

VARIATION OF A TEMPORARY PITCH STREET TRADING LICENCE

Committee	Licensing Sub Committee
Officer Contact	Bill Hickson – (01895 277402) Ext 7402
Papers with report	Annexure 1
Ward(s) affected	West Ruislip

SUMMARY

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

RECOMMENDATION

That temporary pitch street trading licence of the reported trader identified in Annexure 1 be revised for the remaining of the current period to change the named licensee to that of the assistant & the assistant with that of the licensee

ALTERNATIVE OPTIONS

Refuse to approve the variation of the temporary pitch 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 application listed in Annexure 1 is to vary a temporary pitch licence.
3. The variation if granted would be for a period ending 31/3/2011.
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. The Street Scene Enforcement Team confirms that it has no objection to vary the licence.
6. On 20/10/2010 correspondence was despatched by post to the relevant trader.
7. The Street Scene Enforcement Team advised them by post of the date and time of the Sub-Committee meeting at which their application to vary 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.

8. The correspondence also advised the trader of their right to attend the hearing and make written or verbal representations at the hearing.
9. 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.
10. In light of the traders' & the assistants compliance with Street Trading Regulations, the Street Scene Enforcement Team is not aware of any reason refuse the variation of the licence for the period requested.

LEGAL COMMENTS

11. 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").
12. 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.
13. 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.
14. 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.
15. 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 : Mrs Barbara Allvey – Ruislip Flower Stall
LICENCE TYPE AND PERIOD : Variation of temporary pitch licence
LOCATION : Area fronting 142 High Street Ruislip
COMMODITY : Display of Flowers & Plants
West Ruislip Ward

Correspondence address:
6 Trevor Gardens
Northolt
Middlesex
UB5 6NB