

Application for a Temporary Street Trading Pitch Licence

Committee	Licensing Sub-Committee
Officer Contact	Claire Freeman, Regulatory Services Manager
Papers with report	Appendix 1 - Application form & Plan Appendix 2 - Site map of the local area Appendix 3 - Representation from Cllr Graham Appendix 4 - Response from the Highways Service Appendix 5 - Representation from Cllr Burrows Appendix 6 - Information from the Antisocial Behaviour Investigations Team
Ward name	Uxbridge North

1.0 SUMMARY

- 1.1 An application has been received from Uxbridge Station Flowers High Street Uxbridge UB8 1JZ for a Temporary Street Trading Licence. This application is for a pitch measuring six metres by three metres to be situated adjacent to their existing permanent Flower Stall pitch, with a two metre gap between the two stalls. This is requested for a limited period prior to Christmas for the sale of Christmas trees..

2.0 RECOMMENDATION

- 2.1 **The Highways service has determined that grant of this licence will not cause undue interference to pedestrians. There is only one complaint in relation to a previous year's application for a temporary street trading licence and this was resolved informally. It is therefore recommended that the Licensing Sub-Committee grant the licence in full, as applied for. This will meet the requirements of the Street Trading and Market Policy.**

Options available

- Refuse to grant the licence
- Grant the licence for a shorter period as determined by the Licensing Sub-Committee
- Grant the licence for a reduced/increased size as determined by the Licensing Sub-Committee
- Grant the licence in full as per the application or with further conditions

3.0 APPLICATION

- 3.1 Name of applicant
Glyn Craddock

- 3.2 Type of application applied for

Licensing Sub-Committee 16 October 2015

Temporary Street Trading Pitch licence for the period of 28 November 2015 to 24 December 2015

3.3 Description of premises taken from the application form

The application is for a six by three metre pitch next to the existing permanent Flower Stall pitch.

3.4 A copy of the application form and premises plan is attached as Appendix 1

3.5 A site map of the local area is attached as Appendix 2.

3.6 Licensable commodities

The pitch will be used to sell Christmas trees.

4.0 CONSULTATION

4.1 Closing date for representations

28 September 2015

4.2 The relevant consultees were notified of the application on 8 September 2015. The consultees are:

- Highways
- Anti Social Behaviour team
- Uxbridge Town Centre Management
- Uxbridge North and Uxbridge South Ward Cllrs

5.0 Responses to the consultation

5.1 An email representation was received from Cllr Graham. This is attached in appendix 3

5.2 The following consultees have responded and indicated that they do not wish to make a objection and have no concerns about this application:

- Highways Service - Attached in appendix 4
- Cllr Burrows - Attached in appendix 5

6.0 FURTHER INFORMATION

6.1 Further information has been sought from the Anti Social Behaviour Team and this is attached in appendix 6.

7.0 BACKGROUND INFORMATION

7.1 A temporary street trading licence for the sale of Christmas trees was granted last year in the same location.

7.2 One complaint was received by the Anti-Social Behaviour team, during the duration of the licence in 2014. This was in relation to the display exceeding its licensed area. A visit was made by the Anti Social Behaviour team and the matter was dealt with informally in accordance with the Residents Services Enforcement Policy. No other complaints were received.

8.0 LEGAL COMMENTS

8.1 The granting of a temporary street trading licence under the London Local Authorities act 1990 is discretionary and the Act does not set specific criteria for determining temporary applications. Determination of applications must therefore be in accordance with the Council's published Street Trading and Markets Policy. Decisions must be in accordance with the policy unless there are strong reasons for departing from it.

8.2 In accordance with the Street Trading and Markets Policy, applicants must be aged 17 years or older and suitability will be assessed on a case by case basis and information about an applicant's enforcement history with the Council may be referred to.

8.3 In considering applications for the grant or renewal of a street trading licence the following factors specified in the Street Trading and Markets Policy should be considered, and may be grounds for refusal:

- Public safety - Whether the street trading activity represents, or is likely to represent, a substantial risk to the public from the point of view of obstruction of the highway to emergency vehicles, or otherwise, a fire hazard, unhygienic conditions or other danger that may occur when a trader is using the site.
- Prevention of crime and disorder - whether the street trading activity represents, or is likely to represent, a substantial risk to public order. This is potentially more of a problem for licences operating late in the evening.
- Prevention of public nuisance or environmental damage - whether the street trading activity represents, or is likely to represent, a substantial risk of problems from damage to street surfaces, or from noise, litter, refuse, vermin, fumes, odours or antisocial behaviour, particularly in residential areas.
- Needs of the area – amongst other things, this will consider the demand for the articles for sale, and the geographical location of the proposed site.
- History of the applicant - the suitability of the applicant must be considered. Previous failures, without reasonable excuse, to comply with licence conditions or failure or neglect in paying licence fees may result in a licence being refused, revoked or not renewed.
- Pedestrian or vehicular access – whether there is sufficient space for pedestrians and vehicles (including pedestrians using mobility aids and parents with pushchairs/buggies) to continue to use the public highway safely and unhindered.

8.4 In addition to the considerations listed above, the Council may refuse or revoke a licence if any of the following grounds exist:

- the applicant wishes to trade for less days than any minimum required trading days;

- the applicant has been determined unsuitable to hold a licence do to any previous convictions or for other reasons;
 - the licence holder has failed to pay fees due under another street trading licence or have failed to use a previous street trading licence.
- 8.5 Occasionally, if some grounds for refusal do exist, the Sub-Committee may still decide to award a licence – but this could be for a shorter period than required, or to allow trading only in certain commodities.
- 8.6 Standard conditions will be attached to every street trading licence. Where relevant, the Licensing Sub-Committee may attach specific trading conditions to a street trading licence.
- 8.7 There is no right of appeal against a decision to refuse a temporary street trading licence.