

# Application for a Renewal of a Street Trading Licence

<b>Committee</b>	Licensing Sub-Committee
<b>Officer Contact</b>	Steven Dormer, Licensing Service
<b>Papers with report</b>	<b>Appendix 1</b> - Application Form submitted on 10 April 2019 <b>Appendix 2</b> - Site Map & Photos <b>Appendix 3</b> - Representation
<b>Ward name</b>	Heathrow Villages

## 1.0 SUMMARY

An application has been received for a renewal for a permanent street trading pitch licence on Skyport Drive, Harmondsworth, which is recommended to be refused. The applicant has requested the opportunity to make representations to the Licensing Sub-Committee.

## 2.0 RECOMMENDATION

2.1 **It is recommended that the Licensing Sub-Committee refuse the renewal of the Street Trading Licence.**

## 3.0 APPLICATION

3.1 Name of applicant  
Mr Hitesh Lakhani

Name of assistants  
Mrs Mahalina Collins  
Mrs Shriti Lakhani

3.2 Application Details

Mr Lakhani wishes to renew his Street Trading Licence for a further six months, to continue selling hot food and drink from a mobile food trailer.

Mr Lakhani has named two assistants to the application.

Trading hours are 06:00 to 18:00 Monday to Saturday.

No trading on a Sunday.

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 of consultation

**1 May 2019**

4.2 The relevant consultees were notified of the application on **12 April 2019**.

### 5.0 Responses to the consultation

5.1 No objections were received from any consultee.

## 6.0 LICENSING OFFICER ASSESSMENT

6.1 Mr Lakhani has held a licence for several years to sell hot food and drink from a mobile catering trailer on Skyport Drive. The facility has not been open for some considerable amount of time and the facility is slowly falling into a state of disrepair.

On the 12 June 2018, Hillingdon Council's Food and Health and Safety Team inspected the premises. At the time of the visit, the food business received a zero rating and was temporarily closed. Some minor improvements were made and no further action was taken at the time.

Hillingdon Council's Food and Health and Safety Team were due to visit Mr Lakhani's catering facility in December 2018. As the business is currently not operating, no inspection was able to take place. The facility has been removed from the system and is not scheduled to be inspected. Hillingdon Council are unable to give this premises an accurate food hygiene rating without a full inspection of the business.

Mr Lakhani is obliged to have consideration to **13.4** of the Council's Street Trading Policy. This section expects all licence holders to maintain their trading area in a proper manner. It also states that any trading equipment is of a good quality and of tidy appearance. On two visits to the site, no improvements had been made to the facility.

Mr Lakhani has given vague assurances that the facility would be replaced by an updated facility and that he does intend to trade from the pitch. However, Mr Lakhani has failed to provide any of the following:

- Proof of purchase of a new facility;
- New lay out of the proposed site;
- Specific dates of when the facility would be in place;
- Business plan of intended trading;

Following this assessment, a letter was sent to Mr Lakhani on 30 April 2019, stating the intention to refuse the application. Under the provisions of the London Local Authorities Act 1990, the Council is required to provide the applicant with an opportunity to make representations against any such recommendation for refusal. A copy of the letter is attached as **Appendix 3**.

Council officers have witnessed the premises on numerous occasions not operating. Please see the table below:

<b>Date</b>	<b>Timings</b>	<b>Status</b>
2 <sup>nd</sup> May 2019	09:30 - 11:30	Closed
8 <sup>th</sup> May 2019	10:00 - 12:30	Closed
14 <sup>th</sup> May 2019	09:30 - 13:00	Closed
17 <sup>th</sup> May 2019	13:30 - 15:30	Closed
21 <sup>st</sup> May 2019	12:30 - 15:30	Closed
29 <sup>th</sup> May 2019	09:00 - 12:30	Closed
04 <sup>th</sup> June 2019	09:30 - 13:00	Closed
6 <sup>th</sup> June 2019	09:30 - 13:00	Closed

## 6.2 Officers' Visit

**On Wednesday 29 May 2019** a site visit was conducted. The facility was closed and appeared abandoned.

A notice was positioned to the front of the facility, informing customers of a leakage to the facility. The notice also informed potential customers of refurbishment going to take place. The same note was on display on the 26 September 2018 during a previous visit. During the visit no persons responsible for the facility were on site.

**On Wednesday 26 September 2018** a site visit was conducted. The purpose of the visit was to establish if the facility was currently operating. The facility was not operating at the time of the visit.

The facility was in a poor state of repair and did not enhance the street scene.

A notice was displayed informing potential customers of a leakage to the facility. The notice also informed potential customers of refurbishment going to take place. During the visit no responsible person for the facility was on site.

During various observations of the site during daytime hours through May - June 2019, the premises has been closed.

## 7.0 LEGAL COMMENTS

7.1 Street trading activity within the London Borough of Hillingdon is regulated by the London Local Authorities Act 1990 (as amended).

7.2 In accordance with Section 25(4) of the Act and Paragraph 10.3 of the Council's policy, the Council may refuse an application on any of the following mandatory grounds:–

*(a) The applicant is under the age of seventeen.*

*(b) The proposed trading location is not within a designated licence street.*

*(c) The applicant is proposing to sell goods or services which the Council has resolved to ban.*

*(d) There is not enough physical space within the proposed trading location and any trading activity would have an adverse impact on the surrounding area by causing obstructions to persons or vehicles using the street.*

*(e) The applicant has made an application to trade in a location which does not satisfy the definition of a 'street' for the purposes of the legislation."*

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**Classification: Public**

**Licensing Sub-Committee – 12 July 2019**

7.3 In accordance with Section 25(6) of the Act and Paragraph 10.5 of the Council's policy, the Council may refuse an application on any of the following discretionary grounds:–

- 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) *That the applicant is an individual who has without reasonable excuse failed personally to avail himself fully of a previous street trading licence*
- d) *The applicant has previously demonstrated misconduct or unscrupulous behaviour whilst being the holder of a street trading licence.*
- e) *The applicant has failed to comply with the terms or failed to pay a fee of a street trading licence.*
- f) *The applicant has failed to propose suitable measures for the storage of perishable items when street trading is not taking place.*
- g) *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.*
- h) *The applicant is not the owner/occupier of a shop outside which a shop front trading licence is sought."*

7.4 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."*

7.5 Upon considering and hearing the parties' representations the Sub-Committee can decide to:

1. Grant the licence ;
2. Refuse to grant the licence;
3. Grant the licence for a shorter period as determined by the Licensing Sub-Committee;

4. Grant the licence in full as per the application or with further conditions.
- 7.6 If a mandatory ground is established, the application for renewal must be refused.
- 7.7 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.
- 7.8 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.
- 7.9 If a licence is due to expire and the Council has not determined the renewal application, the trader may be allowed to continue trading during the interim period. This will usually be allowed save for circumstances where the trader has been subject to enforcement action or other reasons where the Council may not wish for the licence to continue during this period.
- 7.10 Any person aggrieved by the Council's decision to refuse or revoke a street trading licence may lodge an appeal to the Magistrates Court within twenty one days of receipt of the written decision notice following the outcome of the Licensing Sub-Committee.