

Minutes

LICENSING SUB-COMMITTEE

24 February 2020

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) Janet Gardner Brian Stead</p> <p>Witnesses Present: Taufiq Ahmed Shafiq, Applicant</p> <p>LBH Officers Present: Steven Dormer, Licensing Officer Chantelle McLeod, Legal Officer Liz Penny, Democratic Services Officer</p> |
| 1. | <p>APOLOGIES FOR ABSENCE (<i>Agenda Item 1</i>)</p> <p>There were no apologies for absence.</p> |
| 2. | <p>DECLARATIONS OF INTEREST IN MATTERS COMING BEFORE THIS MEETING (<i>Agenda Item 2</i>)</p> <p>None.</p> |
| 3. | <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 marked Part I and would be considered in public.</p> |
| 4. | <p>MATTERS THAT HAVE BEEN NOTIFIED IN ADVANCE OR URGENT (<i>Agenda Item 4</i>)</p> <p>None.</p> |
| 5. | <p>APPLICATION FOR A RENEWAL OF A STREET TRADING LICENCE - TASTY PERFECT MEAL, SPRINGFIELD ROAD, HAYES (<i>Agenda Item 5</i>)</p> <p>Introduction by Licensing Officer</p> <p>Steven Dormer, Licensing Officer at the London Borough of Hillingdon, introduced the report and photographs relating to the application for a renewal of a Street Trading Licence at Tasty Perfect Meal, Springfield Road, Hayes. A background and chronology of events was provided.</p> <p>The Committee was informed that, over a period of almost nine consecutive months, no trading had taken place from the catering facility along Springfield Road. The facility</p> |

was an eyesore and did not enhance the street scene. This was contrary to 13.4 and 10.7(d) of the Council's adopted policy on street trading. No reasonable excuse had been given to the Council as to why Mr Ahmed had chosen to abandon the facility and not trade from the location. On four occasions the Licensing Officer had personally witnessed and documented non-trading days on Springfield Road, Hayes. The Committee was advised that Mr Ahmed was potentially blocking other street traders from utilising the space.

A recommendation was made to refuse the renewal of the Street Trading Licence.

Members requested clarification as to the number of times the Licensing Authority had emailed the applicant. It was confirmed that two emails and two letters had been sent.

Further clarification was requested in relation to the use of the term 'eyesore'. Members were advised that the facility resembled a storage container at the side of the road and could effectively be treated as an abandoned vehicle. It was also confirmed that the Licensing Officer had had no face-to-face contact with the applicant since the original application was submitted two or three years previously.

Representation made by the Licence Holder

Mr Taufiq Ahmed Shafiq, applicant, addressed the Committee informing Members that he had been trading at the facility. He had closed during the period of Ramadan and business had been very slow since then but he had continued to serve breakfast. Mr Ahmed had then applied for another licence and had been told by the Licensing Officer to continue trading which he had done. He had subsequently stopped working as he did not have a licence and believed that he was not permitted to trade.

In response to Member's questions, it was noted that Ramadan was in July 2019 and Mr Ahmed had not traded during that month. Since then he had been serving breakfast between 7:00am/7:30am and 9:30am/10:00am. He was obliged to renew his licence every six months and had applied for a new licence in October 2019 but had not been given one. He had continued to trade since October as he had been told he was able to do so, but had not been open during the Christmas period, from 21st/22nd December 2019 until 3rd January 2020. Members were informed that, since New Year, business had been very slow and he had been in competition with another trader in the Wickes car park.

Discussion

- The Licensing Officer confirmed that, when a street trading licence was due for renewal, the licence holder could operate with grace on the previous licence while the application for a new licence was being determined. It was therefore confirmed that, effectively, there had been no period of time when Mr Ahmed had not been permitted to trade.
- The Licensing Officer had been informed that Mr Ahmed was serving breakfasts from the facility; he had therefore visited on 9th December at 8:05am to coincide with breakfast being served and had found that the facility was closed at that time.
- Mr Ahmed was unable to confirm why the premises were closed on 9th December but confirmed that he sometimes had GP appointments and was unable to work on such occasions. However, he usually opened to serve

breakfast when possible.

- Mr Ahmed was not in possession of any paperwork to prove that the facility had been open during December 2019. He advised the Committee that he had been open from 7:00am/7:30am until 9:30am/10:00am during the month of January 2020.
- The applicant informed Members that, in the future, he planned to open his facility from 7:00am until 7:00pm seven days a week.
- Mr Ahmed indicated that business had been slow during January but was starting to pick up now.
- It was confirmed that the applicant had an assistant but only one member of staff would be working at any given time.
- Councillors requested clarification regarding the large advertisement for a Tile Showroom which was clearly visible in the photographic evidence included in the agenda pack. It was confirmed that Mr Ahmed received no payment for these advertisements; he regularly removed them but they were replaced overnight. The Licensing Officer commented that the advertisements had been clearly visible each time he had visited the site.

Closing remarks

There were no further submissions from the Licensing Officer.

The applicant reiterated his desire for the licence to be renewed.

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

The Sub-Committee has considered all the relevant representations made available to it and in doing so has taken into account the London Local Authorities Act 1990 and the Council's Street Trading Policy. The Sub-Committee has paid particular attention to paragraphs 3.2, 9.1, 10.5(c) and 10.7(d) of the Street Trading Policy.

The Licensing Sub-Committee has determined that it is necessary and proportionate to follow the recommendation and

Refuse to grant the licence.

Reasons for Decision:

- 1) The Sub-Committee notes that the licence holder has not demonstrated that he is able to run a viable business which fully avails itself of the current street trading licence pursuant to section 25(6) of the London Local Authorities Act 1990.

- 2) The Sub-Committee has also noted the appearance of the trading area and the Licensee's failure to utilise, maintain and trade on the pitch. The licence holder has failed to demonstrate his ability to run the business and suitably present the pitch and the Sub-Committee finds that the pitch currently does not enhance the street scene as per 10.7 of the Council's Policy on Street Trading.
- 3) The Sub-Committee noted that the licence holder was unable to demonstrate a full understanding of the nature of the current street trading licence despite being informed by the Licensing Authorities and therefore the Sub-Committee does not have full confidence in the licence holder's ability to run the business between the licence holder's proposed hours of 7:00am until 7:00pm, seven days per week.
- 4) The Sub-Committee was also concerned that the licence holder was of the perceived belief that he could continue to trade without a street trading licence.

Right of Appeal

Any person aggrieved by the Council's decision to refuse or revoke a permanent 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.

You will be deemed to have received this decision letter, two days after the date on the accompanying letter, which will be posted by 1st class mail.

The meeting, which commenced at 10.00 am, closed at 11.05 am.

These are the minutes of the above meeting. For more information on any of the resolutions please contact Liz Penny on 01895 250185. 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.