

APPLICATION FOR TEMPORARY SHOP FRONT STREET TRADING LICENCES

Committee	Licensing Sub Committee
Officer Contact	Bill Hickson – (01895) 277402
Papers with report	Annexure 1
Ward(s) affected	Barnhill

SUMMARY

The Street Scene Enforcement Team has now processed the new application for temporary shop front street trading licence *as tabulated in Annexure 1. Having considered the application and documentation, the Street Scene Enforcement Team suggests that it would be appropriate to issue temporary pitch licence for the trader as tabulated in Annexure 1.

RECOMMENDATION

That temporary shop front street trading licence of the reported trader identified in Annexure 1 be issued for a period of 6 months.

ALTERNATIVE OPTIONS

- A. Approve the issue of the licence for a further time limited period of less than 6 months – time period to be specified by the Sub-Committee.**
or;
- B. Refuse to issue of temporary shop front street trading 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 applications listed in Annexure 1 are for new temporary shop front street trading licence.
3. The licence issued will be temporary licence lasting for a period of 6 months.
4. The Street Scene Enforcement Team has examined all documentation accompanying the application. Copies of the relevant documentation supplied by the trader will be available to be viewed by Councillors at the Licensing Sub-Committee Hearing.
5. The Street Scene Enforcement Team is satisfied that the application complies with the London Borough of Hillingdon's Street Trading Regulations and the legislation.
6. The Street Scene Enforcement Team confirms that it has no objection to the grant of the licence.
7. Street Scene Enforcement Team Officers confirm the proposed trading activities have sufficient space of two (2) metres on the pavement for pass and re-pass by pedestrians.

8. On 13/09/2010 correspondence was despatched by post to the relevant trader. The Street Scene Enforcement Team advised them by post of the date and time of the Sub-Committee meeting at which their application for their street trading licence would be considered. Copies of this correspondence will be available to be viewed by Councillors at the Licensing Sub-Committee Hearing.
9. The correspondence also advised the trader of their right to attend the hearing and make written or verbal representations at the hearing.
10. Additionally, the trader were 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.
11. In light of the traders' compliance with Street Trading Regulations, the Street Scene Enforcement Team is not aware of any reason refuse the licences for the period requested.

LEGAL COMMENTS

12. This report recommends that the street trading licences as attached at Annexure 1 be renewed in accordance with Section 25(1) of the London Local Authorities Act 1990 (as amended) – ("the Act").
13. An application for the renewal of a street trading licence should be made not later than two months before the date on which the existing licence will cease to be valid. This time period may be shortened if the Local authority considers it reasonable to do so.
14. Section 25(4) of the Act specifies that a street trading licence may not be granted:
 - a. To a person under the age of 17 years;
 - b. To a company incorporated under the Companies Acts, an unincorporated association or a partnership except where such an application is made to carry on ice cream trading
 - c. In respect of an application for a street trading licence which, if granted, would authorise trading in a street which is not a licence street. An exception to this prohibition is where the application is for the grant of a temporary permit and the proposed trader has the permission of the owner of the land to carry out trading activities. In such a situation, the applicant is required to provide sufficient evidence of such permission to the Licensing Sub-Committee.
 - d. Where the goods that the trader proposes to trade in are prohibited or embargoed by a resolution passed in compliance with Section 24(1)(b) of the Act.
15. In accordance with Section 25(4)(b), a licence may not be granted unless the Sub-Committee are satisfied that there is enough space in the street for the applicant to engage in the trading activity without causing undue interference or inconvenience to persons or vehicular traffic using the street.
16. As at 26 February 2010, all **Highway**" means a route or area which all persons can use to pass and repass along as often and whenever they wish without let or hindrance and without charge; this includes carriageway, footway and any part of that area where the public have access and which may be in public or private ownership public within the London Borough of Hillingdon designated for the purposes of street trading under the Act.

BACKGROUND DOCUMENTS

London Local Authorities Act 1990(as amended)

London Borough of Hillingdon Street Trading Licence Terms and Conditions

NAME : Mr S Arora – Kwaliti Foods
LICENCE TYPE AND PERIOD : Shop frontage – 6 months
LOCATION : 674 Uxbridge Road Hayes UB4 0RY
COMMODITY : Fruit & Vegetable Display

Barnhill