



HILLINGDON
LONDON



NOTICE OF HEARING

Licensing Sub-Committee

Date: THURSDAY, 27 JUNE 2024

Time: 2.00 PM

Venue: COMMITTEE ROOM 5 - CIVIC CENTRE

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:

Councillor Becky Haggar OBE (Chair)

Councillor Darran Davies

Councillor Janet Gardner

IMPORTANT INFORMATION

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

Tuesday 25 June 2024

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: Wednesday, 12 June 2024

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Putting our residents first

Lloyd White
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Phase II, Civic Centre, High Street, Uxbridge, UB8 1UW
www.hillingdon.gov.uk

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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

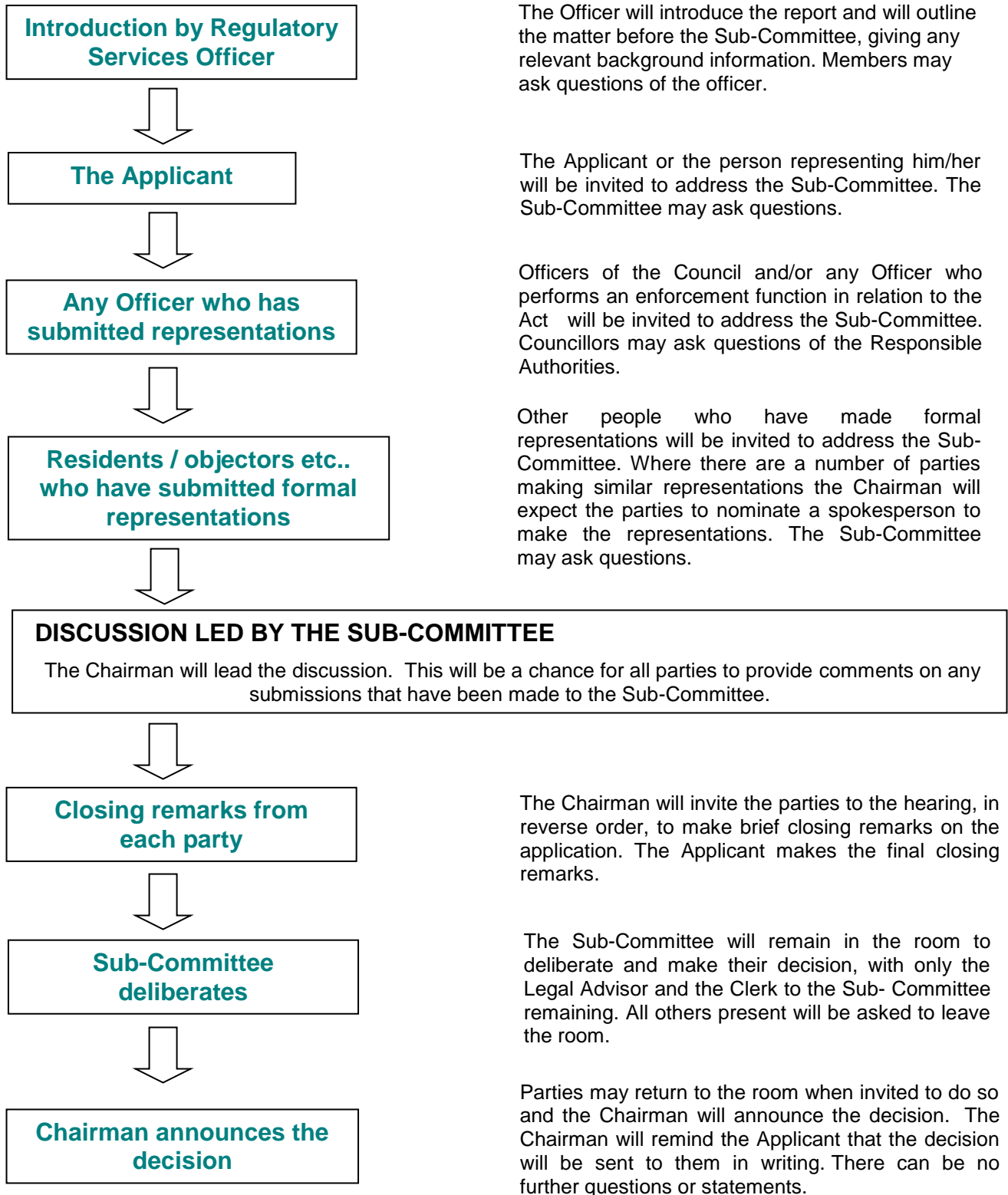
Part I - Members, Public and Press

	Title of Report/ Address of application	Ward	Time	Page
5	Application For A New Temporary Street Trading Pitch Licence, Pield Heath Road, Uxbridge UB8 3NJ	Colham & Cowley	14:00	3 - 62

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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.



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Agenda Item 5

APPLICATION FOR A NEW TEMPORARY STREET TRADING PITCH LICENCE

Committee	Licensing Sub-Committee
Officer Contact	Lois King, Regulatory Services
Papers with report	Appendix 1 – Application form Appendix 2 – Site map and photos Appendix 3 – Street Trading Policy Appendix 4 - Objection from Cllr Roy Chamdal Appendix 5 – Objection from Cllr Ekta Gohil Appendix 6 – Objection from Highways Appendix 7 – Correspondence with applicant Appendix 8 – Correspondence from Food, Health and Safety Team
Ward name	Colham & Cowley

1.0 SUMMARY

An application has been received for a new Temporary Street Trading Pitch Licence for a pitch 3.0 metres by 2.0 metres in size on private land outside Jinli Chinese Restaurant, 92 Pield Heath Road, Uxbridge UB8 3NJ. The applicant seeks this new licence because the pitch is within 7metres of the public highway and therefore falls within the definition of a street according to the London Local Authorities Act 1990 (as amended). The applicant will cook and sell Mediterranean street food from a food trailer on this pitch. The application has attracted two objections from Ward Councillors and one objection from the Council's Highways Service.

A copy of the application form is attached as **Appendix 1**

A site map and photos of the premises are attached as **Appendix 2**

2.0 RECOMMENDATION

- 2.1 That the Licensing Sub-Committee consider the application, the responses received, the Council's adopted Street Trading Policy and the London Local Authorities Act 1990 (as amended) and determine whether to grant the application for 6 months or to refuse it according to any of the mandatory or discretionary grounds under paragraphs 10.3 and 10.5 respectively of the Street Trading Policy and having regard to the factors in paragraph 10.7.
- 2.2 Where grounds for refusal do exist the Sub-Committee may still award a licence, but this could be a modification from what was originally applied for e.g. a reduction in the size of the proposed trading area, a reduction in the days/times of trading activity, to only permit the trade of certain commodities.
- 2.3 Should the Sub-Committee be minded to grant the licence for 6 months, they may also consider additional conditions as they deem appropriate under paragraph 10.7 of the Council's Street Trading Policy. The Council's current adopted Street Trading Policy can be found in **Appendix 3**.

3.0 APPLICATION

3.1 Name of applicant
Mr Zabih Yakrang

Name of assistant
Miss Munira Jimbah

3.2 Type of application applied for
A new Temporary Street Trading pitch licence for a maximum period of 6 months.

3.3 Pitch details
The application is for a street trading pitch 3.0 metres by 2.0 metres in size from which a food trailer will cook and sell Mediterranean street food.

4.0 CONSULTATION

4.1 Closing date for objections
9th May 2024

4.2 The relevant consultees were notified of the application on 18th April 2024. The consultees were:

- Highways
- Street Scene Enforcement Team
- Parking
- Environmental Protection Team
- Food, Health and Safety Team
- Transport & Town Centre Projects
- Colham and Cowley Ward Councillors

4.3 The application was posted on the Council's website.

4.4 A Notice of Application is not required for a street trading pitch licence.

5.0 RESPONSES TO THE CONSULTATION

5.1 Two objections were received from local Ward Councillors and those are attached as **Appendices 4 and 5**.

5.2 The Highways Team, who are the primary advisors in matters relating to public safety and the highway for applications pertaining to street trading licences, submitted an objection. This is attached as **Appendix 6**

5.3 A response of "No objections from Parking as there are already pay and display bays opposite due to the shops and other areas covered by yellow lines" was received from Parking Services.

6.0 FURTHER INFORMATION

6.1 On 5th April 2024, Mr Yakrang submitted a street trading shop front licence application to the Council. Clarification was subsequently sought in relation to the location and nature of

the business and the applicant advised that they would be operating a food trailer on vacant land adjacent to Jinli Chinese restaurant.

- 6.2 The applicant was advised that a street trading pitch licence would be required and that new licences were only granted for 6 months initially. The applicant agreed and the fee was adjusted accordingly with the difference in the amount paid refunded to the applicant.
- 6.3 Once a revised plan was received, the application was deemed valid and sent out for consultation on 18th April 2024.
- 6.4 On 19th April 2024 an email was received from local ward councillor, Cllr Chamdal. He raised questions about parking arrangements, the closing hours bearing in mind nearby residential properties, advertising having been affixed to a hedge by a roundabout, the trailer already operating at the site without a licence and the safety of the power supply to the food trailer.
- 6.5 On 23rd April 2024, clarification was sought from the applicant in relation to parking provision and the hours of operation. The issue of trading without a licence was highlighted to him (**see Appendix 7**).
- 6.6 The applicant advised that they did not have any customer parking as the brand operated as a street market seller with most people coming on foot. He advised that the operating hours were 12:00 – 22:00 hours. This was communicated to the local ward councillors.
- 6.6 The remaining matters were referred to the appropriate Council departments.
- 6.7 The Council's Street Scene Enforcement Team dealt with the issue of the advertising banner on the roundabout and notification was received on 14th May 2024 that the banner had been removed.
- 6.8 Environmental Health Officers from the Council's Food, Health and Safety Team visited the site on 29th April 2024, 3rd May 2024 and 17th May 2024 to investigate the concerns raised by Cllr Chamdal in relation to the electrical supply to the food trailer. An Electrical Installation Condition Report (EICR) for the food vehicle and its equipment was produced on 30th April 2024 (dated the same day). It highlighted areas for improvement but none were highlighted as an imminent risk. An electrician was subsequently contacted to undertake works in the building that was supplying the food trailer. On 20th May 2024, confirmation was received from Environmental Health Officers that the electrical supply for the food trailer appeared to now be compliant having reviewed the EICR and Building Regulations Certificate that have been provided to them.
- 6.9 The Environmental Health Officers attended on 3rd and 17th May 2024 between 14:00 and 15:00 hours and left the site between 15:00 and 16:00 hours. They reported that on those visits the trailer was open for trading. In addition, when officers were leaving the site on 17th May 2024 food was observed being served to customers (**see Appendix 8**)
- 6.10 On 7th May 2024, enforcement officers visited the premises and issued a Fixed Penalty Notice (FPN). The FPN was paid.
- 6.11 A visit was made on 28th May 2024 at 14:04 hours in order to take photographs of the site for this report. The premises appeared to be open but there were no customers seen on site at the time.

7.0 LEGAL COMMENTS

- 7.1 When considering an application for either the grant, renewal, revocation or variation of a permanent Street Trading Licence the Council will have regard to Part III of the London Local Authorities Act 1990 (as amended) ("the 1990 Act) and Hillingdon's Street Trading Policy.
- 7.2 The granting of a temporary street trading licence is discretionary and the 1990 Act does not set specific criteria for determining temporary applications. Determination of applications must therefore be in accordance with the Council's published Street Trading Policy (the "Policy"). Decisions must be in accordance with the policy unless there are strong reasons for departing from it.
- 7.3 The Sub-Committee can only consider matters within the application that have been raised through representations from interested parties these include:
- The trader or proposed trader in an application for the grant, renewal or variation of a licence
 - Any applicant for the variation or revocation of a licence
 - Any person who has made representations about an application for either the grant, renewal, revocation or variation of a licence
- 7.4 Upon considering and hearing the parties' representations the Sub-Committee can decide to:
- i. Grant the licence
 - ii. Refuse to grant the licence
 - iii. Grant the licence for a shorter period as determined by the Sub-Committee
 - iv. Grant the licence in full as per the application or with further conditions
- 7.5 If a mandatory ground is established, the application must be refused.
- 7.6 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.
- 7.7 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.
- 7.8 In considering applications for the grant or renewal of a street trading licence the following factors specified in the Policy should be considered:
- **Paragraph 1.3 of the Policy** states: *"The Council is keen to create a thriving street trading environment which is sensitive to the needs of traders and residents and one which promotes consumer choice and enhances the trading and business opportunities in the borough."*
 - **Paragraph 1.5 of the Policy** states: *"The Council will not deviate from this policy unless there is an unavoidable reason to do so."*
 - **Paragraph 2.1 of the Policy** states: *"Traders should be aware that this policy relates only to street trading activities and it is the responsibility of the trader to ensure that they are*

compliant with other legislation. Traders should consider whether their activities are likely to require authorisation and/or compliance with other regulatory regimes. For example; Planning, Building Control, Food Safety, Health & Safety, Control of Waste, Highway Obstruction, Trading Standards, Late Night Refreshment/Entertainment/Alcohol Licensing etc."

- **Paragraph 3.2 of the Policy** states: *"The Council will assess the suitability of the applicant on a case by case basis and may have regard to any relevant enforcement history concerning the applicant and/or the location of the proposed street trading."*
- **Paragraph 4.1 of the Policy** states: *"A permanent licence will usually be issued to applicants for pitch, shop front and tables and chairs licences and will be valid for one year. In some circumstances, the Council may decide to issue a temporary licence to a new trader, or to a trader renewing a licence where there have been issues with enforcement."*
- **Paragraph 4.2 of the Policy** states: *"Temporary licences will be issued to applicants for pitch licences where trade is only proposed for one day to six months, or where the trading activity is part of an event or promotion. Temporary licences will also be available to applicants of pitch, shop front or tables and chair licences who may wish to trade seasonally or for short periods of time. For example; where a business is going to be sold and a licence is only required for a short time; a seasonal extension to accommodate trade at specific times of the year."*
- **Paragraph 6.5 of the Policy** states: *"Pitch applications*

The Council will require details of the vehicle or stall set up being proposed. There will be an opportunity to give this information within the application form however, it may also be appropriate for the applicant to provide photographs or site plans of the proposed installations."

- **Paragraph 9.1 of the Policy** states: *"Where the Council receives feedback or an objection to an application consultation, it will carefully consider whether that feedback/objection may influence the Councils discretionary decision making powers."*
- **Paragraph 10.1 of the Policy** states: *"The Council has powers to consider a wide range of matters on which to refuse street trading licences. Any decisions made upon these grounds will be evidenced and justified after careful investigation into any responses received to the consultation process. The Council's decision making powers are split between mandatory and discretionary grounds for refusal."*
- **Paragraph 10.3 of the Policy** states: *"The mandatory grounds for refusal are:*
 - 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 purpose of the legislation.*
- **Paragraph 10.5 of the Policy states:** *“The discretionary grounds for refusal are:*
 - 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) *The applicant has previously demonstrated misconduct or unscrupulous behaviour whilst being the holder of a street trading licence.*
 - d) *The applicant has failed to comply with the terms or failed to pay a fee of a street trading licence.*
 - e) *The applicant has failed to propose suitable measures for the storage of perishable items when street trading is not taking place.*
 - f) *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.*
 - g) *The applicant is not the owner/occupier of a shop outside which a shop front trading licence is sought.”*

 - **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. ”*

 - **Paragraph 10.8 of the Policy states:** *“Where grounds for refusal do exist, the Council may still award a licence but this could be a modification from what was originally applied*

for. For example, it may be appropriate to reduce the days/times of trading activity, to reduce the size of the proposed trading area or add conditions.”

- **Paragraph 13.5 of the Policy** states: *“The intention of the Council is to create a vibrant and thriving shopping environment for residents and also add to the aesthetics of a shopping area.”*
- **Paragraph 16. 1 of the Policy** states: *“The Council has powers to issue permanent licences for up to three years and temporary licences for up to six months.”*
- **Paragraph 16.2 of the Policy** states: *“The Council will normally issue permanent licences for one year. Temporary licences are issued for periods from one day to six months.”*

7.10 The Council in its capacity as Licensing Authority has a duty to have regard to its public sector equality duty under s.149 of the Equality Act 2010. In summary s.149 provides that a Public Authority must, in the exercise of its functions, have due regard to the need to:

- Eliminate discrimination harassment, victimisation and any other conduct that is prohibited by or under this Act;
- Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
- Foster good relations between persons who share relevant protected characteristics and persons who do not.

7.11 Section 149(7) of the Equality Act 2010 defines nine relevant protected characteristics these are:

- age
- gender reassignment
- being married or in a civil partnership
- being pregnant or on maternity leave
- disability
- race including colour, nationality, ethnic or national origin
- religion or belief
- sex
- sexual orientation

7.12 Officers have provided the Sub-Committee with recommendations related to this application. Subject to the above-mentioned factors having been properly considered, the Sub-Committee may depart from the recommendations if there are good reasons for doing so. The Sub-Committee is advised that such departures could give rise to an appeal or judicial review.

7.13 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 21 days of receipt of the written decision notice following the outcome of the Sub-Committee.

7.14 There is no right of appeal against a decision to refuse a temporary street trading licence notwithstanding statutory rights to seek Judicial Review proceedings.

7.15 All decision notices will contain full details of the appeal rights including how to lodge an appeal.

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Street Trading Licence

Reference	LBH1712328781851
Are you applying for a new licence, or a renewal of your existing licence?	new
Please select the type of licence you are applying for:	shop
Trading name of premises	Shahs halal food
Size of shop front licensed area	3
What duration of licence do you want?	12month
Please provide details of the size and location of the proposed pitch	3x 2 m located outside jinli chinese restaurant
Premises Address	
House name	92 Pield Heath Road
House number	92
Street	Pield Heath Road
Town	Uxbridge
Postcode	UB8 3NJ
Contact number at premises	██████████
Applicant's details	
Title	MR
First name	Zabih
Last name	Yakrang
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	██
Number of assistant(s)	1
Assistant 1 details	
Title	miss
First name	munira
Last name	jimbah
House name	████████████████████
House number	█

Street	██████████
Town	██████
Postcode	██████
Please upload proof of address	IMG_5181.JPG
Hours of trade	
Monday	Open
From / To	11:00 / 23:00
Tuesday	Open
From / To	11:00 / 23:00
Wednesday	Open
From / To	11:00 / 23:00
Thursday	Open
From / To	11:00 / 23:00
Friday	Open
From / To	11:00 / 23:00
Saturday	Open
From / To	11:00 / 23:00
Sunday	Open
From / To	11:00 / 23:00
Articles/commodities/services for sale	mediteranian street food,
Supporting documents	
Please upload a copy of your photo id (passport, driving licence, etc)	991ab02d-3c3b-4741-abcd-0dfd53dcac95.JPG
Please upload proof of your home address	b1a3eb88-b97d-4882-83de-dd95b319e13e.JPG
Please upload a plan/map of the proposed licensed area	IMG_8380.JPG
Please upload evidence of public liability insurance to £2million	BHBI4413828XB1-shahs halal food uxbridge Limited-B_240321_211824.pdf
Please upload passport size photos of yourself and your assistants	CEB8DF39-B985-4B62-B5A1-D39D855EC4B5.JPG
Payment	
Payment Amount (£)	£903.20
Transaction ID	PQNKLCSDLVLX
Declaration	
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	05/04/2024

🍴 Restaurants

🏨 Hotels

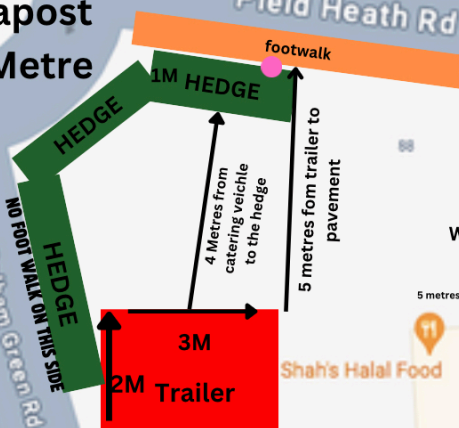
📷 Attractions

🛒 Groceries

☕ Coffee

🍷 Takeaway

● Lapost
M = Metre



We are located beside JINLI CHINESE RESTAURANT

5 metres

Shah's Halal Food

JinLi Chinese Restaurant Uxbridge
Chinese · 中

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Done



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91 Field Heath Road

Hillingdon, Uxbridge



ST. JAMES'S

InPost
InPost
it here

SHAH'S Halal Food

LARGE	MEDIUM	SMALL	DIP
10.99	7.99	4.99	2.99

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CHICKEN
LAMB

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Chinese Restaurant

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FROM THE STREETS OF NEW YORK

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PLATTERS **SALADS** **CHICKEN**

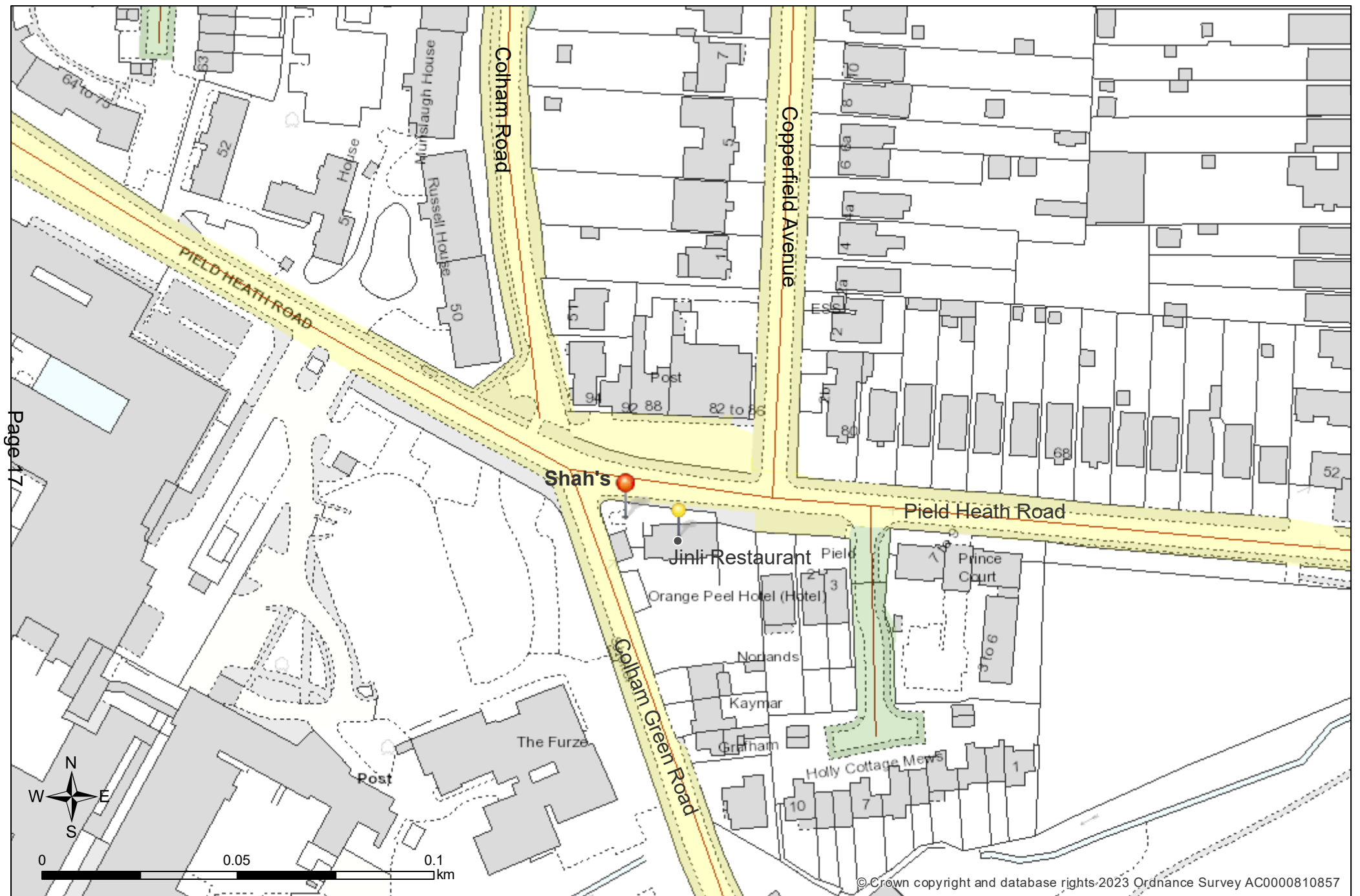
CHICKEN PLATTER LAMB CHICKEN	CHICKEN PLATTER LAMB CHICKEN	CHICKEN PLATTER LAMB CHICKEN

Call us on **0800**
www.ShahsHalalFood.com

JinL Chinese Restaurant
01895 25298



Highways Browser



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Map Notes

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HILLINGDON

LONDON

Street Trading Policy
The London Local Authorities Act 1990
(As amended)

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1. Introduction and intention

- 1.1 Local Authorities may regulate street trading activities and apply local controls in their area. For the purposes of controlling street trading in the London Borough of Hillingdon, the Council has previously adopted the relevant provisions of the 'London Local Authorities Act (as amended)'.
- 1.2 This policy is intended to provide a framework for the Council to administer and regulate street trading to ensure a consistent approach is taken. It also serves as a reference for licence holders, relevant stakeholders and enforcement officers as to the Councils intended vision and approach to street trading activities.
- 1.3 The Council is keen to create a thriving street trading environment which is sensitive to the needs of traders and residents and one which promotes consumer choice and enhances the trading and business opportunities in the borough.
- 1.4 In regulating street trading activities, the Council aims to reduce the administrative burdens on applicants and licence holders by reducing administrative burdens from the application process and also creating a clear and transparent guide for traders.
- 1.5 The Council will not deviate from this policy unless there is an unavoidable reason to do so.
- 1.6 In the development of this policy, the Council has consulted with licence holders, partner agencies and other stakeholders
- 1.7 Street trading activities are regulated by Part 3 of the London Local Authorities Act 1990 (as amended) which provides Local Authorities in London with an authorisation process to control the following activities;
 - Street Trading Pitches
 - Tables and Chairs on the Highway
 - Shop Front Displays
- 1.8 The Council has powers to designate a street as a 'licence street' and can prescribe the types of commodities or services which will be authorised by a licence.
- 1.9 Licences may be granted to persons aged seventeen or over and last for up to three years or a shorter period as determined by the Council.

2. Other Legislative Considerations

- 2.1 Traders should be aware that this policy relates only to street trading activities and it is the responsibility of the trader to ensure that they are compliant with other legislation. Traders should consider whether their activities are likely to require authorisation and/or compliance with other regulatory regimes. For example; Planning, Building Control, Food Safety, Health & Safety, Control of Waste, Highway Obstruction, Trading Standards, Late Night Refreshment/Entertainment/Alcohol Licensing etc.

3. Eligibility and Suitability Criteria for Applicants

- 3.1 Applicants wishing to be granted a street trading licence may apply to the Council provided that they are aged seventeen or older.
- 3.2 The Council will assess the suitability of the applicant on a case by case basis and may have regard to any relevant enforcement history concerning the applicant and/or the location of the proposed street trading.

4. Types of Authorisation

4.1 *Permanent licences*

A permanent licence will usually be issued to applicants for pitch, shop front and tables and chairs licences and will be valid for one year. In some circumstances, the Council may decide to issue a temporary licence to a new trader, or to a trader renewing a licence where there have been issues with enforcement.

4.2 *Temporary Licences*

Temporary licences will be issued to applicants for pitch licences where the trade is only proposed for one day to six months, or where the trading activity is part of an event or promotion. Temporary Licences will also be available to applicants of pitch, shop front or tables and chairs licences who may wish to trade seasonally or for short periods of time. For example; where a business is going to be sold and a licence is only required for a short time; a seasonal extension to accommodate trade at specific times of the year.

5. Fees

- 5.1 Street Trading licence fees will be set and reviewed from time to time by the Council and any changes to those fees will be advertised in accordance with the provisions of the London Local Authorities Act 1990 (as amended).
- 5.2 The fees are licence fees and are only applicable to licences granted. The Council respectfully requests that payment is made at the time of application

and where a licence is refused for any reason, a full refund will be given to the applicant.

- 5.3 Where a licence is revoked for reasons beyond the licence holders control, for example, where the highway has been redeveloped and there is no longer sufficient space for the trading activity to take place or where the Council has introduced a ban on certain commodities that were previously licensed, the Council will offer a partial refund of the licence fee. This will be calculated on pro-rata basis in whole months.
- 5.4 Where a licence has been revoked for reasons within the control of the licence holder, the Council will not issue a refund of the street trading licence fee.

6. Application Requirements

- 6.1 The Council will require the following submissions to be made in respect of applications, in line with the legislation;
- a) Full name, home address and date of birth of applicants;
 - b) The location of the proposed street trading activity including the days and times;
 - c) The description of goods and/or services offered for sale;
 - d) Proof of permission to trade from the landowner or a statement from the applicant if he is the landowner;
 - e) One passport style photograph of the applicant;
 - f) Proof of public liability insurance (minimum £2million).
- 6.2 In addition to those legislative requirements, the Council will also seek the following information from the applicant;
- a) Details of any installations needed to carry out the street trading activity for example, a vehicle, shop front display units, tables and chairs;
 - b) The names and addresses of the applicants nominated assistants;
 - c) The name and address of a person nominated for succession of the licence.
- 6.3 Unless there is a specific need to do so, the Council will not routinely require any further submissions from applicants.
- 6.4 Specific licence types will require the applicant to supply the Council with specific information. Most of this will be contained within the application form. Some examples of what information the Council will be seeking are outlined below;

6.5 Pitch applications

The Council will require details of the vehicle or stall set up being proposed. There will be an opportunity to give this information within the application form however, it may also be appropriate for the applicant to provide photographs or site plans of the proposed installations.

6.6 Shop front display applications

The Council may authorise shop front displays in the area directly outside a shop. The applicant will usually make an application in whole metres from the boundary of the shop frontage, however in some circumstances, it may be appropriate to issue licences for a portion of a metre. This will be dependent upon the availability of space and level of footfall in the surrounding area.

6.7 Tables and chairs applications

Licences for tables and chairs will contain a standard condition requiring the licence holder to create a temporary barrier around the trading area. The applicant may be asked to provide full details of the barriers and the tables and chairs, this may include photographs. Details of the type of furniture to be placed on the highway should also be included in the application form.

6.8 In addition to the above, for applications for shop front and / or tables and chairs licences, consultation and advertisement will take the form of a "Notice of Application" which must be placed in the window of the relevant premises – so that it can be easily seen from outside. The notice will be at least A4 in size and must be in place and easily visible from the outside throughout the consultation period.

7. Special Provisions for Community/Charity Trading Licences

7.1 Community/Charity trading licences will be issued to organisations that are not carrying out trading activity for the purpose of making a profit on an occasional or temporary basis. Whilst the activity may be legally regarded as Street Trading activity, the overall purpose may be non commercial and the Council may apply a 'light touch' to the application process.

7.2 The Council will consider individual applications for Community/Charity trading licences on a case by case basis and acceptance will be assessed in the following circumstances:

- fundraising activities,
- promotion of charity or other local cause,
- promotion of community services.

7.3 The licences will be applied for in the same way as Temporary Street Trading Licences.

7.4 The Council may also consider the grant of a waiver or reduction of the licence fee where requested.

8. Consultation

8.1 Upon receipt and acceptance of an application, the Council will carry out a consultation with the relevant Ward Councillors, the Council's Highways Service, the Council's Enforcement Officers and any trade representative i.e. Chamber of Commerce or Town Centre Management. The Council's Food Safety team will be consulted where the application is proposing to trade in food items. Applications will also be displayed on the Council's website.

8.2 The purpose of the consultation is to seek assurances that the applicants proposals satisfy the requirements of the legislation and that they are suitable to be licensed. Through the consultation process, certain discretionary grounds for refusal or modification of applications may be identified.

8.3 For Permanent and Temporary Street Trading Licences, the consultation period will last for twenty one consecutive days starting with the day after the application has been received.

8.4 For Community/Charity Trading Licences, the consultation will be for a minimum of five consecutive days starting with the day after the application was received.

9. Assessing consultation feedback and objections

9.1 Where the Council receives feedback or an objection to an application consultation, it will carefully consider whether that feedback/objection may influence the Councils discretionary decision making powers.

9.2 The Council will not consider any feedback or objections where they are; frivolous, vexatious or repetitious. Such objections are considered not 'relevant'.

10. Decision Making

10.1 The Council has powers to consider a wide range of matters on which to refuse street trading licences. Any decisions made upon these grounds will be evidenced and justified after careful investigation into any responses received to the consultation process. The Council's decision making powers are split between mandatory and discretionary grounds for refusal.

10.2 Certain grounds for refusal may also present themselves through the application process. Where these grounds are identified, the applicant will be offered the opportunity to amend the application before it is determined.

10.3 The mandatory grounds for refusal are:

- 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.

10.4 The determination of applications where no relevant adverse feedback has been received during the consultation period, will be determined by Officers delegated for the purpose, and may be changed from time to time as appropriate.

10.5 The discretionary grounds for refusal are:

- 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) The applicant has previously demonstrated misconduct or unscrupulous behaviour whilst being the holder of a street trading licence.
- d) The applicant has failed to comply with the terms or failed to pay a fee of a street trading licence.
- e) The applicant has failed to propose suitable measures for the storage of perishable items when street trading is not taking place.
- f) 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.
- g) The applicant is not the owner/occupier of a shop outside which a shop front trading licence is sought.

10.6 Where relevant adverse feedback has been received within the consultation period and discretionary grounds for refusal have been identified, the Council's Licensing Sub-Committee will be tasked with making determinations. Where applications are heard by the Licensing Sub-Committee, the Sub-Committee may exercise its discretion on accepting late objections if they are relevant and where there are demonstrable mitigating circumstances for being submitted outside the consultation period.

10.7 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.

10.8 Where grounds for refusal do exist, the Council may still award a licence but this could be a modification from what was originally applied for. For example, it may be appropriate to reduce the days/times of trading activity, to reduce the size of the proposed trading area or add conditions.

10.9 In accordance with the EU (Provision of Services) Regulations, tacit consent will apply to street trading licence applications if no grounds for refusal are identified through the consultation process within twenty eight days following receipt of a valid application. In all cases where a Licensing Sub-Committee hearing is required, the applicant will be notified.

11. Hearings

11.1 Where the Licensing Sub-Committee is to consider grounds for refusal of a licence application, Officers will aim to convene a hearing within twenty working days following the end of the consultation period or as soon as reasonably practicable.

- 11.2 Where a street trading licence is being considered for revocation, the Council is required to afford the licence holder an opportunity to address the Licensing Sub-Committee. The Council will give at least twenty one days notice of any revocation proceedings being brought against the trader.
- 11.3 The Licensing Sub-Committee constituted for the purpose of determining street trading licences shall be made up from Members of the Licensing Committee as constituted under the Licensing Act 2003.
- 11.4 Applicants will normally be notified of the decision on the day of the hearing and can expect a written decision within five working days of the decision.
- 11.5 In certain circumstances, the Licensing Sub-Committee may defer their decision or they may adjourn a hearing. This will be dependent upon the severity and complexity of the case before them and it may be appropriate to gather additional information to aid the decision making process.

12. Appeals

- 12.1 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.
- 12.2 All decision notices will contain full details of the appeal rights including how to lodge an appeal. Applicants for temporary licences do not have any appeal rights, notwithstanding statutory rights to seek Judicial Review proceedings.

13. Conditions and Standards for Licence Holders

- 13.1 The council expects all licence holders to carry out their trading activities in accordance with the conditions imposed upon it.
- 13.2 When the Council issues a street trading licence, it shall include the following:
- a) The trading address to which the licence relates;
 - b) The full name of the licence holder and any named assistants;
 - c) The size and location of the licensed trading area;
 - d) The commodities/services authorised by the licence;
 - e) A photograph of the licence holder;
 - f) Any non-standard conditions relating to the licence;
- 13.3 In addition to the above information, the Council will also impose standard conditions on all street trading licences. Standard conditions will be reviewed from time to time. The standard conditions can be found at Appendix 3.

13.4 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.

13.5 The intention of the Council is to create a vibrant and thriving shopping environment for residents and also add to the aesthetics of a shopping area.

14. Special Provisions for certain geographical locations

14.1 From time to time, the Council may consider imposing certain trading restrictions in certain geographical locations. For example, it may be appropriate to standardise trading times or maximum trading areas within very busy areas with a high concentration of traders. The Council may also determine to grant only Temporary Licences in a geographical area.

14.2 The Council will consider this action as part town centre regeneration or as part of other town centre incentives.

14.3 Details of these special provisions are detailed in Appendix 4

14.4 Where the Council is minded to impose new restrictions, it will consult with those traders affected to ensure transparency in the process.

15. Delineation

15.1 Where the Council issues a licence, it may be appropriate to define the trading area by delineating with studs or similar.

15.2 The Council will consider the following factors when deciding to delineate in certain areas:

- a) Whether there is a need to define the trading area to assist traders in keeping within their licensed trading area
- b) Where licence holders of pitch licences, and the Council's enforcement officers, need to easily identify a specified trading area.
- c) Where there is a high concentration of traders in a particular area and trading boundaries need to be defined

15.3 Delineation will be considered in consultation with the Council's Highways Service to ensure the appropriate materials are used. The cost for delineating trading areas will be borne by the Council.

16. Duration of Licences

16.1 The Council has powers to issue permanent licences for up to three years and temporary licences for up to six months.

16.2 The Council will normally issue permanent licences for one year. Temporary licences are issued for periods from one day to six months.

17. Offences

17.1 S's 34 & 38 of The Act outline the offences which include;

- a) Failure to comply with the street trading terms and conditions
- b) Making a false statement in connection with an application
- c) Obstruction of an authorised officer of the Council
- d) Failure to produce a valid street trading licence

18. Enforcement and review action

18.1 The decision to use enforcement action will be taken on a case by case basis and, to ensure consistency of approach, in accordance with the Residents Services Enforcement Policy which may be applicable. The action taken, which may be immediate, will be proportionate to the seriousness and nature of the non-compliance.

18.2 Factors that will be taken into consideration include, but are not limited to:

- a. The risk that the non-compliance poses to the safety, health or welfare of the public at large or to individuals;
- b. Evidence suggests that there was pre-meditation in the commission of an alleged offence;
- c. The alleged offence involved a failure to comply in full or in part with the requirements of this policy and / or the terms of the street trading licence;
- d. There is a history of previous warnings or the commission of similar offences;
- e. Aggravated circumstances such as obstruction of an officer or negative conduct;
- f. If the alleged offence, though not serious itself, is widespread in the area where it is committed;
- g. The gravity of an alleged offence, taken together with the seriousness of any actual or potential harm;
- h. There has been a repetition of a breach that was subject to a formal caution or issue of a Fixed Penalty Notice;

- i. False information has deliberately been supplied and/or intention to deceive.
- 18.3 The Council may take the following types of enforcement action (in no particular order):
 - a) Verbal/written warnings – e.g. a contravention and / or where Officer contact has not resolved the contravention;
 - b) Simple cautions;
 - c) Licence revocation e.g. where fees go unpaid, a breach of a licence condition; conduct of the licence holder etc.
 - d) Fixed Penalty Notices;
 - e) Prosecution.
- 18.4 Where grounds for revocation have been identified, the case will be considered by a Licensing Sub-Committee in the form of a licence review hearing.
- 18.5 Any decision to prosecute will be taken as a last resort and such a decision will be made in accordance with the Residents Services enforcement policy and the Code for Crown Prosecutors. Council enforcement officers will carry out their enforcement-related work with due regard to the Enforcement Concordat. Information concerning non-compliance may be shared with other enforcement agencies. Any such action will only be undertaken in the public interest and in compliance with the Data Protection Act 1998.
- 18.6 Officers will regularly inspect street trading areas to ensure compliance with the licence terms and conditions i.e. the trader is only trading in the licensed pitch area. In addition, all complaints of unlicensed street trading will be investigated.

19. Renewals

- 19.1 When a permanent street trading licence is due to expire, the Council will notify the licence holder three months in advance of this date and invite a renewal application.
- 19.2 Renewal applications must be submitted to the Council at least two months prior to the date of expiry.
- 19.3 Licence holders can expect to provide the same information as would be required for a new licence, however, if nothing has changed since the licence was granted, the Council may resolve not to require certain documentation i.e. photograph of the applicant, landowners permission etc.
- 19.4 In addition to the above, for applications for the renewal of shop front and / or tables and chairs licences, consultation and advertisement will take the form

of a “Notice of Application” which must be placed in the window of the relevant premises – so that it can be easily seen from outside. The notice will be at least A4 in size and must be in place and easily visible from the outside throughout the consultation period.

- 19.5 Renewal applications are also subject to the same consultation requirements as new applications and the Council may identify grounds for refusal during that process.
- 19.6 Where discretionary grounds for refusal have been identified, the application will be determined by the Licensing Sub-Committee; a hearing will be arranged as soon as reasonably practicable.
- 19.7 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.
- 19.8 Each case will be considered on its own merits and on a case by case basis.

20. Variations

- 20.1 Whilst not specifically addressed in the street trading legislation, the Council will allow traders to apply for variations to their licences within the duration of the licence. Variations may include, but not limited to; the size of the trading area; the authorised trading times; the authorised commodities; the conditions imposed upon the licence.
- 20.2 Variations must be applied for, using the appropriate form and will be subject to the same consultation process as for new and renewal applications.
- 20.3 A processing fee will be charged and should accompany the application. Where a variation is sought for an increase in a shop front display area, the fee for any additional metres will be charged as well as the processing fee.
- 20.4 Where the variation is administrative, e.g change of licence holder's address; change of assistant's details, a lesser processing fee will be charged.
- 20.5 Where grounds to revoke a licence have been identified, the Council may, instead, choose to vary the licence by imposing additional conditions or making restrictions on the licensed area or times. Any such variations will be imposed by the Licensing Sub-Committee when considering a case for forced revocation/variation.

21. Succession

21.1 The legislation allows 'Succession rights' which allow the licensed trader to nominate a relative whom he desires the licence be granted to under the following circumstances;

- a) When the licence holder dies;
- b) When the licence holder retires, having reached the normal age for retirement;
- c) When the licence holder advises the Council that owing to ill health, he is unable to continue to operate the licence.

21.2 The Council will consider the circumstance of the individual trader when assessing succession rights. Officers can provide advice on these rights and it is advised that the trader seeks their own independent legal advice on the matters involved before any assumptions about the entitlement can be made.

21.3 Holders of temporary licences are not entitled to succession rights.

22. Lapsing of Street Trading Licences

22.1 A Street trading licence will automatically lapse where permission to trade from the landowner ceases.

22.2 Where the Council is the owner of the land upon which the street trading activity is taking place, the Council may withdraw permission to trade where there are exceptional circumstances to justify a decision for example, street works and or/redesign of a street where it would no longer be possible to maintain the trading area.

23. Designation of Licence Streets

23.1 If the Council considers that street trading should be allowed or licensed in any area, it may pass a resolution designating any further street or part of a street as a licence street under Section 24 of the Act. In deciding if a street or site should be designated for street trading, the following may be considered;

- a. The presence of any existing or planned street furniture;
- b. The proximity and nature of any road junctions and pedestrian crossing points;
- c. The number of street trading sites already licensed in the vicinity;
- d. Whether the proposed site for designation would impact on accessibility for members of the public i.e. pedestrians, pushchairs, wheelchairs etc.
- e. Whether the safety of the public will be put at increased risk;

- f. Whether the proposed site will leave the recommended clearance of two metres clear passage between the trading area and the edge of the kerb or footway;
- g. Whether there will be a negative impact on the character or appearance of the area.

23.2 For designation, there is a consultation period of twenty eight days, when the Council consults with the Police, Highways Authority, existing licence holders in the affected area, and any other relevant body. The Council may also pass a resolution to rescind or vary the designation of a licence street, and must consult on any intentions to do so in a notice published in a local paper. After publishing the consultation notice, the Council will consider any representations received, before making a decision.

23.3 A street does not have to be designated as a licence street for street trading purposes where a temporary street trading licence is issued.

23.4 For traders wishing to trade on a street which is not designated, the Council is open to considering new locations where designation has not previously been made. In these circumstances, the trader will be required to submit full plans of their proposals to the Council for consideration.

23.5 Designation of new streets will not normally be considered for streets with parking restrictions and/or a speed limit of 40mph or more.

23.6 A list of current licence streets found in Appendix 1

24. Exemptions

24.1 The Council recognises that certain trading activities do not constitute street trading and are therefore exempt from the licensing regime. The following exemptions are outlined in the legislation:

- a) A person trading as a 'Pedlar' under the authority of a pedlars certificate granted under the Pedlars Act 1871, provided that the trading is only carried out 'house to house';
- b) Trading as part of a street market – these are licensed by the Council under a separate statutory regime;
- c) Trading in a trunk road picnic area;
- d) Trading as a news vendor;
- e) Trading by a rounds man delivering milk and/or other perishable goods;
- f) Charity collections;
- g) The selling or offering for sale goods or services on private land adjacent to a shop provided that the trade forms part of the normal business of that shop. For example; a fruit/vegetable display outside a grocers shop or tables and chairs for diners outside a café.

25. Commodities

- 25.1 Applications for street trading licences must be made in accordance with the Council's approved list of commodities and banned commodities (Included as Appendix 2). The Council will consider commodities that are not on the approved list at its own discretion.
- 25.2 The Council may amend this list in order to ensure fair trading opportunities to all traders in the relevant area. The Council may, from time to time, ban certain commodities in certain areas where there is a need to do so. If the Authority amends the list of banned commodities, a twenty one day consultation with traders will be held in the affected area prior to a decision being made.

26. Motor Vehicles

- 26.1 It is an offence for traders to expose or offer for sale any motor vehicle on a public street.
- 26.2 Where motor vehicles for sale are displayed on a street, this will be determined as an improper use of the highway for which the seller of the vehicle may be subject to legal action and the vehicle seized.
- 26.3 Persons operating motor vehicle trading activity from their residential address may only do so if they have planning permission for the trading activity and do not display their vehicles on the public highway.

27. Ice Cream Traders

- 27.1 Ice cream trading means the selling, exposing or offering for sale from a vehicle, goods which consist mainly of ice cream, frozen confectionery or other similar items.
- 27.2 Itinerant ice cream traders are defined as traders from a vehicle who go from place to place remaining in a particular location for no more than fifteen minutes and who do not return to the same location or the same street on the same day.
- 27.3 Ice cream traders may not trade from a designated licence street, or in areas where such trade has been prohibited by the Council.
- 27.4 Where the Council is considering the prohibition of ice cream trading in certain locations, it will pass a resolution under S37 of the Act.
- 27.5 A current list of prohibited locations can be found in APPENDIX 5.

Appendix 1

List of Designated Licence Streets

Pursuant to Section 24(10) of the London Local Authorities Act 1990 (as amended) the following streets are designated as “licence streets” for the purposes of street trading.

Shop front displays and tables and chairs only;

Bakers Road, Uxbridge	Lansbury Drive, Hayes
Barra Hall Circus, Hayes	Laurel Lane, West Drayton
Belmont Road, Uxbridge	Long Lane 1-12, Ickenham
Betam Road	Long Lane 305-321, Hillingdon
Botwell Lane, Hayes	Long Lane 370-396, Hillingdon
Bourne Avenue, Gloucester Parade, Hayes	Long Lane, Crescent Parade, Hillingdon
Byron Way, West Drayton	Long Drive, South Ruislip
Cocks Yard, Uxbridge	Manor Way, Ruislip Manor
Coldharbour Lane, Hayes	Maxwell Road, Northwood
Coleridge Way, West Drayton	Moorfield Road, Cowley
Cowley Road 100-118, Uxbridge	Moorhall Road, Harefield
Cowley Road 18-20, Uxbridge	Mulberry Crescent, West Drayton
Dawley Road 1-19, Hayes	North Hyde Road 141-171, Hayes
Dawley Road, Dawley Parade, Hayes	Old Stockley Road
East Lane, Hayes	Park Way, Ruislip Manor
Eastcote High Road, Black Horse Parade, Eastcote	Park Lane, Harefield
Falling Lane, Yiewsley	Pembroke Road, Ruislip Manor
Field End Road, Eastcote	Pield Heath Road, Cowley
Field End Road 702-724, South Ruislip	Pinner Road, Northwood
Green Lane, Northwood	Pinner Road, Northwood Hills
Harlington Road 305-315, Hillingdon	Pump Lane, Hayes
Harmondsworth Road, West Drayton	Redmead Road, Hayes
Harlington Road 305-315, Hayes	Rickmansworth Road, Harefield
Harvil Road, Harefield	Romney Road, Romney Parade, Hayes
Hayes By-Pass (The Parkway)	Royal Lane, Yiewsley
Hercies Road, Hillingdon	Ryefield Avenue, Hillingdon
High Road 28-34, Cowley	Salisbury Road, Eastcote
High Road 81-97, Ickenham	Sipson Road, West Drayton
High Road, Ickenham	Station Approach, South Ruislip
High Street, Cowley	Station Road, West Drayton
High Street, Dellfield Parade, Cowley	Station Road, Cowley
High Street, Harefield	Station Road, Hayes (<i>NOT pedestrianised</i>)
High Street, Harlington	Station Road Hayes, <i>pedestrianised area between Pump Lane and Crown Close;</i>
High Street, The Parade, Cowley	St Dunstons Road, Hayes
High Street, Uxbridge	Sutton Court Road, Hillingdon
High Street, Uxbridge – <i>pedestrianised area between Vine Street and Belmont Road.</i>	Swakeleys Road 1-31, Ickenham
High Street, Ruislip	Swan Road 58-66 and 81, West Drayton
High Street, Yiewsley	The Green 1-16, West Drayton
High Street 110-118, Northwood	Victoria Road, South Ruislip
High Street 2-88, Northwood	Victoria Road, Ruislip Manor
Hillingdon Hill, Hillingdon	Victoria Road 439-445 and 490, South Ruislip
Horton Road, Yiewsley	Violet Avenue 53-65, Yiewsley
Howletts Lane, Ruislip	West Drayton Road 177-183, Yiewsley
Ickenham Road, Station Parade, West Ruislip	West End Road, Ruislip Gardens
Ickenham Road, Ruislip	Whitby Road 143-163 and 208-218, South Ruislip
Joel Street, Northwood Hills	Windmill Hill, Ruislip Manor
Kingshill Avenue, Hayes	Uxbridge Road 1172-1380, Hayes End

Appendix 1 (cont)

Uxbridge Road 124-152, Hayes Uxbridge Road 641-693, Hayes Uxbridge Road 759-849, Hayes End Uxbridge Road, Blenheim Parade, Hillingdon Uxbridge Road, Byron Parade, Hillingdon Uxbridge Road, Crescent Parade, Hillingdon Uxbridge Road, Heathside Parade, Hillingdon Uxbridge Road, Marlborough Parade, Hillingdon	Uxbridge Road, Westbourne Parade, Hillingdon Uxbridge Road, Whiteleys Parade, Hillingdon Vine Street, Uxbridge Welbeck Avenue, Yeading Willow Tree Lane, Hayes Windsor Street, Uxbridge Yeading Lane, Yeading
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Pitch traders only

Hayes Bypass (The Parkway) High Street, Uxbridge High Street, Uxbridge – <i>pedestrianised area between Vine Street and Belmont Road.</i> Moorhall Road, Harefield Pasadena Close, Hayes Pump Lane (Eastern End)	Rickmansworth Road, Harefield Old Stockley Road, West Drayton Silverdale Road, Hayes Skyport Drive, Springfield Road, Hayes Swallowfield Way, Hayes
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Appendix 2

Commodities

Category	Commodity
Clothing	<ul style="list-style-type: none"> • Women's clothing • Gents clothing • Children's clothing • Baby wear • Sportswear • Clothing accessories i.e. hats scarves, ties, belts etc • Underwear/Nightwear • Footwear/slippers • Other items (must be specified)
Flowers	<ul style="list-style-type: none"> • Cut flowers and plants • Uncut flowers and plants • Artificial flowers • Flower accessories i.e. pots, food, hanging baskets etc. • Seasonal i.e. Christmas Trees, Holly, Mistletoe etc • Other items (must be specified)
Fruit & Vegetables	<ul style="list-style-type: none"> • Raw fruit/vegetables • Other items (must be specified)
Food	<ul style="list-style-type: none"> • Pre-packed groceries • Dried fruit, seeds, pulses, beans etc • Cheese and dairy • Meat/fish • Bread/cakes • Deli food i.e. olives, pickles, nuts etc • Confectionary • Other items (must be specified)
Household goods	<ul style="list-style-type: none"> • Cleaning products • Laundry products • Cleaning utensils • Plastic storage and accessories e.g. crates, boxes etc • Light bulbs • Other items (must be specified)
Toiletries & Cosmetics	<ul style="list-style-type: none"> • Toiletries • Hair products • Make-up • Perfume • Other items (must be specified)
Kitchen/Dining	<ul style="list-style-type: none"> • Cookware • Serve ware • Glassware • Table wear • Other items (must be specified)
Soft furnishings	<ul style="list-style-type: none"> • Cushions & throws • Bedding • Curtains & blinds • Rugs & mats • Dining linen • Other items (must be specified)

Appendix 2 (Cont)

Electrical & Audio/Visual	<ul style="list-style-type: none"> • Audio/amplification equipment • Visual/display equipment • Computer hardware and accessories • Games consoles • Musical Instruments • Cameras • Electrical accessories • Other items (must be specified)
Travel Accessories	<ul style="list-style-type: none"> • Luggage • Sports bags • Handbags • Other items (must be specified)
Jewellery and accessories	<ul style="list-style-type: none"> • Costume jewellery • Precious jewellery • Hair accessories • Sunglasses • Watches • Other items (must be specified)
Stationery	<ul style="list-style-type: none"> • Office supplies • Paper • Greetings cards • Wrapping supplies/gift bags • Other items (must be specified)
Toys	<ul style="list-style-type: none"> • Children's toys • Outdoor games and toys • Baby/nursery equipment • Other items (must be specified)
Tools, DIY & Gardening	<ul style="list-style-type: none"> • Tools • Garden tools • DIY supplies • Other items (must be specified)
Furniture	<ul style="list-style-type: none"> • Furniture including antiques • Other items (must be specified)
Sports equipment	<ul style="list-style-type: none"> • Exercise equipment • Track & Field • Golf • Sports equipment • Other items (must be specified)
Pet supplies	<ul style="list-style-type: none"> • Pet food • Pet beds • Pet cages/hutches/tanks/carriers • Grooming and care supplies • Other items (must be specified)
Arts & Crafts (original handmade goods)	<ul style="list-style-type: none"> • Art • Sculpture • Craft items • Handmade textiles • Other items (must be specified)
Textiles	<ul style="list-style-type: none"> • Fabric • Haberdashery • Yarn/Wool • Knitting/Sewing supplies • Other items (must be specified)
Miscellaneous	<ul style="list-style-type: none"> • Other items not in any category above (must be specified by the applicant)

Appendix 2 (Cont)

Banned Commodities

Commodity	Ward/Area of ban
Continuous or regular street trading of food (e.g. Mobile food traders)	Uxbridge Town Centre

Appendix 3

Terms and Conditions for all Street Trading Licences & Market Licences

1. PITCH SIZE

The licensed area must be within the dimensions specified on the licence, or any relevant pitch limits marked out on the ground by the Council. An awning may be permitted to extend 30 cm (12 inches) at the front of the trading area, but no articles are to be suspended from the awning beyond the permitted trading area.

2. COMMODITIES / ITEMS TO BE TRADED OR SOLD

Only those commodities or groups of specified on the licence may be sold from the licensed street trading pitch.

3. ADVERTISEMENTS

No advertisement shall be displayed on the licensed trading area for goods, commodities or services other than those licensed for sale or provided on that licensed trading area.

4. DAYS AND TIMES OF TRADING OR BUSINESS

Trading may only take place on the days and during the times specified on the licence. The Council shall advise traders of any extension of trading times for specified trading periods when and as relevant.

5. TRADING ALONGSIDE PERMANENT BUSINESSES

Licence times shall be the same as trading times applicable to shops in the vicinity of the licensed street trading pitch. However, traders may trade only during the times stated on the licence.

6. REFUSE OR WASTE

It is the trader's responsibility to ensure that all litter and waste generated by their licensed activity is collected for recycling or disposal, in ways that are compliant with legislation. This can mean storage in suitable bins or containers within the licensed area until collection can take place by a registered carrier of waste. To prevent blockages, odours or nuisance to others, road gullies or surface water drains may not be used for the disposal of food based liquid wastes or other noxious substances.

7. STREET CLEANLINESS

The trader must keep the immediate licensed area and the area within 5 metres in any direction from the licensed area, free of any wastes or spillages resulting from the trading activity, throughout the trading day. When trading is finished or upon leaving the site the trader/market operator must leave it in a clean condition.

8. DISPLAY OF LICENCE

The licence must be shown at all times, in a prominent position, so that it can be easily read.

9. SAFETY OF EQUIPMENT

Electrical equipment should be tested by a competent person at intervals recommended by the competent person. Records should be kept of all inspections and tests together with any defects and/or remedial works, so as to demonstrate compliance.

10. USING A MAINS VOLTAGE ELECTRICAL SUPPLY

Traders using a mains electrical supply must have consent from the Council before seeking installation from an electricity supplier. Where relevant, the trader and the electricity supplier will be required to provide the Council with certification for the safety of the electricity supply.

11. INTERFERENCE WITH ELECTRICAL SUPPLIES

A trader will be subject to suspension of a licence if they tamper with, or use an electricity supply belonging to the Council without a prior arrangement to do so. A trader causing damage to any Council installation or equipment will be required to pay the full cost of any repair or replacement.

12. PITCH EQUIPMENT, OR TRADING STALLS

Pitch equipment or stalls should be easily and quickly assembled and removed. The Council reserves the right to inspect for stability and safety and to ensure that they are fit for purpose. Any obviously dangerous item must be made safe or immediately removed on request by the Council. It is the trader's responsibility to ensure that items and structures are put up and taken down safely, are properly designed, well sited and in a good, clean condition.

13. GENERAL CONDUCT

Any trader and/or any assistants employed by them shall conduct themselves in a decent manner and ensure that all members of the community are fairly treated and shown courtesy and respect. Trading activities should not give rise to noise inappropriate to the area, or cause other nuisance.

14. PRODUCTION OF LICENCES ON REQUEST

All licensed traders shall produce their licence when requested to do so by an authorised officer the Council or a police officer.

15. NOTIFICATION OF LOCATION FOR STORAGE OF FOOD COMMODITIES, PITCH EQUIPMENT, OR TRADING STALLS etc.

Traders in foodstuffs must notify the Council in writing of any change of address or addresses at which the pitch equipment stalls etc (the "receptacles") and any commodities are stored. Such notice must be given within 7 days of the change. Checks may be made to confirm details and suitability.

16. EMPLOYMENT OF CHILDREN

A licensed trader shall not employ any person under the age of 17 years in any capacity in the course of his trade or business.

17. PORTABLE GENERATORS

Generators shall be positioned so that they do not present problems for other street users or traders. Generators shall be checked and certified for safety and shall be erected in a secure location and barriered to prevent interference by members of the public.

18. ASSISTANCE TO COUNCIL OFFICERS

A trader shall give immediate assistance to Council officers when requested to do so. In dealing with an emergency, this might mean moving a stall or equipment away from the area, quickly.

19. GAS CYLINDERS

The use of gas cylinders is permitted only where;

- traders have checked the valves and hoses of gas cylinders for defects before bringing them into the licensed market place, and;
- the cylinders are in safe working order

Appendix 4

Special Provisions

Conditions Specific to Tables & Chairs Licences

In addition to the conditions relating to all street trading licences, these conditions apply specifically to “Tables and Chairs” licences.

1. The grant of a tables and chairs trading licence does not give any approval or consent which may be needed under any other legislation other than under the Act(s).
2. A copy of the tables and chairs licence must to be displayed in the window of the licensed premises. The copy licence is to be displayed so as to be clearly visible and legible from the street.
3. Only those commodities sold in the relevant shop premises can be served under the tables and chairs licence.
4. Only those services provided within the relevant shop premises can be provided in the licensed area where a licence permits tables and chairs to be placed on the street.
5. Temporary barriers of an approved type must be in place around the trading area during licensed hours and the same must be removed outside of the hours permitted by the licence
6. A tables and chairs licence is not transferable.

Conditions Specific to Shop Front Licences

In addition to the conditions relating to all street trading and market licences, these conditions apply specifically to “Shop Front” licences only

1. A copy of the shop front trading licence must to be displayed in the window of the premises outside which trading is permitted. The copy licence is to be displayed so as to be clearly visible and legible from the street.
2. Monetary exchange or payment cannot be made in the licensed street trading pitch.
3. The dimensions of a licensed street trading pitch shall be such that a minimum of 2m clear of any obstruction shall be maintained on the Public Highway for the safe pass, re-pass and free flow of pedestrian and vehicular traffic.
4. No equipment, stall, container, or display or tables(s) or chair(s) shall at any time be permitted to obstruct an entrance or exit to any adjacent premises or to any part of the building to which the licence applies that is under separate occupation.
5. A shop front trading licence is not transferable.
6. Only those commodities sold in shop premises can be displayed outside premises provided they are not excluded items as defined in these regulations.
7. Only that equipment, stall, container, or display or tables(s) or chair(s) and containers which is suitable and fit for purpose and approved by the Council shall be used by the licence holder and assistants for shop front trading or ancillary to shop front trading.
8. The following items may not form part of the commodities displayed under a shop front licence:
 - a. Alcoholic beverages, tobacco and tobacco products;
 - b. Lottery tickets, phone cards, raffles, tombola and/or other games of chance;
 - c. Medicines, drugs and other prescribed substances
 - d. Cooked or uncooked meat or fish of any kind
 - e. New and used cars and motorcycles
 - f. Pets and livestock
 - g. Containers of Liquid Petroleum Gas (LPG) including any which are fully or partly discharged or emptied;
 - h. Explosives, including fireworks;
 - i. Goods considered by the Council to pose a Health and Safety risk to the public. i.e cooking.
9. Items that are likely to cause damage the street or street furniture may not be used.
10. An awning may be permitted to extend up to a maximum of 30 cm (12 inches) at the front of the licensed shop front pitch but no articles are to be suspended from the awning beyond the permitted area. Additionally, the placement of the awning must permit safe pass and re-pass by pedestrian traffic.

Appendix 5

Prohibition of mobile or “itinerant” ice cream trading

1. Any street or part of streets or side streets within 65 metres of any exit used by children from the following premises:
 - (i) Primary schools
 - (ii) Under 5 centres
 - (iii) Day nurseries
 - (iv) Secondary schools
 - (v) Any other similar premises

2. Any street or side street falling within the Uxbridge Town Centre. The Uxbridge Town centre falls within the area bordered in red on the map below.

3. All streets, part of streets and side streets falling within major retail areas in
 - (i) Eastcote
 - (ii) Harefield
 - (iii) Harlington
 - (iv) Hayes
 - (v) Hillingdon Circus Area
 - (vi) Ickenham
 - (vii) Northwood
 - (viii) Northwood Hills
 - (ix) Ruislip
 - (x) Ruislip Manor
 - (xi) South Ruislip
 - (xii) Uxbridge
 - (xiii) Uxbridge Road Hayes
 - (xiv) Yiewsley and West Drayton

Appendix 6

Definitions of Street Trading

'Street Trading' is defined in the legislation as

- a) the selling or the exposure or offering for sale, any article (including living things); and*
- b) the purchasing or offering to purchase any ticket; and*
- c) the supplying or offering to supply any service*

in a street for gain or reward

'Street' is defined in the legislation as;

- a) any road or footway;*
- b) any other area, not being within permanently enclosed premises, within 7 metres of any road or footway to which the public obtain access without payment*
 - i. whether or not they need the consent of the owner or occupier and*
 - ii. if they do, whether or not they have obtained it*
- c) any part of such road, footway or area;*
- d) any part of housing development provided or maintained by a local authority under Part II of the Housing Act 1985.*

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From: [Cllr Roy Chamdal](#)
To: [REDACTED]; [Cllr Ekta Gohil](#); [Cllr Shehryar Ahmad-Wallana](#)
Subject: Re: Street Trading Consultation - food vehicle at 92 Pield Heath Road, Uxbridge, UB8 3NJ
Date: 19 April 2024 12:12:31
Attachments: [image001.png](#)
[IMG_0450.jpeg](#)
[IMG_0449.jpeg](#)

Good day all, I have a few questions on this application:

What parking provision is available- The Tesco car park across the road is always congested, Pield heath road is extremely narrow at this junction (this road is a main route to the hospital) and is next to a roundabout.

The closing hours I believe need looking at especially during week days as it is surrounded by residential properties .

They are trading at the moment -.... Is this ok without a trading license? Temporary sign attached to a hedge at the roundabout.

Power source is a extension cable from a neighbouring property.

Roy

Sent from [Outlook for iOS](#)

From: Lois King [REDACTED]
Sent: Thursday, April 18, 2024 4:50 pm
To: Cllr Roy Chamdal <RChamdal@hillingdon.gov.uk>; Cllr Ekta Gohil <egohil@hillingdon.gov.uk>; Cllr Shehryar Ahmad-Wallana <sahmad-wallana@hillingdon.gov.uk>
Subject: Street Trading Consultation - food vehicle at 92 Pield Heath Road, Uxbridge, UB8 3NJ

Dear Consultees

We have received the following new street trading (pitch) licence application:

Applicant: Mr Zabih Yakrang

Trading Area: The pitch will be located on private property outside Jinli Chinese Restaurant, 92 Pield Heath Road, Uxbridge (see photo and plan). Its within 7m of the public highway hence the need for a street trading licence

Size: 3m x 2m

Days & Times: Monday – Sunday 11:00 – 23:00 hours

Goods to be sold: Mediterranean street food

Last date of consultation: 9th May 2024

Please note that as this is a new application the licence would only be granted for 6 months not the 12 months as applied for.

If you have any questions, comments or require any further information please do not hesitate to contact me.

Regards

Lois King (Mrs)

Mrs Lois King
Principal Licensing Officer
Licensing Service
3S/08 Civic Centre, High Street, Uxbridge, UB8 1UW
Hillingdon Council







From: [Cllr Roy Chamdal](#)
To: [REDACTED] [Cllr Ekta Gohil](#); [Cllr Shehryar Ahmad-Wallana](#)
Subject: Re: Street Trading Consultation - food vehicle at 92 Pield Heath Road, Uxbridge, UB8 3NJ
Date: 25 April 2024 15:59:08
Attachments: [image001.png](#)

Good afternoon Lois, Definitely going in the correct direction regarding opening hours. Having spoken to a resident who lives very close to this application, he was also of the opinion that a 12-10pm is better than a 11pm finish time. Can the applicant be informed of potential actions should this operation cause issues / not adhering to opening ..closing times. Thank you.

Roy

Sent from [Outlook for iOS](#)

From: Lois King [REDACTED]
Sent: Wednesday, April 24, 2024 4:19 pm
To: Cllr Roy Chamdal <RChamdal@hillingdon.gov.uk>; Cllr Ekta Gohil <egohil@hillingdon.gov.uk>; Cllr Shehryar Ahmad-Wallana <sahmad-wallana@hillingdon.gov.uk>
Subject: FW: Street Trading Consultation - food vehicle at 92 Pield Heath Road, Uxbridge, UB8 3NJ

Dear Cllr Chamdal

Further to my email below please be advised that I have referred the power supply to the Food, Health and Safety Team and the banner to the Planning & Street Scene Enforcement Teams.

I have also contacted the applicant and he has advised that

- (i) they do not have any customer parking as their brand operates as a street market seller and most people come on foot
- (ii) their operating hours are 12 noon until 10pm

If he would be agreeable to those hours on his licence would you be satisfied with that please?
Thanks

I look forward to hearing from you.

Regards

Lois King (Mrs)

Mrs Lois King
Principal Licensing Officer
Licensing Service
3S/08 Civic Centre, High Street, Uxbridge, UB8 1UW

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From: [Cllr Ekta Gohil](#)
To: [REDACTED]; [Cllr Roy Chamdal](#); [Cllr Shehryar Ahmad-Wallana](#)
Subject: RE: Street Trading Consultation - food vehicle at 92 Pield Heath Road, Uxbridge, UB8 3NJ
Date: 25 April 2024 15:21:51
Attachments: [image002.png](#)
[image003.png](#)

Dear Lois,

I would echo Cllr Chamdal's sentiments on this. I was too surprised to see it was already in operation in said position, and saw first hand a near miss of an accident as there is a very busy roundabout directly adjacent to the site. I would like to further comment that the small car park with the tesco is insufficient as it is always busy/full and there is no official crossing from that car park to the Jin Li site. Subsequently, I have seen people parking illegally on Copperfield Avenue and Pield Heath Road itself in order to buy their food.

Given the lack of adequate crossings, alongside a lack of pavement space, I would be hesitant to support an application until 11pm in the evening.

I would be happy to comment further upon hearing what the health and safety team says about the extension cable.

Please can you indicate what documentation has been sent to residents in surrounding streets? I imagine they would have a lot to say.

Kind Regards

Ekta

Cllr. Ekta Gohil

Ward Councillor – Colham & Cowley Ward

📍 London Borough of Hillingdon, Phase II, Conservative Group Office, Civic Centre, UXBRIDGE, UB8 1UW

☎ 01895 250636 ✉ egohil@hillington.gov.uk Facebook: www.facebook.com/cllrektagohil



From: [Cllr Ekta Gohil](#)
To: [REDACTED]
Cc: [Cllr Roy Chamdal](#); [Cllr Shehryar Ahmad-Wallana](#)
Subject: Re: Street Trading Consultation - food vehicle at 92 Pield Heath Road, Uxbridge, UB8 3NJ
Date: 07 May 2024 17:08:31

Dear Lois,

Based on what I've seen with customers parking on the double yellow lines of Pield Heath Road and across drives of the nearby Copperfield Avenue and Colham Green Road, I am very surprised that highways has nothing to say.

The operation hours until 10pm on what is a residential area (aside from the hospital) is quite late, I would imagine a more sensible time until 8.30 or 9 would be more suitable. I am still extremely concerned about those who cross the roads the Colham Green roundabout especially in darker months to get to the site, and whether it's appropriate for the site to be there in the corner given the fact that customers aren't able to park at the Jin Li car park and would have to jaywalk across the road or park on double yellow lines just to access the food truck.

I am still in objection of the application therefore.

Kind regards

Ekta

Cllr. Ekta Gohil

Ward Councillor – Colham & Cowley Ward

London Borough of Hillingdon, Phase II, Conservative Group Office, Civic Centre, UXBRIDGE, UB8 1UW

01895 250316 egohil@hillingsdon.gov.uk




From: [REDACTED]
To: [REDACTED]
Subject: Re: Street Trading Consultation - food vehicle at 92 Pield Heath Road, Uxbridge, UB8 3NJ
Date: 08 May 2024 08:24:22
Attachments: [image001.png](#)
[Outlook-dya1xaq5.png](#)

Hi Lois,

Highways would not permit it as it will restrict the view of the junction for traffic

Rebecca Bevis
Senior Permit Coordinator
Residents Services
London Borough of Hillingdon
Network Operations - 2E/05
Civic Centre
High Street
Uxbridge
UB8 1UW

[REDACTED]

 [Book time to meet with me](#)

From: Lois King [REDACTED] >
Sent: Wednesday, May 8, 2024 8:16 AM
To: Rebecca Bevis [REDACTED]
Subject: FW: Street Trading Consultation - food vehicle at 92 Pield Heath Road, Uxbridge, UB8 3NJ

Hi Rebecca

In light of Wayne's absence this week are you able to give a view from a Highways perspective on this application please? Thanks

Last date for Reps is 9th May. Thanks

Kind regards

Lois

Mrs Lois King
Principal Licensing Officer
Licensing Service
3S/08 Civic Centre, High Street, Uxbridge, UB8 1UW
Hillingdon Council

[REDACTED]

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From: [REDACTED]
To: [REDACTED]
Subject: Re: Street trading licence application
Date: 24 April 2024 12:26:42
Attachments: [image001.png](#)

Dear Miss King,

We do not have any customer parking as our brand operates as a street market seller most people come on foot.

Our operating hours are 12pm-10pm.

Thank you

Sent from [Outlook for iOS](#)

From: Lois King <[REDACTED]>
Sent: Tuesday, April 23, 2024 2:21:09 PM
To: Zabih Yakrang [REDACTED]
Subject: FW: Street trading licence application

Dear Mr Yakrang

Your application has gone out for consultation (21 days) and I have received an email from one of the consultees who has raised some concerns about parking and your hours of operation in the evening.

Can you advise as the facilities that are available for customer parking? Thanks

Can I enquire as to whether you would be willing to reduce your hours of operation in the evening, especially on weekdays please? Thanks

Please note that submitting an application for a street trading licence is not the same as having had a street trading licence granted to you. Although you are on private land you still need a street trading licence from the Council owing to your proximity to the public highway i.e. within 7m – it is not Council policy to allow businesses to undertake street trading whilst the application is being determined.

Regards

Lois King (Mrs)

Mrs Lois King
Principal Licensing Officer
Licensing Service
3S/08 Civic Centre, High Street, Uxbridge, UB8 1UW
Hillingdon Council

[REDACTED]

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From: [REDACTED]
To: [REDACTED]
Subject: RE: Shah's Halal Food, Pield Heath Road, Uxbridge
Date: 24 May 2024 08:13:11
Attachments: [image003.png](#)
[image001.png](#)

Hi Lois,

I visited on the following dates at approximate times:

Unannounced visit - 29.04.24 – 11:30 hours

Announced visit 03.05.24 – 14:30 hours approximate – PJR present

Announced visit 17.05.24 – 15:00 hours approximate – PJR present

On all dates and times the unit was open and trading to members of the public. The FBO was on site for all occasions with employees at the unit.

Please let me know if you require any further assistance.

Yours sincerely

Mrs Sujita Dunning
Senior Environmental Health Officer
Food Health and Safety Team
3S/08
Civic Centre
Hillingdon Council
UB8 1UW



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