

## APPLICATION FOR TEMPORARY PITCH STREET TRADING LICENCE

<b>Committee</b>	Licensing Sub Committee
<b>Officer Contact</b>	Bill Hickson – (01895) 277402
<b>Papers with report</b>	Annexure 1
<b>Ward(s) affected</b>	Uxbridge South & North

### SUMMARY

The Street Scene Enforcement Team has now processed the new application for temporary pitch street trading licence \*as tabulated in Annexure 1. Unfortunately the applicant has failed to supply the documents required by the Terms & Conditions for Street trading. Also there has been very significant opposition to the application.

### RECOMMENDATION

**Refuse to issue the temporary pitch street trading licence, as required documentation (listed in Annexure 2) and licence fee has not been supplied.**

### ALTERNATIVE OPTIONS

- A. That temporary pitch trading licence of the reported trader be issued for a limited period of less than 6 months – time period to be specified by the Sub-Committee.
- B. Refuse to approve 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 application listed in Annexure 1 is for a new pitch licence.
3. The licence issued will be temporary licence for a period of 6 months.
4. The Street Scene Enforcement Team has examined all documentation accompanying the application, however the Sub-Committee should be aware that the applicant has not supplied some of the supportive documents. 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 consulted with local interested parties concerning this application. This consultation was conducted between the 9<sup>th</sup> August 2010 & the 3<sup>rd</sup> September 2010. A list of parties consulted are shown in Annexure 3 and response received shown in Annexure 4.
6. On 11 September 2010 correspondence was hand delivered to the traders' home address. The Street Scene Enforcement Team advised him by post of the date and time of the Sub-Committee meeting at which his application for a street trading licence would be considered. Copies of this correspondence will be available to be viewed by Councillors at the Licensing Sub-Committee Hearing.

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7. The correspondence also advised the trader of his right to attend the hearing and make written or verbal representations at the hearing.
8. Additionally, the trader was advised via correspondence that the application would be decided in his 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

9. 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”).
10. 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.
11. 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.
12. 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.
13. 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  
Letter & list of persons consulted Annexure 3  
Responses to the consultation letter Annexure 4

NAME : Mr Hall trading as "Appy Days "  
LICENCE TYPE AND PERIOD : Temporary Pitch Licence – 6 months  
LOCATION : Windsor Street fronting no:4  
COMMODITY : Mobile food trailer dispensing hot food & snacks

Uxbridge South Ward

- A. Licence fee  
(Mr Hall unable to pay in advance – due to insufficient funds)
- B. Proof of commercial waste agreement  
(*Mr Hall has contacted waste companies for quotes etc however is unable to commence contract until he knows whether the licence will be granted*)
- C. Proof of public liability insurance ( *received 15.45 hours 13/09/210* )

List of persons consulted in process

The Managers of Public Houses:-

The Metropolitan

The Fig Tree

The Three Tuns

The Queens Head

Charter Place

Windsor Street Traders Association

St Margarets Church

HSBC Bank

4 Windsor St – Horse Power Hairdressers

- Uxb Employment Agency

Andy Stubbs – Uxbridge Town Centre Manager

Uxbridge Initiative

Uxbridge Police

Hillingdon Fire Brigade

Licensing Team

Mr Cradduck – Flower Stall

Uxb South Ward - Cllrs Burrows / Routledge / J Cooper

Uxbridge North – Cllr Yarrow/ G Cooper/ J Barrett

Copies of letters received in response to consultation:-