

Application for a Temporary Street Trading Licence

Committee	Licensing Sub-Committee
Officer Contact	Stephanie Waterford, Licensing Officer 01895 277232
Papers with report	Appendix 1 - Application form & Plan Appendix 2 - Site map of the local area Appendix 3 - Representation from Michael Facey Appendix 4 - Representation from Pavilions Centre Manager Appendix 5 - Written Submissions from the applicant Appendix 6 - Information from the Highways Service
Ward name	Uxbridge North & Uxbridge South

1.0 SUMMARY

An application has been received for a Temporary Street Trading Licence for a new pitch to be located in the centre of the pedestrianised area between Marks & Spencer and Greggs on High Street, Uxbridge. The proposed pitch will be used to sell fruit and vegetables.

2.0 RECOMMENDATION:

That the Sub-Committee GRANT the licence in full as applied for.

3.0 APPLICATION

- 3.1 Name of applicant
John Mark Craddock
- 3.2 Type of application applied for
Temporary Street Trading licence for a maximum period of 6 months, following which, a renewal application will be made to continue the licence for a further period.
- 3.3 Pitch details
The application is for a pitch measuring 5 x 4 metres to be located on the pedestrianised area of the High Street between Marks and Spencer and Greggs Bakery.
- 3.4 A copy of the application form and plan is attached as **Appendix 1**
- 3.5 A site map of the local area is attached as **Appendix 2**.
- 3.6 Commodities
The pitch will be used to sell fruit and vegetables

4.0 CONSULTATION

4.1 Closing date for representations
30th June 2016

4.2 The relevant consultees were notified of the application on 14th June 2016. 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 A letter of objection was received from Mr Michael Facey, Centre Manager of Pavilions Shopping Centre. This is attached as **Appendix 3**.

5.2 A letter of objection was received from Mr Aaron Bayliss, Centre Manager of Pavilions Shopping Centre. This is attached as **Appendix 4**.

6.0 FURTHER INFORMATION

6.1 Following receipt of the two letters of objection, the applicant was contacted to request further details of the proposed operation and ask for information specifically to address the concerns highlighted in the objections.

The applicant provided a written response which is attached as **Appendix 5**.

6.2 The Highways Service have provided information on their assessment of the application. This is included as **Appendix 6**.

6.3 In discussions with the applicant regarding events of local significance in the High Street, i.e. RAF Parades, Bigfest etc, it has been agreed that these will be assessed on a case by case basis and the stall will close or be relocated as necessary. Currently, this arrangement is in place with all street traders along Uxbridge High Street and works well.

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 Policy (the "Policy"). Decisions must be in accordance with the policy unless there are strong reasons for departing from it.

8.2 In accordance with the 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 Policy should be considered:

- Paragraph 1.3 of the Policy states:
"The Council is keen to create a thriving street trading environment which is sensitive to the needs of traders and residents and one which promotes consumer choice and enhances the trading and business opportunities in the borough."
- Paragraph 2.1 of the Policy states:
"Traders should be aware that this policy relates only to street trading activities and it is the responsibility of the trader to ensure that they are compliant with other legislation. Traders should consider whether their activities are likely to require authorisation and/or compliance with other regulatory regimes. For example; Planning, Building Control, Food Safety, Health & Safety, Control of Waste, Highway Obstruction, Trading Standards, Late Night Refreshment/ Entertainment/Alcohol Licensing etc."
- Paragraph 10.5 of the Policy states:
"The discretionary grounds for refusal are:
 - a) *There are enough street traders in the area offering the same or similar goods to those of the applicant.*
 - b) *The applicant is unsuitable to hold a licence.*
 - c) *The applicant has previously demonstrated misconduct or unscrupulous behaviour whilst being the holder of a street trading licence.*
 - d) *The applicant has failed to comply with the terms or failed to pay a fee of a street trading licence.*
 - e) *The applicant has failed to propose suitable measures for the storage of perishable items when street trading is not taking place.*
 - f) *The applicant of a shop front licence is proposing to sell goods or offer services which are not sold or offered for sale within that shop.*
 - g) *The applicant is not the owner/occupier of a shop outside which a shop front trading licence is sought."*
- Paragraph 10.7 of the Policy states:
"The Council may also have regard to the other following factors when considering the impact on the local area of the proposed trading activity. This may result in additional conditions being imposed upon any licence granted."
 - a) *Public Safety – whether the street trading activity represents, or is likely to represent, a substantial risk to members of the public from the point of view of obstruction of the highway for emergency vehicles, or otherwise, a fire hazard, unhygienic conditions or other danger that can be reasonably foreseen, that may occur when a trader is using the site.*
 - b) *Prevention of Crime and Disorder – whether the street trading activity represents, or is likely to represent, a substantial risk to public order. This is potentially more of an issue for traders wishing to operate as part of the night time economy.*

- c) *Prevention of public nuisance or environmental damage – whether the street trading activity represents, or is likely to represent, a substantial risk of nuisance or environmental issues. Examples include; damage to street surfaces; noise; litter; refuse; vermin; fumes/odours etc.*
- d) *Appearance of trading area – Whether the street trading area is properly constructed and presented and enhances the aesthetic street scene of an area. Guidance will be given to applicants regarding the standard expected by the Council."*

- 8.4 If discretionary grounds for refusal do exist, the Sub-Committee may still decide to award a licence – but this could be for a shorter period than required, or to allow trading only in certain commodities.
- 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.