

Minutes

LICENSING SUB-COMMITTEE

22 November 2024

Meeting held at Committee Room 6 - Civic Centre, High Street,
Uxbridge UB8 1UW



	<p>Committee Members Present: Councillors Becky Haggar (Chair) Barry Nelson-West</p> <p>LBH Officers Present: Chantelle McLeod, Legal Officer Liz Penny, Democratic Services Officer Austen Young, Licensing Officer</p> <p>Also Present: Ward Councillor Susan O'Brien, Interested Party Mr Mohammed Naseri, Applicant</p>
76.	<p>APOLOGIES FOR ABSENCE (<i>Agenda Item 1</i>)</p> <p>Apologies for absence were received from Councillor Shehryar Ahmad- Wallana.</p>
77.	<p>DECLARATIONS OF INTEREST IN MATTERS COMING BEFORE THIS MEETING (<i>Agenda Item 2</i>)</p> <p>There were no declarations of interest.</p>
78.	<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 of business were marked Part I and would be considered in public.</p>
79.	<p>MATTERS THAT HAVE BEEN NOTIFIED IN ADVANCE OR URGENT (<i>Agenda Item 4</i>)</p> <p>None.</p>
80.	<p>APPLICATION FOR THE GRANT OF A NEW TEMPORARY STREET TRADING LICENCE: EUROPA FURNITURE, 77 VICTORIA ROAD, RUISLIP HA4 9BH (<i>Agenda Item 5</i>)</p> <p>Introduction by Licensing Officer</p> <p>Austen Young, Licensing Officer at the London Borough of Hillingdon, introduced the report. The Sub-Committee was requested to consider an application for a new Temporary Street Trading Shop Front licence in respect of Europa Furniture, 77 Victoria Road, Ruislip, HA4 9BH. It was noted that the application was for a Shop Front Display rather than a Street Trading Pitch as indicated in error at paragraph 1.0 on</p>

page 3 of the agenda pack. It was confirmed that the applicant wished to display items such as mattresses, single divan boxes, runners, chests of drawers, and coat stands outside the premises.

The Sub-Committee was informed that two representations had been received highlighting concerns in respect of the application: one from Ward Cllr Susan O'Brien and the other from the Council's Street Scene Enforcement Team (SSET). It was confirmed that SSET could not attend the meeting but had provided a written summary of their comments which would be read out by Democratic Services for the consideration of the Panel.

The Sub-Committee heard that attempts had been made to reach an agreement, but this had not been possible hence the need for the matter to be considered by the Licensing Sub-Committee.

It was confirmed that the Street Trading Policy outlined possible grounds for refusing an application and factors to consider when determining an application. It was noted that no mandatory reasons for refusal had been identified.

The Sub-Committee was invited to determine the application accordingly.

In response to questions from Members, the Licensing Officer confirmed that the proposed trading hours of the premises were 09:00 – 20:00 hours Monday to Sunday. Outside of these hours the pavement would be kept clear.

The Chair noted that she had visited the premises and had spoken to the assistant – Mr Naser Mohammed. She confirmed that the goods displayed within the shop were a good representation of those the applicant proposed to display outside.

In response to further questions from the Sub-Committee, it was confirmed that the applicant had applied for a Temporary Street Trading Shop Front Licence which could be granted for a maximum period of 6 months. The proposed trading area was to extend 2 metres from the front of the premises

Representations by the Applicant

The Applicant – Mr Mohammed Mudasir Naseri – addressed the Sub-Committee. Members were advised that Mr Naseri had been operating his business in Ruislip Manor for approximately 4 months. It had been a very challenging time as the area was not very busy hence his business was only just breaking even.

The Sub-Committee heard that Mr Naseri had applied for a street trading licence to enable him to display his goods to the front of the shop and had hoped that this would attract more customers. He referenced the objection raised in relation to the display of mattresses which it was alleged could resemble fly-tipping. In response to this, Mr Naseri informed the Committee that he only planned to display 2 or 3 mattresses to the front of the premises; these would be appropriately wrapped and presented in an orderly manner.

Mr Naseri informed the Sub-Committee Members that the photos submitted to the Council showing fly-tipping in the rear alley bore no relation to his premises; the fly-tipped objects in the photos were items not sold by Europa Furniture.

Mr Naseri noted that objections had been raised by only two parties and there were no

mandatory grounds for refusal.

In response to questions raised by Members, it was confirmed that only 2 or 3 mattresses would be on display; these would be single mattresses measuring 90cm x 190 cm and would all be price-tagged and arranged in an orderly manner. Members enquired whether any other items would be displayed. Mr Naseri confirmed that he also planned to display a chest of drawers, wrapped coat stand and doormats. He advised the Committee that a layout plan had been submitted to the Licensing Officer.

In response to further questions from Members, it was confirmed that an assistant also worked at the premises hence someone would be present at all times to ensure the items outside the shop were not vandalised and were back inside the shop by 20:00 hours. It was noted that the pavement to the front of the premises was 6m in depth and the planned display area was 2m.

Representations by Interested Parties

Representatives of the Street Scene Enforcement Team had submitted an objection but were not in attendance. The Democratic Services Officer read out their written submission for the consideration of the Sub-Committee. Key points highlighted included:

- The Street Scene Enforcement Team (SSET) had no objections to the business's activities provided that the items were pre-wrapped, labelled, and did not obstruct the highway.
- They acknowledged the issue of fly-tipping in the area but stated that refusing the application on this basis was not justified since the business was selling items and there was no evidence that they had been responsible for any fly-tipping.

Ward Councillor Susan O'Brien had also submitted a representation. She was in attendance and addressed the Sub-Committee. Key points highlighted included:

- Councillor O'Brien noted her concerns regarding the appearance of the parade of shops in Victoria Road, Ruislip Manor and felt that the proposed display of items outside the premises would be detrimental to the appearance of the business district.
- She noted that the parade was busy with a large number of shops. Other traders in the area who sold similar items to the applicant did not feel the need to display items on the pavement. Those that did hold shop front street trading licences in the vicinity (as set out on page 6 of the agenda pack) were mainly selling flowers or small household goods or were not located on the main parade.
- Councillor O'Brien informed the Sub-Committee that she had discussed the matter with businesses, residents and the Chamber of Commerce. She believed that displaying mattresses on Victoria Road in the centre of the parade would be detrimental to the street scene and would contribute to the improper disposal of household items.
- Ward Councillor O'Brien referenced the discretionary grounds for refusal as set out at point 10.5 a) on page 26 of the agenda pack noting that there were already two other large street traders in the area offering the same of similar goods to those of the applicant.
- With regards to Public Safety, as referenced at point 10.7 on page 27 of the agenda pack, Councillor O'Brien observed that the proposed items for display

were heavy and raised concerns that there was the potential for them to fall and injure a passing pedestrian.

- In respect of the Prevention of Public Nuisance, Councillor O'Brien raised concerns around perception and aesthetics noting that, at present, the section of Victoria Road in question was open and clear hence the proposed display would present a significant change to the street scene. The Sub-Committee heard that there had been a spate of fly-tipping outside charity shops in the area and it was possible that the proposed display would encourage more fly-tipping on Victoria Road. Councillor O'Brien regretted that Mr Naseri's business had been struggling but suggested that the location was not best suited to this type of business.

Councillor Barry Nelson-West acknowledged that the larger businesses referred to (Dreams and Bedtime) did not display items outside their premises but observed that they both had large windows therefore did not need to do so.

Discussion

During the discussion with the Sub-Committee and all parties present, a number of further points were raised.

At the request of Members, the Licensing Officer confirmed that no petitions or Members' Enquiries had been received in respect of the application.

Members asked the applicant to explain why he felt it would be beneficial to display mattresses outside his premises given that other retailers selling similar products did not feel the need to do so. Mr Naseri advised the Sub-Committee that Dreams and Bedtime were large established franchises. Moreover, both businesses had large display windows to the front and limited room on the pavements outside to display goods. Mr Naseri noted that he was only applying for a temporary licence to assist in establishing his business and raise awareness of the products for sale.

In the interest of public safety, Members sought further clarification regarding the proposed layout of the display area and enquired how the items would be safely secured. In response, the applicant confirmed that he did not intend to use the entirety of the 2m area applied for. The mattresses would be laid on a divan bed base and it would not be possible for them to fall. The coat stands had heavy bases and would therefore be stable. Members sought further reassurance to address their concerns regarding public safety and were informed that the mattresses would be tied to the divan base and the coat stands would be sited on suitable areas of pavement so they could not fall.

In response to further questions from Members it was confirmed that Europa Furniture had been in operation for approximately 4 months. The Sub-Committee heard that the applicant had considerable retail experience having been involved with a similar business for 15 years.

Members enquired whether the applicant would be willing to exclude mattresses from the proposed shop front display. The applicant advised that most of his business was generated through the sale of mattresses and beds hence he would not be willing to do so.

Mr Naseri informed the Sub-Committee that he would be willing to reduce the proposed hours of display to 09:00 – 18:00 rather than 09:00 – 20:00 and modify the display to

include only one mattress. He would also agree to reduce the display area to 1.5 m rather than the requested 2m.

The Licensing Officer confirmed that he had received a layout plan from the applicant which had shown the measurements of the area but had not demonstrated how the goods would be displayed. It was noted that the windows either side of the door measured 1.85m and a single mattress was 1.9m long which could present a problem.

Closing remarks

In closing submissions, Ward Councillor O'Brien confirmed that she still had concerns noting that the proposal to display a divan bed and mattress perpendicular to the front of the premises was not ideal.

The applicant confirmed that the bed would have to be positioned longways as it would not fit along the front of the window. He reiterated that he would be willing to decrease the hours of display to Monday to Sunday from 09:00 to 18:00 hours and had agreed to display only one mattress. Mr Naseri stated that his business had not been successful thus far and, if the application were not granted, he may have to consider selling up or changing the nature of his business.

The Licensing Officer affirmed that the depth of the pavement at the application site was 6m. He confirmed that any method of securing the goods on display would have to be temporary – it would not be possible to drill into the highway.

Committee Deliberation

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

All parties were invited back to the meeting for the Chairman to announce the decision of the Sub-Committee.

The Decision

The Sub-Committee has considered all the relevant representations made available to it and in doing so has taken into account the London Local Authorities Act 1990 and the Council's Street Trading Policy.

The Sub-Committee has paid particular attention to paragraphs 10.7 and 10.8 of the Street Trading Policy. The Licensing Sub-Committee has determined that it is necessary and proportionate to grant a temporary Street Trading Shop Front Licence to Europa Furniture, 77 Victoria Road, Ruislip HA4 9BH for a 6-month period.

In making this decision the Sub Committee has determined that it was appropriate to grant the temporary street trading shop front licence to operate between the hours of 9am and 8pm with a maximum area of 2 metres.

In determining the application, the Sub-Committee had regard to the following factors:

Public Safety

The Sub-Committee were concerned about the potential risk to public safety with regard to disabled/partially sighted pedestrians should mattresses, a single divan box

or coat stands be displayed on the pavement at the shop front. The Sub-Committee were not provided with enough information regarding the plan and layout of the goods to be displayed or the specific details as to how they would be secured to prevent risk of injury. There were also concerns that the placing of divan box on the highway could be a potential fire hazard.

Appearance of the Trading Area

The Sub-Committee were not persuaded that the display of mattresses, a single divan box or coat stands would enhance the aesthetics of the area, given that there are no other businesses which display such items in the immediate vicinity.

The Sub-Committee listened to the concerns regarding fly-tipping in the area however, did not place any weight on these concerns in light of the service road not being accessible to the applicant and no direct evidence being attributable to the business being the cause of the fly-tipping.

As such, the Sub-Committee felt it appropriate to add one further condition to the standard conditions attached to all street trading licences and shop front licences (see Appendix 3 of Hillingdon's Street Trading Policy) namely:

- 1) The following articles/commodities are not to be displayed for sale;
 - Mattresses
 - Single divan boxes
 - Coat stands

Appeal

Any person aggrieved by the council's decision to refuse or revoke a temporary street trading licence does not have an automatic right of appeal however may instead apply for judicial review of such a decision.

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

The meeting, which commenced at 10.05 am, closed at 11.55 am.

These are the minutes of the above meeting. For more information on any of the resolutions please contact Democratic Services - email: democratic@hillingdon.gov.uk 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.