensing Authority received a representation for the Food Health and Safety Team regarding your trading facility. After mediating with the Food and Health and Safety Team some improvements were made and the Licensing Authority was satisfied and a Licence was granted for six months.

Since the last renewal it has come to the attention of the Licensing Authority that the Street Trading Facility on Skyport Drive has not been in operation. Upon examination of the pitch on Wednesday 29th May 2019 the facility was not operating and in poor condition.

In accordance with the London Local Authorities Act 1990 section 25(6) it is apparent that you have availed yourself from a Street Trading Licence

Thank you for the response to my previous correspondence. However the time scales you have given is around six weeks for you to purchase a new catering facility. With the absence of a proof of purchase this claim is not substantiated.

You have informed us that you have plans to move house and that you have had some health issues. However you have named assistants on the applications form. No explanation has been given as to why the assistants could not operate the facility in your absence.

Based on the fact that you are in breach of section 25(6) of the London Local Authorities Act 1990 and the carrying out of a visual impact assessment by officers the Licensing Authority are minded to refuse this application.

In accordance with 10.6 of the adopted Street Trading Policy where relevant feedback has been received the council's Licensing Sub Committee will determine the outcome of the application.

You are invited to attend a meeting with the **Licensing Sub Committee on Friday 5th July 2019 at 10:00am.**

Yours Faithfully

Steven Dormer - Licensing Officer