

Minutes

LICENSING SUB COMMITTEE

23 July 2015

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



	Committee Members Present: Councillors Dominic Gilham (Chairman), Carol Melvin and John Morse. Also Present: Mr R Rajeeven (Applicant) and a relative of applicant acting as translator. LBH Officers Present: Stephanie Waterford (Licensing Service), Beejal Soni (Legal Advisor), Jon Pitt (Democratic Services Officer).
1.	APOLOGIES FOR ABSENCE (<i>Agenda Item 1</i>) Apologies for absence were received from Cllr. Judy Kelly, with Cllr Carol Melvin substituting.
2.	DECLARATIONS OF INTEREST IN MATTERS COMING BEFORE THIS MEETING (<i>Agenda Item 2</i>) There were no declarations of interest notified.
3.	TO AGREE THE MINUTES OF THE MEETINGS HELD ON 2 APRIL, 13 MAY, 5 JUNE 2015 (<i>Agenda Item 3</i>) The minutes of the meetings held on 2 April, 13 May and 5 June 2015 were agreed as a correct record.
4.	TO CONFIRM THAT THE ITEMS OF BUSINESS MARKED PART I WILL BE CONSIDERED IN PUBLIC AND ITEMS MARKED PART II WILL BE CONSIDERED IN PRIVATE (<i>Agenda Item 4</i>) It was confirmed that all items were Part I and would be heard in public.
5.	MATTERS THAT HAVE BEEN NOTIFIED IN ADVANCE OR URGENT (<i>Agenda Item 5</i>) An e-mail in support of the application being considered had been circulated to all parties on the day before the hearing (Wednesday 22 July). Following legal advice, the Committee took the decision not to admit the e-mail as evidence. This was due to the fact that the e-mail contained the name and e-mail address of the sender, but did not contain any other details that would allow its authenticity to be verified. The evidence had also not been provided within the required timeframe. The applicant presented the Committee with some text and photos in support of his application. It was agreed to admit this information as evidence, with the applicant

being advised by the Chairman that he would be able to present this during the meeting.

6. **APPLICATION FOR A TEMPORARY STREET TRADING LICENCE - SHOP FRONT**
(Agenda Item 6)

Stephanie Waterford, Licensing Officer, introduced the application for the renewal of a Street Trading Shop Front Licence for a six month period, in respect of Early Bird Food & Wine, 2 Joel Street, Northwood Hills, HA6 1PY. It was confirmed that the application was for the display of fruit and vegetables in a two metre space, between the hours of 6 am and 11 pm Monday to Sunday.

A consultation had been undertaken with Ward Members, the Anti-Social Behaviour (ASB) Investigations Team and with the Highways Service. The ASB Investigations Team had visited the site and had provided a brief report of their findings, including photos of the premises. The Highways Service had also provided information in relation to the location of double yellow lines adjacent to the premises.

One objection to the application had been received from Cllr. John Morgan. This expressed concerns about the obstruction that the trading area could cause and about the appearance and volume of litter in the vicinity.

Representation made by the Applicant

The applicant's representative informed the Committee that the applicant's business had been trading since 2005. However, trading conditions had been tough, which had resulted in him diversifying and starting to sell fruit and vegetables in addition to the other products sold from the premises. The applicant found it difficult to unload deliveries due to him not having an allocated parking bay and the presence of yellow lines and zig-zags.

Representations made by other parties

None of the parties that had provided information for consideration by the Committee or that had made representations attended the hearing.

It was noted that Cllr Morgan was against renewal of the applicant's Street Trading Licence due to parking issues in the area. It was suggested that these were partly caused by the applicant. In addition, the general cleanliness of the trading area was a concern. Cllr Morgan had sent e-mails to Council officers outside the Licensing Service. However, this correspondence had not been included with the objection in relation to the application and therefore, could not be considered by the Committee.

The Anti-Social Behaviour Investigations Team had visited the premises and noted that there had been a car parked on double yellow lines. The area in front of the shop had been untidy, including a pile of empty crates, rubbish in the trading area and rubbish in a neighbouring alleyway. The Licensing Service had not visited the premises in relation to the application, but had tasked the Antisocial Behaviour Investigations Team to visit the area and provide a report with photos detailing their findings.

The Council's Highway Service had advised in their submitted evidence in relation to the legality of parking at the site and the location of yellow lines and zig-zags. It was not considered that the two metre depth of footway trading space that the applicant had applied for would cause access problems for pedestrians as the footway was approximately six metres wide at that point.

Discussion

The Chairman confirmed that the Committee would consider the application for a Street Trading Licence. Parking difficulties experienced by the applicant were not relevant to the application and therefore, could not be considered by the Committee. It was questioned why the application had gone to a Committee hearing rather than being determined by officers under their delegated authority. Officers advised that licence applications which attracted objections and where discretionary grounds for refusal were identified, were determined by the Committee.

Following a brief pause in proceedings to allow Committee Members to read information provided by the applicant, the applicant and his representative explained a series of attached photos to the Committee. The photos illustrated how white zig-zag lines adjacent to a nearby zebra crossing had been extended, resulting in the applicant no longer being able to park in this area to unload deliveries. Other pictures presented illustrated an illegally parked van in front of the premises, which the applicant stated did not belong to him and roadworks taking place adjacent to the premises.

The applicant was reminded that it was not the role of Licensing Sub-Committee to consider any parking difficulties that he might be facing at his premises. However, it was agreed that Officers would contact the applicant outside the Committee meeting to discuss business parking and the removal of a refuse street bin, which the applicant felt had contributed to the build up of rubbish in the area adjacent to the premises.

In relation to the build up of rubbish close to the premises, the applicant stated that he did clean the area but that there was a limited amount that he could do, especially regarding the build up of rubbish in the adjacent alleyway. The Chairman drew the applicant's attention to Condition 9 of the Council's Terms and Conditions for all Street Trading Licenses and Market Licenses. This stated that it was the trader's responsibility to ensure the removal of litter and waste generated by licensed activity. In addition, Condition 11 stated that the trader was required to keep the immediate licensed area and the area within five metres in any direction from the licensed area free of waste or spillages resulting from trading activity. In response to a question from the Committee, the applicant advised that his rubbish was currently removed three times each day. The Committee suggested that the applicant might wish to consider increasing this frequency and also to ensure that crates were not left in the street at night.

All parties were asked to leave the room while the Sub-Committee considered its decision. It was felt that although concerns had been raised in relation to rubbish in the vicinity of the applicant's premises, if appropriate, this could be dealt with separately via enforcement action.

All parties were invited back in to the room and the Chairman announced that the decision of the Sub-Committee was to grant the renewal of the Street Trading Shop Front Licence. The Chairman reminded the applicant of his obligation to keep the area adjacent to the trading premises clean and stated that Council officers would continue to monitor the situation.

THE DECISION
Resolved: That:
The unanimous decision of the Sub-Committee was to GRANT the Temporary Street Trading Licence - Shop Front for a period of six months.
The meeting, which commenced at 2.00 pm, closed at 2.40 pm.

These are the minutes of the above meeting. For more information on any of the resolutions please contact Jon Pitt on 01895 277488. Circulation of these minutes is to Councillors, Officers, the Press and Members of the Public.