

Minutes

LICENSING SUB-COMMITTEE

27 June 2024

Meeting held at Committee Room 5 - Civic Centre



HILLINGDON
LONDON

	<p>Sub-Committee Members Present: Councillors Becky Haggar OBE (Chair) Darran Davies Barry Nelson-West</p> <p>Officers Present: Lois King, Licensing Officer Gurnam Bains, Legal Advisor Ryan Dell, Democratic Services Officer</p> <p>Applicant and Applicant's representative: Mr Zabih Yakrang, Applicant Miss Munira Jimbah, Assistant</p> <p>Interested Parties present: Councillor Roy Chamdal, Ward Councillor Councillor Ekta Gohil, Ward Councillor</p>
61.	<p>APOLOGIES FOR ABSENCE (<i>Agenda Item 1</i>)</p> <p>Apologies were received from Councillor Janet Gardner with Councillor Barry Nelson-West substituting.</p> <p>Apologies were also received from Councillor Peter Smallwood with Councillor Darran Davies substituting.</p>
62.	<p>DECLARATIONS OF INTEREST IN MATTERS COMING BEFORE THIS MEETING (<i>Agenda Item 2</i>)</p> <p>None.</p>
63.	<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 would be heard in Part I.</p>
64.	<p>MATTERS THAT HAVE BEEN NOTIFIED IN ADVANCE OR URGENT (<i>Agenda Item 4</i>)</p> <p>None.</p>
65.	<p>APPLICATION FOR A NEW TEMPORARY STREET TRADING PITCH LICENCE (<i>Agenda Item 5</i>)</p> <p>Introduction</p>

The Licensing Officer outlined the application, which was for a new temporary pitch street trading licence, three metres by two metres in size on private land outside JinLi Chinese restaurant, 92 Field Heath Road, Uxbridge.

The applicant sought a new pitch licence because the pitch was within seven metres of the public highway and therefore fell within the definition of the street, according to the London Local Authorities Act 1990.

The applicant intended to cook and sell Mediterranean street food from a food trailer on the pitch.

The application was consulted upon with:

- Ward Councillors
- Highways team
- Street Scene Enforcement team
- Parking Services
- Transport and Town Centre Projects team
- Environmental Protection team
- Food, Health and Safety team

The application was also put on the Council's website.

This application had attracted two objections from local Ward Councillors and an objection from the Council's Highways team.

Ward Councillors advised on 19 April 2024 that the food business was open and trading, and also that a Fixed Penalty Notice had been issued on 07 May 2024, which had been paid.

Since the drafting of the report, Ward Councillors advised on 12 June 2024 that they had witnessed the food vehicle open and trading, and a further Fixed Penalty Notice had been issued on 15 June 2024, which had not yet been paid.

The applicant advised on 19 June 2024 that they intended to operate at the JinLi site under a street trading licence held by one of their senior managers.

The street trading licence held by the applicant was for a specific pitch that had been issued by the London Borough of Lambeth.

It was requested that, should the Committee be minded to grant the licence, they refer to the Council's Adopted Street Trading Policy. The Committee may wish to attach additional conditions to the licence to deal with any concerns raised in the objections.

The Licensing Officer invited the Committee to determine the application.

Members asked how the applicant was advised that a street trading pitch licence was required, and when they were advised. Members also asked officers if they believed the applicant understood what was required.

The Licensing Officer noted that when the initial application came in, it was invalid. The applicant had initially applied for a shop front licence. The applicant was advised on 09 April by email that he required a pitch trading licence. A further email was sent on 23 April and advised about the need for a street trading licence and that an application

was not the same as having had a street trading licence granted by this authority.

It was clarified that the latest Fixed Penalty Notice had not been paid.

The Licensing Officer confirmed that the current street trading license held by the applicant was for the London Borough of Lambeth.

Members asked if residents had objected. The Licensing Officer confirmed that no representations had been received from residents.

Members asked if officers had consulted with local houses, or whether just online. The Licensing Officer confirmed that it was not in the street trading policy to consult directly with residents. Ward Councillors had been consulted and information had been posted on the Council's website. There was no requirement for a pitch license to have a notice displayed on the site.

Members asked if any representations had been received from the police. The Licensing Officer confirmed that the police were not consultees for this application.

The Applicant

The applicant's assistant advised that her role was to help with administration and onboarding, and to ensure emails were written in correct English. The applicant and his assistant were representing themselves.

The applicant's assistant confirmed that the first Fixed Penalty Notice had been paid. The applicant had received two more penalty notices in the last week. These had not yet been paid, but the applicant was planning to pay these today.

The applicant confirmed that they had an agreement with the landlord that they had been given two parking spaces within the JinLi Restaurant car park. They had installed signs to direct customers where to park.

Members asked the applicant to explain their business. The applicant started trading from this pitch on 26 March 2024. He had been advised that as it was on private land, that they could trade freely. They were registered with the Food Standards Agency. They were unaware that they required a license.

The applicant wanted to expand from an existing location opposite the Hillingdon Civic Centre. Customers included doctors and nurses from Hillingdon Hospital. There was lots of demand for their food.

The applicant confirmed that they had paid the first Fixed Penalty Notice and had resolved the issue of parking.

Members asked for confirmation that the applicant knew that they needed a street trading license to be able to trade. The applicant confirmed that they did not know that they needed a street trading license.

Members asked for confirmation of the size of the pitch. The applicant confirmed that it was three metres by two metres.

Members asked for confirmation of the opening and closing times. The applicant confirmed that they opened at 11:00 and closed at 21:30. Sometimes they closed at

21:00.

Members asked and the applicant confirmed that the application stated the opening times of 11:00-23:00.

Members noted that that application suggested that most customers arrived on foot. Members asked how the applicant knew this. The applicant noted that there was available local parking, for example at the nearby Tesco and Hillingdon Hospital.

The applicant's assistant noted that lots of customers were from Hillingdon Hospital and other workplaces around Hillingdon. Lots of customers also came from Heathrow. This was a street food pitch and most customers arrived on foot. Customers who did drive were advised to use the allocated two parking spaces.

Interested Parties

Highways

The Chair noted that an objection had been received from the Council's Highways team, however they were not in attendance at the hearing.

The objection from Highways stated that they would not permit the license as it would restrict the view of the junction for traffic.

Members asked if any further comment had been made by Highways, and noted that the photographs in the agenda displayed hedges next to the trailer that were over one meter tall. Members asked if a visual assessment had been carried out or if a visit had been conducted.

The Licensing Officer noted that the only submission was what was in the agenda and that Licensing Officers were unable to comment on behalf of Highways Officers.

Members asked about the electrical supply to the trailer. It was confirmed that an Electrical Installation Condition Report (EICR) for the food vehicle and its equipment was produced on 30 April 2024.

Councillor Ekta Gohil – Ward Councillor

Councillor Gohil sympathised with the applicant.

There was some confusion around, if there was an existing pitch opposite Hillingdon Civic Centre, that it could be assumed that there would be a basic understanding of the requirements.

It was reassuring to hear that the applicant had obtained two parking spaces, as this was one of the primary concerns. Local parking spaces were generally full. There had been issues with the Tesco store itself with its delivery vehicles using side streets such as Copperfield Avenue, Colham Road and Colham Green Road. Local roads were permit roads and so parking was restricted. Therefore, there may be some illegal parking. There was the potential, especially in Copperfield Avenue of people parking on double yellow lines or across driveways.

There was no issue with the food store itself, however the closing hours were of concern as it was a largely residential area. To close at 23:00 every evening was of concern as this may be disruptive for residents.

On the view of the highway, if you were to drive up Colham Green Road and turn right into Pield Heath Road, you would usually be able to see a double-decker bus. With the top of the trailer, you could no longer see this.

One of the main objections was that there was no safe crossing for people walking from the hospital, other than one near the bus stop. There was no safe crossing in the opposite direction, especially at nighttime. There was a roundabout nearby. The area was not well-lit enough.

There was no objection to the food trailer itself being open, but it should be better thought through. The example of the sign placed on the outside of the hedge was noted. It was suggested that the applicant should have known that this was not allowed. There had been several Fixed Penalty Notices. Residents were concerned about people parking over their driveways.

Members asked if Councillor Gohil had knocked on doors of local residents and asked what their feedback was. There had not been too much in the way of objection to the applicant trading. Objections were more on the impact this was having, such as blocking driveways. It was confirmed that residents were spoken to in Copperfield Avenue, Colham Road and Colham Green Road

Councillor Roy Chamdal – Ward Councillor

Notice of the application was given after it was made known that there was a sign on the hedge.

There were question marks over the opening and closing hours, and the electrical wire coming out of the building. These suggested that the applicant had not thought everything through.

There was confusion over what had been documented and what was now being presented by the applicant in terms of opening hours. The application form stated opening hours of 11:00-23:00 every day. Emails with the applicant had suggested opening times of 12:00-22:00. During the hearing, the applicant had suggested that they close between 21:00-21:30. Clarity was required over the exact opening and closing times.

Clarity was needed over the licensing objectives including public safety and the prevention of public nuisance. With the next-door restaurant, noise was mitigated by being inside the building. There would be noise coming from customers who were walking to the site, including those from Heathrow and Hillingdon Hospital. There was nothing in the information presented about mitigating against public nuisance. There was nothing in the information presented about avoiding litter in public areas.

Consideration must be given to the appearance of the trailer. This may be a distraction as it was in close proximity to the highway and the small, dangerous roundabout.

Resident had been spoken to and reported noise and litter issues, and the trailer was open sometimes until 23:00.

Some local roads had parking management schemes and it was difficult to park in the local Tesco car park.

Two designated parking spaces for customers was welcomed but not enough.

When you drive past, the lights from the trailer were bright. This could be dangerous at night as you approached the mini roundabout.

If the trailer was located in the car park of JinLi restaurant, there would be no issues.

There had been several Fixed Penalty Notices. Rules and regulations had to be followed.

Councillor Chamdal had driven past the trailer on several occasions and there were always customers waiting.

The issue of the electricity supply was raised but it was noted that this appeared to have been resolved.

Discussion

The Chair had visited the site and was unable to park. It was difficult to navigate around the roundabout. It was possible to drive up to the trailer, and this was a safety concern as most customers were arriving on foot.

The applicant noted that there was also an Amazon locker next door that people could drive up to. The applicant had installed two signs to direct customers to their two parking spaces. The applicant noted that the JinLi car park was not small and could fit 100 vehicles. The applicant had cut down the bushes from two metres in height.

The Chair asked how the applicant would ensure the safety of pedestrians. The applicant noted that they would likely put more signs up to direct drivers. The applicant reiterated that they had already installed some signs and had resolved the issue around the electrical certificate.

The Chair asked that, given there had been several Fixed Penalty Notices, how the Committee could be confident that the applicant knew the regulations.

The applicant noted that they had an opportunity to build up the business and to support their family. They were a franchisee. They had already placed signs to resolve issues around parking and had already resolved the issue of the electricity supply. They were still learning but, given the opportunity, would prove that they can run the business properly.

Members asked, despite the upcoming hearing, why the trailer was still open for business and why they had not liaised with officers.

The applicant noted that initially they were unaware of the need for a license. However, as the trailer was popular with residents who wanted him to stay open, this is the reason he stayed open. The applicant noted that they now know that they should have been closed. They had paid the first Fixed Penalty Notice and were going to pay the second and third.

Members asked the Licensing Officer if any support was given to the applicant when the Fixed Penalty Notices were sent out. The Licensing Officer clarified that the notices were administered by a different department and so could not answer this question.

Members asked the applicant, when they received the Fixed Penalty Notices, if they were advised to contact the Council for any assistance. The applicant's assistant noted

that they had only been in contact with the Licensing Officer. They had tried on several occasions to contact the Council via phone and email but had been unable to make contact. This was until they received the Notice of Hearing. They noted that they had initially planned to appeal against the Fixed Penalty Notice but decided against this. They acknowledged that mistakes had been made regarding using JinLi's permissions.

Members asked the applicant's assistant how long they had been employed by the applicant. The applicant's assistant noted that they had been employed for about one year but had known the applicant personally for about five years. They used to live locally so knew the area very well. The applicant had hired her to assist with administration and English.

Members asked if the applicant had another site. The applicant confirmed that there was another site opposite Hillingdon Civic Centre.

Further to this, Members asked that, if there was another site, how was the applicant unaware of their obligations. The applicant noted that the business as a whole was a franchise and the applicant was a small part of it. The company was under another person's name and this person held a street trading license.

Members asked if there was any anti-social behaviour reported in the local area. The Licensing Officer noted that, as a licensing team, they were not necessarily the first team that would be notified of anti-social behaviour. The Street Scene Enforcement team and also the Environmental Protection team were consultees to this application and there were no representations submitted by either of those teams.

Members asked how the applicant was managing litter. The applicant noted that they had bins inside and outside of the trailer, and somewhere to store oil waste. They also confirmed that they conducted litter picks.

Members asked the applicant to confirm the opening times. The applicant confirmed that they would be open from 11:00-21:00.

Members referred to the contract for the two parking spaces and asked how long the contract was for and what times they were allowed to use the car park. The applicant confirmed there was a yearly lease of the car parking spaces. The applicant held keys and could use the car park from 11:00-22:00.

Members asked about the potential to move the trailer. The applicant's assistant noted that moving the trailer to the car park would be a hindrance to the business. The current location allowed the trailer to be seen from the road, whilst the car park was hidden away. It may be possible to change how the trailer was positioned.

Members summarised that there had been issues with the electricity supply, parking, safety, outstanding fines, food hygiene, and asked how such issues would be prevented in the future. The applicant's assistant noted that they had been unaware that they required a street trading license. However, they had already dealt with some of the issues that had been raised. It was clarified that the first Fixed Penalty Notice had been paid and the applicant would be paying the subsequent fines. They would ensure that staff were trained in ensuring that customers parked in the given spaces and picking up litter.

Members asked about the possibility of moving that trailer and asked how this could be done. The applicant noted that the trailer could be attached to a tow truck. The trailer

had been rotated previously as the trailer used to face Tesco on the opposite side of the road.

It was clarified that the issues around the electrical power source had been rectified. An Electrical Installation Condition Report (EICR) for the food vehicle and its equipment had been produced.

Members asked if the design of the trailer could be changed. The applicant confirmed that it could not as it was part of a franchise.

Councillor Gohil noted that the business was listed on UberEats as open from 11:00-23:00. The applicant stated that with the change in opening hours to 11:00-21:00, this change would be updated on UberEats. The applicant's assistant noted that the business was currently operating until 23:00, however this would be changed to 21:00.

Members asked about UberEats drivers and where they parked. The applicant's assistant noted that some did drive right up to the trailer. JinLi was also available on UberEats and so some drivers would be more inclined to use their car park.

Members asked roughly what percentage of the business came from UberEats orders. The applicant noted this it was very low and equated to roughly £20 per day or two to three orders. There was currently no designated space for UberEats drivers.

Councillor Gohil noted safety concerns for residents and suggested a form of barrier to separate customers from vehicles.

Councillor Gohil asked about the potential to move the trailer. It had been previously noted that the current location suited the business. Councillor Gohil noted that there was a pole outside the JinLi restaurant that could be used for additional signage should the trailer be moved.

Initial concerns still stood about resident safety and driver safety given that the road was used by ambulances, buses, cars and motorcycles.

Councillor Chamdal noted that the applicant had stated there were 100 car parking spaces at JinLi and asked for confirmation of this. Moving the trailer to the car park would mitigate a lot of problems and would remove the need for a street trading licence as it would be more than seven metres from the public highway.

There was still a concern about opening hours. Councillor Chamdal noted the previous comment from the applicant that customers wanting him to stay open was the reason that he had done so. If this was the case, then customer's wishes may be taking priority over rules and regulations.

The Chair asked the applicant for clarification that there were 100 car parking spaces at JinLi. The application said they could picture 100 car parking space. If not 100, there were 80.

It was again clarified that the opening times would be changed from 11:00-23:00 to 11:00-21:00.

Closing remarks

Councillor Gohil stated that she hoped the applicant would take into account what had

been discussed here.

Councillor Chamdal stated that they were not confident in the application, especially around the parking, based on what had been presented.

The Licensing Officer stated for the record that the Shah's trailer that was located opposite Hillingdon Civic Centre, which although separate from the current applicant, had been discussed, did not need a street trading licence as it was more than seven metres from the public highway.

The applicant's representative noted that there were lots of things that they needed to take into consideration, in terms of regulating customer safety. These things would be taken into consideration moving forward.

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

In making its decision the Sub-Committee listened carefully to all representations made both orally and written. The main theme of the complaints related to the licensable area, litter, hours of operation and the general appearance of the premises.

Whilst the Sub-Committee considered the objections, there was no representations from the highways in relation to public footpath area around the licensable activity and the committee took this into consideration.

The Sub-Committee granted the licence subject to the following conditions:

- The street trading licence be granted for 3 months.
- The opening hours for the premises are 11:00-21:00
- No food deliveries/collections at the premises after 21:00.
- After 21:00, the front entrance/window must be closed and all exterior lighting switched off or sensored.
- An anti-glare screen be purchased and affixed to the signage to prevent the glare of light on the highway.
- There be a marked walking route for the entrance and egress to the premises.
- A litter management plan to kept on site at all times and to be produced to the council upon request.
- There be a delivery management plan to be produced upon request to Council.
- There be a minimum of 2 public car parking spaces be made available to customers.
- A CCTV system covering the exterior of the pitch will be installed to current Metropolitan Police/Home Office standards and shall be kept operational at all times.
 - a) It shall be capable of taking a head and shoulders shot of persons entering the premises, of recording images to an evidential standard in any light and be capable of storing images for a minimum of 31 days.
 - b) At least one member of staff trained to operate the CCTV system and

download images shall be on duty at all times. Footage shall be shown to the police and screenshots provided to them on request. Copies of downloaded images shall be provided to the police on a USB stick, CD or other acceptable means as soon as possible and in any case within 24 hours of the request.

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 2.00 pm, closed at 4.15 pm.

These are the minutes of the above meeting. For more information on any of the resolutions please contact Ryan Dell on . 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.