

# Application for a Renewal of a Street Trading Licence

<b>Committee</b>	Licensing Sub-Committee
<b>Officer Contact</b>	Steven Dormer, Licensing Service 01895 277409
<b>Papers with report</b>	<b>Appendix 1</b> - Application Form submitted on 18 <sup>th</sup> October 2019 <b>Appendix 2</b> - Site Map & Photos <b>Appendix 3</b> - Formal Letter to applicant
<b>Ward name</b>	Townfield

## 1.0 SUMMARY

An application has been received from **Tasty Perfect Meal** to renew a permanent street trading pitch licence on Springfield Road, Hayes. The licence has been refused on the grounds of Mr Taufiq Ahmed contravening section 25(6) of the London Local Authorities Act 1990(as amended) which states ***that the applicant is an individual who has without reasonable excuse failed personally to avail himself fully of a previous street trading licence.***

## 2.0 RECOMMENDATION

2.1 To refuse the renewal of Street Trading Licence.

## 3.0 APPLICATION

3.1 Name of applicant

Taufiq Ahmed

Name of assistant

Mr Vipi Thankan

3.2 Application Details

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

Proposed Trading hours:

Monday to Friday	06:30 to 19:00
Saturday to Sunday	07:00 to 18:00

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

**2<sup>nd</sup> January 2020**

4.2 The relevant consultees were notified of the application on **17<sup>th</sup> December 2019**

### 5.0 Responses to the consultation

5.1 Food Health and Safety Team confirmed Tasty Perfect Meal have not registered as a food business.

## 6.0 LICENSING OFFICER ASSESSMENT

6.1 Mr Ahmed has held a licence for this site since November 2018. The licence is to sell hot food and drink from a mobile catering trailer on Springfield Road. The facility has not been open for some considerable amount of time and the facility is slowly falling into a state of disrepair. A letter was sent out to Mr Ahmed outlining why the licensing authority have refused to renew the Street Trading Licence. **Appendix 3**

Mr Ahmed 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.

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

Date	Timings	Status
30 <sup>th</sup> May 2019	12.20	Closed
3 <sup>rd</sup> December 2019	12:40	Closed
9 <sup>th</sup> December 2019	08.05	Closed
7 <sup>th</sup> January 2020	12:05	Closed

### 6.2 Officers Visits

Between May 2019 and January 2020 four visits have been carried out to Springfield Road, Hayes to establish if trading is taking place. Email exchanges have taken place between the Licensing Authority and Mr Ahmed. Mr Ahmed has expressed an intention to commence trading from this pitch. As highlighted in the evidence trading has not taken place.

The facility has been abandoned on Council adopted streets and should be treated according to local and national guidelines.

As set out in the Council's Street Trading Policy, the Licensing Sub-Committee will hear all applications for the revocation, variation, or suspension of a street trading licence in the event that a trader significantly or persistently breaches such a licence.

## 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.*

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.
  - (e) **Needs of the area** – amongst other things, the Council will consider the demand for the articles for sale, and the geographical location of the proposed site.
- 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 permanent 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.
- 7.11 Any person aggrieved by the Council's decision to refuse or revoke a temporary street trading licence does not have an automatic right of appeal, however may instead apply for judicial review of such a decision.
- 7.12 The Council expects all licence holders to maintain their trading area in a proper manner and to ensure that any trading/display equipment is of a good quality and tidy appearance. The Council will provide traders and applicants with examples of the standards expected and will offer assistance and advice to traders and applicants on how to improve the look and quality of their trading/display equipment.