

APPLICATION FOR TEMPORARY PITCH STREET TRADING LICENCE

Committee	Licensing Sub Committee
Officer Contact	Stephanie Waterford – (01895) 277232 or ext 7232
Papers with report	Addendix 1
Ward(s) affected	Uxbridge North/South, Townfield

SUMMARY

The Licensing Service has now processed the new applications for temporary pitch street trading licences *as tabulated in Annexure 1. Having considered the applications and documentation, the Licensing service suggests that it would be appropriate to issue temporary pitch licences for the trader as tabulated in Annexure 1.

RECOMMENDATION

To **APPROVE** the temporary pitch street Trading Licences for the reported trader as in Appendix 1 as listed for the following dates.

1. 24th-26th March 2011. High St. Uxbridge
2. 15th-16th April 2011. Station Road. Hayes
3. 12th-14th May 2011. High St. Uxbridge
4. 10th-11th June 201. Station Road, Hayes

ALTERNATIVE OPTIONS

- A. Approve the issue of the licences 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 licence temporary pitch street trading licences.

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 pitch licences.
3. The licences issued will be temporary licences lasting for 2 periods of two days being 15th & 16th April 2011, 10th & 11th June 2011 and 2 periods of 3 days being 24th - 26th March 2011 inclusive and 12th – 14th May 2011 inclusive.
4. The Licensing Service has examined all documentation accompanying the applications. Copies of the relevant documentation supplied by each trader will be available to be viewed by Councillors at the Licensing Sub-Committee Hearing.

5. The Licensing Service is satisfied that the applications comply 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. On 28/01/2011 correspondence was despatched by to the relevant trader. The Licensing 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.
8. The correspondence also advised the traders 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 applications 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' compliance with Street Trading Regulations, the Licensing Service is not aware of any reason refuse the licences 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

ANNEXURE 1

NAME : Mr David Evans – Automobile Association
LICENCE TYPE AND PERIOD : Temp Pitch Licence 2 days each 15th & 16th
April 2011 & 10th & 11th June 2011. 3 days each
24th-26th March 2011 & 12th-14th May 2011.

LOCATION : Hayes Town Centre Station Road/Uxbridge
Town Pedestrian area near to Superdrug

COMMODITY : AA Memberships