

VARIATION OF A PERMANENT STREET TRADING LICENCE - PITCH

Committee	Licensing Sub Committee
Officer Contact	Stephanie Waterford – 01895 277232
Papers with report	Appendix 1
Ward(s) affected	Uxbridge North

SUMMARY

The Licensing Service has received and processed an application for a variation to a permanent street trading licence – (Pitch) To change the permitted commodity to include ‘soft fruit’

RECOMMENDATION

That the variation be granted.

ALTERNATIVE OPTIONS

A. Refuse the variation of the permanent street trading licence - pitch

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 Appendix 1 is to vary a permanent pitch licence.
3. The variation if granted would be for a period of 1 year ending 31st March 2012.
4. The Licensing Service 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 Licensing Service is satisfied that the application complies with the London Borough of Hillingdon’s Street Trading Regulations and the legislation. The Licensing Service confirms that it has no objection to vary the licence.
6. The applicant was sent notice of hearing on 22nd February 2011.
7. In light of the traders’ compliance with Street Trading Regulations, the Licensing Service is not aware of any reason to refuse the variation of the licence for the period requested.

LEGAL COMMENTS

8. This report recommends that the street trading licences as attached at Appendix 1 be renewed in accordance with Section 25(1) of the London Local Authorities Act 1990 (as amended) – (“the Act”).
9. 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.
10. 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 permanent 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.
11. 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.
12. 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 G Craddock T/A The Flower Stall
LICENCE TYPE AND PERIOD	:	Street Trading Permanent - 1 year
LOCATION	:	High Street, Uxbridge
COMMODITY	:	Flowers, Plants, Sundries & Soft Fruits
Uxbridge North		