

Minutes

LICENSING SUB-COMMITTEE

20 March 2017

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



	<p>Committee Members Present: Councillor Dominic Gilham (Chairman) Councillor Janet Gardner Councillor Brian Stead</p> <p>LBH Officers Present: Anisha Teji, Democratic Services Officer Jyoti Mehta, Legal Advisor Nathan Welch, Manager for Antisocial Behaviour Investigations Team Steven Dormer, Licensing Officer</p>
16.	<p>APOLOGIES FOR ABSENCE (<i>Agenda Item 1</i>)</p> <p>There were no apologies for absence.</p>
17.	<p>DECLARATIONS OF INTEREST IN MATTERS COMING BEFORE THIS MEETING (<i>Agenda Item 2</i>)</p> <p>There were no declarations of interest.</p>
18.	<p>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 3</i>)</p> <p>It was confirmed that items marked Part I would be considered in public.</p>
19.	<p>MATTERS THAT HAVE BEEN NOTIFIED IN ADVANCE OR URGENT (<i>Agenda Item 4</i>)</p> <p>None.</p>
20.	<p>APPLICATION FOR TEMPORARY STREET TRADING LICENCE (<i>Agenda Item 5</i>)</p> <p><i>Preliminary matters</i></p> <p>The applicant and premises occupier, Mr Teyfik Cagin, brought a witness, Mr Ajaib Singh Puar, Chairman of the Hayes Town Business Forum in support of his application. The Chairman noted that there had been no submissions from Mr Puar in the documents provided and clarified whether submissions had been submitted during the consultation period.</p> <p>Steve Dormer, Licensing Officer at London Borough of Hillingdon confirmed that an email had been received from Mr Puar on 21 January 2017, which was out of the consultation period time frame. The closing date for the consultation period was 15 January 2017.</p>

After taking legal advice, the Chairman explained that as the response was outside the consultation period time frame allowed by the Council, Mr Puar could not take part in any discussions at the meeting.

Introduction by Licensing Officer

Mr Dormer introduced the report, photographs and addendum relating to an application for a temporary street trading licence for Hayes Food Centre 66 - 70 Coldharbour Lane, Hayes. The application had been made by the premises occupier, Mr Cagin.

The applicant sought to license a shop front display projecting two metres from the shop front. The area would be used to display a selection of fruit and vegetables and the facility would operate for 24 hours a day seven days a week.

The application had been put before the Sub-Committee as it had received negative feedback. The applicant already held a licence to trade for up to two metres between 07:00 to 23:00.

The Sub Committee was invited to determine the application, and either grant, refuse, or amend the application as applied for.

Representation by Responsible Authorities

Mr Nathan Welch, Manager of the Anti Social Behaviour Investigations Team (ASBIT) addressed the Sub Licensing Committee. He explained that that ASBIT team objected to the renewal of the application as two fixed penalty notices had 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.

In his letter dated 13 January 2017 to the applicant and at the meeting, Mr Welch explained that the likelihood of public nuisance, for example noise and litter occurring would be significantly higher if a licence for 24 hour trading was granted. He explained that there were residential flats above the premises and the increase in customers attending the premises through the night would create disturbances. This would need to be dealt with the ASBIT's out of hours team.

Representation by the Applicant

Mr Sevhat Heval, the applicant's representative addressed the Sub Licensing Committee. In summary, he made the following points:

- The applicant had been trading for ten years and Mr Heval questioned the frequency of the penalties.
- Since December 2016 licensing officers kept visiting the premises.
- There was a petition which supported the application and the flat above the shop had no objections. However, the Chairman clarified that this petition was not relevant as it did not apply to street trading.
- The most noise was caused when dressing the display, moving in and out crates and trolleys. If the application were to be granted this would reduce noise.
- There would be a number of benefits to the local economy if the application were to be granted.
- The applicant had 16 cameras around the premises to avoid crime and fire alarms had been installed to ensure public safety.

Discussion

During the Sub Licensing Committee's discussion, the following points were noted:

- There had been three instances where the trading had been over the allotted space.
- The applicant's submissions that he was aware that the display was allowed for two metres.
- That the applicant had been trading for ten years and his explanation for going beyond the two metres was that sometimes it was difficult to know when the two metres stopped, particularly during rush hour times.
- That although it was indicated earlier in the meeting that there were no historic fixed penalty notices issued to the applicant on this premises, during discussions it became apparent that there had been approximately seven fixed penalty notices issued in the past ten years.

Committee Deliberation

All parties were asked to leave the room while the Sub-Committee considered its decision.

All parties were invited back into the room for the Chairman to announce the decision of the Sub-Committee.

The Decision

RESOLVED -

The Sub-Committee considered this application and took into account evidence and submissions from all of the parties. In reaching its decision the Sub-Committee took into account the relevant provisions of Part III of the London Local Authorities Act 1990 (as amended) and the Council's Street Trading Policy.

The Sub-Committee decided to refuse the application due to the applicant's failure to adhere to his current street trading licence and due to numerous previous fixed penalty notices served on him. The Sub Committee deemed the applicant unsuitable to hold a permanent street trading licence and therefore refused his application for a shop front street trading licence.

Right of appeal

No decision made by the Council will have effect during the time period within which an appeal may be brought and until such time that any appeal has been determined or abandoned.

The applicant for review, holder of the Premises Licence, or any other person who made relevant representations to the application may appeal against the Council's decision to the administration office at the Uxbridge Magistrates Court. Such an appeal may be brought within 21 days of receipt of this Notice of Decision. A copy of the appeal should be sent to the Council's Licensing Service.

The Licence Holder will be deemed to have received the decision letter, two days after the date on the accompanying letter, which will be posted by 1st class mail.

A copy of this letter will be sent to the Councillors, to the Anti-Social Behaviour Investigations Team and the Council's Democratic Services Officer as confirmation of the decision taken.
The meeting, which commenced at 2.00 pm, closed at 3.45 pm.

These are the minutes of the above meeting. For more information on any of the resolutions please contact Anisha Teji on 01895 277655. Circulation of these minutes is to Councillors, Officers, the Press and Members of the Public.

The public part of this meeting was filmed live on the Council's YouTube Channel to increase transparency in decision-making, however these minutes remain the official and definitive record of proceedings.