

# Minutes

## LICENSING SUB-COMMITTEE

3 June 2024



Meeting held at Committee Room 5 - Civic Centre

	<p><b>Committee Members Present:</b> Councillors Darran Davies, Scott Farley and Becky Haggar (Chair)</p> <p><b>LBH Officers Present:</b> Lois King, Licensing Anisha Teji, Democratic Services Chantelle McLeod</p>
41.	<p><b>APOLOGIES FOR ABSENCE</b> (<i>Agenda Item 1</i>)</p> <p>There were no apologies for absence.</p>
42.	<p><b>DECLARATIONS OF INTEREST IN MATTERS COMING BEFORE THIS MEETING</b> (<i>Agenda Item 2</i>)</p> <p>None.</p>
43.	<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 heard in Part I.</p>
44.	<p><b>MATTERS THAT HAVE BEEN NOTIFIED IN ADVANCE OR URGENT</b> (<i>Agenda Item 4</i>)</p> <p>None.</p>
45.	<p><b>APPLICATION FOR A NEW TEMPORARY STREET TRADING LICENCE - HOME NEEDS</b> (<i>Agenda Item 5</i>)</p> <p><b>Introduction</b></p> <p>Lois King, Licensing Officer, introduced the application for a new Temporary Street Trading Licence for a 2.0 metre shop front display outside Home Needs, 97-99 High Street, Ruislip, HA48JN. An application was sought for a new licence to display household commodities namely plastic storage boxes, flowerpots and suitcases projecting 2 metres from the shop front.</p> <p>The application was consulted on, and the consultations commenced on 11 April 2024 and concluded on 2 May 2024. The consultees were Local Ward Councillors, the Council's Highways Team, Street Scene Enforcement Team, Parking Services and the Transport and Town Centre Projects Team. The purpose of the consultation was to seek assurances that the applicant's proposal satisfied the requirements of legislation. 15 objections were received.</p>

The Committee was informed that in light of the response from the Highways Team, objectors were asked if a modification of only 1m and only to the left-hand side of the premises would be agreeable in an attempt to commence mediation. However, the objectors that responded to the proposal indicated that this would not be an agreeable solution.

The Licensing Officer provided an overview of the bundle of documents and highlighted the complaints received, outcomes of the visits made by officers by the Environmental Enforcement Team and any subsequent correspondence with the applicant.

The Committee was advised that the Licensing Team have received no further complaints of goods being displayed on the pavement. It was noted that there were no goods on the pavement on 30 May 2024 at 09:35.

The Committee was asked to consider the application, taking into account the responses received and the Council's adopted Street Trading Policy and the London Local Authorities Act 1990 (as amended). If the Committee was minded to grant the licence with conditions, a copy of standard conditions could be found in Appendix 3 of the bundle of documents.

During Member clarification questions, it was noted that a fix penalty notice was issued on 18 April 2024 due to not having a street trading licence and being previously warned. This was paid in full.

In response to questions regarding the display of the poster, it was confirmed that the poster had not been displayed due to the owner of the business not providing this information. However, a subsequent email was sent showing that the poster was displayed.

It was explained that the first complaint was received on 26 February 2024 and a site visit was undertaken which prompted the licensing issues. The street trading licence application was received on 9 April 2024. Members were informed that food and drinks led businesses in the area had pavement licences which was a separate regime to street trading applications.

### **The Applicant**

The applicant was not in attendance.

It was noted that the applicant had been contacted in advance of the meeting and he indicated that he would be represented by his manager. On 3 June 2024, contact was made with the manager prior to the hearing and it was confirmed that neither the applicant nor manager would be present at the hearing today.

### **Representations from any other officers/ residents/objectors**

There were no other officers/residents/objectors in attendance.

The Chair noted that the representations covered a range of issues including highway safety concerns, the display of goods and their sturdiness and hazards on the pavement.

## **Discussion**

During the Member and Licensing Officer discussion the following points were noted:

- 15 residents had objected.
- There were no special considerations in relation to the conservation area.
- The typical timings of shops nearby varied with:
  - The Bag Co Mon - Sat 9am - 6pm and Sun 11am - 4pm
  - Ruislip Green Grocers Mon - Sun 8am - 8pm
  - Abracadabra Mon - Sat 9am - 6pm & Sun 10am - 5pm
  - Daisy Chain Mon - Sat 9am - 5.30pm
  - Ruislip Collectables Mon to Sat 9am - 5pm

## **Closing remarks**

During closing remarks, the Licensing Officer informed the Committee that a site visit took place on 19 April 2024 and email notification of the poster being placed on display was received by officers on 22 April 2024. It was also confirmed that the size of the pavement was 4.5 m according to GIS maps.

## **Committee Deliberation**

All parties were asked to leave the room while the Sub-Committee considered its decision.

All parties were then invited back to the meeting 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 and 10.7 of the Street Trading Policy. The Licensing Sub-Committee has determined that it is necessary and proportionate to refuse a temporary Street Trading Shop Front Licence for Home Needs, 97–99 High Street, Ruislip, HA4 8JN.

## **Reasons:**

1. The applicant's failure to trade without a valid street trading licence as demonstrated by a previous fixed penalty notice served and failure to place the notice of application in the window during the consultation period leads the Sub-Committee to conclude that the applicant is unsuitable to hold a street trading licence pursuant to paragraphs 3.2 and 10.5 (b) of the Council's Street Trading Policy. The relevant paragraphs in the Street Trading Policy are as follows:

a. Paragraph 3.2 allows the Council to assess the suitability of the applicant on a case-by-case basis and may have regard to any relevant enforcement history concerning the applicant.

b. Paragraph 10.5(b) sets out the discretionary ground for refusal being that the

applicant is unsuitable to hold a licence.

2. The Sub-Committee noted that the applicant did not attend today's hearing therefore they were unable to obtain an explanation for the non-compliances and to confirm whether the applicant understood the requirements necessary to hold a street trading licence. In addition, the Sub-Committee had considered the proposal made by the Highways Authority with regard to granting a 1 metre licence however, as the applicant failed to attend, the Sub-Committee were unable to explore this further. The Sub-Committee therefore, were not confident that the applicant was suitable to hold a licence.

### **Appeal**

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.

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 11.33 am.

These are the minutes of the above meeting. For more information on any of the resolutions please contact Anisha Teji on [ateji@hillington.gov.uk](mailto:ateji@hillington.gov.uk). Circulation of these minutes is to Councillors, Officers, the Press and Members of the Public.