



Notice of Hearing

Licensing Sub-Committee A

Date: FRIDAY, 1 OCTOBER 2010

Time: 10.00 AM

Venue: COMMITTEE ROOM 6
CIVIC CENTRE,
HIGH STREET,
UXBRIDGE
UB8 1UW

Meeting Details: Members of the Public and Press are welcome to attend this meeting

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Councillors on the Sub-Committee:

Josephine Barrett (Chairman)
Lynne Allen
Peter Kemp

Important Information

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

Tuesday 28 September 2010

If you don't notify you may lose your right to speak at the hearing. When notifying you must confirm:

- 1) Whether you intend to attend or to be represented by someone at the hearing;
- 2) If you consider a hearing to be unnecessary and;
- 3) Whether to request that another person attends (other than your representative) as a witness

Published: Thursday, 16 September 2010

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http://www.hillingdon.gov.uk/index.jsp?articleid=5553&action=view_doc&cid=74

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Agenda

- 1 Apologies for Absence
- 2 Declarations of Interest in matters coming before this meeting
- 3 To confirm that items marked Part 1 will be considered in Public and items marked Part 2 will be considered in Private
- 4 Matters that have been notified in advance or urgent

Part 1 - Members, Public and Press

Consideration of Reports for Street Trading Licences and Licensed Premises

	Title of Report / Address of Application	Ward	Time	Page
5	Renewal of Temporary Shop Front Street Trading Licences	Yiewsley, Townfield, West Ruislip	9.50 am (Briefing) 10am Start of Hearing	9 - 12
6	New Application for Temporary Shop Front Street Trading Licence	Barnhill	9.50 am (Briefing) 10 am Start of Hearing	13 - 16
7	Application for Temporary Tables & Chairs Street Trading Licence	Uxbridge South	9.50 am (Briefing) 10 am Start of Hearing	17 – 20
8	Renewal of Temporary Pitch Licences	Townfield West Ruislip	9.50 am (Briefing) 10 am Start of Hearing	21 – 24
9	Application for Temporary Pitch Street Trading Licence	Uxbridge South & North	9.50 am (Briefing) 10 am Start of Hearing	25 – 43
	Hearing Protocol for Premises Licensing Applications			43 – 58
10	New Application for Premises Licence	West Ruislip	9.50 am (Briefing) 10 am Start of Hearing	59 – 84

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HILLINGDON
LONDON

Part III of the London Local Authorities Act 1990 (as amended): Street Trading

Rules of Procedure for Urgent Licensing Sub-Committee Hearings

1. SCOPE

- 1.1 These procedure rules apply to Licensing Sub-Committees established by the Licensing Committee of Hillingdon Council acting as Licensing Authority. The rules are subject to Street Trading legislation as contained in Part III of the London Local Authorities Act 1990 (as amended)

- 1.3 The purpose of these procedure rules is to guide the Licensing Sub-Committees through the various stages of hearing urgent applications for street trading licences and to direct the sub-committee hearing a case, and all other parties involved, on the essential procedural requirements to be followed before, during and after a hearing.

- 1.4 Urgent applications to be determined in accordance with this procedure shall include but is not limited to:
 - a. Applications for charitable street trading;
 - b. Applications for street trading linked to community events, for example, fairs
 - c. Applications linked to Shop Front or Tables and Chairs Licences which seek to amend / vary the named Licence Holder;

- d. Applications for pitch licences which seek to amend / vary the assistants licensed to the pitch;
- e. Any other unopposed application which the relevant Council Officer considers to be urgent.

2. SUB-COMMITTEES

Role, Composition and Quorum

- 2.1 All hearings under these procedure rules will be conducted by licensing sub-committees for the sole purpose of determining urgent applications for and in relation to licences as required under Street Trading legislation as contained in Part III of the London Local Authorities Act 1990 (as amended) [the “Act”].
- 2.2 A sub-committee will usually consist of two members drawn from the Licensing Committee. The quorum for hearings and meetings of a sub-committee is two members. Each meeting shall be chaired by a designated Licensing Sub-Committee Chairman.
- 2.3 The Head of Democratic Services, or his representative (usually the Clerk to the Licensing Committee) shall appoint each sub-committee taking into account the need for it to be politically balanced, where possible; the need to involve all members of the Licensing Committee as equally as possible; the need to avoid involving members with an interest in the item to be discussed or members from the ward in which the subject premises is located; and the timescale available for determining applications.
- 2.3 Where hearings are convened using this procedure, Section 100A of the Local Government Act 1972 permits a Sub-Committee meeting to be convened with less than five clear days notice.

Power to adopt own Procedure

- 2.4 Except where otherwise prescribed by the Act, the sub-committee has wide powers to adopt its own procedures as to the general order and manner in which the hearing is to be conducted. For example, it may in any particular case dispense with or modify these Rules of Procedure.

3. BEFORE THE HEARING

Time Limits for Setting up Hearings

- 3.1 The Act does not prescribe a specific period of time within which an urgent hearing is to be held. It is expected that a hearing will to be commenced within 72 hours of Democratic Services receiving a report related to an unopposed application for a street trading licence / variation of a street trading licence from the relevant Council Officer

Notice Procedures

- 3.2 In order to hold a fair and transparent hearing, the relevant Council division and parties to proceedings are required to notify each other of relevant information in advance of the hearing as follows:

Notice of Hearing from the Licensing Authority

- 3.3 Notice shall given as soon as possible by Democratic Services to all parties to the hearing specifying the date, time and place at which the hearing is to be held.
- 3.4 The Notice of Hearing shall be accompanied by information in writing regarding the following:
- (i) This procedure note, confirmation from the relevant Council Officer that the matter is unopposed and details of the application as provided by the relevant Council Officer.
 - (ii) Confirmation that a party may be assisted / represented by a person who does not have to be legally qualified;
 - (ii) The consequences if a party:
 - (a) Informs the sub-committee that he/she does not wish to attend or be represented at the hearing, or
 - (b) Fails to inform the relevant committee whether he/she wishes to attend or be represented at the hearing, or
 - (c) Informs the sub-committee that he/she wishes to attend or be represented at the hearing, but fails to attend or be represented.

- (iii) the legal requirements imposed on the sub-committee in conducting the hearing.

Street Scene Enforcement Team Officer's Report

- 3.5 A report on the application to be determined will be presented at the hearing by the relevant Council Officer, which will contain a summary of the application, their technical observations and recommendations.

Consequences of failure to Attend Hearing

- 3.6 The sub-committee committee may proceed with a hearing in the absence of the Applicant.
- 3.7 Where the hearing is held in the absence of a party, the relevant committee shall consider at the hearing the application or objections made by that party.

4. THE HEARING

Principles to be applied

- 4.1 Subject to paragraph 4.2 and 4.3 below, the hearing shall take place in public.
- 4.2 The sub-committee may direct that all or part of a hearing must be held in private if it is satisfied that it is necessary in all the circumstances of the case, having had regard to:
 - (i) any unfairness to a party that is likely to result from hearing in public; and
 - (ii) the need to protect as far as possible, the commercial or other legitimate interests of a party.
- 4.3 Issues that involve personal details such as medical conditions or criminal records will normally be held in private session.
- 4.4 Changes to the membership of the sub-committee will be announced at the beginning of the hearing.

- 4.5 The hearing will take the form of a discussion led by the Chairman of the relevant committee. As the hearing is not a court:
- (i) strict rules of evidence will not apply
 - (ii) comments and questions are to be directed through the sub-committee Chairman.
 - (iii) cross-examination will not be permitted unless the sub-committee considers that cross-examination is required for it to consider the representations or application.
 - (iv) information, discussion and address must be relevant to the Act.
- 4.6 The sub-committee will have regard to the common law rules of natural justice and the Human Rights Act 1998 when exercising its decision-making functions, with particular reference to Article 6 of the European Convention of Human Rights which provides that:
- “...in the determination of civil rights and obligations, everyone is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law”.*
- 4.7 A party may be assisted or represented at the hearing by any person whether or not that person is legally qualified. For the avoidance of doubt, a party may be assisted or represented by their Ward Councillor. However, no member sitting on the relevant sub-committee hearing the case can represent any of the interested parties or applicant.

Procedure at the Hearing

- 4.8 The Chairman shall at the beginning of the hearing introduce the members of the sub-committee, invite the parties to identify themselves and then explain to the parties the procedure that the sub-committee intends to follow.
- 4.9 The relevant Council Officer will then be invited by the Chairman to present the relevant details of his/her report (referred to in paragraph 3.11 above), and any other information regarding any details relevant to the application or representations which may have come to light since the report was written. Alternatively, the Chairman may proceed directly to paragraph 4.10 below.
- 4.10 The Applicant (s) or their representatives will normally be invited to address the sub-committee.
- 4.11 Each party shall be entitled to:

- (i) address the sub-committee or call witnesses
- (ii) provide further information on, or explanation of, any matter on which the licensing authority has indicated that it would want further clarification under paragraph 3.7(vi) above.
- (iii) subject to paragraph 4.4(iv) above, question any other party or person representing a party on any matter that is relevant to the application, or representation made on the application, where in all the circumstances the sub-committee considers it is appropriate to do so.

4.12 The sub-committee will take into consideration documentary or other information in support of the application or objections produced by a party:

- (i) before the hearing; or
- (ii) at the hearing, with the consent of all other parties attending the hearing.

4.13 At any time during the hearing, parties may be asked questions upon their presentation or evidence by any member of the sub-committee.

4.14 The parties shall be entitled to make closing submissions and will normally be invited to do in the following order:

- (i) Street Scene Enforcement Officer
- (ii) Applicant

4.15 The sub-committee may require any person who in his/her opinion is behaving in a disruptive manner to leave the hearing and may refuse to permit that person to return or to return upon complying with such conditions as the relevant committee may specify. However, any such person will be allowed to submit any evidence in writing that they proposed to give orally, provided they do so before the end of the hearing.

4.16 At the conclusion of evidence and closing submissions, the sub-committee will adjourn into closed session in order to deliberate and reach a decision. During this process only the Legal Adviser and Committee Clerk will remain with them.

4.17 If, during its deliberations, the sub-committee considers that it is necessary for any person present at the hearing to provide further information or clarification on a particular point, the hearing may be re-convened to deal with that issue before reaching a decision.

Role of Legal Advisor

- 4.18 The sub-committee may seek advice or clarification of any procedural, technical or legal matter from the legal adviser at any time during the course of the hearing.
- 4.19 The legal adviser will provide the Sub-Committee with any advice it requires properly to perform its functions whether or not the Sub-Committee requested that advice, on:
- (i) questions of law or of mixed fact and law;
 - (ii) matters of practice and procedure;
 - (iii) the range of options available to the Sub-Committee;
 - (iv) Relevant national guidance, policy or codes;
 - (v) Other issues relevant to the matter before the Sub-Committee;
 - (vi) The appropriate decision-making structure to be applied in any given case.
- 4.20 The legal adviser may ask questions of witnesses and the parties in order to clarify the evidence and any issues in the case. The legal adviser is under a duty to ensure that every case is conducted fairly.
- 4.21 The legal adviser will play no part in making findings of fact but may assist the Sub-Committee by reminding it of the evidence taken from his/her own or the committee clerk's notes.
- 4.22 The legal adviser will assist the Sub-Committee where appropriate as to the formulation of reasons and the recording of those reasons.

5. THE DECISION

Principles to be applied

- 5.1 Each application will be determined on its own merits and the sub-committee shall make its decision based upon the merits of the individual circumstances of each case and its considerations shall be restricted to the evidence placed before it (see paragraph 5.3 and 5.4 below on how evidence will be assessed);

- 5.2 All decisions reached by a sub-committee shall be supported by reasons and a summary of the relevant evidence supporting those reasons. All decisions reached by the sub-committee must comply with the Act.

Time Limit

- 5.3 The relevant sub-committee shall determine the application on the last day on which the hearing was held. So, if the hearing finishes on a Monday, the determination must occur on the same day.
- 5.4 A verbal decision is given to the public at the end of the hearing or at the end of the relevant agenda item.

6. AFTER THE HEARING

Notification of Decision

- 6.1 After the hearing, formal notice of the sub-committee's decision and related information, such as any conditions that may be imposed on the street trading licence, shall be communicated to all parties to the proceedings, in writing, within 5 working days of a verbal decision being given.
- 6.2 All decisions upon an urgent application shall further be published for viewing on the Council's official website.

RENEWAL OF TEMPORARY SHOP FRONT STREET TRADING LICENCES

Committee	Licensing Sub Committee
Officer Contact	Bill Hickson – (01895) 277402
Papers with report	Annexure 1
Ward(s) affected	Yiewsley, Townfield, West Ruislip

SUMMARY

The Street Scene Enforcement Team has now processed the applications for the renewal of shop front street trading licences. Having considered the applications and documentation, the Street Scene Enforcement Team suggests that it would be appropriate to renew the shop front street trading licences of traders as tabulated in Annexure 1.

RECOMMENDATION

That the temporary shop front street trading licences of each reported trader identified in Annexure 1 be renewed for a period of 6 months

ALTERNATIVE OPTIONS

- A. Approve the renewal of the licences for a further time limited period of less than 6 months – time period to be specified by the Sub-Committee**
or;
- B. Refuse to approve the renewal of the licences**

INFORMATION

1. Street trading activity within the London Borough of Hillingdon is regulated by the London Local Authorities Act 1990 (as amended).
2. The applications listed in Annexure 1 are for the renewal of shop-front street trading licences.
3. The licences issued will be temporary licences lasting for six months from date of issue.
4. The Street Scene Enforcement Team has examined all documentation accompanying the applications, however the Sub-Committee should be aware that some applicants have not supplied some of the supportive documents. Copies of the relevant documentation supplied by each trader will be available to be viewed by Councillors at the Licensing Sub-Committee Hearing
5. The Street Scene Enforcement Team is satisfied that each application complies with the London Borough of Hillingdon's Street Trading Regulations and the legislation.

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6. The Street Scene Enforcement Team confirms that it has no objection to the grant of the licence.
7. Street Scene Enforcement Team Officers confirm the proposed trading activities have sufficient space of two (2) metres on the pavement for pass and re-pass by pedestrians.
8. On 8 September 2010 correspondence was despatched to the relevant traders. They were advised by the Street Scene Enforcement Team by post of the date and time of the Sub-Committee meeting at which their application to renew their street trading licence would be considered. Copies of this correspondence will be available to be viewed by Councillors at the Licensing Sub-Committee Hearing.
9. The correspondence also advised the traders of their right to attend the hearing and make written or verbal representations at the hearing.
10. Additionally, the traders were advised via correspondence that the application would be decided in their absence in the event that Democratic Services were not notified of the trader's intention to attend and/or address the Sub-Committee.
11. In light of the traders' compliance with Street Trading Regulations, the Street Scene Enforcement Team is not aware of any reason to revoke the licence or issue a licence for a period of less than 6 months.

LEGAL COMMENTS

12. This report recommends that the street trading licences as attached at Annexure 1 be renewed in accordance with Section 25(1) of the London Local Authorities Act 1990 (as amended) – ("the Act").
13. An application for the renewal of a street trading licence should be made not later than two months before the date on which the existing licence will cease to be valid. This time period may be shortened if the Local authority considers it reasonable to do so.
14. Section 25(4) of the Act specifies that a street trading licence may not be granted:
 - a. To a person under the age of 17 years;
 - b. To a company incorporated under the Companies Acts, an unincorporated association or a partnership except where such an application is made to carry on ice cream trading
 - c. In respect of an application for a street trading licence which, if granted, would authorise trading in a street which is not a licence street. An exception to this prohibition is where the application is for the grant of a temporary permit and the proposed trader has the permission of the owner of the land to carry out trading activities. In such a situation, the applicant is required to provide sufficient evidence of such permission to the Licensing Sub-Committee.
 - d. Where the goods that the trader proposes to trade in are prohibited or embargoed by a resolution passed in compliance with Section 24(1)(b) of the Act.

15. In accordance with Section 25(4)(b), a licence may not be granted unless the Sub-Committee are satisfied that there is enough space in the street for the applicant to engage in the trading activity without causing undue interference or inconvenience to persons or vehicular traffic using the street.

16. As at 26 February 2010, all public pavements immediately in front of any shop within the London Borough of Hillingdon has been designated as a licence street for the purposes of street trading under the Act.

BACKGROUND DOCUMENTS

London Local Authorities Act 1990(as amended)

London Borough of Hillingdon Street Trading Licence Terms and Conditions

NAME : Mr T Cagin -Hayes Food Centre
LICENCE TYPE AND PERIOD : Shop frontage – Six Months renewal
LOCATION : 66-68 Coldharbour Lane Hayes UB3 3ES
COMMODITY : Fruit & Vegetable Display

NAME : Mr M Chaudhry – Yiewsley Post Office & Convenience Store
LICENCE TYPE AND PERIOD : Shop Frontage – Six months
LOCATION : 72-74 High Street Yiewsley UB7 7DS
COMMODITY : Household plastic goods

NAME : Mr K Arora – Hayes Town Superstore
LICENCE TYPE AND PERIOD : Shop Frontage – Six Months
LOCATION : 6 Botwell Lane Hayes UB3 2AA
COMMODITY : Fruit & Vegetable Display

NAME : Mr R Sira – Sira's
LICENCE TYPE AND PERIOD : Shop Frontage – Six Months
LOCATION : 42-44 Coldharbour Lane Hayes UB3 3EP
COMMODITY : Fruit & Vegetable Display

NAME : Mr A Khan – Abracadabra London Ltd
LICENCE TYPE AND PERIOD : Shop Frontage – Six Months
LOCATION : 108 High Street Ruislip HA4 8LS
COMMODITY : Household Goods

APPLICATION FOR TEMPORARY SHOP FRONT STREET TRADING LICENCES

Committee	Licensing Sub Committee
Officer Contact	Bill Hickson – (01895) 277402
Papers with report	Annexure 1
Ward(s) affected	Barnhill

SUMMARY

The Street Scene Enforcement Team has now processed the new application for temporary shop front street trading licence *as tabulated in Annexure 1. Having considered the application and documentation, the Street Scene Enforcement Team suggests that it would be appropriate to issue temporary pitch licence for the trader as tabulated in Annexure 1.

RECOMMENDATION

That temporary shop front street trading licence of the reported trader identified in Annexure 1 be issued for a period of 6 months.

ALTERNATIVE OPTIONS

- A. Approve the issue of the licence for a further time limited period of less than 6 months – time period to be specified by the Sub-Committee.**
- or;**
- B. Refuse to issue of temporary shop front street trading licence.**

INFORMATION

1. Street trading activity within the London Borough of Hillingdon is regulated by the London Local Authorities Act 1990 (as amended).
2. The applications listed in Annexure 1 are for new temporary shop front street trading licence.
3. The licence issued will be temporary licence lasting for a period of 6 months.
4. The Street Scene Enforcement Team has examined all documentation accompanying the application. Copies of the relevant documentation supplied by the trader will be available to be viewed by Councillors at the Licensing Sub-Committee Hearing.
5. The Street Scene Enforcement Team is satisfied that the application complies with the London Borough of Hillingdon's Street Trading Regulations and the legislation.
6. The Street Scene Enforcement Team confirms that it has no objection to the grant of the licence.
7. Street Scene Enforcement Team Officers confirm the proposed trading activities have sufficient space of two (2) metres on the pavement for pass and re-pass by pedestrians.

8. On 13/09/2010 correspondence was despatched by post to the relevant trader. The Street Scene Enforcement Team advised them by post of the date and time of the Sub-Committee meeting at which their application for their street trading licence would be considered. Copies of this correspondence will be available to be viewed by Councillors at the Licensing Sub-Committee Hearing.
9. The correspondence also advised the trader of their right to attend the hearing and make written or verbal representations at the hearing.
10. Additionally, the trader were advised via correspondence that the application would be decided in their absence in the event that Democratic Services were not notified of the trader's intention to attend and/or address the Sub-Committee.
11. In light of the traders' compliance with Street Trading Regulations, the Street Scene Enforcement Team is not aware of any reason refuse the licences for the period requested.

LEGAL COMMENTS

12. This report recommends that the street trading licences as attached at Annexure 1 be renewed in accordance with Section 25(1) of the London Local Authorities Act 1990 (as amended) – ("the Act").
13. An application for the renewal of a street trading licence should be made not later than two months before the date on which the existing licence will cease to be valid. This time period may be shortened if the Local authority considers it reasonable to do so.
14. Section 25(4) of the Act specifies that a street trading licence may not be granted:
 - a. To a person under the age of 17 years;
 - b. To a company incorporated under the Companies Acts, an unincorporated association or a partnership except where such an application is made to carry on ice cream trading
 - c. In respect of an application for a street trading licence which, if granted, would authorise trading in a street which is not a licence street. An exception to this prohibition is where the application is for the grant of a temporary permit and the proposed trader has the permission of the owner of the land to carry out trading activities. In such a situation, the applicant is required to provide sufficient evidence of such permission to the Licensing Sub-Committee.
 - d. Where the goods that the trader proposes to trade in are prohibited or embargoed by a resolution passed in compliance with Section 24(1)(b) of the Act.
15. In accordance with Section 25(4)(b), a licence may not be granted unless the Sub-Committee are satisfied that there is enough space in the street for the applicant to engage in the trading activity without causing undue interference or inconvenience to persons or vehicular traffic using the street.
16. As at 26 February 2010, all **Highway**" means a route or area which all persons can use to pass and repass along as often and whenever they wish without let or hindrance and without charge; this includes carriageway, footway and any part of that area where the public have access and which may be in public or private ownership public within the London Borough of Hillingdon designated for the purposes of street trading under the Act.

BACKGROUND DOCUMENTS

London Local Authorities Act 1990(as amended)

London Borough of Hillingdon Street Trading Licence Terms and Conditions

NAME : Mr S Arora – Kwaliti Foods
LICENCE TYPE AND PERIOD : Shop frontage – 6 months
LOCATION : 674 Uxbridge Road Hayes UB4 0RY
COMMODITY : Fruit & Vegetable Display

Barnhill

APPLICATION FOR TEMPORARY TABLES & CHAIRS STREET TRADING LICENCES

Committee	Licensing Sub Committee
Officer Contact	Bill Hickson – (01895) 277402
Papers with report	Annexure 1
Ward(s) affected	Uxbridge South

SUMMARY

The Street Scene Enforcement Team has now processed the applications for the renewal of shop front street trading licences. Having considered the applications and documentation, the Street Scene Enforcement Team suggests that it would be appropriate to renew the tables & chairs street trading licence of the traders as tabulated in Annexure 1.

RECOMMENDATION

That the temporary tables & chairs street trading licence of the traders identified in Annexure 1 be renewed for a period of 6 months

ALTERNATIVE OPTIONS

- A. Approve the renewal of the licence for a further time limited period of less than 6 months – time period to be specified by the Sub-Committee**
or;
- B. Refuse to approve the renewal of the licence**

INFORMATION

1. Street trading activity within the London Borough of Hillingdon is regulated by the London Local Authorities Act 1990 (as amended).
2. The applications listed in Annexure 1 are for the renewal of tables & chairs street trading licences.
3. The licence issued will be temporary licence lasting for six months from date of issue.
4. The Street Scene Enforcement Team has examined all documentation accompanying the applications. Copies of the relevant documentation supplied by each trader will be available to be viewed by Councillors at the Licensing Sub-Committee Hearing.
5. The Street Scene Enforcement Team is satisfied that each application complies with the London Borough of Hillingdon's Street Trading Regulations and the legislation.
6. The Street Scene Enforcement Team confirms that it has no objection to the grant of the licence.

7. Street Scene Enforcement Team Officers confirm the proposed trading activities have sufficient space of two (2) metres on the pavement for pass and re-pass by pedestrians.
8. On 08/09/2010 correspondence was despatched to the relevant traders. They were advised by the Street Scene Enforcement Team by post of the date and time of the Sub-Committee meeting at which their application to renew their street trading licence would be considered. Copies of this correspondence will be available to be viewed by Councillors at the Licensing Sub-Committee Hearing.
9. The correspondence also advised the trader of their right to attend the hearing and make written or verbal representations at the hearing.
10. Additionally, the traders were advised via correspondence that the application would be decided in their absence in the event that Democratic Services were not notified of the trader's intention to attend and/or address the Sub-Committee.
11. In light of the traders' compliance with Street Trading Regulations, the Street Scene Enforcement Team is not aware of any reason to revoke the licence or issue a licence for a period of less than 6 months.

LEGAL COMMENTS

12. This report recommends that the street trading licences as attached at Annexure 1 be renewed in accordance with Section 25(1) of the London Local Authorities Act 1990 (as amended) – ("the Act").
13. An application for the renewal of a street trading licence should be made not later than two months before the date on which the existing licence will cease to be valid. This time period may be shortened if the Local authority considers it reasonable to do so.
14. Section 25(4) of the Act specifies that a street trading licence may not be granted:
 - a. To a person under the age of 17 years;
 - b. To a company incorporated under the Companies Acts, an unincorporated association or a partnership except where such an application is made to carry on ice cream trading
 - c. In respect of an application for a street trading licence which, if granted, would authorise trading in a street which is not a licence street. An exception to this prohibition is where the application is for the grant of a temporary permit and the proposed trader has the permission of the owner of the land to carry out trading activities. In such a situation, the applicant is required to provide sufficient evidence of such permission to the Licensing Sub-Committee.
 - d. Where the goods that the trader proposes to trade in are prohibited or embargoed by a resolution passed in compliance with Section 24(1)(b) of the Act.
15. In accordance with Section 25(4)(b), a licence may not be granted unless the Sub-Committee are satisfied that there is enough space in the street for the applicant to engage in the trading activity without causing undue interference or inconvenience to persons or vehicular traffic using the street.

16. As at 26 February 2010, all public pavements immediately in front of any shop within the London Borough of Hillingdon has been designated as a licence street for the purposes of street trading under the Act.

BACKGROUND DOCUMENTS

London Local Authorities Act 1990(as amended)

London Borough of Hillingdon Street Trading Licence Terms and Conditions

NAME : Mr M Wehbe – Coffee Break
LICENCE TYPE AND PERIOD : Tables & Chairs for Six Months
LOCATION : 7 High Street Uxbridge UB8 1JN
COMMODITY : Tables & Chairs

Uxbridge South

NAME : Mr B Gallagher The Three Tuns
LICENCE TYPE AND PERIOD : Tables & Chairs for Six Months
LOCATION : 24 High Street Uxbridge UB8 1JN
COMMODITY : Tables & Chairs

Uxbridge South

Correspondence address
TLT Solicitors
One Redcliffe Street
Bristol
BS1 6TP

RENEWAL TEMPORARY PITCH LICENCES

Committee	Licensing Sub Committee
Officer Contact	Bill Hickson – (01895) 277402
Papers with report	Annexure 1
Ward(s) affected	Townfield, West Ruislip

SUMMARY

The Street Scene Enforcement Team has now processed applications for a renewal of street trading pitch licences. Having considered the applications and documentation, the Street Scene Enforcement Team suggests that it would be appropriate to renew the Temporary Pitch Licence of the traders as tabulated in Annexure 1.

RECOMMENDATION

That the Temporary Pitch Licence of each reported trader identified in Annexure 1 be renewed for a period of 6 months.

ALTERNATIVE OPTIONS

- A. Approve the renewal of the licences for a further time limited period of less than 6 months – time period to be specified by the Sub-Committee.**
- or;**
- B. Refuse to approve the renewal of licence.**

INFORMATION

1. Street trading activity within the London Borough of Hillingdon is regulated by the London Local Authorities Act 1990 (as amended).
2. The applications listed in Annexure 1 are for the renewal of Pitch Trading licences.
3. The licences issued will be Temporary licence lasting for a duration of 6 months from date of issue.
4. The Street Scene Enforcement Team has examined all documentation accompanying the applications. Copies of the relevant documentation supplied by the traders will be available to be viewed by Councillors at the Licensing Sub-Committee Hearing.
5. The Street Scene Enforcement Team is satisfied that the application complies with the London Borough of Hillingdon's Street Trading Regulations and the legislation.
6. The Street Scene Enforcement Team confirms that it has no objection to the grant of the licence.
7. On 8 September 2010 correspondence was despatched to the relevant trader. Who were advised by the Street Scene Enforcement Team by post of the date and time of the Sub-Committee meeting at which their application to renew their street trading licence would be considered. Copies of this correspondence will be available to be viewed by Councillors at the Licensing Sub-Committee Hearing.

8. The correspondence also advised traders of their right to attend the hearing and make written or verbal representations at the hearing.
9. Additionally, the trader has been advised via correspondence that the application would be decided in their absence in the event that Democratic Services were not notified of the trader's intention to attend and/or address the Sub-Committee.
10. In light of the traders' compliance with Street Trading Regulations, the Street Scene Enforcement Team is not aware of any reason to revoke the licence or issue a licence for a period of less than 6 months.

LEGAL COMMENTS

11. This report recommends that the street trading licences as attached at Annexure 1 be renewed in accordance with Section 25(1) of the London Local Authorities Act 1990 (as amended) – ("the Act").
12. An application for the renewal of a street trading licence should be made not later than two months before the date on which the existing licence will cease to be valid. This time period may be shortened if the Local authority considers it reasonable to do so.
13. Section 25(4) of the Act specifies that a street trading licence may not be granted:
 - a. To a person under the age of 17 years;
 - b. To a company incorporated under the Companies Acts, an unincorporated association or a partnership except where such an application is made to carry on ice cream trading
 - c. In respect of an application for a street trading licence which, if granted, would authorise trading in a street which is not a licence street. An exception to this prohibition is where the application is for the grant of a temporary permit and the proposed trader has the permission of the owner of the land to carry out trading activities. In such a situation, the applicant is required to provide sufficient evidence of such permission to the Licensing Sub-Committee.
 - d. Where the goods that the trader proposes to trade in are prohibited or embargoed by a resolution passed in compliance with Section 24(1)(b) of the Act.
14. In accordance with Section 25(4)(b), a licence may not be granted unless the Sub-Committee are satisfied that there is enough space in the street for the applicant to engage in the trading activity without causing undue interference or inconvenience to persons or vehicular traffic using the street.
15. As at 26 February 2010, all **Highway**" means a route or area which all persons can use to pass and repass along as often and whenever they wish without let or hindrance and without charge; this includes carriageway, footway and any part of that area where the public have access and which may be in public or private ownership public within the London Borough of Hillingdon designated for the purposes of street trading under the Act.

BACKGROUND DOCUMENTS

London Local Authorities Act 1990(as amended)
London Borough of Hillingdon Street Trading Licence Terms and Conditions

NAME : Mr J Nosworthy – Porky’s Snack Bar
LICENCE TYPE AND PERIOD : Temp Pitch Licence – renewal six months
LOCATION : Springfield Road Hayes
COMMODITY : Hot food & Snacks

Townfield Ward

NAME : Miss C Allvey – Flowers By Design
LICENCE TYPE AND PERIOD : Temp Pitch Licence – renewal six months
LOCATION : Ruislip High St (fronting 142-144)
COMMODITY : Fresh flower stall

West Ruislip

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APPLICATION FOR TEMPORARY PITCH STREET TRADING LICENCE

Committee	Licensing Sub Committee
Officer Contact	Bill Hickson – (01895) 277402
Papers with report	Annexure 1
Ward(s) affected	Uxbridge South & North

SUMMARY

The Street Scene Enforcement Team has now processed the new application for temporary pitch street trading licence *as tabulated in Annexure 1. Unfortunately the applicant has failed to supply the documents required by the Terms & Conditions for Street trading. Also there has been very significant opposition to the application.

RECOMMENDATION

Refuse to issue the temporary pitch street trading licence, as required documentation (listed in Annexure 2) and licence fee has not been supplied.

ALTERNATIVE OPTIONS

- A. That temporary pitch trading licence of the reported trader be issued for a limited period of less than 6 months – time period to be specified by the Sub-Committee.
- B. Refuse to approve the licence.

INFORMATION

1. Street trading activity within the London Borough of Hillingdon is regulated by the London Local Authorities Act 1990 (as amended).
2. The application listed in Annexure 1 is for a new pitch licence.
3. The licence issued will be temporary licence for a period of 6 months.
4. The Street Scene Enforcement Team has examined all documentation accompanying the application, however the Sub-Committee should be aware that the applicant has not supplied some of the supportive documents. Copies of the relevant documentation supplied by the trader will be available to be viewed by Councillors at the Licensing Sub-Committee Hearing.
5. The Street Scene Enforcement Team consulted with local interested parties concerning this application. This consultation was conducted between the 9th August 2010 & the 3rd September 2010. A list of parties consulted are shown in Annexure 3 and response received shown in Annexure 4.
6. On 11 September 2010 correspondence was hand delivered to the traders' home address. The Street Scene Enforcement Team advised him by post of the date and time of the Sub-Committee meeting at which his application for a street trading licence would be considered. Copies of this correspondence will be available to be viewed by Councillors at the Licensing Sub-Committee Hearing.

7. The correspondence also advised the trader of his right to attend the hearing and make written or verbal representations at the hearing.
8. Additionally, the trader was advised via correspondence that the application would be decided in his absence in the event that Democratic Services were not notified of the trader's intention to attend and/or address the Sub-Committee.

LEGAL COMMENTS

9. This report recommends that the street trading licences as attached at Annexure 1 be renewed in accordance with Section 25(1) of the London Local Authorities Act 1990 (as amended) – (“the Act”).
10. An application for the renewal of a street trading licence should be made not later than two months before the date on which the existing licence will cease to be valid. This time period may be shortened if the Local authority considers it reasonable to do so.
11. Section 25(4) of the Act specifies that a street trading licence may not be granted:
 - a. To a person under the age of 17 years;
 - b. To a company incorporated under the Companies Acts, an unincorporated association or a partnership except where such an application is made to carry on ice cream trading
 - c. In respect of an application for a street trading licence which, if granted, would authorise trading in a street which is not a licence street. An exception to this prohibition is where the application is for the grant of a temporary permit and the proposed trader has the permission of the owner of the land to carry out trading activities. In such a situation, the applicant is required to provide sufficient evidence of such permission to the Licensing Sub-Committee.
 - d. Where the goods that the trader proposes to trade in are prohibited or embargoed by a resolution passed in compliance with Section 24(1)(b) of the Act.
12. In accordance with Section 25(4)(b), a licence may not be granted unless the Sub-Committee are satisfied that there is enough space in the street for the applicant to engage in the trading activity without causing undue interference or inconvenience to persons or vehicular traffic using the street.
13. As at 26 February 2010, all **Highway**” means a route or area which all persons can use to pass and repass along as often and whenever they wish without let or hindrance and without charge; this includes carriageway, footway and any part of that area where the public have access and which may be in public or private ownership public within the London Borough of Hillingdon designated for the purposes of street trading under the Act.

BACKGROUND DOCUMENTS

London Local Authorities Act 1990(as amended)
London Borough of Hillingdon Street Trading Licence Terms and Conditions
Letter & list of persons consulted Annexure 3
Responses to the consultation letter Annexure 4

NAME : Mr Hall trading as "Appy Days "
LICENCE TYPE AND PERIOD : Temporary Pitch Licence – 6 months
LOCATION : Windsor Street fronting no:4
COMMODITY : Mobile food trailer dispensing hot food & snacks

Uxbridge South Ward

- A. Licence fee
(Mr Hall unable to pay in advance – due to insufficient funds)
- B. Proof of commercial waste agreement
(*Mr Hall has contacted waste companies for quotes etc however is unable to commence contract until he knows whether the licence will be granted*)
- C. Proof of public liability insurance (*received 15.45 hours 13/09/210*)

List of persons consulted in process

The Managers of Public Houses:-

The Metropolitan
The Fig Tree
The Three Tuns
The Queens Head

Charter Place

Windsor Street Traders Association

St Margarets Church

HSBC Bank

4 Windsor St – Horse Power Hairdressers
- Uxb Employment Agency

Andy Stubbs – Uxbridge Town Centre Manager

Uxbridge Initiative

Uxbridge Police

Hillingdon Fire Brigade

Licensing Team

Mr Craddock – Flower Stall

Uxb South Ward - Cllrs Burrows / Routledge / J Cooper

Uxbridge North – Cllr Yarrow/ G Cooper/ J Barrett

Copies of letters received in response to consultation:-

W Hickson Esq
Street Scene Enforcement Manager - Planning, Environment and Community Services
4W/05 Civic Centre
High Street
Uxbridge Middlesex UB8 1UW

31st August 2010



Dear Sir

Re: Pitch Licence application – top of Windsor Street – Charter Place

I was advised by Horse Power Hairdressing of the consultation process with regard to an application for a mobile fast-food trailer to operate in the above area from Thursday to early Sunday morning.

We do not appear to have received a copy of your letter although we will be directly involved if this hair-brained idea gets the go ahead from Planners who, no doubt, probably do not even reside in the immediate area as I do, having both my business premises and my residence in the UB8 area.

You may gather that I would not be happy to see this proposal given permission and you would be absolutely correct as I know that, without proper toilet and waste disposal facilities, this whole area will end up as a midden with people both using it as a urinal and also to defecate.


Theses repugnant acts have happened already in this vicinity on a number of occasions as although Uxbridge welcomes in many thousands of people for its late evening attractions it thoughtfully does not provide facilities for people when they wish to relieve themselves after they leave premises where they cannot re-gain entry.

As Street Scene Enforcement Manager you will have direct experience of this outrage which only a Council could get away with – if I sought permission to organise a multi-thousand street festival without toilet facilities I would be thought mad and yet that is exactly what you do every week. Please don't tell me that people can use the facilities of local pubs etc as the very people who will urinate and defecate are the same people who have been excluded from such premises and, even given their culpability, are not catered for by the Council who make thousands out of the rates that entertainment businesses pay but refuse to allow people the dignity of having proper toilet facilities in place for them after such businesses close.

Plus, why not spare a thought for the many other static fast-food bars that are in Uxbridge, paying rates to the very organisation that seeks to undermine them by forcing such unwanted and unnecessary competition on them.

Please confirm that you will be registering this letter as an objection as I would hate to think that we were not included in the consultation process, for whatever reason.

Yours sincerely


Charles Tuthill
Managing Director



RECEIVED
- 7 SEP 2010

Mr. W. Hickson
Street Scene Enforcement Team
4W/05
Civic Centre
Uxbridge
UB8 1UW

Ref: Pitch license application

1st September 2010

Dear Sir,

I have stated in writing my objection to the sale of foodstuffs in the town centre on several occasions of late, and my opinion is unchanged. To reiterate; I support the current legislation that prevents food vendors trading on the high street. I do so because I agree with the committee decision that food vending dramatically increases rubbish and problems with vermin in the area, both of which represent a health hazard to the public and a costly and time consuming clean up for the council.

In addition, my concerns regarding this specific application are as follows; a late night burger van would encourage people to loiter in the town at night. As there are no public toilets available in the town centre, this will inevitably result in people urinating and defecating in the streets. This presents a further threat to public health and safety. I am also concerned that encouraging activity in the town centre late at night will increase other incidents of antisocial behaviour, i.e. vandalism, especially graffiti, and destruction of property.

My negative predictions for the impact of food vending in the town are not based on speculation, but on previous experience. Approximately ten years ago a burger van operated in the town. I would spend each morning cleaning it's detritus from my pitch- the high street was strewn with food wrappers and splashed with vomit. The decision to make a rule to curtail this was a step forward. I believe that to contravene or bypass that rule would be a step back.

In summary, I believe that the social and economic cost of a food-van in Windsor Street would by far out-way the benefits it would offer to the people of Uxbridge.

Yours Sincerely,

Denise Buckingham - Re: Burger bar in Windsor Street

From: Denise Buckingham
To: Peter Ingleton
Date: 23 August 2010 09:37
Subject: Re: Burger bar in Windsor Street

Dear Mr Ingleton

Many thanks for your email regarding the application for a pitch trader in Windsor Street. Your comments will be added to the report that is to be submitted to the licensing committee for consideration on the 1/10/10 (date not yet confirmed) I will advise you if this date changes. If you should require any further information please do not hesitate to contact me regards

Denise Buckingham
Street Scene Enforcement Team
Planning, Environment & Community Services
Civic Centre 4W/05
High Street Uxbridge UB8 1UW

Tel No:01895 277524
Fax No:01895 277082
www.hillingdon.gov.uk/streetscene

>>> "Peter Ingleton" <peterji@blueyonder.co.uk> 22/08/2010 16:36 >>>

Dear Denise.

It has been brought to my notice that an application has been submitted for a burger bar to be sited at the top of Windsor Street by the gates to Charter Place.

As a shopkeeper at 4A/B Windsor St. (next to Horsepower Hairdressing) I must register my objections to this application. As I am sure you know, Windsor Street is a coservation area and as such should be kept very much in its present form.

Such a burger bar late at night will lead to littering, urination in the street and possible damage to nearby property including broken windows. As far as I am aware this area should be kept clear as it is an emergency entrance/exit to Charter Place

I trust you will take all this into consideration before deciding wether to grant a licence.

I await your response.

Regards

Peter J Ingleton FBHI
R. V. Ralph Watch Repair Specilist
4A/B Windsor Street
Uxbridge.
peterji@blueyonder.co.uk



NEXEN PETROLEUM U.K. LIMITED

Charter Place Vine Street

Uxbridge Middlesex UB8 1JG U.K.

T +44 (0)1895 237 700 F +44 (0)1895 237 232 www.nexeninc.com

DENISE BUCKINGHAM

Street Scene Enforcement Team
Planning, Environment & Community Services
London Borough of Hillingdon
4W/05, Civic Centre
High Street
Uxbridge
UB8 1UW



24 August 2010



Dear Sirs,

Re: Pitch Licence Application

As a Tenant within Charter Place, we would like to take this opportunity to register our strong objection against the proposed mobile catering van in close proximity to our offices.

We believe the van will not only increase the amount of unwanted rubbish within our area, encourage groups to congregate around the property which in turn will have an effect on the building's security (something already impacting us with other local pubs/bars) but also encourage potential vandalism to the building.

We would hope the voices of many surrounding local businesses are heard and that this licence application is refused.

I look forward to hearing the outcome.

Yours faithfully

Liz Curragh
Facilities Co-ordinator
On behalf of Nexen Petroleum U.K. Limited

Charter Place
Uxbridge
Middlesex
UB8 1EZ
Tel: 01895 231313

Street Scene Enforcement Team
Planning, Environment & Community Services
London Borough of Hillingdon
4W/05, Civic Centre
High Street
Uxbridge
UB8 1UW

FAO: Denise Buckingham

26 August 2010



Dear Madam,

Re: Pitch Licence Application

As a Tenant within Charter Place, we would like to take this opportunity to register our strong objection against the proposed mobile catering van located in close proximity to our offices.

We believe the van will significantly increase the amount of unwanted litter and encourage groups to congregate around the property at night time; which in turn will impact on the building's security and also encourage potential vandalism to the building.

We would hope that our voice, joined by many of the surrounding local businesses, is heard and that this licence application is refused.

I look forward to hearing the outcome.

Yours faithfully

Sue James
Facilities Manager
On behalf of Coca-Cola Enterprises Ltd

Cllr David Routledge - Re: Application for food trader in Windsor Street

From: Cllr David Routledge
To: Denise Buckingham
Subject: Re: Application for food trader in Windsor Street
CC: Bill Hickson; Charmian Baker; Cllr Judith Cooper; Cllr Keith Burrows; sset; UUWT Kathy Stephens; uuwt.mail@gmail.com

Dear Denise,

Thank you for your e-mail below and the enclosed copy of Mr W Hickson Street Scene Enforcement Manager letter.

I write to confirm that as:-

Uxbridge South Ward Councillor, Council I am totally opposed to the to consent being granted for a Mobile Burger Trader in Windsor Street (4a). because of the problems that this will cause by people using the Burger Bar, noise, litter, dropping uneaten food in adjoining residential road. Using doorways, area outside St Margaret's as toilet. Noise whilst going to Car Hire Firm in Windsor Street. Encourage Rodents in area.

London Borough of Hillingdon Heritage Champion. Over the last 8 years the Traders in Windsor Street have had to add grills to their Shop Fronts to protect their Windows as it is impossible to get insurance. Even with grills windows are still broken. The Burger Bar will increase the number of people using this area of the Town and could result in further Traders in Windsor Street installing grills to protect their windows. May result in graffiti on the Windsor Street frontages. We need to protect the Old Uxbridge Conservation Area and the Burger Bar will in my opinion make this more difficult.

I am Chair of Uxbridge United Welfare Trusts which are Freeholders of 4, 4a and 4b, 47, 50, 51, 52, 53 and 54 (Queens Head) and I object on behalf of the Trust because of the problems the Trust and its Tenants have suffered in the past with person who have had to much to drink in the past.

London Borough of Hillingdon STREET ANGELS. I am a member of this organisation which has team on the Streets of Uxbridge on Friday Evenings between 10 pm to 4 Am. The granting of permission of a Burger Bar outside 4 Windsor Street will put further location that the Police and Street Angels will have to cover, and may be a further source of problems/fights/damage. Litter will be dropped, noise made whilst food being eaten. Could I suggest that the Licence Sub-Committee join me on a Friday Night and see the existing problems in the High Street and meet me at 6 am on Saturday morning and walk the High Street and adjoining Roads and see the litter and uneaten food that the Borough have to clean up from the existing food outlets.

If you require any further information please do not hesitate to contact me.

I would like to speak at the Hearing if possible but I am away from 16th to 30th September.

Regards,

Cllr David Routledge.
Uxbridge South Ward,
>>> Denise Buckingham 09/08/2010 12:21 >>>
Dear Councillors

Please find attached a letter that is being sent regarding a new street trading application that has been received by the Street Scene Enforcement Team.

Due to the nature of the application the team are carrying out a consultation process to gather views prior to submitting the report to the licensing Sub Committee.

I look forward to receiving any comments from you regarding this issue



RECEIVED
- 7 SEP 2010

24th August 2010

Mr W Hickson
Street Scene Enforcement Manager
London Borough Hillingdon
Civic Centre
UB8 1UW

Licensing Department
Northwood Police Station
2 Murray Road
Northwood
Middx. HA6 2YN.

Dear Mr Hickson

Re: Street Trading Application

Thank you for your letter 16th August re the consultation process around street trading and in particular the application to trade as a Burger Van in Windsor Street.

The consideration of police to this application is one of great concern. As the police officer charged with licensing duties it is my role to look at crime and problems around liquor licensing generally and the sale of hot food between the hours of 11pm and 5am.

The town centre has a number of pubs and clubs and like a great number of town centres it faces challenges in the night economy from those persons who would act inappropriately or criminally. The police have worked hard in dealing with the licensed premises that are in anyway responsible for causing anti social behaviour and matters are generally at a manageable level.

The current cause of many problems in Uxbridge is the shops that provide fast food to the persons leaving the pubs and clubs and in this regard we constantly see problems occurring around these existing premises. Premises such as Subway and the adjacent kebab house at the Tesco end of the high street have taken to employing door supervisors. Other fast food premises employ 4 or 5 staff as a measure to prevent and ward off problems. These measures come at considerable cost to the proprietor and would not be voluntarily undertaken unless very necessary.

When pubs and bars close and intoxicated persons descend on the fast food outlets there is a much heightened chance for anti social behaviour and crime.

We are currently looking at the present arrangements because of the problems and we would not wish to add any further establishments, particularly and in addition to the above as there would be limited staff, no self policing, little in the way of commitment to long term business as per a shop premises. The noise of patrons in that locality the lack of toilet facilities, and general litter and food waste.

Police would make an objection to this application we would be able to support it with evidence if required and will be making representations to any application under the Licensing Act for the late night refreshment licence.

Yours



Ian Meens
Licensing Sergeant
Hillingdon Police
0208 246 1933
m07785226483



RECEIVED
27 AUG 2010

HILLINGDON
LONDON

Street Scene Enforcement Team
Planning, Environment & Community Services
London Borough of Hillingdon
4W/05 Civic Centre
Uxbridge

24th August 2010

Dear Bill

Re: Pitch licence application to trade in burgers, hot & cold snacks & cold drinks from a mobile trailer at Windsor Street

I am writing to advise my views on the above application and hope the Licensing Committee considers refusing the application because of the following reasons.

1. This application would be a backward step for the town which seeks to provide a higher quality offer. Mobile trailers are incompatible with this goal.
2. I have concerns that if the application was granted then it would bring with it increased levels of litter from packaging and discarded foodstuffs. These can be found not only in the vicinity of these operations but also at some distance. I am not at all confident that these problems can be controlled through legislation or conditions as part of any licence. There is the danger that the town centre environment will be degraded.
3. Locations such as mobile trailers can also be the focus of other antisocial behaviour.
4. There are sufficient outlets in the town already operating from shop premises to satisfy customer demand for late night food.

Should the Licensing Committee decide to grant a licence, I feel it would be sensible to add conditions to deal with the above points, and that the license should not be issued until the applicant has clearly demonstrated sufficient and appropriate controls to mitigate the harm that might otherwise result.

Information about the application was provided to the Uxbridge Initiative town centre partnership Transport & Environment group on 11th August. The group members present wished it to be known that they were opposed to the grant of a license.

Yours sincerely

Andy Stubbs
Uxbridge Town Centre Manager

Partnerships & Business Community Engagement
Department: Deputy Chief Executives Office
T.01895 558696

astubbs@hillington.gov.uk www.hillingdon.gov.uk
London Borough of Hillingdon,
3 East/02, Civic Centre, High Street, Uxbridge, UB8 1UW



INVESTOR IN PEOPLE

Denise Buckingham - Re: FW: FAO. Mr Hickson. Consultation for street trader in Windsor Street Uxbridge.

From: Denise Buckingham
To: DEREK.BIRD@london-fire.gov.uk
Date: 06 September 2010 16:11
Subject: Re: FW: FAO. Mr Hickson. Consultation for street trader in Windsor Street Uxbridge.

Dear Mr Bird

Thank you for your response regarding the application received by the council requesting permission to place a mobile fast food trailer in Windsor Street. between 21.00 & 03.15 hours.

Your observations have been noted & will be added to the report that will be heard by the Licensing Sub Committee on the 1 October 2010
regards

Denise Buckingham
Street Scene Enforcement Team
Planning, Environment & Community Services
Civic Centre 4W/05
High Street Uxbridge UB8 1UW

Tel No:01895 277524

Fax No:01895 277082

www.hillingdon.gov.uk/streetscene

>>> <DEREK.BIRD@london-fire.gov.uk> 10/08/2010 13:09 >>>

Dear Sir,

With reference to your attached letter, the Fire Authority would make the following comments.

Access

The proposed siting of this vehicle does not in the main cause us any access problems however, the parking of customer's vehicles utilising the facilities may restrict the roadway width. This could lead to a delay in attendance times unless parking restrictions are enforced.

LPG Safety

The main dangers associated with the use and keeping of LPG are the build up of gas with an associated fire and explosion risk. A further danger is the formation of toxic gases if the vehicle is inadequately ventilated, due to the incomplete combustion of LPG when an appliance is in use.

Siting

Cylinders should be located in a well-ventilated position in the open air, or within a separate ventilated housing outside the vehicle or in a ventilated compartment. The housing or compartment should be gas tight to the interior of the vehicle. A notice should be fitted to the outside of the compartment indicating the presence of gas cylinders.

Pipework

Pipework should be as short as practicable. The pipework and joints should be compatible with LPG and capable of resisting corrosion and abrasion. Generally solid drawn copper tube used with copper or copper alloy fittings or stainless steel tube and appropriate compression or screw fittings are recommended. The high-pressure stage, i.e. the pipework at cylinder pressure to the regulator should be kept as short as possible. The pipework and the regulator should be located externally to the vehicle or within the cylinder compartment. Lengths of flexible high pressure hose should be kept to the minimum length necessary. The hose should comply with BS 3212, Part 2, and fitted with integral threaded ends. Flexible tubing at the low pressure stage should be kept to the minimum practicable length and comply with BS 3212, Part 1. The tubing should be provided with integral threaded ends or otherwise secured by crimping or using a suitable hose clip. (Not worm driven)

Appliances

Appliances must be securely fastened to the vehicle and not capable of working loose. They should be installed, used and maintained in accordance with the manufacturer's instructions. Every LPG pipe should terminate with a shut off valve or tap immediately before the appliance which must be readily accessible. All valves should be clearly marked to indicate the open and closed position.

Ventilation

Adequate ventilation should be provided in every vehicle in which there is an LPG fuelled appliance. This should provide fresh air for adequate combustion; prevent excessive condensation and the build up of combustion products or gas in the event of a leak. Fixed ventilators should be in addition to the normal adjustable ventilation provided by windows, serving hatches and roof lights. The minimum effective area of total fixed ventilation should never be less than 4,000mm².

Maintenance

A visual check of cylinders, pipework, appliances and vents and flues should be made daily before the vehicle is taken on site and again before use. It is recommended that a simple written procedure such as a tick sheet is used. This matter will need to be considered in your risk assessment (see below). The complete gas installation should be examined for soundness by a competent CORGI registered contractor such as the LPG supplier at least once a year or more frequently as necessary.

Training

All persons working in a MCU must be given adequate instructions and information on the dangers associated with LPG, action they must take in the event of an emergency (whether a gas leak or a fire), how to safely change cylinders and how to safely use equipment and appliances. Written information can be obtained from your LPG supplier or the equipment manufacturer.

Fire Precautions

Where frying takes place a fire blanket should be provided. Fire extinguishers should be suitable and properly maintained. A dry powder extinguisher conforming to BS 5423 and rated at 89B (e.g. a capacity of 9kg) will be suitable for both LPG and fat fires. Locate extinguishers adjacent to the exit.

Further information on the above and additional matters can be obtained from your EHO, the Health and Safety Executive or the LPG supplier

Risk Assessment

The Management of Health and Safety at Work Regulations 1999 (MHSWR 1999) require every employer and self employed person to carry out a suitable and sufficient assessment of the risks to the health and safety of his employees and other people who may be affected by his undertaking.

A free booklet called "Five Steps to Risk Assessment" which you can complete is available. However, only employers with five or more employees or that have a licence enactment in force are legally required to record the significant findings of their risk assessment.

A risk assessment will involve the identification of hazards which are present and then evaluating the extent

of the risks involved taking account any precautions being taken. In a MCU the main hazards will be fire and explosion associated with the use of LPG, slips and trips inside the MCU or on the access to it, cuts and burns associated with equipment and appliances. Further advice on health and safety matters may be relevant is contained in a free booklet called Preventing Slips, Trips and Falls at Work (IND (G) 225(L)). There is also some useful advice in a publication called health and Safety in Kitchens and Food Preparation Areas (HSE 55 from HSE Books or Dillons Bookstores).

Health and Safety at Work Act

The HSW 74 requires every employer to ensure the safety of his employees so far as is reasonably practicable. This includes providing a safe workplace, safe access into and from the workplace, safe equipment which is properly maintained for use at work. Employees must also be provided with safety instructions, information and training which is necessary for their health and safety at work. Adequate welfare arrangements are also required.

There are many regulations made under the main Act which will apply to the applicant. Two sets of regulations on the use of hazardous substances (COSHH) and risk assessment at work (MHSWR 1999) have been briefly described above.

Yours Sincerely

Derek Bird
Inspecting Officer
Fire Safety Regulation North West Area
Enforcement Team
London Fire Brigade
Tel: 020 8555 1200 38223
Mob: 07825996440
e-mail: derek.bird@london-fire.gov.uk

LONDON FIRE BRIGADE

For fire safety advice please go to <http://www.london-fire.gov.uk/YourSafety.asp>

To book a LFB workplace fire safety training course go to <http://www.london-fire.gov.uk/workplacefiresafetytraining.asp>

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Licensing Act 2003

Protocol for making representations and sub-committee hearings

This protocol outlines the procedures that will be followed:

- When making representations
- On receiving the Notice of the Hearing
- Before, during and after the hearing

Full details of the regulations surrounding sub-committee hearings are available for download on the Department of Culture, Media and Sport's website by [clicking here](#).

It is important that you carefully read these procedures before you make a representations to an application or wish to attend and be heard at a Licensing sub-committee hearing

1. Making representations

Am I eligible to make a representation?

Representations and objections to an application can only be made by parties or authorities entitled to do so under Government legislation – the Licensing Act 2003. The parties or authorities that can make representations are set out below:

An **interested party** which would be anyone who is directly affected by activity at the licensed premises in question, such as:

- A person living in the vicinity of the premises
- A body representing persons living in the vicinity of the premises, e.g. a Residents Association.
- A person involved in a business in the vicinity
- A body representing persons involved in such business e.g. Trade Association.

A **responsible authority**, which are namely:

- Metropolitan Police Service
- The London Fire & Emergency Planning Authority
- Hillingdon Council's Planning & Transportation and Environment & Consumer Protection Services
- Health and Safety bodies
- Bodies relating to the protection of children from harm, e.g. Area Child Protection Committee

What happens if nobody makes any representations?

It is important to note that under the terms of the Licensing Act 2003 the Licensing Service must grant all new premises licence applications and variation applications if no relevant representations are received either from interested parties or responsible authorities.

When do I make a representation?

Any interested party or responsible authority may make written representations about an application. Generally these must be made at any time up to and including 28 consecutive days after the day on which the application was received.

You should make your representations **within the time limit specified** in the notice put up at the premises or contained in the newspaper advertisement relating to the particular application. **Representations received after the time limit cannot be accepted.** Time limits are given in the attached Appendix (part 1)

Contact Information:

To make representations or related queries please contact:

Hillingdon Licensing Service

Tel: (01895) 277433

Email: licensing@hillington.gov.uk

Fax: (01895) 250011

Write to: 4W/01 Civic Centre, High Street, Uxbridge, Middlesex, UB8 1UW

What information should I provide in the representation?

When making your representation you must give details for the reasons for objection. Representations will only be relevant if they relate to the four licensing objectives:

- (1) The Prevention of Crime and Disorder;**
- (2) Public Safety;**
- (3) The Prevention of Public Nuisance; and**
- (4) The Protection of Children from Harm.**

For more information about the Licensing Objectives please read Hillingdon's Licensing Policy carefully as this document outlines the issues the Licensing Service will consider in respect of applications that have received relevant representations. You can get a copy of the Licensing policy by [clicking here](#) or contacting the Licensing Service by telephoning (01895) 277433.

Representations should fully explain the nature of the points made, reflect the Licensing Objectives outlined above provide in detail any evidence relied upon to back up those points. Concerns or fears about what might happen if the licence is granted cannot be taken into account unless they relate to the Licensing Objectives.

What format should the representation take?

All representations must be given in writing. However, the Hillingdon Licensing Service agrees to accept relevant representations, with accompanying evidence, by email to allow compliance with the time limits, but where this is done, the full name and postal address should given in the email and **representations must be immediately confirmed in writing afterwards.**

Can we send in a petition?

Yes, petitions can be submitted in accordance with the same rules that apply for representations. Petitions should outline their purpose and potential signatories should note that a copy will be supplied by the Hillingdon Licensing Service to the applicant. Each person signing the petition should print their full name and address. Petitioners should all live within the 'vicinity' of the premises in question.

The Licensing Act 2003 regulations do not allow for petitions to be presented, without notice, to the sub-committee hearing.

Can the Licensing Service reject a representation?

Representations can be rejected if they are received after the time limits set, anonymous or in the opinion of the Licensing Service they are found to be vexatious, frivolous or repetitive and the writer will be notified of this decision. The Hillingdon Licensing Service may also seek to mediate between the parties to see if agreement can be reached without the need for a licensing hearing.

Where do I send the representation?

Please send your representation to the Hillingdon Licensing Service at the address given at the top of Section 1 of this protocol. If sent elsewhere, it may not be received in time to be allowed. Members of the sub-committees should not be approached with any representations as this may prejudice the application.

What if there are a number of similar representations?

It is possible that there may be a number of similar representations, which if all heard would make the hearing unmanageable. At the procedural briefing, held just before the hearing starts, the Hillingdon Licensing Service will ask that you agree a spokesman to speak on behalf of related representations.

What happens next?

A copy of all relevant representations will be provided, in full, to the applicant. Relevant representations will then be considered as part of the business at a Licensing sub-committee hearing along with the application. The papers for the sub-committee hearing, including relevant representations, will be available to the press and public as part of the Notice of Hearing.

Where an application is to be decided at a sub-committee hearing, applicants and those who have made relevant written representations in connection with the application, will be invited to attend and will have speaking rights.

2. On receiving the Notice of Hearing

What is the Notice of Hearing?

The Licensing Sub-committee hearing will normally be held within the period of 20 working days from when the consultation period ends. The Hillingdon Licensing Service will give appropriate notice of the hearing, which depends upon the type of application to be considered. Exact timings are attached in the Appendix (parts 2&3).

A Notice of the Hearing will be sent to all parties accompanied by:

- Date, time and location of the actual hearing and a procedural briefing to be held beforehand;
- This procedure note, the report from the Council's Licensing Officer with relevant representations attached;
- Confirmation that a party may be assisted / represented by a person who does not have to be legally qualified;
- Confirmation that a party to the hearing may address the authority, give further information on a point on which the authority requires clarification and, if considered by the authority to be required, question another party to the hearing;
- The consequences of not attending or being represented at a hearing (which normally will be that the hearing will proceed in the party's absence); and
- A note of any particular points on which the Hillingdon Licensing Service wants clarification.

Contact Information:

To give notice or any queries relating to the hearing please contact:

Clerk to the Committee

Tel: 01895 277655

Email: nwilliams@hillingdon.gov.uk

Write to: Clerk to the Committee, Cabinet Office, 3E/05, Civic Centre, Uxbridge, UB8 1UW

What do I do when I receive the Notice of Hearing?

On receipt of the Notice of Hearing, all parties must inform the Clerk to the Committee – **normally no later than 2 working days before the hearing*** – whether they:

- Intend to attend or to be represented at the hearing;
- Consider a hearing to be unnecessary; and
- Wish to request that another person appear at the hearing (other than their representative) as a witness. If such a request is made, it should be accompanied by details of the name of that person and a full description of the points about which that person may be able to assist the hearing.

*In the Appendix (part 4), full details are given of the deadline by which you should give your notice. All objectors and applicants are also reminded of their right to have a legal representative at the hearing.

If a party does not notify the above to the Clerk to the Committee before the relevant deadline they will not be entitled to speaking rights at the hearing.

IT IS IMPORTANT THAT YOU REPLY TO THE NOTICE

If I want to withdraw my representations - how do I do this?

Any party may withdraw their representations by contacting the Clerk to the Committee by phone, letter or email, providing they give notice no later than 24 hours before the hearing. If, during hearing, any party wishes to withdraw their representations they may do so orally by informing the Chairman.

What happens if I cannot attend the sub-committee hearing?

If you have made a representation and are unable to attend the sub-committee hearing, the sub-committee will only hear and consider any evidence and arguments put forward by or on behalf of the applicant and other parties present in relation to the written objections received. The sub-committee will take into account, in considering the importance to be attached to the objection, that the objector was not available to be questioned about their statements.

Can you accommodate any special needs I may have?

Yes, if any person, who intends to be present at the hearing, has any special needs, (for example in connection with access, hearing, language or vision) this should be brought to the attention of the Clerk to the Committee prior to the hearing in order that appropriate provision may be made.

Can the date of the hearing be changed?

Unfortunately, the Hillingdon Licensing Service cannot be flexible in the dates for hearings as the Licensing Act 2003 sets a strict legal deadline by which hearings must be heard.

3. Before the Hearing

You will have been notified of the date and time of the Licensing Sub-committee hearing. The hearings will normally take place at the Civic Centre, High Street, Uxbridge in one of the Committee Rooms.

How do I get to the Civic Centre?

Parking may be available via the entrance to the Civic Centre in the High Street by contacting the Clerk to the Committee in advance. Parking is also available in the nearby Chimes Shopping Centre Car Park. Bus routes 207, U1, U3, U4 and U7 all stop at the Civic Centre. Uxbridge underground station, with the Piccadilly and Metropolitan lines, is a short walk away.

Please enter from the main reception where you will be directed to the relevant Committee Room. Please switch off your mobile phone when entering the room and note that Hillingdon Council operates a no-smoking policy in its offices.

Will the hearing be in public?

There may be other members of the public and press that attend the hearing to observe the proceedings, but they will not be allowed to speak. At any hearing, the applicant may attend in person or, if the application or objection is made by an organisation or corporate body, a duly authorised representative may be present, who is able to speak on their behalf can do so.

The hearing will take place in public. However, in exceptional circumstances, when the sub-committee considers that it is in the public interest, it may exclude the public from all or any part of a hearing. Hearings will normally take place during the day.

I have some new evidence - may I present it?

The sub-committee **will not** normally allow the production of new written evidence not previously submitted as relevant representations by any party. In the case where the sub-committee does allow new evidence, all other parties must give their consent before it is heard.

If new material is permitted, the hearing may need to be adjourned to allow time to consider it and for other parties to respond to it. Accordingly, any application to have new material considered should demonstrate exceptional reasons for its admission. It is, therefore important for parties to ensure that all evidence is submitted in writing as soon as possible and in accordance with the relevant timescales.

Will I be briefed on procedure before the hearing?

Yes, in the notice of hearing, you will have been asked to attend a procedural briefing before the hearing starts. All parties will be asked to attend this briefing so that the Council's Licensing Officer or Legal Advisor can outline the procedures to be followed at the hearing.

What if there are a number of objectors present?

At the briefing, in the event of a large number of representations, the Licensing Officer or Legal Advisor will ask that a spokesman is agreed amongst those present who have similar representations.

Who are the people on the Licensing sub-committee?

Three elected councillors of the London Borough of Hillingdon sit on a Licensing sub-committee and it is only they who can determine the application. Its minimum membership is two. Councillors who sit on the sub-committees have been trained in the new Licensing regulations and have experience of determining applications of various kinds.

One of the Councillors will be the Chairman of the hearing and it will be he/she who will call interested parties and responsible authorities to speak and ensure time limits are adhered to as set out in the procedures.

Other people who will be present along with the Councillors include:

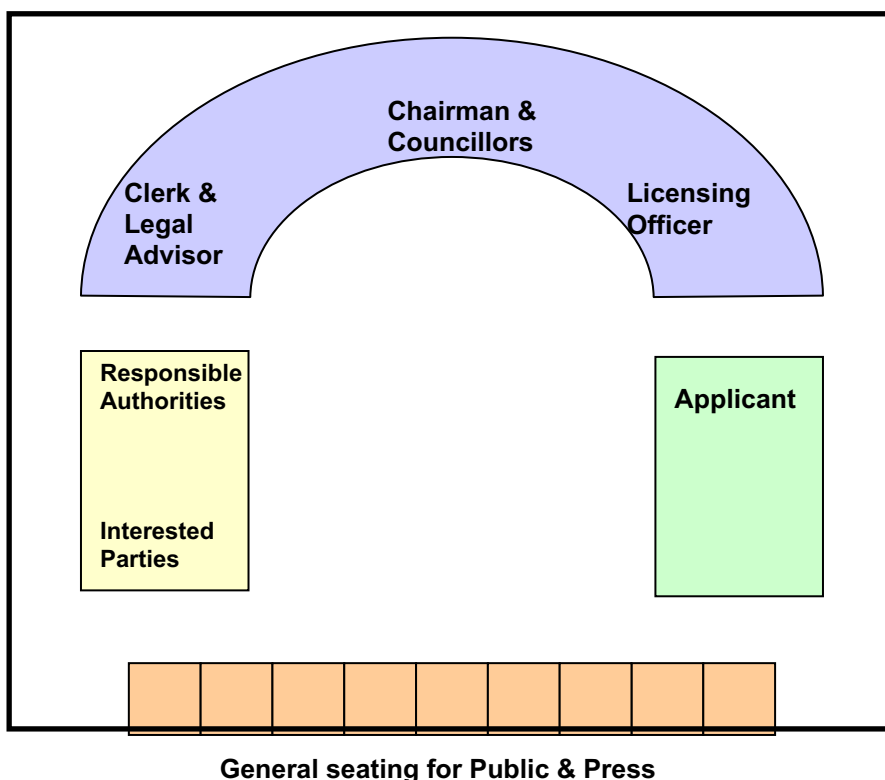
- The **Council's Licensing Officer** who will introduce the Officer report and outline his/her role.
- A **Legal Adviser** whose role is to assist the Committee with legal advice and to ensure that a fair and balanced hearing takes place.
- A **Clerk to the Committee** whose role is to summarise and record decisions on individual cases and to provide help and assistance to members of the public attending such meetings.

4. During the Hearing

The procedure at the sub-committee hearing will, in general, be based on those used in a court of law. Although the strict rules of evidence will not apply, they will be observed to a great extent, because this is the best way of hearing the evidence from all parties. The hearing will take the form of a discussion led by the sub-committee councillors. The sub-committee will seek clarification on the issues from the parties as it considers appropriate.

Where shall I sit at the hearing?

Once you have attended the procedural briefing, you will be directed into the relevant Committee Room. The set up of the room for those involved will generally be as shown below:



In general, how will the hearing be conducted?

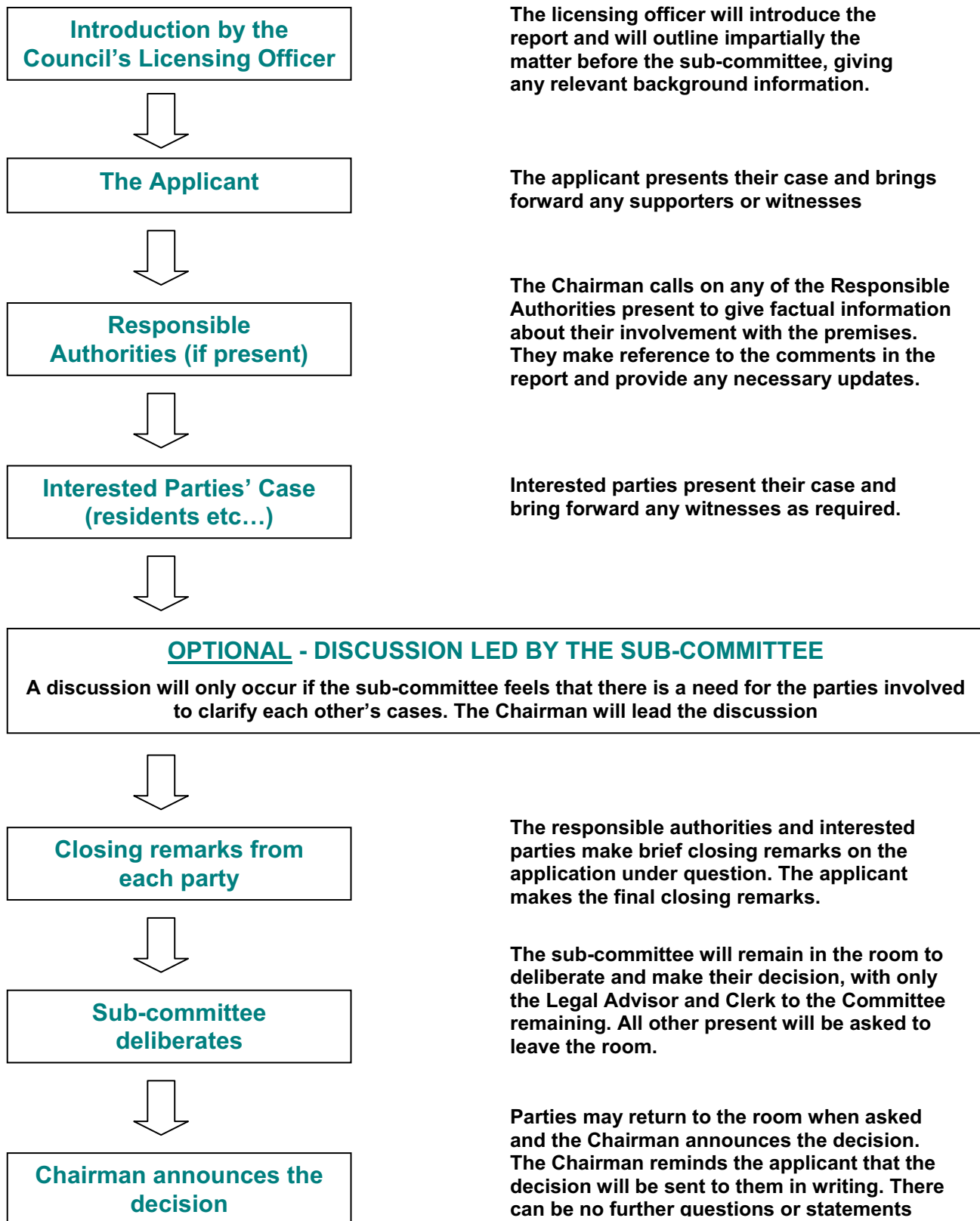
The procedure to be followed at the hearing will normally be as shown in the flow chart below, although all procedural matters will be subject to the discretion of the Chairman. All persons present will be requested to identify themselves and to give the reason for their presence. The sub-committee may consider any request from a party for another person to appear at the hearing as their representative.

It is important to note that cross-examination will not normally be permitted. Evidence, discussion and address must be relevant to the four licensing objectives. Repetition should also be avoided. The sub-committee will seek to prevent irrelevant and repetitive matters.

If, during its deliberations, the sub-committee considers that it is necessary for any person present at the hearing to provide further information or clarification on a particular point the hearing may be reconvened to deal with that issue. The sub-committee can also ask for procedural, technical or legal matter from officers present at any time during the proceedings.

What is the order of proceedings?

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, which will have been prepared in advance by the Clerk to the Committee and will then outline the procedure that will be followed for the remainder of the hearing. The procedure is as follows:



Can a Councillor sit on a sub-committee if the application is in their ward?

Councillors who sit on a sub-committee are advised to take steps to minimise their involvement in any application prior to its consideration by the sub-committee so that decisions are seen to be reached at the hearing impartially and with an open mind. Councillors should not appear to be acting both as an advocate on behalf of their residents and as an adjudicator on an application.

If a Councillor on the sub-committee has already taken a view on an application in advance of the hearing, they should not be present for the hearing of the application and should leave the meeting room for that item. They should also not visit any premises under consideration prior to the hearing. In any cases of doubt, the Councillor should not sit on the sub-committee for a particular application. In this instance, a substitute Councillor may need to be found from the main Licensing committee of the Council or the hearing may continue as long as two of the three Councillors are still present.

The agenda papers will show which ward each Councillor sits for and the reports from the Council's Licensing Officer will detail which ward the application is in.

Can a ward Councillor make a representation and or speak at a hearing?

If a ward Councillor, who does not sit on the sub-committee, wishes to make a formal objection to an application they may only do so if they make a written relevant representation as would apply to an Interested Party and in the same way as any other member of the public using the procedures outlined in this protocol. If the ward Councillor believes they have a personal or prejudicial interest in the application, they may still submit a relevant representation.

Ward Councillors, who do not sit on the sub-committee, may also speak at a sub-committee hearing in support or against an application, for example on behalf of their constituents without notice. They may also speak as an advocate or witness on behalf of the applicant or an Interested Party, even if they believe they have a personal or prejudicial interest. However, for the purposes of transparency, at the hearing, the ward Councillor should disclose what their personal or prejudicial interest is and whether they have been in contact with the applicant, agent, Interested Party or responsible authority beforehand or have visited the premises concerned.

Ward Councillors making either a written relevant representation or wish to speak at a hearing should not communicate about the application before the hearing with any Councillors who sit on the sub-committee. This is so the sub-committee makes their decision with an open mind.

What power does the Chairman have to control the meeting?

Under the Licensing act 2003, the Chairman may require any person attending the hearing who is behaving in a disruptive manner to leave the hearing and may refuse to permit that person to return or may permit the person to return only on such conditions as he or she may specify.

How will the sub-committee make its final decision?

Once the sub-committee has heard from officers and the parties to the hearing and has had answers to its questions, the sub-committee will usually withdraw to make its decision on the application. The sub-committee must disregard any information given or evidence produced by

a party or witness, which is not relevant to the application, representations or notice or the promotion of the licensing objectives.

Members of the sub-committee have a duty to behave impartially, not to predetermine the issue and not to discuss matters with press or residents. In making its decision the sub-committee must state in respect of premises licences why refusal or attachment of conditions is necessary in order to promote a particular licensing objective, and in respect of all other applications the reasons why applications are refused or revoked, taking into account the evidence presented by all parties during the hearing.

5. After the Hearing

When will we get formal notice of the decision?

The Chairman will normally announce the Sub-committee's decision in public at the end of the hearing and the reasons for the sub-committee's decision. This decision will then be communicated in writing to the parties as soon as possible after the hearing.

The Council's Legal Advisor will send applicants a decision letter shortly after the meeting outlining the decision and any conditions that are attached to the application. In addition, a letter will be sent to all those who made relevant written representations in connection with the application. This will confirm the decision made; any conditions attached to an approval or the reasons for refusal. Details of the respective appeal rights will also be sent with this notice.

The minutes of the meeting will be made available on the Council's website at:
www.hillingdon.gov.uk

Can we appeal against the decision?

Following the decision, the applicant or any person who has made a relevant representation in respect of a particular application can appeal to the Magistrates Court.

How can I find out about other applications in my area?

Applicants for new premises licences and club premises certificates; applications for provisional statements and applications for variations of existing premises licences or club premises certificates must display a notice on the premises and advertise the application in a local newspaper.

All applications once they are lodged will be available for viewing on Hillingdon Council's website at www.hillingdon.gov.uk and in the Civic Centre Offices by appointment with the Licensing Service during working hours.

Appendix

1. Time limits for an interested party or a responsible authority to make representations

	Provision	Period of time within which representations must be made.
1.	(a) in the case of a review of a premises licence following a closure order	At any time up to and including seven days starting on the day after the day on which the authority received the notice under section 165(4) in relation to the closure order and any extension to it
2.	(b) In any other case for a premises licence / club certificate applications.	At any time during a period of 28 consecutive days starting on the day after the day on which the application to which it relates was given to the authority by the applicant.
3.	Chief officer of Police giving an objection notice in regard to a personal licence application.	Within 14 days beginning with the day he received notice under subsection (2)
4.	Chief officer of Police giving an objection notice in regard to an e application to vary licence to specify individual as premises supervisor	Within 14 days beginning with the day he is notified of the application under subsection (4)
5.	Chief officer of Police giving a counter notice in regard to a temporary event or an interim authority notice	No later than 48 hours after the chief officer of police is given a copy of the notice.

2. Period within which hearings should be held

	Provision under which hearing is held.	Period of time within which hearing must be commenced.
1.	Section 18(3)(a) (determination of application for premises licence).	20 working days beginning with the day after the end of the period during which representations may be made as prescribed under section 17(5)(c).
2.	Section 31(3)(a) (determination of application for a provisional statement).	20 working days beginning with the day after the end of the period during which representations may be made as prescribed under section 17(5)(c) by virtue of section 30.
3.	Section 35(3)(a) (determination of application to vary premises licence).	20 working days beginning with the day after the end of the period during which representations may be made as prescribed under section 17(5)(c) by virtue of section 34(5).
4.	Section 39(3)(a) (determination of application to vary premises licence to specify individual as premises supervisor).	20 working days beginning with the day after the end of the period within which a chief officer of police may give notice under section 37(5).
5.	Section 44(5)(a) (determination of application for transfer of premises licence).	20 working days beginning with the day after the end of the period within which a chief officer of police may give notice under section 42(6).
6.	Section 48(3)(a) (cancellation of interim authority notice following police objection).	5 working days beginning with the day after the end of the period within which a chief officer of police may give notice under section 48(2).

Appendix

	Provision under which hearing is held.	Period of time within which hearing must be commenced.
7.	Section 52(2) (determination of application for review of premises licence).	20 working days beginning with the day after the end of the period during which representations may be made as prescribed under section 51(3)(c).
8.	Section 72(3)(a) (determination of application for club premises certificate).	20 working days beginning with the day after the end of the period during which representations may be made as prescribed under section 71(6)(c).
9.	Section 85(3) (determination of application to vary club premises certificate).	20 working days beginning with the day after the end of the period during which representations may be made as prescribed under section 71(6)(c) by virtue of section 84(4).
10.	Section 88(2) (determination of application for review of club premises certificate).	20 working days beginning with the day after the end of the period during which representations may be made as prescribed under section 87(3)(c).
11.	Section 105(2)(a) (counter notice following police objection to temporary event notice).	7 working days beginning with the day after the end of the period within which a chief officer of police may give a notice under section 104(2).
12.	Section 120(7)(a) (determination of application for grant of personal licence).	20 working days beginning with the day after the end of the period within which the chief officer of police may give a notice under section 120(5).
13.	Section 121(6)(a) (determination of application for the renewal of personal licence).	20 working days beginning with the day after the end of the period within which the chief officer of police may give a notice under section 121(3).
14.	Section 124(4)(a) (convictions coming to light after grant or renewal of personal licence).	20 working days beginning with the day after the end of the period within which the chief officer of police may give a notice under section 124(3).
15.	Section 167(5)(a) (review of premises licence following closure order).	10 working days beginning with the day after the day the relevant licensing authority receives the notice given under section 165(4).
16.	Paragraph 4(3)(a) of Schedule 8 (determination of application for conversion of existing licence).	10 working days beginning with the day after the end of the period within which a chief officer of police may give a notice under paragraph 3(2) or (3) of Schedule 8.
17.	Paragraph 16(3)(a) of Schedule 8 (determination of application for conversion of existing club certificate).	10 working days beginning with the day after the end of the period within which a chief officer of police may give a notice under paragraph 15(2) or (3) of Schedule 8.
18.	Paragraph 26(3)(a) of Schedule 8 (determination of application by holder of a justices' licence for grant of personal licence).	10 working days beginning with the day after the end of the period within which the chief officer of police may give a notice under paragraph 25(2) of Schedule 8.

3. Hearing Notice Periods

	Provision under which hearing is held.	Notice of hearing shall be given
1.	Section 48(3)(a) (cancellation of interim authority notice following police objection),	No later than two working days before the day or the first day on which the hearing is to be held.
2.	Section 105(2)(a) (counter notice following police objection to temporary event notice).	No later than two working days before the day or the first day on which the hearing is to be held
3.	Section 167(5)(a) (review of premises licence following closure order)	No later than five working days before the day or the first day on which the hearing is to be held
4.	Paragraph 4(3)(a) of Schedule 8 (determination of application for conversion of existing licence)	No later than five working days before the day or the first day on which the hearing is to be held
5.	Paragraph 16(3)(a) of Schedule 8 (determination of application for conversion of existing club certificate)	No later than five working days before the day or the first day on which the hearing is to be held
6.	Paragraph 26(3)(a) of Schedule 8 (determination of application by holder of justices' licence for grant of personal licence)	No later than five working days before the day or the first day on which the hearing is to be held

4. Action period following receipt of notice of hearing

Provision under which hearing is held.	Notice by a party shall be given
Section 48(3)(a) (cancellation of interim authority notice following police objection),	No later than one working day before the day or the first day on which the hearing is to be held.
Section 105(2)(a) (counter notice following police objection to temporary event notice)).	No later than one working day before the day or the first day on which the hearing is to be held.
Section 167(5)(a) (review of premises licence following closure order)	No later than two working days before the day or the first day on which the hearing is to be held.
Paragraph 4(3)(a) of Schedule 8 (determination of application for conversion of existing licence)	No later than two working days before the day or the first day on which the hearing is to be held.
Paragraph 16(3)(a) of Schedule 8 (determination of application for conversion of existing club certificate)	No later than two working days before the day or the first day on which the hearing is to be held.

Appendix

Provision under which hearing is held.	Notice by a party shall be given
Paragraph 26(3)(a) of Schedule 8 (determination of application by holder of justices' licence for grant of personal licence)	No later than two working days before the day or the first day on which the hearing is to be held.
In any other case	No later than five working days before the day or the first day on which the hearing is to be held.
A party who wishes to withdraw any representations they have made may do so	(a) by giving notice to the authority no later than 24 hours before the day or the first day on which the hearing is to be held; or (b) orally at the hearing

APPLICATION FOR A NEW PREMISES LICENCE

Committee	Licensing Committee
Officer Contact	Linda Etherington 01895 556799
Papers with report	<ul style="list-style-type: none">• Appendix 1 – copy of application form• Appendix 2 – copy of representation from Metropolitan Police• Appendix 3 – copy of letter of objection from interested party• Appendix 4 – List of Responsible Authorities• Appendix 5 – Map of the area• Appendix 6 – Photos of the premises
Ward(s) affected	West Ruislip

SUMMARY

To consider representations from the Metropolitan Police and one (1) letter of objection from an interested party in respect of an application for a new premises licence for the premises known as Changers Retail, 52 High Street, Ruislip.

RECOMMENDATION

That the Licensing Sub Committee determine the application.

INFORMATION

- 1.1 An application for a new premises licence to permit the sale of alcohol at the premises known as Changers Retail, 52 High Street, Ruislip was received on 16th August 2010 from Mr Kilesh Patel, Changers Retail Ltd, 352 Harrow Road, Maida Vale, London W9 2HT.

Details of application are listed below:

The sale of alcohol for off supplies only:

From 10.00 hours until 23.00 hours every day

Hours the premises are open to the public:

From 10.00 hours until 23.00 hours every day

A copy of the application form is annexed to this report as **Appendix 1**.

Section 10.21 of the Government Guidance to the Licensing Act 2003 states that:-

Shops, stores and supermarkets should normally be free to provide sales of alcohol for consumption off the premises at any times when the retail outlet is open for shopping unless there are good reasons, based on the licensing objectives, for restricting those hours. For example, a limitation may be appropriate following police representations in the case of some shops known to be a focus of disorder and disturbance because youths gather there.

- 1.2 The application was advertised in accordance with the standard procedures required by the Licensing Act 2003 by way of an advertisement in the local paper and by displaying a blue Notice in the window of the premises for the required 28 day consultation period.

Following the advertisement of the application 1 letter was received from Mr & Mrs Briskman of 14 King Edwards Road, Ruislip, making representation against the application, addressing the licensing objectives of Prevention of Crime and Disorder and Prevention of Public Nuisance.

A copy of this letter is annexed to this report as **Appendix 3**.

1.3 In accordance with the legislation, the applicant is required to send copies of the application to the responsible authorities being:

- The Metropolitan Police Service
- London Fire & Emergency Planning Authority
- Child Protection Service, LBH
- Commercial Premises Service, LBH
- Environmental Protection Unit, LBH
- Trading Standards Service, LBH
- Planning Service, LBH
-

(See Appendix 4)

1 representation was received from the Metropolitan Police Service under the licensing objectives of Prevention of Crime and Disorder, Prevention of Public Nuisance and Protection of Children from Harm.

A copy of this representation is annexed to this report as **Appendix 2**.

1.4 The period for consultation and the making of representations in respect of this application expired on 13th September 2010.

1.5 Conditions offered by the applicant on the operating schedule are as follows:

- To install CCTV with 8 cameras recording 24 hours a day.
- To clearly display the opening hours of the premises.
- No open containers to be sold.
- Proof of ID with signage displayed
- Staff will be trained every six months which shall be recorded.

1.6 **General Information**

- The premises is a single unit brick built building at the end of a parade of shops on the corner of High Street and King Edward Road, Ruislip.
- The premises was previously licensed to sell alcohol when it was owned by First Quench Retailing, operating under the name of Threshers Off Licence.

A map of the area is annexed to this report as **Appendix 5**

Photographs of the premises and surrounding area are annexed to this report as **Appendix 6**

FINANCIAL IMPLICATIONS

Licensing Sub-Committee A – 1st October 2010

- 2.0 Members should be aware that the Planning, Environment and Community Service does not have a budget provision for costs, should the applicant be successful in appealing to the Court(s) against a decision of the Council. In the event that a Court was to uphold an appeal, officers would need to identify how the costs would be funded before action could be taken in order to comply with Council financial policy.

LEGAL IMPLICATIONS

3.0 Principles for making the determination

The general principle is that applications for Premises Licence applications must be granted unless relevant representations are received. This is subject to the proviso that the applicant has complied with regulations in advertising and submitting the application.

3.1 Relevant representations are those which:-

- Are about the effect of the granting of the application on the promotion of the licensing objectives
- Are made by an interested party or responsible authority
- Have not been withdrawn
- Are not, in the opinion of the relevant licensing authority, frivolous or vexatious.

The four licensing objectives are :

- a. The prevention of crime and disorder;**
- b. Public safety;**
- c. The prevention of nuisance; and**
- d. The protection of children from harm.**

Members should note that each objective is of equal importance. There are no other licensing objectives, and the four objectives are paramount considerations at all times.

- 3.2 The Licensing Sub-Committee must also consider the London Borough of Hillingdon's Licensing policy when deciding whether or not to grant the application. The terms of the Statement of Licensing Policy are highly persuasive, but not binding, on the Licensing Sub-Committee. The Licensing Sub-Committee may depart from the guidance contained in the Statement of Licensing Policy if it considers there are clear and convincing reasons to do so.

Where there is a conflict between the Licensing Act 2003 and the Statement of Licensing Policy, the Licensing Act must prevail.

- 3.3 Members are required to have regard to the DCMS Guidance in carrying out the functions of licensing authority. However, guidance does not cover every possible situation, so long as the guidance has been properly and carefully understood, members may depart from it if they have reason to do so. Full reasons must be given if this is the case

- 3.4 When relevant representations are received then the Sub-Committee must have regard to them. Representations based on commercial reasons or moral grounds are not in themselves relevant representations. For example, a representation from a bar owner that the grant of a premises Licence to another bar to allow the sale of alcohol and the provision of regulated entertainment will take customers away from his/her premises is not a relevant representation.
- 3.5 The Licensing Sub-Committee can attach a “weight” to any relevant representations, such factors that could influence the “weight” to be placed on a representation could include:-
- Whether the representation can be clearly related to any one of the four licensing objectives;
 - Whether the representation concerns matters over which the applicant is able to exercise control;
 - Whether the representation is based on “hearsay” evidence;
 - Whether the representation is supported by firm evidence;
 - Whether the person making the representation has attended the hearing in person.
- 3.6 Having considered all relevant representations, and having taken into account the promotion of the licensing objectives, a decision can be taken:-
- To grant the Licence, subject to the mandatory conditions and conditions consistent with the operating schedule;
 - To impose additional relevant conditions to such an extent as is considered necessary for the promotion of the licensing objectives;
 - To exclude any of the licensable activities to which the application relates
 - To amend the times for all or some of the licensable activities;
 - To refuse to specify a person in the Licence as the premises supervisor
 - To reject the application

3.7 **Conditions**

Conditions will not be necessary if they duplicate a current statutory requirement.

Members are also referred to the DCMS guidance on conditions, specifically section 10, and Annex D.

The Statutory Guidance states that only necessary, proportionate and enforceable conditions, which promote one or more of the licensing objectives, should be attached to the Licence if it is granted (paragraph 10.11).

The Licensing Authority may therefore only impose such conditions as are necessary to promote the licensing objectives arising out of the consideration of the representations (paragraph 10.11), and should avoid straying into undisputed areas (paragraph 10.12).

Statutory Guidance also states that the pool of conditions that are supplied by the Secretary of State should not be applied universally irrespective of particular circumstances, but may be used as examples that can be tailored to suit individual premises and particular situations.

3.8 Reasons

If the Sub-Committee determines that it is necessary to modify the conditions, or to refuse the application for a new Premises Licence application, it must give reasons for its decision.

The Role of the Licensing Sub-Committee

Sub-Committee members will note that, in relation to this application, the Council has multiple roles. Council officers from various departments have been asked to consider the application from the perspective of the Council as authority responsible respectively for environmental health, child protection, trading standards, health and safety and as the planning authority.

Members should note that the Licensing Sub-Committee is meeting on this occasion solely to **perform the role of licensing authority**. The Sub-Committee sits in quasi-judicial capacity, and must act impartially. It must offer a fair and unbiased hearing of the application. In this case, Members should disregard the Council's broader policy objectives and role as statutory authority in other contexts. Members must direct themselves to making a determination solely based upon the Licensing Law, Guidance and the Council's Statement of Licensing Policy.

As a quasi-judicial body the Licensing Sub-Committee is required to consider the application on its merits. The Sub-Committee must take into account only relevant factors, and ignore irrelevant factors. The decision must be based on evidence, that is to say material, which tends logically to show the existence or non-existence of relevant facts, the occurrence of which would be relevant.

The Licensing Sub-Committee must give fair consideration to the contentions of all persons entitled to make representations to them.

The Licensing Sub-Committee is entitled to consider events outside of the premises if they are relevant, i.e. are properly attributable to the premises being open. The proprietors do not have to be personally responsible for the incidents for the same to be relevant. However, if such events are not properly attributable to the premises being open, then the evidence is not relevant and should be excluded. Guidance is that the licensing authority will primarily focus on the direct impact of the activities taking place at the licensed premises on members of the public, living, working or engaged in normal activity in the area concerned.

The Sub-Committee can only consider matters within the application that have been raised through representations from interested parties and responsible authorities. Interested parties must live in the vicinity of the premises. This will be decided on a case to case basis.

Under the Human Rights Act 1998, the Sub Committee needs to consider the balance between the rights of the applicant and those making representations to the application when making their decision. The Sub-Committee has a duty under section 17 Crime and Disorder Act 1998 when making its decision to do all it can to prevent crime and disorder in the Borough.

Interested Parties, Responsible Authorities and the applicant have the right to appeal the decision of the Sub-Committee to the Magistrates' Court within a period of 21 days beginning with the day on which the applicant was notified by the licensing authority of the decision to be appealed against.

BACKGROUND PAPERS

- Appendix 1 – copy of application form
- Appendix 2 – copy of representation from Metropolitan Police
- Appendix 3 – copy of letter of objection from interested party
- Appendix 4 – List of Responsible Authorities
- Appendix 5 – Map of the area
- Appendix 6 – Photos of the premises

BACKGROUND DOCUMENTS:

The Licensing Act 2003
 Guidance under Section 182 of the Licensing Act 2003
 The Council's Statement of Licensing Policy

List of Representations

	Prevention of Crime & Disorder	Public Safety	Prevention of Public Nuisance	Protection of Children from Harm
Sgt Ian Meens Metropolitan Police Service	X		X	X
Mr & Mrs Briskman	X		X	

APPENDIX ①

LICENSING ACT 2003
Section 17



Application for a premises licence to be granted under the Licensing Act 2003

Reference number:

(1)

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form.
If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.
You may wish to keep a copy of the completed form for your records

(2) I/We **CHAMPERS (RETAIL) LTD.**

apply for a premises licence under section 17
the Licensing Act 2003 for the premises described in Part 1 below (the premises) and I/we
are making this application to you as the relevant licensing authority in accordance with
section 12 of the Licensing Act 2003

Part 1 - Premises details

Postal address of premises or, if none, Ordnance Survey map reference or description 52 High Street Ruship middlesex	
Post town Ruship,	Postcode HA4 7AN

Telephone number at premises(if any)

Non-domestic rateable value of premises

£ **28,500 (BAND B)**

Part 2 - Applicant details

Please state whether you are applying for a premises licence as

- Please tick ✓ yes
- | | |
|---|---|
| a) an individual or individuals* | <input type="checkbox"/> please complete section (A) |
| b) a person other than an individual* | <input checked="" type="checkbox"/> please complete section (B) |
| i. as a limited company | <input type="checkbox"/> please complete section (B) |
| ii. as a partnership | <input type="checkbox"/> please complete section (B) |
| iii. as an unincorporated association; or | <input type="checkbox"/> please complete section (B) |
| iv. other (for example a statutory corporation) | <input type="checkbox"/> please complete section (B) |

(1) Insert name and address of relevant licensing authority and its reference number (optional)

(2) Insert name(s) of applicant

- c) a recognised club please complete section (B)
- d) a charity please complete section (B)
- e) the proprietor of an educational establishment please complete section (B)
- f) a health service body please complete section (B)
- g) a person who is registered under Part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital please complete section (B)
- h) the chief officer of police of a police force in England and Wales please complete section (B)

* If you are applying as a person described in (a) or (b) please confirm:

- Please tick yes
- I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities; or
 - I am making the application pursuant to
 - a statutory function; or
 - a function discharged by virtue of Her Majesty's prerogative

(A) INDIVIDUAL APPLICANTS (fill in as applicable)

Mr Mrs Miss Ms Other title
 (for example, Rev)

Surname

First names

I am 18 years old or over Please tick yes

Date of birth

Day	Month	Year

Current postal address if different from premises address

Post town

Postcode

Daytime contact telephone number

E-mail address (optional)

SECOND INDIVIDUAL APPLICANT (if applicable)

Mr

Mrs

Miss

Ms

Other title
(for example, Rev)

Surname

First names

I am 18 years old or over

Please tick ✓ yes

Date of birth

Day	Month	Year
<input type="text"/>	<input type="text"/>	<input type="text"/>

Current postal address if different from premises address

Post town

Postcode

Daytime contact telephone number

E-mail address
(optional)

(B) OTHER APPLICANTS

Please provide name and registered address of applicant in full. Where appropriate please give any registered number. In the case of a partnership or other joint venture (other than a body corporate), please give the name and address of each party concerned.

Name

CHAMPERS (RETAIL) LTD

Address

352 HARROW ROAD
MAIDA VALE
LONDON
W9 2HT

Registered number (where applicable)

05906902

Description of applicant (for example partnership, company, unincorporated association etc.)

Company

Telephone number (if any)

020 8961 2889

E-mail address (optional)

colsh@champersgroup.com

Part 3 - Operating Schedule

When do you want the premises licences to start?

Day	Month	Year
01	08	2010

If you wish the licence to be valid only for a limited period, when do you want it to end?

Day	Month	Year

Please give a general description of the premises (please read guidance note 1)

THE PREMISES PREVIOUSLY WAS A THREASHERS WINE MERCHANTS WHICH HAD GONE INTO ADMINISTRATION.

IT IS APPROX 500 SQ FT AS A SQUARE UNIT WITH FIXTURES AND FITTINGS FROM THE PREVIOUS OCCUPANTS SELLING THE SAME.

WE PROPOSE TO KEEP IT IN LINE WITH THE AREA'S LOCAL RESIDENCE PROVIDING TOP END WINES.

If 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend

--

What licensable activities do you intend to carry on from the premises?
(Please see sections 1 and 14 of the Licensing Act 2003 and Schedule 1 and 2 to the Licensing Act 2003)

Provision of regulated entertainment

Please tick yes

- a) plays (if ticking yes, fill in box A)
- b) films (if ticking yes, fill in box B)
- c) indoor sporting events (if ticking yes, fill in box C)
- d) boxing or wrestling entertainment (if ticking yes, fill in box D)
- e) live music (if ticking yes, fill in box E)
- f) recorded music (if ticking yes, fill in box F)
- g) performances of dance (if ticking yes, fill in box G)
- h) anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H)

Provision of entertainment facilities for:

- i) making music (if ticking yes, fill in box I)
- j) dancing (if ticking yes, fill in box J)
- k) entertainment of a similar description to that falling within (i) or (j) (if ticking yes, fill in box K)

Provision of late night refreshment (if ticking yes, fill in box L)

Supply of alcohol (if ticking yes, fill in box M)

In all cases complete boxes N, O and P

A

Plays			Will the performance of a play take place indoors or outdoors or both - please tick <input checked="" type="checkbox"/> (please read guidance note 2) Indoors <input type="checkbox"/> Outdoors <input type="checkbox"/> Both <input type="checkbox"/>
Standard days and timings (please read guidance note 6)			
Day	Start	Finish	Please give further details here (please read guidance note 3)
Mon			
			State any seasonal variations for performing plays (please read guidance note 4)
Tue			
			Non-standard timings. Where you intend to use the premises for the performance of plays at different times from those listed in the column on the left, please list (please read guidance note 5)
Wed			
Thur			
Fri			
Sat			
Sun			

B

Films			Will the exhibition of films take place indoors or outdoors or both - please tick <input checked="" type="checkbox"/> (please read guidance note 2) Indoors <input type="checkbox"/> Outdoors <input type="checkbox"/> Both <input type="checkbox"/>
Standard days and timings (please read guidance note 6)			
Day	Start	Finish	Please give further details here (please read guidance note 3)
Mon			
			State any seasonal variations for the exhibition of films (please read guidance note 4)
Tue			
			Non-standard timings. Where you intend to use the premises for the exhibition of films at different times from those listed in the column on the left, please list (please read guidance note 5)
Wed			
Thur			
Fri			
Sat			
Sun			

A-K do not apply

K

Provision of facilities for entertainment of a similar description to that falling within I or J

Standard days and timings (please read guidance note 6)

Day	Start	Finish
Mon		
Tue		
Wed		
Thur		
Fri		
Sat		
Sun		

Please give a description of the type of entertainment facility you will be providing

Will the entertainment facility be indoors or outdoors or both - please tick (please read guidance note 2)

Indoors Outdoors Both

Please give further details here (please read guidance note 3)

State any seasonal variations for the provision of facilities for entertainment of a similar description to that falling within I or J (please read guidance note 4)

Non-standard timings. Where you intend to use the premises for the provision of facilities for entertainment of a similar description to that falling within I or J at different times from those listed in the column on the left, please list (please read guidance note 5)

Late night refreshment Standard days and timings (please read guidance note 6)			Will the provision of late night refreshment take place indoors or outdoors or both - please tick <input checked="" type="checkbox"/> (please read guidance note 2)
			Indoors <input type="checkbox"/> Outdoors <input type="checkbox"/> Both <input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 3)
Mon			
Tue			State any seasonal variations for the provision of late night refreshment (please read guidance note 4)
Wed			
Thur			Non-standard timings. Where you intend to use the premises for the provision of late night refreshment at different times from those listed in the column on the left, please list (please read guidance note 5)
Fri			
Sat			
Sun			

M Supply of alcohol Standard days and timings (please read guidance note 6)			Will the sale of alcohol be for consumption - please tick box <input checked="" type="checkbox"/> (please read guidance note 7)
			On the premises <input type="checkbox"/> Off the premises <input checked="" type="checkbox"/> Both <input type="checkbox"/>
Day	Start	Finish	State any seasonal variations for the supply of alcohol (please read guidance note 4)
Mon	10.00 AM	23.00 PM	
Tue	10.00 AM	23.00 PM	Non-standard timings. Where you intend to use the premises for the supply of alcohol at different times from those listed in the column on the left, please list (please read guidance note 5)
Wed	10.00 AM	23.00 PM	
Thur	10.00 AM	23.00 PM	
Fri	10.00 AM	23.00 PM	
Sat	10.00 AM	23.00 PM	
Sun	10.00 AM	23.00 PM	

State the name and details of the individual whom you wish to specify on the licence as premises representative

Name **ELIASH V. PATEL**

Address

Postcode

Personal Licence number (if known) **00KP-001AQ B7P7-0011**

Issuing licensing authority (if known) **HARROW COUNCIL**

N

Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 8)

None

*

O

Hours premises are open to the public

Standard days and timings (please read guidance note 6)

Day	Start	Finish
Mon	Same as	Overleaf
	←	M.
Tue		
Wed		
Thur		
Fri		
Sat		
Sun		

State any seasonal variations (please read guidance note 4)

Non-standard timings. Where you intend to use the premises to be open to the public at different times from those listed in the column on the left, please list (please read guidance note 5)

P Describe the steps you intend to take to promote the four licensing objectives:

a) General - all four licensing objectives (b, c, d, e) (please read guidance note 9)

- HAVE A OPERATING SCHEDULE IN PLACE.
- CLEAR DISPLAY OF OPENING / CLOSING TIMES.
- HAVE STEPS TAKEN TO PROMOTE LICENCING OBJECTIVES.
- HAVE STAFF FULLY TRAINED REGARDING LICENCING OBJECTIVES.

b) The prevention of crime and disorder

- HAVING CCTV - 24hr INSTALLED (8 CAMERAS)
- RESPONSIBLE SALE OF ALCOHOL / DRINKS PROMOTIONS.
- HAVE QUALIFIED STAFF TO BE ABLE TO JUDGE WHO TO SELL ALCOHOL TO.
- NO OPEN CONTAINERS TO BE SOLD.

c) Public safety

- HAVING CCTV - 24hr INSTALLED (8 CAMERAS)
- STAFF TRAINED FOR EMERGENCIES + EVACUATION PROCEDURES.
- RESPONSIBLE SALE OF ALCOHOL
- SIGNS FOR SALE OF ALCOHOL TO OVER 18'S ONLY.
- SMOKE ALARMS INSTALLED / FIRE EXITS CLEARLY MARKED.
- FIRE EXTINGUISHERS INSTALLED (CHECKED REGULARLY)

d) The prevention of public nuisance

- REFUSAL TO SELL ALCOHOL TO THOSE WHO MAY BE OF PUBLIC NUISANCE.
- SIGNS FOR SALE OF ALCOHOL TO OVER 18'S ONLY.
- SIGNS FOR WASTE DISPOSAL.

e) The protection of children from harm

- AGE LIMITATIONS. (PROOF OF ID IN PLACE)

CHECKLIST:

Please tick ✓ yes

- I have made or enclosed payment of the fee
- I have enclosed the plan of the premises
- I have sent copies of this application and the plan to responsible authorities and others where applicable
- I have enclosed the consent form completed by the individual I wish to be premises supervisor, if applicable
- I understand that I must now advertise my application
- I understand that if I do not comply with the above requirements my application will be rejected

IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE UP TO LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION

Part 4 - Signatures (please read guidance note 10)

Signature of applicant or applicant's solicitor or other duly authorised agent. (Please read guidance note 11)
If signing on behalf of the applicant please state in what capacity.

Signature [Handwritten Signature]

Date 26th July 2010

Capacity DIRECTOR

For joint applications signature of 2nd applicant, 2nd applicant's solicitor or other authorised agent.
(Please read guidance note 12)

If signing on behalf of the applicant please state in what capacity.

Signature _____

Date

Capacity

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 13)	
KILESH PATEL CHAMPERS RETAIL LTD 352 HARRON ROAD MAIDA VALE	
Post town <u>LONDON</u>	Postcode <u>W9 2HT</u>
Telephone number (if any) <u>02089612889</u>	
If you would prefer us to correspond with you by e-mail your e-mail address (optional) <u>killesh@champersgroup.co.uk</u>	

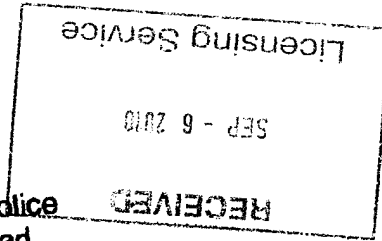
APPENDIX (2) Fax

METROPOLITAN
POLICE

Working together for a safer London

ERRITORIAL POLICING

3rd September 2010

Mr Norman Stanley
Licensing Office
Civic Centre
UxbridgeNorthwood Police
2, Murray Road
Northwood
HA6 2YN

Your Ref

Dear Mr Stanley

Re: **Premises licence application: Champers (ex Threshers) 52 Ruislip High Street**

On behalf of the Commissioner of Police I wish to make a representation to the application for the grant of a premises licence at the above venue.

Our representation is in support of the licensing objectives. The prevention of crime and disorder, nuisance and the protection of children from harm.

Police continue to receive reports of crime associated with retail outlets. In January there was an armed robbery at a sweet shop. Other off licences in the Hayes area and in particular the town centre have been robbed at knife point. In August of this year there was a robbery in Hayes of an off licence when masked men fired a air pistol into the face of the shop assistant.

Police action around offences of selling to drunken persons and underage has in the past been supported by preventative measures and conditions requested in applications. Regular test purchases for underage sales are still producing a failure rate of 20%.

I note the measures proposed under part P in the application and in some respect the police authority found these to be in part obscure and difficult to translate to any given licence. For the purpose of the application being more defined police would note the following changes which were agreed in principal by the applicant including some additions.

Part P box a. The words *Have steps taken to promote licensing objectives* To be changed to *Take necessary steps to promote the licensing objectives*

Part P box b

The words;

Having CCTV 24 hour installed (8 cameras)

Changed to read ;

Maintain a 8 camera CCTV system in good working order. Capable of retaining images for a period of 30 days. The images being available to the police and local authority on request.

The system should be capable of recording at a speed of 20 frames per second.

An outside camera shall be positioned so that it records persons entering and leaving the store.

One inside camera should be positioned to record activity at the sales point

One camera should be positioned to record all persons entering incorporating a head and shoulders view

Other cameras should be placed to show any area where there is a display of alcohol products.

The words;

Have qualified staff to be able to judge and sell alcohol to; shall be replaced with the words;

All staff shall undergo training which shall be recorded in the operating schedule and one member of staff in addition to the DPS shall have a personal licence.

In addition the police would like to see the following conditions added;

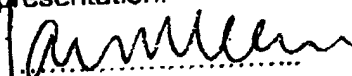
There shall be two adult persons on the premises at all times after 7pm and up until the close of business each day.

All alcohol products shall be stored in a direct line of sight from the cashier's position and not obscured by other displays or shelving.

The till shall be placed under the counter or if on the counter it shall be fixed into position so that it cannot be easily moved.

No alcohol products shall be displayed within 2 meters of the door

If the above conditions were agreed the police would be willing to withdraw this representation.



Ian Meens

Licensing Sergeant, Hillingdon Borough

Phone: 0208 246 1933

Metphone: 41933

Mobile: 07785 226483

□ Fax: 0208 246 1990

□ E-mail: ian.meens@met.police.uk

Mail: Sergeant Ian Meens,
Licensing
Northwood police Station
2 Murray Road
Northwood
Middx
HA6 2YW

Sharon Garner - Changers Retail application 52 High Street Ruislip

From: >
To: <licensing@hillingdon.gov.uk>
Date: 12 September 2010 20:31
Subject: Changers Retail application 52 High Street Ruislip
Attachments: IMG_0002.JPG; IMG_0001.JPG

We are concerned at the increase in anti social behaviour that an alcohol shop open till 11.00 pm will generate. The shop is on the corner of our road, which is a residential street. It is about 200 metres away from our house.

In recent times we have had a builder's portable toilet set alight next door. The fire extended to a tree in our garden, and it had the potential to endanger life. In another incident our front boundary fence was smashed by vandals. None of these incidents resulted in an arrest or conviction.

We have been in communication with the Council for a long time regarding litter from food and drink consumed in our road, yet the Council has been unable to control the situation. I attach photos of two cans of drink dumped here last night, one just outside our house and one into our drive.

A large proportion of alcohol, beverages and food items purchased late in the evening are likely to be for consumption in the adjacent roads. This is bound to lead to increased litter and anti social behaviour at our doorstep.

We therefore request you to refuse this application. If however this is not possible, then we request you to limit opening hours to say 8.00 pm each night.

Regards

Mike and Helene Briskman





APPENDIX ④

RESPONSIBLE AUTHORITIES FOR GRANT, VARIATION OF A PREMISES LICENCE OR CLUB PREMISES CERTIFICATE WITHIN THE LONDON BOROUGH OF HILLINGDON

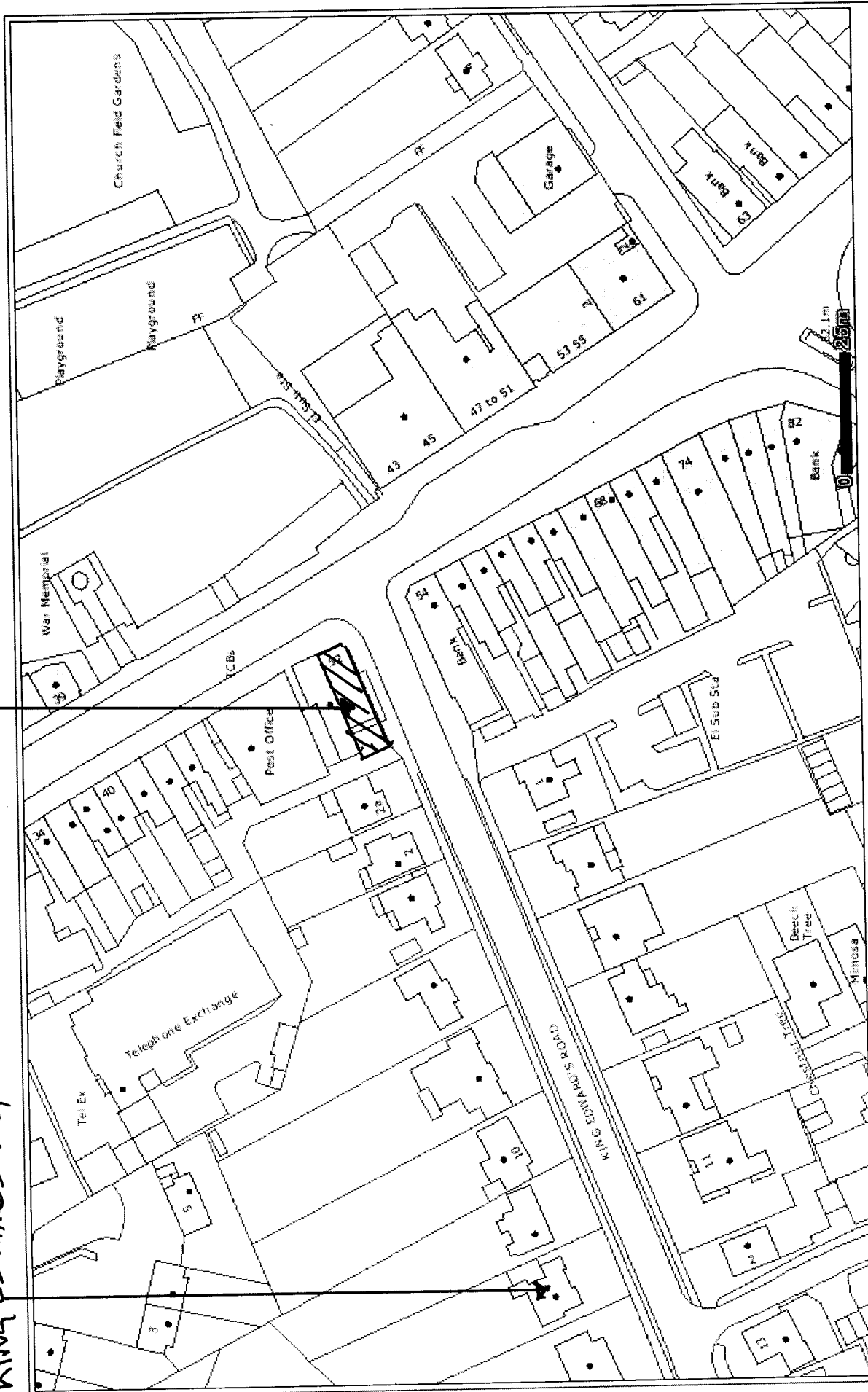
The applicant must send the original application to the Licensing Service and a complete copy of the application including the form, operating schedule and plan in the prescribed form to each responsible authority as follows:-

<p>The Licensing Service London Borough of Hillingdon Civic Centre 3S/09 High Street Uxbridge UB8 1UW</p> <p><i>Licensing Authority</i></p>	<p>Chief Officer of Police c/o Northwood Police Station Murray Road Northwood HA6 2YW Attn Sgt I Meens</p> <p><i>Hillingdon Police Enforcement</i> *for all areas except Heathrow</p>
<p>Chief Officer of Police c/o Inspector Robert Harrison ACIT Heathrow Police Station East Ramp Hounslow TW6 2DJ</p> <p><i>Heathrow Police Enforcement</i> *for Heathrow area only</p>	<p>Fire Safety Regulation: North West Area 1 London Fire Brigade 169 Union Street London SE1 0LL Attn: North West Area Team</p> <p><i>Hillingdon Fire Authority</i></p>
<p>Service Manager- Safeguarding Children and Quality Assurance 4S/07 Social Services London Borough Of Hillingdon Civic Centre Uxbridge UB8 1UW</p> <p><i>A body involved in the Protection of Children from Harm</i></p>	<p>Food, Health and Safety Team London Borough of Hillingdon Civic Centre Uxbridge UB8 1UW</p> <p><i>Enforcing Authority for the Health and Safety at Work Act 1974</i></p>
<p>Trading Standards Service London Borough of Hillingdon Civic Centre Uxbridge UB8 1UW Attn Divisional Trading Standards Officer</p> <p>Enforcing Authority under the Weights and Measures Act 1985</p>	<p>Environmental Protection Unit London Borough Of Hillingdon Civic Centre Uxbridge UB8 1UW</p> <p>Enforcing Authority for matters relating to Environmental Pollution and Public Nuisance</p>
<p>Head of Planning London Borough Of Hillingdon Civic Centre Uxbridge UB8 1UW</p> <p><i>The Planning Authority</i></p>	

S2 HIGH ST., RUISUP.

14 KING EDWARDS RD, RUISUP

Map Print Layout



1108
 14.9.2010
 100019283 2010

Approx. Scale:
 Date of Print:
 SLA:



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