

Application for a Temporary Street Trading Licence

Committee	Licensing Sub-Committee
Officer Contact	Steven Dormer, Regulatory Services 01895 277409
Papers with report	Appendix 1 - Application Form Appendix 2 - Site plan & photos Appendix 3 - ASBIT Representation Appendix 4 - Current Licence Appendix 5 - Comments from Highways
Ward name	Townfield

1.0 SUMMARY

An application has been received for a New Street Trading Licence for a two metre deep shop front display outside Hayes Food Centre 66 to 70 Coldharbour Lane, Hayes, UB3 3ES. The applicant seeks a licence to display produce on the public highway 24 hours a day seven days a week. The current licence at the premises allows for two metres over the three shop fronts operating 07:00 - 23:00.

2.0 RECOMMENDATION

2.1 That the Licensing Sub-Committee **GRANT** the application.

3.0 APPLICATION

3.1 Name of applicants

Mr Teyfik Cagin - Main Applicant.

Mr Mustafa Cagin - Assistant 1

3.2 Type of application applied for

Application for a New Shop Front Street Trading Licence.

3.3 Shop front details

The application is to licence a shop front display projecting two metres from the shop front, the site covers from 66 to 70 Coldharbour Lane Hayes. The area will be used to display a selection of fruit and vegetables. The facility will operate for 24 hours a day seven days a week.

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
15 January 2017

4.2 The relevant consultees were notified of the application on 10 January 2017. The following were consulted on this application:

- Highways
- Anti Social Behaviour Investigations team
- Ward Councillors

4.3 The application was received on Saturday 24 December 2016 when the Council offices were closed. The next working day was Wednesday 28 December 2016. The Application Processing team has a five working day policy on validating applications.

5.0 Responses to the consultation

5.1 Highways have no concerns over the display being on the public highway. **Appendix 5**

5.2 The Anti Social Behaviour Investigations Team made in respect of the application a representation to the application. Two fixed penalty notices have been served for exceeding the trading area. A fixed penalty notice was also served for failing to demonstrate a duty of care for controlling waste. **Appendix 3**

5.3 No objections received from Ward Councillors.

6.0 FURTHER INFORMATION

6.1 The current licence expires on the 10 April 2017. **Appendix 4**

6.2 The members enquiry team has received no enquiries relating to this site.

6.3 During the consultation period for the Street Trading Licence the Anti Social Behaviour Investigations Team issued a fixed penalty notice. Upon a visit to the premises to prepare this report the trading area was found to be exceeding the then current allocated area by 1.3 meters.

6.4 The products will be displayed on plastic type crates. The crates are 80cm by 100cm and 100cm by 100cm. The staff will replenish the display between 7am and 11am every day. The stock will then get replenished between 5pm to 6pm.

Stock will be also stored inside a walk in fridge and a dry food stock cupboard.

There are no immediate plans to update the equipment or the display area.

Hayes Food Centre holds a waste disposal contract with Hillingdon Council.

6.5 A response from London Borough of Hillingdon Planning Department confirmed that no restrictions on hours of operation have been placed on the site.

6.6 There has been no response from waste services regarding the detail of the waste contract.

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 2.1 - 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 3.2 The Council will assess the suitability of the applicant on a case by case basis and may have regard to any relevant enforcement history concerning the applicant and/or the location of the proposed street trading.
 - Paragraph 9.1 Where the Council receives feedback or an objection to an application consultation, it will carefully consider whether that feedback/objection may influence the Council's discretionary decision making powers.
 - 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 for 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.