

Report of: Jan Hart - Service Director - Public Protection

Meeting of:	Date	Agenda item	Ward(s)
Licensing Regulatory Committee	13 July 2010	BI (a)	Bunhill
Delete as appropriate		Non-exempt	

SUBJECT:
London Local Authorities Act 1994 (As Amended) Section 28 (1) (h) Breach Of Street Trading Conditions – Mr Daniel Gentely Licence 544 Whitecross Street Market London EC1
1. Synopsis

- 1.1 This report relates to the breach of street trading conditions by Mr Daniel Gentely a licensed trader on pitch 44 in Whitecross Street Market.

2. Recommendations

- 2.1 To consider
1. the revocation of the street trading licence of Mr Gentely a licensed trader on pitch 44 in Whitecross Street Market, or, on the application by the licence holder,
 2. vary the conditions to the said licence and/or
 3. attaching further conditions to the said licence

3. Background

- 3.1 The authority runs all street trading activities in the borough and is responsible for issuing licences and ensuring that rules and regulations are adhered to.

- 3.2 Street trading is regulated under the London Local Authorities Act 1994 (as amended). Under Section 27(3) of the London Local Authorities Act 1994, the borough council may make regulations prescribing standard conditions which they may attach to the licence on the occasion of its grant or renewal.
- 3.3 From time to time it may be necessary to report breaches of such conditions to the Licensing Regulatory Committee for consideration and at times revocation.
- 3.4 The conditions attached to all licences in Whitecross Street state "Stalls shall not be put out prior to 8.00 a.m. on any day". An extract from the conditions is attached as Appendix 1.
- 3.5 During May 2010 we received 3 complaints from residents claiming that certain traders were arriving and setting up in the market before 8.00 a.m. Mr Gentely was one of the traders identified in the complaint. The complaints are attached as Appendices 2-4. Over recent years, we have received the occasional complaint regarding traders setting up early.
- 3.6 Observations carried out revealed that Mr Gentely along with several other traders were arriving and setting up from 6.30 a.m. This is in breach of their licence condition as detailed above.
- 3.7 On 26 May 2010 the Street Trading section wrote to all Whitecross Street traders reminding them of the condition relating to setting up times in the market. The letter pointed out that if traders continued to set up before 8.00 a.m. they would be in breach of the street trading conditions and could face having their licence revoked. A copy of the letter is attached as Appendix 5
- 3.8 On 27 May 2010 the Street Trading section received an e-mail response to this letter from the Whitecross Street Traders Association on behalf of all the market traders. A copy of the e-mail is attached as Appendix 6
- 3.9 On 9 June 2010 Mr Gentely was interviewed in relation to the alleged breach of condition.
- 3.10 Mr Gentely stated that he had been trading in Whitecross Market for nearly 2 years and had always arrived at around 6.30 a.m. He stated that it was necessary to start setting up around 6.45 a.m. He received fresh fruit deliveries daily and needed to start preparing the fruit as soon as it arrived. He stated that if he left it any later, he would not be ready in time for the lunchtime trade.
- 3.11 Since receiving the complaints, Islington Council Noise Team have made several visits to the market and carried out observations of noise activity between 6.30 a.m. and 7.30 a.m. A member of the noise team will attend Committee to answer any questions regarding these observations. A copy of their findings are attached as Appendix 7
- 3.12 On 18 June 2010 a letter was sent to Mr Gentely stating that the matter was going to be referred to this Committee. A copy of this letter is attached as Appendix 8

4. Implications

4.1 Financial implications:

The Street Trading Section operates under a ring fenced account. The current rental for this pitch is £45.00 per week. If the licence was revoked there would be a loss to the account of £2340.00 per annum.

4.2 Legal Implications:

Section 28 (1) of the London Local Authorities Act 1994 (as amended) provides that a borough council may at any time revoke a licence if they are satisfied that:

- the licence holder has persistently failed to comply with any condition of his licence.

Section 27(1) of the London Local Authorities Act 1994 (as amended) provides, inter-alia, that:

- A licence granted under this Act shall....specify the conditionsand on any occasion of the renewal of the licence, or at 1st January in any year during the currency thereof, (whether on application by the licence holder or otherwise) or at any time on application by the licence holder, the borough council may vary the conditions.

Section 27(8) of the London Local Authorities Act 1994 (as amended) provides that:

- without prejudice to the standard conditions, the borough council may in addition attach to a licence such further conditions as appear to them to be reasonable in any individual case.

4.3 Environmental Implications

An environmental impact scoping exercise has been carried out and it was identified that the proposals in this report would have no impacts on the following:

- Energy use and carbon emissions
- Use of natural resources

Travel and transportation
Waste and recycling
Climate change adaptation
Biodiversity
Pollution

4.4 Equality Impact Assessment:

The Council must, in carrying out its functions, have due regard to the need to eliminate unlawful discrimination and harassment and to promote equality of opportunity in relation to disability, race and gender and the need to take steps to take account of disabilities, even where that involves treating the disabled more favourably than others (section 49A Disability Discrimination Act 1995; section 71 Race Relations Act 1976; section 76A Sex Discrimination Act 1975."

An equalities impact assessment (EIA) on this proposal was carried out on 1 July 2010. The EIA identified that there would be no differential impacts on different groups in Islington and no negative consequences for community cohesion. This conclusion was drawn because this report is dealing with a particular individual who has breached the street taking conditions and no policy has been changed

5. Conclusion and reasons for recommendations

- 5.1 A recommendation to revoke a licence is never taken lightly. The Street Trading Team always seek to try and resolve issues and always work with traders to find solutions prior to referring the case to Licensing Regulatory Committee.

Appendices

- Appendix 1 Extract from Street Trading Conditions
- Appendix 2 - 4 Residents complaints
- Appendix 5 Letter sent to market traders
- Appendix 6 Response from Whitecross Street Traders Association
- Appendix 7 Observations from Noise Team
- Appendix 8 Letter to trader advising of referral to Committee

Background papers: (on request)

- Environmental Implications
- Equality Impact Assessment
- Street Trading Conditions

Final report clearance:

Signed by:



Service Director – Public Protection

Date

5th July 2010

Received by:

Head of Democratic Services

Date

Report Author: David Fordham
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Report of: Jan Hart - Service Director - Public Protection

Meeting of:	Date	Agenda item	Ward(s)
Licensing Regulatory Committee	13 July 2010	BI (b)	Bunhill
Delete as appropriate		Non-exempt	

SUBJECT:

London Local Authorities Act 1994 (As Amended) Section 28 (1) (h) Breach Of Street Trading Conditions – Ms Serpil Erce Licence 538 & 540 Whitecross Street Market London EC1

1. Synopsis

- 1.1 This report relates to the breach of street trading conditions by Ms Serpil Erce a licensed trader on pitches 38 & 40 in Whitecross Street Market.

2. Recommendations

- 2.1 To consider
1. the revocation of the street trading licenses of Ms Erce a licensed trader on pitches 38 & 40 in Whitecross Street Market, or, on the application by the licence holder,
 2. vary the conditions to the said licence and/or
 3. attaching further conditions to the said licence

3. Background

- 3.1 The authority runs all street trading activities in the borough and is responsible for issuing licenses and ensuring that rules and regulations are adhered to.

- 3.2 Street trading is regulated under the London Local Authorities Act 1994 (as amended). Under Section 27(3) of the London Local Authorities Act 1994, the borough council may make regulations prescribing standard conditions which they may attach to the licence on the occasion of its grant or renewal.
- 3.3 From time to time it may be necessary to report breaches of such conditions to the Licensing Regulatory Committee for consideration and at times revocation.
- 3.4 The conditions attached to all licences in Whitecross Street state "Stalls shall not be put out prior to 8.00 a.m. on any day". An extract from the conditions is attached as Appendix 1.
- 3.5 During May 2010 we received 3 complaints from residents claiming that certain traders were arriving and setting up in the market before 8.00 a.m. Ms Erce was one of the traders identified in the complaint. The complaints are attached as Appendices 2-4. Over recent years, we have received the occasional complaint regarding traders setting up early.
- 3.6 Observations carried out revealed that Ms Erce along with several other traders were arriving and setting up from 6.30 a.m. This is in breach of their licence condition as detailed above.
- 3.7 On 26 May 2010 the Street Trading section wrote to all Whitecross Street traders reminding them of the condition relating to setting up times in the market. The letter pointed out that if traders continued to set up before 8.00 a.m. they would be in breach of the street trading conditions and could face having their licence revoked. A copy of the letter is attached as Appendix 5
- 3.8 On 27 May 2010 the Street Trading section received an e-mail response to this letter from the Whitecross Street Traders Association on behalf of all the market traders. A copy of the e-mail is attached as Appendix 6
- 3.9 On 10 June 2010 Ms Erce was interviewed in relation to the alleged breach of condition.
- 3.10 Ms Erce stated that he had been trading in Whitecross Market for 3 years and had always arrived at around 7.00 a.m. She stated that it was necessary to start preparing the food from about 7.15 a.m. as everything was prepared fresh on the day. She employed 2 staff to help with the preparation.
- 3.11 Since receiving the complaints, Islington Council Noise Team have made several visits to the market and carried out observations of noise activity between 6.30 a.m. and 7.30 a.m. A member of the noise team will attend Committee to answer any questions regarding these observations. A copy of their findings are attached as Appendix 7
- 3.12 On 18 June 2010 a letter was sent to Ms Erce stating that the matter was going to be referred to this Committee. A copy of this letter is attached as Appendix 8

4. Implications

4.1 Financial implications:

The Street Trading Section operates under a ring fenced account. The current rental for 2 pitches is £78.00 per week. If the licence was revoked there would be a loss to the account of £4056.00 per annum.

4.2 Legal Implications:

Section 28 (1) of the London Local Authorities Act 1994 (as amended) provides that a borough council may at any time revoke a licence if they are satisfied that:

- the licence holder has persistently failed to comply with any condition of his licence.

Section 27(1) of the London Local Authorities Act 1994 (as amended) provides, inter-alia, that:

- A licence granted under this Act shall....specify the conditionsand on any occasion of the renewal of the licence, or at 1st January in any year during the currency thereof, (whether on application by the licence holder or otherwise) or at any time on application by the licence holder, the borough council may vary the conditions.

Section 27(8) of the London Local Authorities Act 1994 (as amended) provides that:

- without prejudice to the standard conditions, the borough council may in addition attach to a licence such further conditions as appear to them to be reasonable in any individual case.

4.3 Environmental Implications

An environmental impact scoping exercise has been carried out and it was identified that the proposals in this report would have no impacts on the following:

- Energy use and carbon emissions
- Use of natural resources
- Travel and transportation

Waste and recycling
Climate change adaptation
Biodiversity
Pollution

4.4 Equality Impact Assessment:

The Council must, in carrying out its functions, have due regard to the need to eliminate unlawful discrimination and harassment and to promote equality of opportunity in relation to disability, race and gender and the need to take steps to take account of disabilities, even where that involves treating the disabled more favourably than others (section 49A Disability Discrimination Act 1995; section 71 Race Relations Act 1976; section 76A Sex Discrimination Act 1975.)

An equalities impact assessment (EIA) on this proposal was carried out on 1 July 2010. The EIA identified that there would be no differential impacts on different groups in Islington and no negative consequences for community cohesion. This conclusion was drawn because this report is dealing with a particular individual who has breached the street trading conditions and no policy has been changed

5. Conclusion and reasons for recommendations

- 5.1 A recommendation to revoke a licence is never taken lightly. The Street Trading Team always seek to try and resolve issues and always work with traders to find solutions prior to referring the case to Licensing Regulatory Committee.

Appendices

- Appendix 1 Extract from Street Trading Conditions
- Appendix 2 - 4 Residents complaints
- Appendix 5 Letter sent to market traders
- Appendix 6 Response from Whitecross Street Traders Association
- Appendix 7 Observations from Noise Team
- Appendix 8 Letter to trader advising of referral to Committee

Background papers: (on request)

- Environmental Implications
- Equality Impact Assessment
- Street Trading Conditions

Final report clearance:

Signed by:



5th July 2010

Service Director – Public Protection

Date

Received by:

Head of Democratic Services

Date

Report Author: David Fordham
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Report of: **Jan Hart - Service Director - Public Protection**

Meeting of:	Date	Agenda Item	Ward(s)
Licensing Regulatory Committee	13 July 2010	BI (c)	Bunhill

Delete as appropriate		Non-exempt
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SUBJECT:

London Local Authorities Act 1994 (As Amended) Section 28 (1) (h) Breach Of Street Trading Conditions – Ms Mohini Vyas Licence 545a Whitecross Street Market London EC1

1. Synopsis

1.1 This report relates to the breach of street trading conditions by Ms Mohini Vyas a licensed trader on pitch 45a in Whitecross Street Market.

2. Recommendations

2.1 To consider

1. the revocation of the street trading licence of Ms Vyas a licensed trader on pitch 45a in Whitecross Street Market, or, on the application by the licence holder,
2. vary the conditions to the said licence and/or
3. attaching further conditions to the said licence

3. Background

3.1 The authority runs all street trading activities in the borough and is responsible for issuing licences and ensuring that rules and regulations are adhered to.

- 3.2 Street trading is regulated under the London Local Authorities Act 1994 (as amended). Under Section 27(3) of the London Local Authorities Act 1994, the borough council may make regulations prescribing standard conditions which they may attach to the licence on the occasion of its grant or renewal.
- 3.3 From time to time it may be necessary to report breaches of such conditions to the Licensing Regulatory Committee for consideration and at times revocation.
- 3.4 The conditions attached to all licences in Whitecross Street state "Stalls shall not be put out prior to 8.00 a.m. on any day". An extract from the conditions is attached as Appendix 1
- 3.5 During May 2010 we received 3 complaints from residents claiming that certain traders were arriving and setting up in the market before 8.00 a.m. Ms Vyas was not one of the traders identified in the complaint. The complaints are attached as Appendices 2-4. Over recent years, we have received the occasional complaint regarding traders setting up early.
- 3.6 Observations carried out revealed that Ms Vyas along with several other traders were arriving and setting up from 6.30 a.m. This is in breach of their licence condition as detailed above.
- 3.7 On 26 May 2010 the Street Trading section wrote to all Whitecross Street traders reminding them of the condition relating to setting up times in the market. The letter pointed out that if traders continued to set up before 8.00 a.m. they would be in breach of the street trading conditions and could face having their licence revoked. A copy of the letter is attached as Appendix 5
- 3.8 On 27 May 2010 the Street Trading section received an e-mail response to this letter from the Whitecross Street Traders Association on behalf of all the market traders. A copy of the e-mail is attached as Appendix 6
- 3.9 On 9 June 2010 Ms Vyas was interviewed in relation to the alleged breach of condition.
- 3.10 Ms Vyas stated that she had been trading in Whitecross Market for over 5 years with her husband and for 2 years with her own pitch and had always arrived at around 6.30 a.m. She stated that it was necessary to start setting up preparing and cooking food around 6.45 a.m. There were 2 gazebos to set up and all the cooking to be done.
- 3.11 Since receiving the complaints, Islington Council Noise Team have made several visits to the market and carried out observations of noise activity between 6.30 a.m. and 7.30 a.m. A member of the noise team will attend Committee to answer any questions regarding these observations. A copy of their findings is attached as Appendix 7
- 3.12 On 18 June 2010 a letter was sent to Ms Vyas stating that the matter was going to be referred to this Committee. A copy of this letter is attached as Appendix 8

4. Implications

4.1 Financial Implications:

The Street Trading Section operates under a ring fenced account. The current rental for this pitch is £65.00 per week. If the licence was revoked there would be a loss to the account of £3380.00 per annum.

4.2 Legal Implications:

Section 28 (1) of the London Local Authorities Act 1994 (as amended) provides that a borough council may at any time revoke a licence if they are satisfied that:

- the licence holder has persistently failed to comply with any condition of his licence.

Section 27(1) of the London Local Authorities Act 1994 (as amended) provides, inter-alia, that:

- A licence granted under this Act shall....specify the conditionsand on any occasion of the renewal of the licence, or at 1st January in any year during the currency thereof, (whether on application by the licence holder or otherwise) or at any time on application by the licence holder, the borough council may vary the conditions.

Section 27(8) of the London Local Authorities Act 1994 (as amended) provides that:

- without prejudice to the standard conditions, the borough council may in addition attach to a licence such further conditions as appear to them to be reasonable in any individual case.

4.3 Environmental Implications

An environmental impact scoping exercise has been carried out and it was identified that the proposals in this report would have no impacts on the following:

- Energy use and carbon emissions
- Use of natural resources

Travel and transportation
Waste and recycling
Climate change adaptation
Biodiversity
Pollution

4.4 Equality Impact Assessment:

The Council must, in carrying out its functions, have due regard to the need to eliminate unlawful discrimination and harassment and to promote equality of opportunity in relation to disability, race and gender and the need to take steps to take account of disabilities, even where that involves treating the disabled more favourably than others (section 49A Disability Discrimination Act 1995; section 71 Race Relations Act 1976; section 76A Sex Discrimination Act 1975.)

An equalities impact assessment (EIA) on this proposal was been carried out on 1 July 2010. The EIA identified that there would be no differential impacts on different groups in Islington and no negative consequences for community cohesion. This conclusion was drawn because this report is dealing with a particular individual who has breached the street trading conditions and no policy has been changed

5. Conclusion and reasons for recommendations

- 5.1 A recommendation to revoke a licence is never taken lightly. The Street Trading Team always seek to try and resolve issues and always work with traders to find solutions prior to referring the case to Licensing Regulatory Committee.

Appendices

- Appendix 1 Extract from Street Trading Conditions
- Appendix 2 - 4 Residents complaints
- Appendix 5 Letter sent to market traders
- Appendix 6 Response from Whitecross Street Traders Association
- Appendix 7 Observations from Noise Team
- Appendix 8 Letter to trader advising of referral to Committee

Background papers: (on request)

- Environmental Implications
- Equality Impact Assessment
- Street Trading Conditions

Final report clearance:

Signed by:



5th July 2010

Service Director – Public Protection

Date

Received by:

Head of Democratic Services

Date

Report Author:

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Report of: Jan Hart - Service Director - Public Protection

Meeting of:	Date	Agenda Item	Ward(s)
Licensing Regulatory Committee	13 July 2010	BI (d)	Bunhill
Delete as appropriate		Non-exempt	

SUBJECT:

London Local Authorities Act 1994 (As Amended) Section 28 (1) (h) Breach Of Street Trading Conditions – Mr Kuntal Vyas Licence 545 Whitecross Street Market London EC1

1. Synopsis

1.1 This report relates to the breach of street trading conditions by Mr Kuntal Vyas a licensed trader on pitch 45 in Whitecross Street Market.

2. Recommendations

2.1 To consider

1. the revocation of the street trading licence of Mr Vyas a licensed trader on pitch 45 in Whitecross Street Market, or, on the application by the licence holder,
2. vary the conditions to the said licence and/or
3. attaching further conditions to the said licence

3. Background

3.1 The authority runs all street trading activities in the borough and is responsible for issuing licences and ensuring that rules and regulations are adhered to.

- 3.2 Street trading is regulated under the London Local Authorities Act 1994 (as amended). Under Section 27(3) of the London Local Authorities Act 1994, the borough council may make regulations prescribing standard conditions which they may attach to the licence on the occasion of its grant or renewal.
- 3.3 From time to time it may be necessary to report breaches of such conditions to the Licensing Regulatory Committee for consideration and at times revocation.
- 3.4 The conditions attached to all licences in Whitecross Street state "Stalls shall not be put out prior to 8.00 a.m. on any day". An extract from the conditions is attached as Appendix 1.
- 3.5 During May 2010 we received 3 complaints from residents claiming that certain traders were arriving and setting up in the market before 8.00 a.m. Mr Vyas was not one of the traders identified in the complaint. The complaints are attached as Appendices 2-4. Over recent years, we have received the occasional complaint regarding traders setting up early.
- 3.6 Observations carried out revealed that Mr Vyas along with several other traders were arriving and setting up from 6.30 a.m. This is in breach of their licence condition as detailed above.
- 3.7 On 26 May 2010 the Street Trading section wrote to all Whitecross Street traders reminding them of the condition relating to setting up times in the market. The letter pointed out that if traders continued to set up before 8.00 a.m. they would be in breach of the street trading conditions and could face having their licence revoked. A copy of the letter is attached as Appendix 5
- 3.8 On 27 May 2010 the Street Trading section received an e-mail response to this letter from the Whitecross Street Traders Association on behalf of all the market traders. A copy of the e-mail is attached as Appendix 6
- 3.9 On 9 June 2010 Mrs Vyas (licence holder and wife of Mr Vyas) was interviewed in relation to the alleged breach of condition. She said she was able to speak on behalf of her husband.
- 3.10 Mrs Vyas stated that Mr Vyas had been trading in Whitecross Market for over 5 years and had always arrived at around 6.30 a.m. She stated that it was necessary to start setting up preparing and cooking food around 6.45 a.m. There were 2 gazebos to set up and all the cooking to be done.
- 3.11 Since receiving the complaints, Islington Council Noise Team have made several visits to the market and carried out observations of noise activity between 6.30 a.m. and 7.30 a.m. A member of the noise team will attend Committee to answer any questions regarding these observations. A copy of their findings are attached as Appendix 7
- 3.12 On 18 June 2010 a letter was sent to Mr Vyas stating that the matter was going to be referred to this Committee. A copy of this letter is attached as Appendix 8

4. Implications

4.1 Financial implications:

The Street Trading Section operates under a ring fenced account. The current rental for this pitch is £65.00 per week. If the licence was revoked there would be a loss to the account of £3380.00 per annum.

4.2 Legal Implications:

Section 28 (1) of the London Local Authorities Act 1994 (as amended) provides that a borough council may at any time revoke a licence if they are satisfied that:

- the licence holder has persistently failed to comply with any condition of his licence.

Section 27(1) of the London Local Authorities Act 1994 (as amended) provides, inter-alia, that:

- A licence granted under this Act shall....specify the conditionsand on any occasion of the renewal of the licence, or at 1st January in any year during the currency thereof, (whether on application by the licence holder or otherwise) or at any time on application by the licence holder, the borough council may vary the conditions.

Section 27(8) of the London Local Authorities Act 1994 (as amended) provides that:

- without prejudice to the standard conditions, the borough council may in addition attach to a licence such further conditions as appear to them to be reasonable in any individual case.

4.3 Environmental Implications

An environmental impact scoping exercise has been carried out and it was identified that the proposals in this report would have no impacts on the following:

- Energy use and carbon emissions
- Use of natural resources

Travel and transportation
Waste and recycling
Climate change adaptation
Biodiversity
Pollution

4.4 Equality Impact Assessment:

The Council must, in carrying out its functions, have due regard to the need to eliminate unlawful discrimination and harassment and to promote equality of opportunity in relation to disability, race and gender and the need to take steps to take account of disabilities, even where that involves treating the disabled more favourably than others (section 49A Disability Discrimination Act 1995; section 71 Race Relations Act 1976; section 76A Sex Discrimination Act 1975.)

An equalities impact assessment (EIA) on this proposal was been carried out on 1 July 2010. The EIA identified that there would be no differential impacts on different groups in Islington and no negative consequences for community cohesion. This conclusion was drawn because this report is dealing with a particular individual who has breached the street trading conditions and no policy has been changed

5. Conclusion and reasons for recommendations

- 5.1 A recommendation to revoke a licence is never taken lightly. The Street Trading Team always seek to try and resolve issues and always work with traders to find solutions prior to referring the case to Licensing Regulatory Committee.

Appendices

- Appendix 1 Extract from Street Trading Conditions
- Appendix 2 - 4 Residents complaints
- Appendix 5 Letter sent to market traders
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- Appendix 7 Observations from Noise Team
- Appendix 8 Letter to trader advising of referral to Committee

Background papers: (on request)

- Environmental Implications
- Equality Impact Assessment
- Street Trading Conditions

Final report clearance:

Signed by:



Service Director – Public Protection

5th July 2010

Date

Received by:

Head of Democratic Services

Date

Report Author:

David Fordham

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Report of: Jan Hart - Service Director - Public Protection

Meeting of:	Date	Agenda Item	Ward(s)
Licensing Regulatory Committee	13 July 2010	B1 (e)	Bunhill
Delete as appropriate		Non-exempt	

SUBJECT:

London Local Authorities Act 1994 (As Amended) Section 28 (1) (h) Breach Of Street Trading Conditions – Mr Peter Ramsay Licence 527 Whitecross Street Market London EC1

1. Synopsis

- 1.1 This report relates to the breach of street trading conditions by Mr Peter Ramsay a licensed trader on pitch 27 in Whitecross Street Market.

2. Recommendations

- 2.1 To consider
1. the revocation of the street trading licence of Mr Ramsay a licensed trader on pitch 27 in Whitecross Street Market, or, on the application by the licence holder,
 2. vary the conditions to the said licence and/or
 3. attaching further conditions to the said licence

3. Background

- 3.1 The authority runs all street trading activities in the borough and is responsible for issuing licences and ensuring that rules and regulations are adhered to.

- 3.2 Street trading is regulated under the London Local Authorities Act 1994 (as amended). Under Section 27(3) of the London Local Authorities Act 1994, the borough council may make regulations prescribing standard conditions which they may attach to the licence on the occasion of its grant or renewal.
- 3.3 From time to time it may be necessary to report breaches of such conditions to the Licensing Regulatory Committee for consideration and at times revocation.
- 3.4 The conditions attached to all licences in Whitecross Street state "Stalls shall not be put out prior to 8.00 a.m. on any day". An extract from the conditions is attached as Appendix 1.
- 3.5 During May 2010 we received 3 complaints from residents claiming that certain traders were arriving and setting up in the market before 8.00 a.m. Mr Ramsay was not one of the traders identified in the complaint. The complaints are attached as Appendices 2-4. Over recent years, we have received the occasional complaint regarding traders setting up early.
- 3.6 Observations carried out revealed that Mr Ramsay along with several other traders were arriving and setting up from 6.30 a.m. This is in breach of their licence condition as detailed above.
- 3.7 On 26 May 2010 the Street Trading section wrote to all Whitecross Street traders reminding them of the condition relating to setting up times in the market. The letter pointed out that if traders continued to set up before 8.00 a.m. they would be in breach of the street trading conditions and could face having their licence revoked. A copy of the letter is attached as Appendix 5
- 3.8 On 27 May 2010 the Street Trading section received an e-mail response to this letter from the Whitecross Street Traders Association on behalf of all the market traders. A copy of the e-mail is attached as Appendix 6
- 3.9 On 9 June 2010 Mr Ramsay was interviewed in relation to the alleged breach of condition.
- 3.10 Mr Ramsay stated that he had been trading in Whitecross Market for over 20 years and had always arrived at around 6.30 a.m. He stated that it was necessary to arrive at that time as he had to go early to New Spitalfields Market to buy his stock.
- 3.11 Since receiving the complaints, Islington Council Noise Team have made several visits to the market and carried out observations of noise activity between 6.30 a.m. and 7.30 a.m. A member of the noise team will attend Committee to answer any questions regarding these observations. A copy of their findings are attached as Appendix 7
- 3.12 On 18 June 2010 a letter was sent to Mr Ramsay stating that the matter was going to be referred to this Committee. A copy of this letter is attached as Appendix 8

4. Implications

4.1 Financial implications:

The Street Trading Section operates under a ring fenced account. The current rental for this pitch is a £45.00 per week. If the licence was revoked there would be a loss to the account of £2340.00 per annum.

4.2 Legal Implications:

Section 28 (1) of the London Local Authorities Act 1994 (as amended) provides that a borough council may at any time revoke a licence if they are satisfied that:

- the licence holder has persistently failed to comply with any condition of his licence.

Section 27(1) of the London Local Authorities Act 1994 (as amended) provides, inter-alia, that:

- A licence granted under this Act shall....specify the conditionsand on any occasion of the renewal of the licence, or at 1st January in any year during the currency thereof, (whether on application by the licence holder or otherwise) or at any time on application by the licence holder, the borough council may vary the conditions.

Section 27(8) of the London Local Authorities Act 1994 (as amended) provides that:

- without prejudice to the standard conditions, the borough council may in addition attach to a licence such further conditions as appear to them to be reasonable in any individual case.

4.3 Environmental Implications

An environmental impact scoping exercise has been carried out and it was identified that the proposals in this report would have no impacts on the following:

- Energy use and carbon emissions
- Use of natural resources
- Travel and transportation

Waste and recycling
Climate change adaptation
Biodiversity
Pollution

4.4 Equality Impact Assessment:

The Council must, in carrying out its functions, have due regard to the need to eliminate unlawful discrimination and harassment and to promote equality of opportunity in relation to disability, race and gender and the need to take steps to take account of disabilities, even where that involves treating the disabled more favourably than others (section 49A Disability Discrimination Act 1995; section 71 Race Relations Act 1976; section 76A Sex Discrimination Act 1975."

An equalities impact assessment (EIA) on this proposal was been carried out on 1 July 2010. The EIA identified that there would be no differential impacts on different groups in Islington and no negative consequences for community cohesion. This conclusion was drawn because this report is dealing with a particular individual who has breached the street taking conditions and no policy has been changed

5. Conclusion and reasons for recommendations

- 5.1 A recommendation to revoke a licence is never taken lightly. The Street Trading Team always seek to try and resolve issues and always work with traders to find solutions prior to referring the case to Licensing Regulatory Committee.

Appendices


- Appendix 1 Extract from Street Trading Conditions
- Appendix 2 - 4 Residents complaints
- Appendix 5 Letter sent to market traders
- Appendix 6 Response from Whitecross Street Traders Association
- Appendix 7 Observations from Noise Team
- Appendix 8 Letter to trader advising of referral to Committee

Background papers: (on request)

- Environmental Implications
- Equality Impact Assessment
- Street Trading Conditions

Final report clearance:

Signed by:



5th July 2010

Service Director – Public Protection

Date

Received by:

Head of Democratic Services

Date

Report Author: David Fordham
Tel: 020 7527 3458
Fax:
Email: david.fordham@islington.gov.uk

Report of: Jan Hart - Service Director - Public Protection

Meeting of:	Date	Agenda item	Ward(s)
Licensing Regulatory Committee	13 July 2010	BI (f)	Bunhill
Delete as appropriate		Non-exempt	

SUBJECT:**London Local Authorities Act 1994 (As Amended) Section 28 (1) (h) Breach Of Street Trading Conditions – Mr Paul Galloway Licence 533a Whitecross Street Market London EC1****1. Synopsis**

1.1 This report relates to the breach of street trading conditions by Mr Paul Galloway a licensed trader on pitch 33a in Whitecross Street Market.

2. Recommendations

2.1 To consider

1. the revocation of the street trading licence of Mr Galloway a licensed trader on pitch 33a in Whitecross Street Market, or, on the application by the licence holder,
2. vary the conditions to the said licence and/or
3. attaching further conditions to the said licence

3. Background

3.1 The authority runs all street trading activities in the borough and is responsible for issuing licences and ensuring that rules and regulations are adhered to.

- 3.2 Street trading is regulated under the London Local Authorities Act 1994 (as amended). Under Section 27(3) of the London Local Authorities Act 1994, the borough council may make regulations prescribing standard conditions which they may attach to the licence on the occasion of its grant or renewal.
- 3.3 From time to time it may be necessary to report breaches of such conditions to the Licensing Regulatory Committee for consideration and at times revocation.
- 3.4 The conditions attached to all licences in Whitecross Street state "Stalls shall not be put out prior to 8.00 a.m. on any day". An extract from the conditions is attached as Appendix 1.
- 3.5 During May 2010 we received 3 complaints from residents claiming that certain traders were arriving and setting up in the market before 8.00 a.m. Mr Galloway was not one of the traders identified in the complaint. The complaints are attached as Appendices 2-4. Over recent years, we have received the occasional complaint regarding traders setting up early.
- 3.6 Observations carried out revealed that Mr Galloway along with several other traders were arriving and setting up from 6.30 a.m. This is in breach of their licence condition as detailed above.
- 3.7 On 26 May 2010 the Street Trading section wrote to all Whitecross Street traders reminding them of the condition relating to setting up times in the market. The letter pointed out that if traders continued to set up before 8.00 a.m. they would be in breach of the street trading conditions and could face having their licence revoked. A copy of the letter is attached as Appendix 5
- 3.8 On 27 May 2010 the Street Trading section received an e-mail response to this letter from the Whitecross Street Traders Association on behalf of all the market traders. A copy of the e-mail is attached as Appendix 6
- 3.9 On 9 June 2010 Mr Galloway was interviewed in relation to the alleged breach of condition.
- 3.10 Mr Galloway stated that he had been trading in Whitecross Market for a couple of years and had always arrived at around 7.00 a.m. He stated that on Monday – Wednesday it wasn't so important to arrive early, but on a Thursday and Friday it was necessary to arrive at 7.00 a.m. as he had to start cooking the hog roast and it needed to be cooked for 5 hours.
- 3.11 Since receiving the complaints, Islington Council Noise Team have made several visits to the market and carried out observations of noise activity between 6.30 a.m. and 7.30 a.m. A member of the noise team will attend Committee to answer any questions regarding these observations. A copy of their findings are attached as Appendix 7
- 3.12 On 18 June 2010 a letter was sent to Mr Galloway stating that the matter was going to be referred to this Committee. A copy of this letter is attached as Appendix 8

4. Implications

4.1 Financial implications:

The Street Trading Section operates under a ring fenced account. The current rental for this pitch is a £65.00 per week. If the licence was revoked there would be a loss to the account of £3380.00 per annum.

4.2 Legal implications:

Section 28 (1) of the London Local Authorities Act 1994 (as amended) provides that a borough council may at any time revoke a licence if they are satisfied that:

- the licence holder has persistently failed to comply with any condition of his licence.

Section 27(1) of the London Local Authorities Act 1994 (as amended) provides, inter-alia, that:

- A licence granted under this Act shall....specify the conditionsand on any occasion of the renewal of the licence, or at 1st January in any year during the currency thereof, (whether on application by the licence holder or otherwise) or at any time on application by the licence holder, the borough council may vary the conditions.

Section 27(8) of the London Local Authorities Act 1994 (as amended) provides that:

- without prejudice to the standard conditions, the borough council may in addition attach to a licence such further conditions as appear to them to be reasonable in any individual case.

4.3 Environmental implications

An environmental impact scoping exercise has been carried out and it was identified that the proposals in this report would have no impacts on the following:

- Energy use and carbon emissions
- Use of natural resources

Travel and transportation
Waste and recycling
Climate change adaptation
Biodiversity
Pollution

4.4 Equality Impact Assessment:

The Council must, in carrying out its functions, have due regard to the need to eliminate unlawful discrimination and harassment and to promote equality of opportunity in relation to disability, race and gender and the need to take steps to take account of disabilities, even where that involves treating the disabled more favourably than others (section 49A Disability Discrimination Act 1995; section 71 Race Relations Act 1976; section 76A Sex Discrimination Act 1975.)

An equalities impact assessment (EIA) on this proposal was carried out on 1 July 2010. The EIA identified that there would be no differential impacts on different groups in Islington and no negative consequences for community cohesion. This conclusion was drawn because this report is dealing with a particular individual who has breached the street trading conditions and no policy has been changed

5. Conclusion and reasons for recommendations

- 5.1 A recommendation to revoke a licence is never taken lightly. The Street Trading Team always seek to try and resolve issues and always work with traders to find solutions prior to referring the case to Licensing Regulatory Committee.

Appendices

- Appendix 1 Extract from Street Trading Conditions
- Appendix 2 - 4 Residents complaints
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- Appendix 7 Observations from Noise Team
- Appendix 8 Letter to trader advising of referral to Committee

Background papers: (on request)

- Environmental Implications
- Equality Impact Assessment
- Street Trading Conditions

Final report clearance:

Signed by:



Service Director – Public Protection

Date

S.H. July 2010

Received by:

Head of Democratic Services

Date

Report Author:

David Fordham

Tel:

020 7527 3458

Fax:

Email:

david.fordham@islington.gov.uk

Report of: Jan Hart - Service Director - Public Protection

Meeting of:	Date	Agenda item	Ward(s)
Licensing Regulatory Committee	13 July 2010	BI (9)	Bunhill
Delete as appropriate		Non-exempt	

SUBJECT:

London Local Authorities Act 1994 (As Amended) Section 28 (1) (h) Breach Of Street Trading Conditions – Mr Simon Luard Licence 539 Whitecross Street Market London EC1

1. Synopsis

1.1 This report relates to the breach of street trading conditions by Mr Simon Luard a licensed trader on pitch 39 in Whitecross Street Market.

2. Recommendations

- 2.1 To consider
1. the revocation of the street trading licence of Ms Luard a licensed trader on pitch 39 in Whitecross Street Market, or, on the application by the licence holder,
 2. vary the conditions to the said licence and/or
 3. attaching further conditions to the said licence

3. Background

3.1 The authority runs all street trading activities in the borough and is responsible for issuing licences and ensuring that rules and regulations are adhered to.

- 3.2 Street trading is regulated under the London Local Authorities Act 1994 (as amended). Under Section 27(3) of the London Local Authorities Act 1994, the borough council may make regulations prescribing standard conditions which they may attach to the licence on the occasion of its grant or renewal.
- 3.3 From time to time it may be necessary to report breaches of such conditions to the Licensing Regulatory Committee for consideration and at times revocation.
- 3.4 The conditions attached to all licences in Whitecross Street state "Stalls shall not be put out prior to 8.00 a.m. on any day". An extract from the conditions is attached as Appendix 1.
- 3.5 During May 2010 we received 3 complaints from residents claiming that certain traders were arriving and setting up in the market before 8.00 a.m. Mr Luard was not one of the traders identified in the complaint. The complaints are attached as Appendices 2-4. Over recent years, we have received the occasional complaint regarding traders setting up early.
- 3.6 Observations carried out revealed that Mr Luard along with several other traders were arriving and setting up from 6.30 a.m. This is in breach of their licence condition as detailed above.
- 3.7 On 26 May 2010 the Street Trading section wrote to all Whitecross Street traders reminding them of the condition relating to setting up times in the market. The letter pointed out that if traders continued to set up before 8.00 a.m. they would be in breach of the street trading conditions and could face having their licence revoked. A copy of the letter is attached as Appendix 5
- 3.8 On 27 May 2010 the Street Trading section received an e-mail response to this letter from the Whitecross Street Traders Association on behalf of all the market traders. A copy of the e-mail is attached as Appendix 6
- 3.9 On 10 June 2010 Mr Luard was interviewed in relation to the alleged breach of condition.
- 3.10 Mr Luard stated that he had been trading in Whitecross Market for nearly 3 years and had always arrived at around 6.30 a.m. He stated that it was necessary to start preparing and cooking the food from about 7.00 a.m. as everything was prepared fresh on the day.
- 3.11 Since receiving the complaints, Islington Council Noise Team have made several visits to the market and carried out observations of noise activity between 6.30 a.m. and 7.30 a.m. A member of the noise team will attend Committee to answer any questions regarding these observations. A copy of their findings are attached as Appendix 7
- 3.12 On 18 June 2010 a letter was sent to Mr Luard stating that the matter was going to be referred to this Committee. A copy of this letter is attached as Appendix 8

4. Implications

4.1 Financial Implications:

The Street Trading Section operates under a ring fenced account. The current rental for this pitch is £65.00 per week. If the licence was revoked there would be a loss to the account of £3380.00 per annum.

4.2 Legal Implications:

Section 28 (1) of the London Local Authorities Act 1994 (as amended) provides that a borough council may at any time revoke a licence if they are satisfied that:

- the licence holder has persistently failed to comply with any condition of his licence.

Section 27(1) of the London Local Authorities Act 1994 (as amended) provides, inter-alia, that:

- A licence granted under this Act shall....specify the conditionsand on any occasion of the renewal of the licence, or at 1st January in any year during the currency thereof, (whether on application by the licence holder or otherwise) or at any time on application by the licence holder, the borough council may vary the conditions.

Section 27(8) of the London Local Authorities Act 1994 (as amended) provides that:

- without prejudice to the standard conditions, the borough council may in addition attach to a licence such further conditions as appear to them to be reasonable in any individual case.

4.3 Environmental Implications

An environmental impact scoping exercise has been carried out and it was identified that the proposals in this report would have no impacts on the following:

- Energy use and carbon emissions
- Use of natural resources
- Travel and transportation

Waste and recycling
Climate change adaptation
Biodiversity
Pollution

4.4 Equality Impact Assessment:

The Council must, in carrying out its functions, have due regard to the need to eliminate unlawful discrimination and harassment and to promote equality of opportunity in relation to disability, race and gender and the need to take steps to take account of disabilities, even where that involves treating the disabled more favourably than others (section 49A Disability Discrimination Act 1995; section 71 Race Relations Act 1976; section 76A Sex Discrimination Act 1975.)

An equalities impact assessment (EIA) on this proposal was carried out on 1 July 2010. The EIA identified that there would be no differential impacts on different groups in Islington and no negative consequences for community cohesion. This conclusion was drawn because this report is dealing with a particular individual who has breached the street trading conditions and no policy has been changed

5. Conclusion and reasons for recommendations

- 5.1 A recommendation to revoke a licence is never taken lightly. The Street Trading Team always seek to try and resolve issues and always work with traders to find solutions prior to referring the case to Licensing Regulatory Committee.

Appendices

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- Appendix 8 Letter to trader advising of referral to Committee

Background papers: (on request)

- Environmental Implications
- Equality Impact Assessment
- Street Trading Conditions

Final report clearance:

Signed by:



Service Director – Public Protection

5th July 2010

Date

Received by:

Head of Democratic Services

Date

Report Author: David Fordham
Tel: 020 7527 3458
Fax:
Email: david.fordham@islington.gov.uk



Report of: Jan Hart - Service Director - Public Protection

Meeting of:	Date	Agenda item	Ward(s)
Licensing Regulatory Committee	13 July 2010	BI (h)	Bunhill
Delete as appropriate		Non-exempt	

SUBJECT:**London Local Authorities Act 1994 (As Amended) Section 28 (1) (h) Breach Of Street Trading Conditions – Ms Linda Read Licence 566 & 568 Whitecross Street Market London EC1****1. Synopsis**

- 1.1 This report relates to the breach of street trading conditions by Ms Linda Read a licensed trader on pitches 66 & 68 in Whitecross Street Market.

2. Recommendations

- 2.1 To consider
1. the revocation of the street trading licenses of Ms Read a licensed trader on pitches 66 & 68 in Whitecross Street Market, or, on the application by the licence holder,
 2. vary the conditions to the said licence and/or
 3. attaching further conditions to the said licence

3. Background

- 3.1 The authority runs all street trading activities in the borough and is responsible for issuing licences and ensuring that rules and regulations are adhered to.

- 3.2 Street trading is regulated under the London Local Authorities Act 1994 (as amended). Under Section 27(3) of the London Local Authorities Act 1994, the borough council may make regulations prescribing standard conditions which they may attach to the licence on the occasion of its grant or renewal.
- 3.3 From time to time it may be necessary to report breaches of such conditions to the Licensing Regulatory Committee for consideration and at times revocation.
- 3.4 The conditions attached to all licences in Whitecross Street state "Stalls shall not be put out prior to 8.00 a.m. on any day". An extract from the conditions is attached as Appendix 1.
- 3.5 During May 2010 we received 3 complaints from residents claiming that certain traders were arriving and setting up in the market before 8.00 a.m. Ms Read was not one of the traders identified in the complaint. The complaints are attached as Appendices 2-4. Over recent years, we have received the occasional complaint regarding traders setting up early.
- 3.6 Observations carried out revealed that Ms Read along with several other traders were arriving and setting up from 6.30 a.m. This is in breach of their licence condition as detailed above.
- 3.7 On 26 May 2010 the Street Trading section wrote to all Whitecross Street traders reminding them of the condition relating to setting up times in the market. The letter pointed out that if traders continued to set up before 8.00 a.m. they would be in breach of the street trading conditions and could face having their licence revoked. A copy of the letter is attached as Appendix 5
- 3.8 On 27 May 2010 the Street Trading section received an e-mail response to this letter from the Whitecross Street Traders Association on behalf of all the market traders. A copy of the e-mail is attached as Appendix 6
- 3.9 On 10 June 2010 Ms Read was invited for interview in relation to the alleged breach of condition, but did not attend.
- 3.10 Since receiving the complaints, Islington Council Noise Team have made several visits to the market and carried out observations of noise activity between 6.30 a.m. and 7.30 a.m. A member of the noise team will attend Committee to answer any questions regarding these observations. A copy of their findings are attached as Appendix 7
- 3.11 On 18 June 2010 a letter was sent to Ms Read stating that the matter was going to be referred to this Committee. A copy of this letter is attached as Appendix 8

4. Implications

4.1 Financial implications:

The Street Trading Section operates under a ring fenced account. The current rental for these pitches are £78.00 per week. If the licence was revoked there would be a loss to the account of £4056.00 per annum.

4.2 Legal implications:

Section 28 (1) of the London Local Authorities Act 1994 (as amended) provides that a borough council may at any time revoke a licence if they are satisfied that:

- the licence holder has persistently failed to comply with any condition of his licence.

Section 27(1) of the London Local Authorities Act 1994 (as amended) provides, inter-alia, that:

- A licence granted under this Act shall....specify the conditionsand on any occasion of the renewal of the licence, or at 1st January in any year during the currency thereof, (whether on application by the licence holder or otherwise) or at any time on application by the licence holder, the borough council may vary the conditions.

Section 27(8) of the London Local Authorities Act 1994 (as amended) provides that:

- without prejudice to the standard conditions, the borough council may in addition attach to a licence such further conditions as appear to them to be reasonable in any individual case.

4.3 Environmental Implications

An environmental impact scoping exercise has been carried out and it was identified that the proposals in this report would have no impacts on the following:

- Energy use and carbon emissions
- Use of natural resources
- Travel and transportation
- Waste and recycling
- Climate change adaptation

4.4 Equality Impact Assessment:

The Council must, in carrying out its functions, have due regard to the need to eliminate unlawful discrimination and harassment and to promote equality of opportunity in relation to disability, race and gender and the need to take steps to take account of disabilities, even where that involves treating the disabled more favourably than others (section 49A Disability Discrimination Act 1995; section 71 Race Relations Act 1976; section 76A Sex Discrimination Act 1975.*

An equalities impact assessment (EIA) on this proposal was been carried out on 1 July 2010. The EIA identified that there would be no differential impacts on different groups in Islington and no negative consequences for community cohesion. This conclusion was drawn because this report is dealing with a particular individual who has breached the street taking conditions and no policy has been changed

5. Conclusion and reasons for recommendations

- 5.1 A recommendation to revoke a licence is never taken lightly. The Street Trading Team always seek to try and resolve issues and always work with traders to find solutions prior to referring the case to Licensing Regulatory Committee. .

Appendices

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Background papers: (on request)

- Environmental Implications
- Equality Impact Assessment
- Street Trading Conditions

Final report clearance:

Signed by:



Service Director – Public Protection

Date

5th July 2010

Received by:

Head of Democratic Services

Date

Report Author:

David Fordham

Tel:

020 7527 3458

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david.fordham@islington.gov.uk

Extracts only

APPENDIX 1



ISLINGTON

**LONDON BOROUGH OF ISLINGTON
STREET TRADING CONDITIONS AND PROCEDURES
(MARKETS AND SCATTERED SITES)**

London Borough Islington
Street Trading
Public Protection
222 Upper Street
London
N1 1XR

P: 020 7527 3830

E: street.trading@islington.gov.uk

W: <http://www.islington.gov.uk/business/regulations/licences>

Street Trading Conditions and Procedures

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Street Trading Conditions and Procedures

Market Trading

55. You are to be in position, goods displayed and contained with the pitch, to commence trading from your stall by no later than the commencement times listed below. If your pitch is not utilised by you at commencement of trading we may re-let the pitch for the day.
56. Hours of commencement and cessation may be varied, in individual cases with prior written consent by us.

Market/area ¹	Days of trading	Commencement of trading	Cessation of trading
Chapel ²	Tuesday to Sunday	9am Tuesday to Saturday 8.30am Sunday	6pm Tuesday to Saturday 4pm Sunday
Whitecross	Monday to Saturday	10am Monday to Saturday ³	6pm Monday to Saturday
Exmouth	Monday to Saturday	9am Monday to Saturday	6pm Monday to Saturday
Camden Passage	Wednesday and Saturday	7am Wednesday and Saturday	3pm Wednesday and Saturday
Camden Walk	Sunday		
Archway	A private market until September 2007 – future location and designation subject to Licensing Regulatory Committee decision.		
Torrens Street	The area is designated for street trading on a Sunday but currently no trading is carried out.		
Scattered sites ⁴	Monday to Saturday	9am Monday to Sunday (unless otherwise stated)	6pm Monday to Sunday (unless otherwise stated)
Arsenal Area	First Team and International Matches	Two hours prior to start of match	One hour after cessation of match

Enforcement

57. If you are found to be in breach of your licence or any of these conditions follow up action will be undertaken by an authorised officer of the Council (Street Trading Officer) or Police Officer.
58. We implement a number of different enforcement actions they are:
- i. If you are unclear or are in initial breach of your licence or the offence is considered minor then the Street Trading Officer will provide face to face advice and guidance about your street trading responsibilities followed up by a letter of advice. Continued breach of your conditions will result in the issue of a formal warning

¹ Details of each trading location can be found at 1.

² Includes White Conduit, Godson and Baron Streets.

³ Stalls shall not be put out prior to 8.00am on any day.

⁴ Excluding newspaper stands

Street Trading Conditions and Procedures

- ii. If you continue to commit an offence and refuse to take action to remedy the offence a fixed penalty notice (FPN) will be served. (Offences listed in Schedule 2 of the London Local Authorities Act 2004 can be served by a FPN). If you pay the penalty within the prescribed timeframe you will avoid prosecution.
 - iii. A discount will be available for FPNs paid within 14 days from the date the notice was served. (This percentage is to be determined by the London Councils acting through the joint committee). A FPN must be paid within 28 days of the notice being served. If the FPN is not paid the case will be considered for prosecution in the Magistrate's Court.
 - iv. Notices stating the nature of the offence will be issued by the Street Trading area of Council.
 - v. The decision to prosecute will be made in line with the Code for Crown Prosecutors⁵. This document details the public interest and evidential considerations when bringing proceedings. Islington Council's Legal Services will initiate proceedings on Councils' behalf.
 - vi. All enforcement decisions and actions are made with due regard to the provisions of⁶:
 - The Human Rights Act 1998
 - The Crime and Disorder Act 1998
 - Police and Criminal Evidence Act 1984
 - Criminal Procedure and Investigations Act 1996
 - Regulation of Investigatory Powers Act 2000
 - Freedom of Information Act 2000
 - Disability Discrimination Act 2005
 - Equal rights and anti-discrimination legislation.
 - vii. Enforcement by the Council's officers will be undertaken in line with the Enforcement Concordat⁷.
59. Serious breaches or recurring breaches of the conditions may result in you being prosecuted for the infringement of the street trading licence conditions. Persistent breaches of the conditions may be reported to the Licensing Regulatory Committee and may lead to a revocation of your licence.

⁵ Code of Crown Prosecutions available from

http://www.cps.gov.uk/victims_witnesses/code.html or on p: 020 7796 8000.

⁶ If it is in the public interest and appropriate, information concerning non-compliance will be shared with other enforcement agencies. Where this takes place, we will ensure that the Data Protection Act 1998 and Human Rights Act 1998 are observed.

⁷ Enforcement Concordat is available at www.cabinet-office.gov.uk

Fordham, David

From: Fell, Davina
Sent: 02 July 2010 14:34
To: Fordham, David
Subject: FW: Urgent Noise Complaint

Davina Fell
South Islington Business Manager

London Borough of Islington
Business & Town Centres Team
Environment & Regeneration Department
222 Upper Street
London N1 1XR
Tel: 020 7527 1761
Fax: 020 7527 3038
Mob: 07825 098 843

-----Original Message-----

From: [REDACTED]
Sent: 10 May 2010 18:09
To: Fell, Davina
Subject: Urgent Noise Complaint

Dear Davina

I am writing to make a complaint about 1 or more of the stall holders around stall 46 on Whitecross Street Market waking me up every weekday around 6.30am when they are setting up their stall. I live right next to this section of the market and it has become worse in the last few months. I have not had a chance to talk to the stall holder directly but could you please remind them that this is a heavily residential area and that 6:30am is an unacceptable time to be making that amount of noise. I am a big fan of the market and I am very pleased with of the majority of the direct and indirect benefits it brings. However, I do not appreciate being woken up regularly at such an early hour.

I appreciate your cooperation in this matter.

Sincerely,

Dylan Jessop
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

APPENDIX 2b

Fordham, David

From: [REDACTED]
Sent: 04 June 2010 07:55
To: Dervish, Houriyeh; Fordham, David; Fell, Davina
Subject: Official Complaint Whitecross/Compensation Claim Re: Street Market Noise Nuisance

Dear Sir/Madam

I am regrettably writing to make a formal complaint about the noise that a few stalls are making in setting up and taking deliveries in Whitecross Street Market from 6:30am. Having just spoken with the stall holder around bay 46 (juice stall) I understand there is a panel that is due to hear a counter complaint from the Traders Union in the market. If this is the case I am shocked and concerned that myself and fellow Peabody residents have not been informed of this. I understand that changing the regulations to allow stall holders to set up earlier is on the agenda. This of course is totally unacceptable. The market has clear guidelines on setting up times and all the stall holders knew this when they started trading. Furthermore Islington Council has willingly and knowingly allowed stall holders to flout the regulations for some time (this as been admitted to me in writing by your own department), which means you have acted negligently. My health and work are being severely effected by my lack of sleep due directly to the councils failure to enforce their own regulations. Because of this I will also be making a claim for compensation. I will be referring the matter to our Tenants Association, Emily Thornberry MP and the Islington Gazette and discussing this matter with my legal representative about possible legal action.

Sincerely,

Dylan Jessop
[REDACTED]

APPENDIX 3a

Fordham, David

From: [REDACTED]
Sent: 25 May 2010 07:36
To: Fordham, David
Subject: Re: WX St mkt

> Dave Fordham
> Service Manager
> Trading Standards, Street Trading, Town Centres & Business Partnership
> Public Protection Islington Council
> 222 Upper Street
> London N1 1XR
>

Two stalls in particular regularly set up in Whitecross St well before 8am, the earliest time at which the market regulations stipulate that they should arrive. The juice stall and Sunny's Olive Tree are prime offenders. Both regularly set up before 7am. This is in clear breach of the rules. I know that Sally Ratcliffe and Dylan Jessop, both Peabody residents, have complained in the past. I must ask you to ensure that LB Islington exercises its responsibilities properly and manages this market as it should.

Accordingly, I must ask you to advise both of these stallholders - and any other stallholders who breach this particular regulation - that this rule must be obeyed. Additionally, to ensure that this regulation is enforced, I must ask that a market inspector attend Whitecross Street tomorrow morning from 6.30am, the time at which these renegade stallholders arrive, and ensure that no repetition of this flagrant abuse - which is highly disturbing to the residents - occurs again.

As you have already received complaints about this matter, I shall consider that it is an issue for which you must have a plan of action in place.

Please advise me what this is, please. I would also like a written response from your office today. Whitecross Street market regularly lurches out of control and supervision by LB Islington often falls far short of adequate.

Be advised that if these stalls set up before 8am tomorrow, I shall make a formal complaint.

Michael Collins
[REDACTED]

APPENDIX 3b

Fordham, David

From: [REDACTED]
Sent: 03 June 2010 07:46
To: Fordham, David
Subject: Whitecross St mkt

David

Yet again, before 7am this morning the juice stall began setting up in Whitecross St., and the olive stall not long later, despite the fact that I have complained to you and your staff numerous times. I need to know, in writing by the end of this working day, exactly what measures you and your staff will take to ensure that the regulations are upheld and these willfully rogue traders desist in this transgressive practice. If they are here tomorrow morning, I shall have no option but to issue a formal complaint.

Michael Collins

APPENDIX 4

Fordham, David

From: [REDACTED]
Sent: 04 June 2010 11:00
To: Fordham, David
Subject: Re: Whitecross Street market

Dear Mr Fordham

Re: Whitecross Street Market

I have several emails from you in the past stating that no one should set up their stall in the Whitecross Street market before 8am? Please advise why Islington Council is allowing several stalls, coffee the olive stall and many others to set a precedent and set up before 7 am. This is not reasonable. This is a street which is over 90% residential and this will increase when the properties across the road from the Peabody Estate become residential too. Do you think that all these new residents will want to know that they are buying into an area where Islington is making no effort to control the market and where they will have to put up with noise from stallholders day and night?

Please confirm that you will do something about this.

Thank you

S Ratcliffe
[REDACTED]



APPENDIX 5



ISLINGTON

Street Trading Team
Public Protection Division
222 Upper Street
London N1 1XR

T 020 7527 3046

F 020 7527 3165

E houriyedervish@islington.gov.uk

W www.islington.gov.uk

Our ref:

Your ref:

Date: 26 May 2010

TO:
ALL WHITECROSS STREET TRADERS

This matter is being dealt with by:
Houriye Dervish

Dear Trader,

WHITECROSS STREET MARKET – TRADING AND SETTING UP

I am writing to inform you that due to complaints we have received from residents in the area you must ensure that you do not set up in Whitecross Street market before 8:00 am.

This is as set out in your terms and conditions, for your assistance I have highlighted and attached the relevant section.

If for any reason you are unable to meet this condition of your licence your case may be heard at the Street trading Officers Panel for consideration. Please write in to me in this instance.

If you do intend to appeal please do not set up before 8am until a decision is made. Please note that failure to adhere to these conditions will result in the issue of a fixed penalty notice and could lead to the revocation of your licence.

Yours sincerely

Houriye Dervish
Street Trading Manager



CUSTOMER SERVICE EXCELLENCE

APPENDIX 6

Fordham, David

From: [REDACTED]
Sent: 27 May 2010 21:27
To: Dervish, Houriyeh
Cc: Fordham, David, [REDACTED]
Subject: FW: Whitecross Street Association - Setting up times

Dear Houriyeh,

We are writing in response to the Trading and setting up letter we received on dated the 26th May 2010, regarding setting up our stalls before 8am each morning. We understand that many of us have contacted you already individually by phone however this is a written approach to express our thoughts in more detail collectively.

We would like to appeal against the rule of no setup permitted before 8am.

Firstly may we outline clearly that as traders we are taking these complaints seriously. Whilst we do not attempt to cause any annoyance to residence in the local area, we also, must be frank in saying that we are simply trying to make an honest living, on one of the oldest markets in London, in what is an extremely difficult economical climate.

To our knowledge we understand that there had been a compliant regarding the noise issue around 2 weeks ago. Since then the following provisions have been implemented:

- * Traders have spoken to suppliers delivering goods, insisting that engines are turned off when waiting, and the least amount of noise is made.
- * Traders have purchased rubber stoppers to attach to bottom of gazebo legs.
- * All verbal communications have been reduced to whispers.

As traders we are acutely aware of our early morning starts, waking at 5am, to be at the market setting up at by 6.30am, to be ready with fresh produce to sell by the appropriate trading hours is not a choice, it is a necessity. As a result of this, a high standard has been achieved and made Whitecross Street Market the success it is today.

We as traders are trying to achieve a high level of standard not only for ourselves but for the community who live and work in the area. Many of us employ local people and also support many local organisations and projects, Golden Lane School being one of them.

We are committed to making improvements in the area and through our own initiative we are in the early stages of becoming a bio market. We feel strongly that our efforts and contributions to the market and the wider community is not noted or supported in any way by Islington Council, however when a few complaints are made, although serious it is, we are simply handed a letter during our busiest trading hour and told it is "out of my hands". We have not been given any warnings, just a written threat of losing our trading license, and we feel this is no better than school ground bullying.

In the light of the Freedom of Information Act we would like to know the exact details of the complaints, ie, how many complaints have been made, dates they were made on, and specifically what kind of noise is the complaint regarding?

At present moral is very low concerning the level of support we are receiving from the council. We are looking for a solution by working together, we would like to encourage and welcome an independent professional to monitor noise levels during set up times which start at 6.30am.

Whitecross Street is a through road where a lot of noise is caused by passing traffic, delivery vans for cafes, not to mention council refuse collection lorries which start

at 7am.

It is common knowledge that traders need to set up before 8am therefore we are seeking to resolve this compliant and then further to this we are seeking authorisation to have our licenses changed to reflect an early set up time, therefore we would like to discuss this matter as soon as possible

Awaiting your response.

Kind regards

Members of the Whitecross Street Market Traders Association.

Get a free e-mail account with Hotmail. Sign-up now. <<http://>>

Get a new e-mail account with Hotmail - Free. Sign-up now.
<<http://clk.atdmt.com/UKM/go/197222280/direct/01/>>

Appendix 7

Whitecross Street Market Monitoring

12/05/2010 06:20

Visit 06:20 - 06:55.

Noted two stalls setting up close to complainants block of flats at 06:20, not a great deal of noise in setting up – Stall 46 and Stall 45-45a (45-45a associated with vehicle RGN K3 UNY)

20/05/2010 06:25

Visit 06:25 to 06:47

- 06:25 Book Stall being set up – quiet. Noted one stall being set up opposite Dufferin Street
- 06:25 Luardos food vehicle in place stall 40.
- 06:30 Stall 45-45a arriving and setting up along with stall 46. Relatively quiet set up both stalls

08/06/2010 06:30

Visit 06:30 – 06:46

- 06:30 Stall 46 setting up – quietly.
- 06:30 Stall 45-45a setting up – a little sound from setting up canopy – metal on tarmac
- 06:05 Vehicle noise from lorries and vans passing.
- 06:15 Funnybones Food Services Ltd lorry (RGN KE06 DBX) parks up opposite stall 45-45a. Delivery taking place for Luardos (RGN KGV 144K). Noisy delivery with bangs and crashes of goods being unloaded onto trolley and opening and closing of vehicle body doors.
- 06:20 Reversing bleeper from milk delivery van further up Whitecross St towards Old Street end.
- 06:20 Noisy motorbike passing monitoring point.
- 06:41 Rumbling fruit and veg barrow as it moves past monitoring point to further up Whitecross Street towards Old Street end.
- 06:42 Funnybones lorry leaves and reversing bleeper from milk van further up street again.
- 06:46 More car and van traffic. White VW van idling LC54 NKN for a minute.
- 06:46 Second delivery to Luardos from lorry 'Fresh N Fruity' much quieter delivery .

10/06/2010 06:20

Visit 06:20 – 06:50

- 06:20 Funnybones lorry delivering to Luardos food van. Crashes and bangs as unloading goods and closing vehicle doors.
- 06:21 Approached by stall holder 46 who says to me *'I'm not setting up now'* indicated that noise was coming from good delivery by Funnybones.

- 06:29 Stall 45-45a setting up as is 46. Stall between 45 – 45a slower in setting up this morning. Both quietly setting up. Stall 46 had warned off other stall. A little noise from canopy openings metal scrapping on pavement/road surface.
- 06:30 Street sweeper and motorbike noise.
- 06:34 Fresh and Fruity lorry arrives. Stall 46 tips off driver. Very quiet delivery activity.
- 06:36 Luardos van arrives.
- 06:39 Cars and vans passing
- 06:40 Van idling in front of stall 46.
- 06:40 Rumble of fruit cart passing.
- 06:45 Stall between 45 and 45a creaking canopy sound and scrapping sound of canopy feet on ground surface.
- 06:46 Van passing parks up idling for a minute at stall 46.
- 06:50 Van arrives warned off by stall between 45 and 45a.
- 06:50 Fresh and Fruity lorry leaves.

15/06/2010 06:20

Visit 06:20 – 07:29

- 06:24 Stall 45-45a parked up. Car doors opening and closing 06:28
- 06:24 Noted book stall already in place and being set up at 06:24. Funnybones lorry parked up further down street.
- 06:25 Small amount of noise from street sweeper.
- 06:25 Stall 45-45a talking to book stall female.
- 06:30 Milk van passes.
- 06:31 Car passes
- 06:34 Stall 46 starts setting up – one brick placed in street.
- 06:35 Movement of metal cage trolleys heard from Warwick Yard – associated with stall 46.
- 06:36 Stall 45-45a unloading trailer quietly, but bang at 06:36. Canopy goes up at 06:37 scrapes and clicks. 06:39 canopy feet dragging over tarmac. Second canopy at 06:42 similar sounds. Velcrose sound at 06:47. Difficulty in setting up table - thumps. More setting up table noise metal and thumps 06:50 - 06:52.
- 06:38 Van passes
- 06:39 Rumbling from passing fruit and veg barrow.
- 06:43 Reversing bleeper (Lewis's Milk Supplies) delivering to Fix on corner of Roscoe St – noisy bangs and crashes just before leaving.
- 06:53 Twin prop plane overhead.
- 06:55 Two vans pass and motorbike.
- 06:59 Luardo's food van arrives Mexican food van arrives.
- 06:59 Short reverse bleeper from Funnybones food delivery lorry. Some noise from delivery but generally quieter than before.
- 06:59 Stall 46 settings up quietly

Noise level starts building up with number of stalls setting up.

- 07:18 Hoot of transit van horn.
- 07:18 School children passing some shouting.
- 07:18 Noted stall 38-40 setting up in a heavy handed manner, tables setting up loudly. Vehicle registration number X216 EAA.
- 07:20 Stall 33a setting up - heavy crashes of equipment being unloaded.
- 07:27 Stall 33a canopy set up fairly loud.
- 07:29 First shop security gate heard opening.

18/06/2010 06:25

Visit 06:25 – 07:20

06:25 Book stall being set up - quiet
06:25 Funnybones parked up - quiet
06:34 Car passing
06:37 Couple of vans passing
06:39 Rumbling of fruit stall barrow passing
06:41 Van pass
06:42 Funnybones wagon doors opening some movement of stock inside - all quiet
06:43 Van and lorry pass
06:44 Street sweeper
06:45 Stall 45-45a arrives - parked up
06:55 Stall 45-45a chatting with stall 46
07:00 Funnybones lorry reverse bleeper couple of seconds
07:00 Mexican food van arrives
07:04 Lorry passing
07:04 Stall 46 setting up - quietly - canopy clicks and scrapes
07:06 Van passing
07:12 Stall 45-45a setting up - quietly

APPENDIX 8



Street Trading Team
Public Protection Division
222 Upper Street
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E houriyedervish@islington.gov.uk

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Our ref:

Your ref:

Date: 18 June, 2010

This matter is being dealt with by:
Houriye Dervish

Dear,

LICENCE NO. WHITECROSS STREET MARKET

LONDON LOCAL AUTHORITIES ACT 1994 (AS AMENDED) – BREACH OF STREET TRADING RULES

Further to the recent meeting between yourself and the Street Trading Panel and in accordance with section 28(1) (h) of the London Local Authorities Act 1994 (as amended) you are hereby given notice that when the Licensing Regulatory Committee meets on 13th July 2010, your case regarding a breach of Street trading conditions will be heard. The time and venue can be found at the reverse of this letter.

As per section 28 (1) (h), you 'the licence holder has persistently failed to comply with any condition of the licence'. The condition I refer to is clause 56 which states that 'stalls shall not be put out prior to 8.00am on any day'.

As explained in the meeting your comments regarding this breach have been noted and will be reported to the Committee.

In accordance with section 29 (1) of the London Local Authorities Act 1994 (as amended) you are invited to attend the above meeting and address the Licensing Regulatory Committee. Any request for an adjournment should be set out on the grounds in which the request is made and must be accompanied with supporting evidence where appropriate. However I must advise you that if the Committee is not satisfied with the reasons they may decide to hear your case in your absence.

Please be minded that this is a serious matter and the Committee could decide to revoke the licence if they so wish.

If you wish for any further clarification on this matter please do not hesitate to contact me.

Yours sincerely



CUSTOMER SERVICE EXCELLENCE

Houriye Dervish
Street Trading Manager

DATE: TUESDAY 13 JULY 2010

TIME: 4:00PM

VENUE: ISLINGTON TOWN HALL
UPPER STREET
LONDON N1 2UD