

Application for a Temporary Street Trading Licence

Committee	Licensing Sub-Committee
Officer Contact	Stephanie Waterford, Regulatory Services 01895 277232
Papers with report	Appendix 1 - Application form Appendix 2 - Site map and photos of the local area Appendix 3 - Objection from Cllr Dominic Gilham Appendix 4 - Letter of no objection from the Highways Service Appendix 5 - Information from the Antisocial Behaviour Investigations Team Appendix 6 - Members Enquiry Information
Ward name	West Drayton

1.0 SUMMARY

A renewal application has been received for a Temporary Street Trading Licence for a 1 metre shop front display outside 'One Pound Plus', 37 Station Road, West Drayton. The applicant seeks to renew the licence to display household goods outside the shop. The application has attracted one objection from a Ward Councillor.

2.0 RECOMMENDATION

2.1 To grant the licence in full, as applied for.

3.0 APPLICATION

3.1 Name of applicant

Mr Gurbajan Singh

3.2 Type of application applied for

Renewal of a Temporary Street Trading licence for a maximum period of 6 months.

3.3 Shop front details

The application is for a shop front display projecting one metre from the shop front. The area will be used to display household goods.

3.4 A copy of the application form is attached as **Appendix 1**

3.5 A site map and photos of the local area are attached as **Appendix 2**.

4.0 CONSULTATION

4.1 Closing date for objections

29th September 2016

4.2 The relevant consultees were notified of the application on 8th September 2016. The consultees were:

- Highways
- Anti Social Behaviour Investigations team
- West Drayton Ward Councillors

5.0 RESPONSES TO THE CONSULTATION

- 5.1 An objection was received from Cllr Dominic Gilham, West Drayton Ward Councillor. This is attached as **Appendix 3**.
- 5.2 A response from the Highways Service confirming they do not have any objection to the application is attached as **Appendix 4**.

6.0 FURTHER INFORMATION

- 6.1 Following receipt of the objection from the Ward Councillor, the Antisocial Behaviour Team was contacted to provide information held by them on their system. They have provided records of visits which are attached as **Appendix 5**.
- 6.2 The Members Enquiries Team were also contacted to provide information held on their systems in relation to this premises. A list of Members Enquiries is attached as **Appendix 6**.

7.0 LEGAL COMMENTS

- 7.1 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.
- 7.2 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.
- 7.3 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."*

7.4 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.

7.5 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.

7.6 There is no right of appeal against a decision to refuse a temporary street trading licence.