

REFUSAL OF STREET TRADING LICENCES

Committee	Licensing Sub Committee
Officer Contact	Bill Hickson, Ext 7402
Papers with report	Annexure 1
Ward(s) affected	Eastcote & East Ruislip

SUMMARY

The Street Scene Enforcement Team has now processed an application for the renewal of a street trading licence. Having considered the application and documentation, the Street Scene Enforcement Team suggests that it would be appropriate to revoke the licence of the trader as tabulated in Annexure 1.

RECOMMENDATION

That the Licensing Sub-Committee refuses to grant the street trading licences of the reported trader identified in Annexure 1

ALTERNATIVE OPTIONS

- A. Grant the Licence application
or;
- B. Grant the Licence application but vary the conditions of the licence

INFORMATION

1. Street trading activity within the London Borough of Hillingdon is regulated by the London Local Authorities Act 1990 (as amended).
2. The trader listed in Annexure 1 are holders of a shop-front licence. The trader listed on the annexure has been issued with temporary licences lasting for six months from date of issue.
3. The Street Scene Enforcement Team has received an application for the renewal of the licence as listed in Annexure 1.
4. The Street Scene Enforcement Team has examined all documentation accompanying the application. Copies of the relevant documentation for the trader will be available to be viewed by Councillors at the Licensing Sub-Committee Hearing.
5. The Street Scene Enforcement Team has found that the application submitted is incomplete as the relevant supporting documentation was not provided at the time of submitting this report to Democratic Services. The document outstanding is listed in Annexure 1.
6. The Street Scene Enforcement Team is therefore unable to comment on the eligibility of the trader to be awarded a street trading licence as applied for,
7. Section 28(1)(d) of the London Local Authorities Act 1990 (as amended) permits the Sub-Committee to revoke a street trading licence where the trader is, on account of misconduct or for any other sufficient reason unsuitable to hold a street trading licence.

8. The Street Scene Enforcement Team has served a notice of its preferred recommendation and notified the trader of a 21 day period within which to make any representations. The notice for the trader listed in Annexure 1 was sent on 2 August 2010.
9. On 18 August 2010 the relevant trader was advised by the Street Scene Enforcement Team by post of the date and time of the Sub-Committee meeting at which their application to renew their street trading licence would be considered, along with notification that a recommendation to revoke the licence will be made. Copies of this correspondence will be available to be viewed by Councillors at the Licensing Sub-Committee Hearing.
10. The correspondence also advised the trader of their right to attend the hearing and make written or verbal representations at the hearing.
11. Additionally, the trader was advised via correspondence that the application would be decided in their absence in the event that Democratic Services were not notified of the trader's intention to attend and/or address the Sub-Committee.

LEGAL COMMENTS

13. Section 31(1)(i) of the London Local Authorities Act 1990 (as amended) states that the Sub-Committee may, if they think fit, grant a temporary street trading licence to an applicant.
14. Regulation 3 of the London Borough of Hillingdon Street Trading Licence Terms and Conditions states that it is the Licensed Street Trader's responsibility to ensure that all documents requested for any application for a grant, renewal or variation of a licence is provided on applying for a Street Trading Licence.
14. Section 31 of the London Local Authorities Act 1990 (as amended) states that an applicant must satisfy the Sub-Committee of ownership of the land on which trading is proposed. Alternatively, where the applicant proposes to trade on land which is owned and/or occupied by another person, the applicant must satisfy the Sub-Committee that he/she has the relevant consent to trade on the land. If such consent is withdrawn after the issue of a licence, the temporary licence that was granted shall lapse.
15. Section 31(2) authorises the Sub-Committee to prescribe conditions which it deems necessary for the use of the licence.
16. Section 25(3A) requires that where third party insurance is a requirement for the issue of a licence, such insurance must be provided before the licence is granted.
17. Traders have given the licence holder not less than 21 days previous notice in writing that a refusal is proposed. This notice also specified the grounds on which the recommendation is based. Additionally, the applicant was notified of his/her right to appear before the sub-committee determining the matter.
15. Section 28 (2) of the Act states that the Council may instead of revoking a licence, vary it by attaching further specified conditions;
 - (a) reducing the numbers of days in any week or the period in any one day during which the licence holder is permitted to trade;
 - (b) specifying a different licence street or position or place at which the licence holder may trade;
 - (c) restricting the items which licence holder is permitted to sell.
16. The applicant must be notified in writing of the decision of the Sub-Committee.
17. The Council has a duty in considering this matter to take account of all relevant considerations and disregard any matters of irrelevance. In doing so, it must have regard

to the rules of natural justice. This is in addition to complying with procedural requirements set out in the statute.

BACKGROUND DOCUMENTS

London Local Authorities Act 1990(as amended)

London Borough of Hillingdon Street Trading Licence Terms and Conditions

ANNEXURE 1

NAME	LICENCE TYPE AND PERIOD	LOCATION	DOCUMENT OUTSTANDING / REASON FOR NON-RENEWAL
Mr J Khurana My Shop	Shop Frontage Six Months	115 Field End Rd Eastcote HA5 1QG	Commercial trade waste agreement; Not submitted