



HILLINGDON
LONDON



NOTICE OF HEARING

Licensing Sub-Committee

Date: MONDAY, 24 FEBRUARY 2020

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
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 19 February 2020

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: Friday, 7 February 2020

Contact: Liz Penny
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Putting our residents first

Lloyd White
Head of Democratic Services
London Borough of Hillingdon,
Phase II, Civic Centre, High Street, Uxbridge, UB8 1UW
www.hillingdon.gov.uk

Useful information for residents and visitors

Watching & recording this meeting (if a public meeting only)

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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Please enter via main reception and visit the security desk to sign-in and collect a visitors pass. You will then be directed to the Committee Room.

Accessibility

For accessibility options regarding this agenda please contact Democratic Services. For those hard of hearing an Induction Loop System is available for use.

Emergency procedures

If there is a FIRE, you will hear a continuous alarm EXIT and assemble on the Civic Centre forecourt. Lifts must not be used unless instructed by a Fire Marshal or Security Officer. In the event of a SECURITY INCIDENT, follow instructions issued via the tannoy, a Fire Marshal or a Security Officer. Those unable to evacuate using the stairs, should make their way to the signed refuge locations

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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 | Pages |
|----------|-----------------------------------------------------------------------------------------------------|-------------|-------------|--------------|
| 5 | Application for a Renewal of a Street Trading Licence - Tasty Perfect Meal, Springfield Road, Hayes | Townfield | 10:00 a.m. | 3 - 16 |

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 01895 277409 |
| Papers with report | Appendix 1 - Application Form submitted on 18 th October 2019 Appendix 2 - Site Map & Photos Appendix 3 - Formal Letter to applicant |
| Ward name | Townfield |

1.0 SUMMARY

An application has been received from **Tasty Perfect Meal** to renew a permanent street trading pitch licence on Springfield Road, Hayes. The licence has been refused on the grounds of Mr Taufiq Ahmed contravening section 25(6) of the London Local Authorities Act 1990(as amended) which states ***that the applicant is an individual who has without reasonable excuse failed personally to avail himself fully of a previous street trading licence.***

2.0 RECOMMENDATION

2.1 To refuse the renewal of Street Trading Licence.

3.0 APPLICATION

3.1 Name of applicant

Taufiq Ahmed

Name of assistant

Mr Vipi Thankan

3.2 Application Details

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

Proposed Trading hours:

| | |
|--------------------|----------------|
| Monday to Friday | 06:30 to 19:00 |
| Saturday to Sunday | 07:00 to 18:00 |

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

2nd January 2020

4.2 The relevant consultees were notified of the application on **17th December 2019**

5.0 Responses to the consultation

5.1 Food Health and Safety Team confirmed Tasty Perfect Meal have not registered as a food business.

6.0 LICENSING OFFICER ASSESSMENT

6.1 Mr Ahmed has held a licence for this site since November 2018. The licence is to sell hot food and drink from a mobile catering trailer on Springfield Road. The facility has not been open for some considerable amount of time and the facility is slowly falling into a state of disrepair. A letter was sent out to Mr Ahmed outlining why the licensing authority have refused to renew the Street Trading Licence. **Appendix 3**

Mr Ahmed 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.

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

| Date | Timings | Status |
|-------------------------------|---------|--------|
| 30 th May 2019 | 12.20 | Closed |
| 3 rd December 2019 | 12:40 | Closed |
| 9 th December 2019 | 08.05 | Closed |
| 7 th January 2020 | 12:05 | Closed |

6.2 Officers Visits

Between May 2019 and January 2020 four visits have been carried out to Springfield Road, Hayes to establish if trading is taking place. Email exchanges have taken place between the Licensing Authority and Mr Ahmed. Mr Ahmed has expressed an intention to commence trading from this pitch. As highlighted in the evidence trading has not taken place.

The facility has been abandoned on Council adopted streets and should be treated according to local and national guidelines.

As set out in the Council's Street Trading Policy, the Licensing Sub-Committee will hear all applications for the revocation, variation, or suspension of a street trading licence in the event that a trader significantly or persistently breaches such a licence.

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.
- (e) **Needs of the area** – amongst other things, the Council will consider the demand for the articles for sale, and the geographical location of the proposed site.
- 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 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.
- 7.11 Any person aggrieved by the Council's decision to refuse or revoke a temporary street trading licence does not have an automatic right of appeal, however may instead apply for judicial review of such a decision.
- 7.12 The Council expects all licence holders to maintain their trading area in a proper manner and to ensure that any trading/display equipment is of a good quality and tidy appearance. The Council will provide traders and applicants with examples of the standards expected and will offer assistance and advice to traders and applicants on how to improve the look and quality of their trading/display equipment.

| | |
|-----------------------------------------------------------|--------------------------------------------------------------------------------|
| Title | Mr |
| First name | Taufiq ahmed |
| Last name | Shafiq |
| House name | |
| House number | |
| Street | |
| Town | |
| Postcode | |
| Date of birth | |
| Please confirm that you are aged 17 or over | Yes |
| Place of birth | |
| Mobile number | |
| Email | |
| Please specify the number of assistant(s) you have | 1 |
| Assistant 1 details | |
| Title | Mr |
| First name | Vipi |
| Last name | Thankan |
| House name | |
| House number | |
| Street | |
| Town | |
| Postcode | |
| Please upload proof of address | file/B5217CA0-621E-4CCA-AB16-1B49C40999C1/15714345655855793071299767470864.jpg |
| Assistant 2 details | |
| Title | |
| First name | |
| Last name | |
| House name | |
| House number | |
| Street | |
| Town | |
| Postcode | |
| Please upload proof of address | |
| Assistant 3 details | |
| Title | |

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

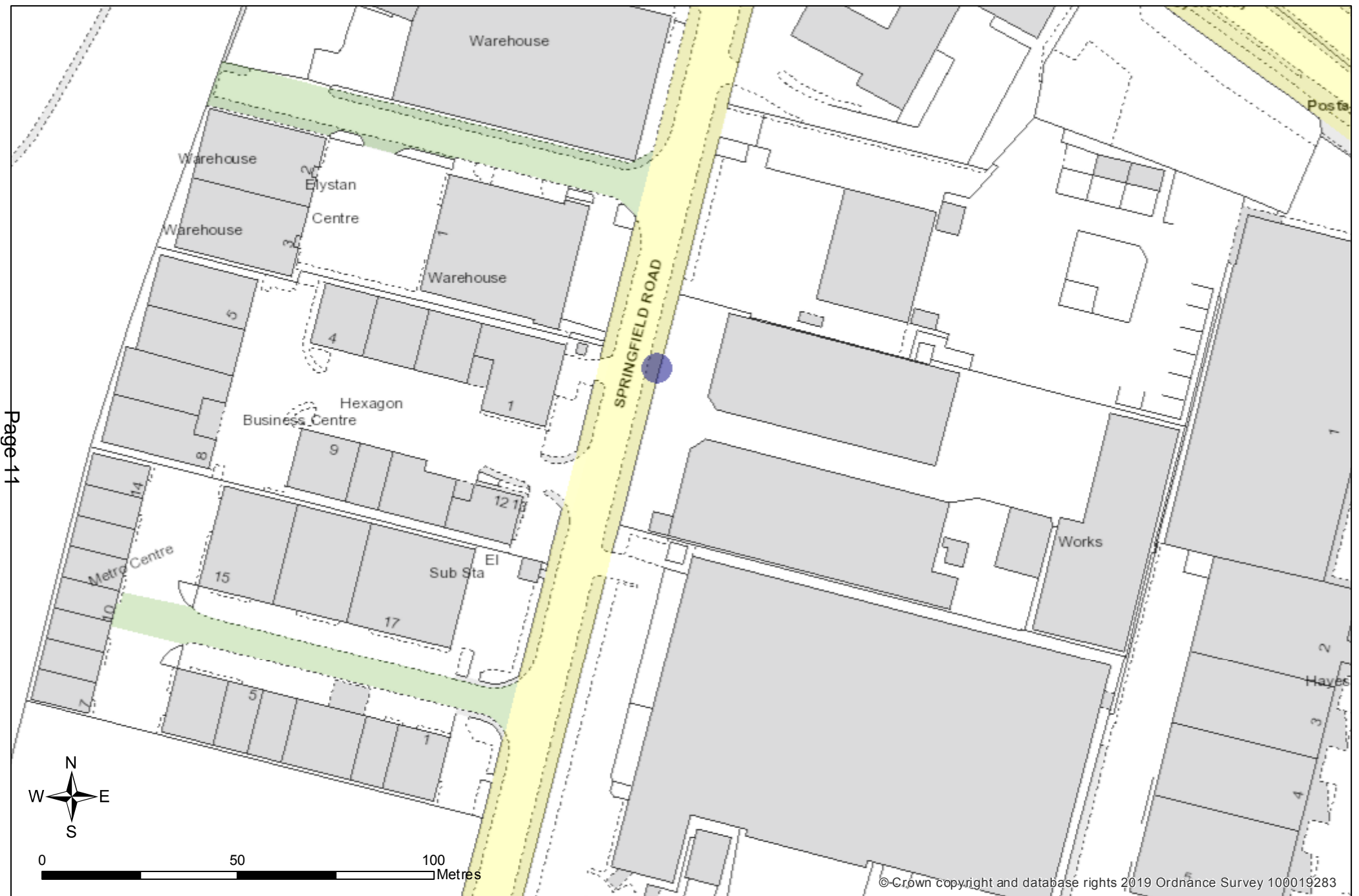
Page 3

| | |
|-----------------------------------------------|-----------------------------|
| Monday | Open |
| From | 06:30 |
| To | 19:00 |
| Tuesday | Open |
| From | 06:30 |
| To | 19:00 |
| Wednesday | Open |
| From | 06:30 |
| To | 19:00 |
| Thursday | Open |
| From | 06:30 |
| To | 19:00 |
| Friday | Open |
| From | 06:30 |
| To | 19:00 |
| Saturday | Open |
| From | 07:00 |
| To | 18:00 |
| Sunday | Open |
| From | 07:00 |
| To | 18:00 |
| Articles/commodities/services for sale | Hot and cold food and drink |
| | 440 |

Page 4

| | |
|----------------------------------------------|--|
| Please upload a copy of your photo id | |
|----------------------------------------------|--|

| | |
|-----------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------|
| (passport, driving licence, etc) | file/91415016-AF05-4184-B58F-154E48A2703A/15714349090905954344757690400023.jpg |
| Please upload proof of your home address | file/E5256B00-5A1B-4379-8BB0-7FB4570886EA/15714349811267436731169498212415.jpg |
| Please upload a plan/map of the proposed licensed area | file/439BD644-72D4-42AA-8448-5943202B0842/15714350192438597078456399482404.jpg |
| Please upload evidence of public liability insurance to £2million | file/33236DAB-C424-4C5F-86DB-051A75318D73/15714351265761172204433647021661.jpg |
| Please upload passport size photos of yourself and your assistants | file/BCC57372-D158-4F6D-8572-21CE874B1846/15714353014923480528944082074077.jpg |
| 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 | 18/10/2019 |
| | |
| | https://www.hillingdon.gov.uk/licensing |
| | Street Trading form |
| | LBH1571435588537 |
| | 013460 |
| | |
| | applicationsprocessingteam@hillington.gov.uk |
| | goss_forms_archive@hillington.gov.uk |
| | |



30th May 2019



30th May 2019





3rd December 2019



9th December 2019



7th January 2020



HILLINGDON

LONDON

Mr Taufiq Ahmed

12th December 2019

Dear Mr Ahmed,

PERFECT TASTY MEAL, SPRINGFIELD ROAD, HAYES, UB4 0JT
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