



Report of: Jan Hart – Service Director – Public Protection

Meeting of:	Date	Agenda item	Ward(s)
Licensing Regulatory Committee	13 July 2010	B2	Bunhill

Delete as appropriate	Non-exempt
-----------------------	------------

SUBJECT: AN APPLICATION FOR A STREET TRADING LICENCE IN WHITECROSS STREET: MR DENNIS KLEINBERG

1. Synopsis

- 1.1 This report deals with an application made by Mr Dennis Kleinberg, for a street trading licence for the purpose of selling Take away food in Whitecross Street market which was refused by officers acting under delegated authority.

2. Recommendation

- 2.1 To consider the application and decide whether to grant the licence or to refuse it.

3. Background

- 3.1 Under the London Local Authorities Act 1994 (as amended) the borough council is responsible for the licensing of street trading. The Street trading team interview all potential traders and determine their suitability for any given area. Due to the decline of street trading in markets (throughout London) it is rare that applicants are refused unless they are undesirable or the product is over subscribed.
- 3.2 Due to a major injection of funding by EC1 New Deal a programme running from 2001 - 2011, Whitecross market has undergone a major overhaul. The idea was to bring life back to the Street and the once thriving market. The idea was to create a Destination Food Market. A number of food festivals took place between 2006 – 2008. By the end of 2007 it was clear that food was the attraction mainly of the 'takeaway and consume at lunch time' variety. A majority of the consumers were and still are city workers. In 2006 there were 12 occupied pitches (full licences) three of which selling take away type foods. We now have 44 occupied pitches 32 of which sell food. It is a success story for the consumer but has caused resentment amongst the nearby food businesses who claim to have lost trade to the market traders.

- 3.3 By Mid 2007 the council starting getting complaints from other businesses in the market around the number of licences granted to traders selling food. Members requested the team to look into the criteria applied for granting licences in Whitecross Street. The Street Trading Panel decided that in future applications received to sell take away type foods would be refused as there were enough traders in the market selling this commodity. The only exceptions were to be from existing food establishments on the street who wanted to extend into the market (if a pitch directly outside their premises was available).
- 3.4 This decision was challenged by EC1 New Deal in May 2008 who were concerned that as they had invested so much money to create jobs for the community we should review the policy in regards to local applicants who had gone through their mentoring programmes. A further two hot food sellers, who fell into this category, were approved towards the end of 2008.
- 3.5 In January 2009 the council were handed a petition by the solicitor acting on behalf of businesses against the food market (see appendix). As a result businesses in and around Whitecross Street market were told that in future the only applications the council would consider granting were for those other than for 'hot foods' or any take away type foods that need no further preparation, excluding empty pitches outside food establishments wishing to extend their business.
- 3.6 In addition to the street traders there are also around 20 cafes/restaurants also in Whitecross Street and numerous more nearby. In the last two years a considerable number of applications have been refused under officer delegated authority for this reason. Some of the applications received have been from local people and local businesses.
- 3.7 An application was received from Mr Dennis Kleinberg on 13 Oct 2009 (see appendix 2). The application was consider by an officer under delegated authority. A letter of refusal was sent on the 12 Nov 2009. Mr Kleinberg's requested to make representations before the Street Trading Panel. He attended the council offices on 15 February 2010. Mr Kleinberg brought in pictures of the types of food he wanted to prepare and sell on the stall which consisted solely of Kosher foods i.e. salt beef bagels and sandwiches that did not need further preparation on the stall. He was asked if he could sell a variety of Kosher food rather than take away foods but he said that this would probably not work for him. The Panel considered that the commodity was not one that would bring anything different to the area and therefore did not warrant preferential consideration. It was refused on that basis This application was subsequently discussed with the ward councillor of the Bunhill ward as well as the assistant director who both also agreed with the Panel's decision to refuse the application (see appendix 3). Although there are no traders in the market selling Kosher sandwiches at the present time, there is nothing to prevent the existing licensed food traders from applying to vary their licences to sell such foods if the demand was there.

4. Implications

4.1 Financial implications:

The Street Trading Account should break even each year and any shortfall would be met from compensating savings within this account. The target for income for 2010 – 11 is set at £625,745. The current rental for this type of pitch is a £65.00 per week for a Monday to Friday full licence and £45 per week for a Thursday to Friday full licence. If the licence is approved this would be added income for the ringfenced account.

4.2 Legal Implications:

Section 25 (6) (a) of the London Local Authorities Act 1994 (as amended) allows the council to refuse an application on the grounds that there are enough traders trading in the street or in any street adjoining the street in respect of which the application is made in the goods in which the applicant desires to trade.

Section 30 (1) (a) allows for any aggrieved person to appeal to the magistrates court against the refusal by the council to grant an application for a licence for this reason. An appeal should be lodged within 21 days beginning with the date upon which notification in writing is given of the refusal or decision.

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 applied for a street trading licence.

5. Conclusion and reasons for recommendations

- 5.1 Preventing anyone from earning a living is never the councils' intention when refusing an application. Indeed most London borough markets have witnessed a steady decline of traders over the years and refusing to grant a licence is never taken lightly. However the council also has a duty of care to all existing businesses and must acknowledge the need to ensure a fair balance and keep to agreements that are made.

Appendices

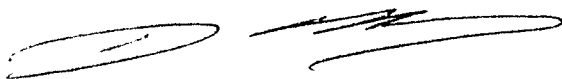
- Appendix 1 Petition from local businesses
- Appendix 2 Completed application form (NB – Appendix 2 is exempt and not for publication as it contains the following category of exempt information as specified in Paragraph 3 of Schedule 12A of the Local Government Act 1972, namely: "Information relating to the financial or business affairs of any particular person (including the authority holding that information)")
- Appendix 3 Refusal email

Background papers:

- London Local Authorities Act 1994 (as amended)

Final report clearance:

Signed by:



Service Director – Public Protection

5th July 2010

Date

Received by:

Head of Democratic Services

Date

Report Author: Houriyeh Dervish
Tel: 020 7527 3046
Fax: 020 7527 3165
Email: Houriyeh.dervish@islington.gov.uk

APPENDIX 1



www.whitecrosslawyers.com

Ref 6/09

Rec'd.

06 FEB 2009

150 Whitecross Street
London EC1Y 8JL
Tel: 020 7251 5533 Fax: 020 7251 5566
Email: admin@whitecrosslawyers.com
DX 33858 FINSBURY SQUARE

Our Ref: FB/Misc/WSM
Your Ref:

Islington Council
Street Trading
Public Protection Division
222 Upper Street
N1 1XR

FAO: MRS DERVISH

Monday, 26 January 2009

Dear Sir/Madam

RE: WHITECROSS STREET MARKET

We are instructed by the undersigned people (hereinafter referred to as our clients) who are business owners who work in and around Whitecross Street, and who all carry out the business of selling food from their respective premises.

We have been instructed to make formal Contact with the Council regarding the grievances of the business owners, which centres around the selling of food by stall holders on Whitecross Street Market.

Our clients are all business owners who pay rates, utility bills, rent, salaries and all other normal outgoings in relation to their business.

We are hereby instructed on behalf of our clients to formally lodge a protest regarding the market at Whitecross Street, and the fact that it seems to have turned into nothing more than a market that sells food aimed at the lunch time trade in the area.

Our clients formally object to the market on the following grounds:

1. According to the signs in the area and the Council's own website a "specialist food market" is only supposed to run every Thursday and Friday, with the "daily general market" running on the other days. The reality however is that the market on a daily basis simply consists of stall holders selling food to the lunch time trade.
2. Due to the fact that the stall holders who sell food daily have no fixed overheads, they are able to undercut our clients and the reality is that this is

! 21/11/2019

unfair competition, as the stall holders do not have the same overheads as our clients. The stall holders simply pay £65 a week to the Council. The stall holders even have the benefit of free electricity.

3. The sheer number of people selling food means that our clients are barely able to cover their overheads let alone make any profit. It has resulted in most of our clients being pushed to the brink of going out of business.
4. The location of the Stall holders also means that people no longer get to our clients as they would have made their purchase on the street even before they get to our clients shops. There are also instances where the stall holders who set up their business directly in front of our clients shops sell exactly the same food as the shop owners.
5. Our clients also object to stall holders selling food in the street on health and safety grounds. It is their position that it is not safe to have so much food cooked in the open in the street on a daily basis
6. It is also our clients position that Whitecross Street is a conservative area and not an area that has general A3 use.

Due to the above our clients feel that they are being placed in an unfair position. The spirit of the market originally was that it was a street market that catered for all kinds of goods in line with other traditional markets. The reality is that the market is nothing more than a place where fast food is sold.

As we have stated above our clients cannot compete with the stall holders who can afford to sell their food much cheaper than the shop owners who have more overheads and who if they sold their food at the same prices would frankly have to go out of business. Even lowering their prices as they have had to do has not helped as there is simply not enough trade to go around due to the very existence of the stall holders who all sell exactly the same food as the shop owners, sometimes right outside their shops.

At this stage, our clients initially request a meeting with the Council to see if this situation can be resolved without the need for any further action.

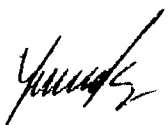

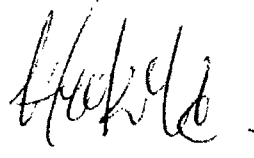

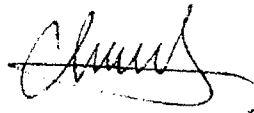
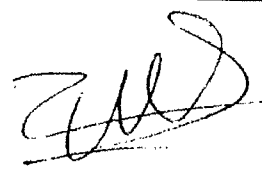

We would be grateful if you would respond within the next seven (7) days.

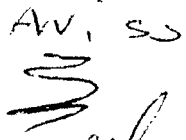
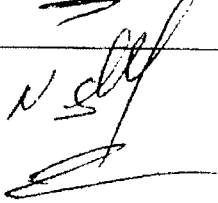


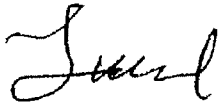
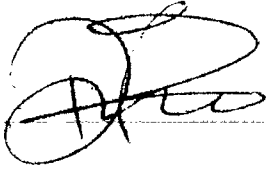
We have attached below a signed list of all the business that support this petition.

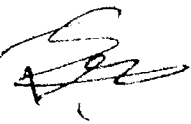
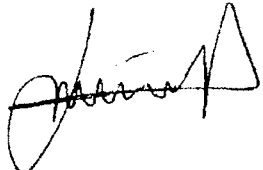
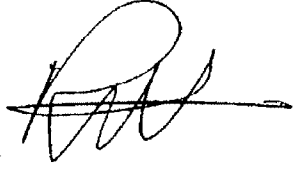
Yours faithfully,

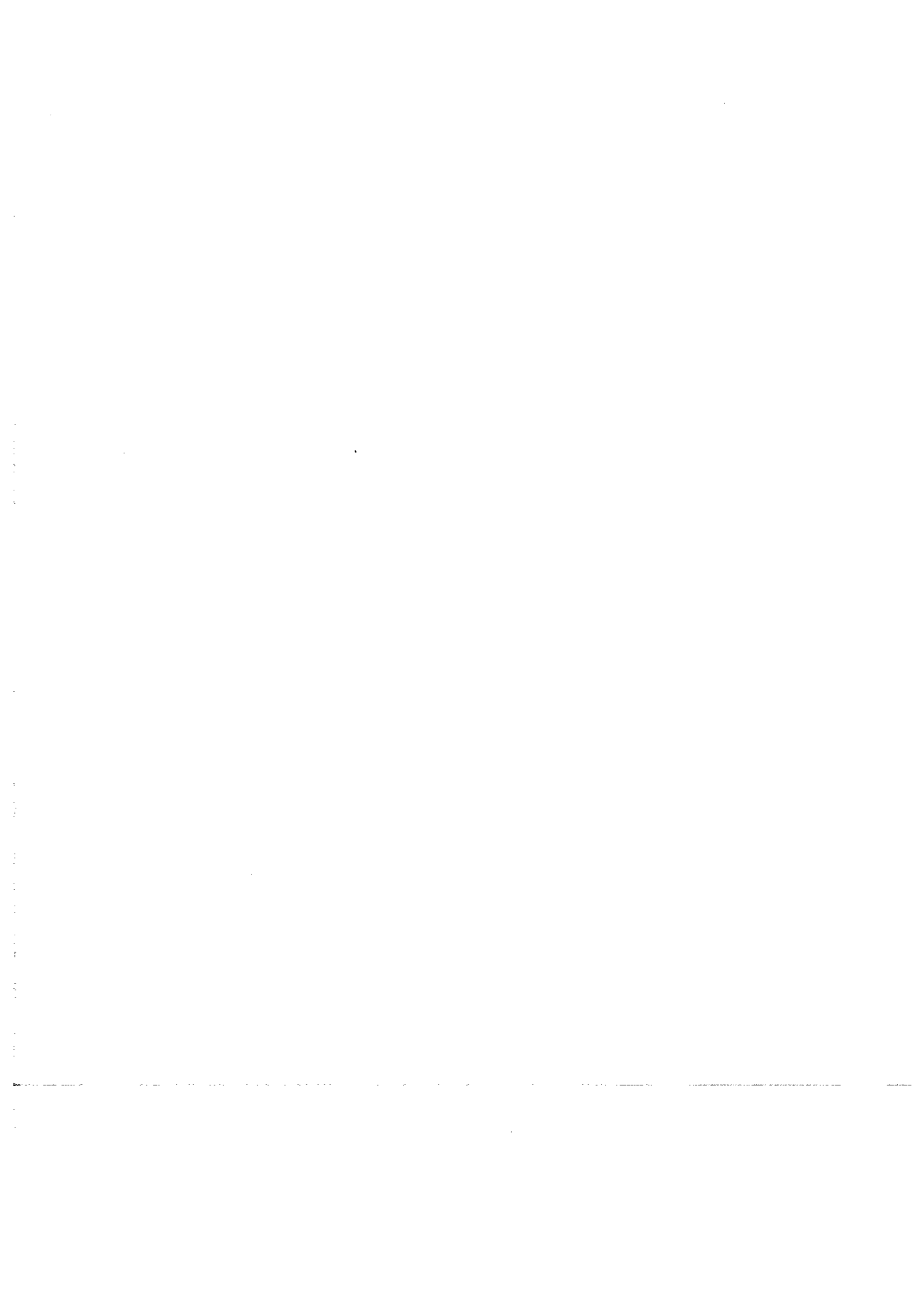


Whitecross Solicitors

Business Name	Contact & Address	Signature
DOLCE CAFE.	154-156 WHITECROSS ST EC1V 8GL	0207 253 3445 
THE BEST Best turkish KEBABS	94 OLD ST EC1V 9AY	0207 2510536 
THE BEST KEBABS.	118 OLD STREET EC1V 9BD	
Central supermarket	120 old street EC1V 9BD	
CENTRAL CAFE	113. OLD STREET EC1V 9SR	
Elite cafe 1	187 Whitecross street EC1V 8QP	
COSY ASIA BAR	169-171 WHITECROSS ST	S. ISMET
SIED BOULANGERIE & PATISSERIE	126 Whitecross Street	

Business Name	Contact & Address	Signature
Tassili sandwich BAR	15 Roscoe street EC1Y 8JP	Avi SS 
COZZO Cafe BISTRO	177-WHITECROSS st.	
MARKET CAFE	132 Whitecross Street	
EAST: HOUSE. CHINE TAKE WAY	124 whitecross street.	ZHENG LONG
9 coffee room	106 old st.	
Thoi Thai	110 OLD- STREET EC1V 9BD	
SELEA CURRYS & RICE	193 WHITECROSS STREET LONDON EC1Y 8QP	LA.
DENIZ KARAKAS 0207 253 6889	136 white cross street EC1Y 8QT	

Business Name	Contact & Address	Signature
MONTANA OFF LICENSE 0207 253 6889	136 white cross street EC1F 8QT	
Mehmet Mutlu CARNIVALE 0207 250 3652	135 whitecross street EC14 8JL	
Mohamed Birland Barbican EXP	131 whitecross St, EC1Y 8JL	



APPENDIX 3

From: [REDACTED] [mailto:[REDACTED]]
Sent: 11 March 2010 09:20
To: Dervish, Houriyeh
Subject: Re: Appeal

Houriyeh, I would like to present my case to the Licensing Regulatory Committee can you please arrange this for me and keep aware of dates and times which will give me chance to prepare my case.

Many Thanks

Dennis

On 10 March 2010 17:22, Dervish, Houriyeh <Houriyeh.Dervish@islington.gov.uk> wrote:

Sorry Dennis
I meant to get back to you last week.

Both I and Dave Fordham discussed this further with the assistant director and other officials. Unfortunately the only way we could consider having you in Whitecross Street market is if you could only sell the kosher products pre packed to be taken and further prepared at home i.e. jars or sealed, not as sandwiches or bagels. Though you gave a good presentation the goods are still very much the same as what we already have, as well as applications we hold on waiting lists. Accepting you would be going against policy that has been adopted for some time now.

As advised you do of course have a right to appeal to the Licensing Regulatory Committee. If you wish to do so please let me know and I will take your case to the next meeting - though this will not be until after the elections.

Regards

Houriyeh Dervish
Street Trading Manager
Public Protection
222 Upper Street
N1 1XR

Tel: 020 7527 3046
Fax: 020 7527 3165

houriyeh.dervish@islington.gov.uk

W: www.islington.gov.uk <<http://www.islington.gov.uk/>>

The information contained in this E-Mail may be subject to public disclosure under the Freedom of Information Act 2000. Unless the information is legally exempt from disclosure, the confidentiality of this E-Mail and your reply cannot be guaranteed.

The information in this message is confidential and may be legally privileged.

It is intended solely for the addressee. Access to this message by any other person is not permitted. If you are not the intended recipient, any disclosure, copying, distribution or any action taken or omitted to be taken in reliance on it, is prohibited and may be unlawful.

8 x 11-399A

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

From: ~~Islington Council~~
Sent: 10 March 2010 12:41
To: Dervish, Houriyeh
Subject: Appeal

Hi Houriyeh, is there any news on my appeal as it has been over 3 weeks.

Regards

Dennis

This Email, and any attachments, may contain Protected, Restricted or Legally Privileged information and is intended solely for the individual to whom it is addressed. It may contain sensitive or protectively marked material and should be handled accordingly.

If this Email has been misdirected, please notify the author immediately. If you are not the intended recipient you must not disclose, distribute, copy, print or rely on any of the information contained in it or attached, and all copies must be deleted immediately.

Whilst we take reasonable steps to try to identify any software viruses, any attachments to this Email may nevertheless contain viruses which our anti-virus software has failed to identify. You should therefore carry out your own anti-virus checks before opening any documents.

Islington Council will not accept any liability for damage caused by computer viruses emanating from any attachment or other document supplied with this e-mail. All Email communications may be subject to recording and / or monitoring in accordance with relevant legislation.

Information contained in this Email may be subject to public disclosure under the Freedom of Information Act 2000 or the Environmental Information Regulations 2004. Unless the information is legally exempt from disclosure, the confidentiality of this Email and your reply cannot be guaranteed.

If you wish to re-use the information, perhaps for commercial purposes, in a way which, without permission, might breach our copyright, please first read our policy on Re-use of Public Sector Information which can be found on our website <http://www.islington.gov.uk/freedomofinformation> or alternatively e-mail foia@islington.gov.uk. Any part of this Email which is purely personal in nature is not authorised by London Borough of Islington.

Contact Islington switchboard: +44 20 7527 2000 www.islington.gov.uk
<<http://www.islington.gov.uk/>>

HENSONS Famous Salt Beef



Serving suggestions for salt beef

Henson's Famous Salt Beef is simplicity itself to cook. You need to allow around 3½ hours for best results. Once it is cooked the product will stay warm and moist in a bain marie for several hours.

You can also cook the beef in advance, refrigerate overnight and reheat it when required in a bain-marie.

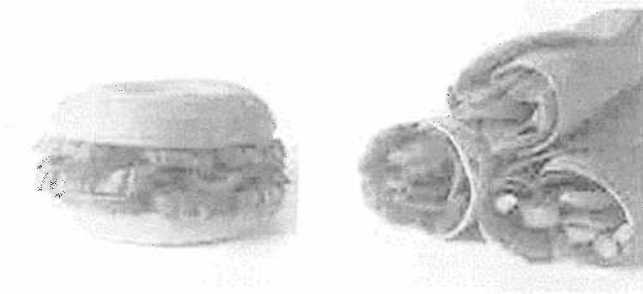
Salt Beef is delicious served in a variety of ways, either hot or cold, and it is very easy to prepare a range of mouth-watering dishes to suit all tastes.

Hot Salt Beef Sandwich

The classic recipe - a generous serving of meat on sliced bread. Salt Beef is so tender that it is quick and easy to carve straight from the joint in front of the customer, and a sandwich can be made in a matter of moments. Because the meat is very moist and juicy, no butter is needed on the bread. Serve with gherkins and a light mustard ketchup, such as French's American.

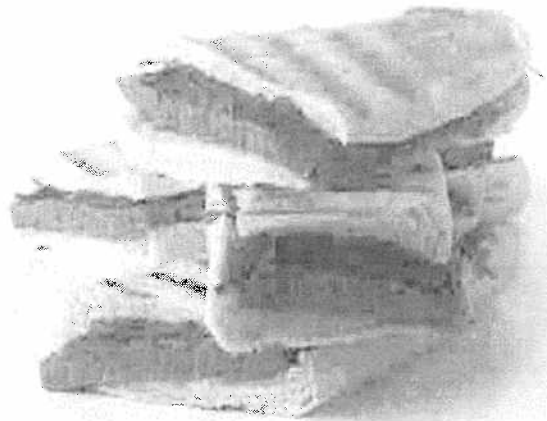
The "Beefbagel"

Bagels make a great alternative to a burger bun, and they are low in fat and sodium. A few slices of prime brisket of beef makes a tasty and healthy alternative to a processed burger, too. Henson's Salt Beef is made from a special low-salt recipe, and after cooking the meat retains only around 2% salt.



Main Course

Try salt beef as a change from a traditional roast or gammon, and why not try some of these ideas for accompaniments: parsley or white onion sauce, mashed potato and celeriac, mashed swede, red cabbage with apple, or a favourite for a cold winter's day - mashed potatoes and mushy peas!



Toasted Panini

Our picture shows two paninis which have been toasted with a thick slice of salt beef, some fresh rocket and guacamole. Simple and delicious

Wraps

Wraps (flour tortillas) are perfect for both hot and cold salt beef, and they are very easy to prepare. Try spinach wraps for great visual presentation - slices of salt beef, some green leaves and a small portion of a sandwich filling.

Salt Beef Hash

Its supposed to be a recipe for left-overs, but as salt beef hash is absolutely delicious, you'll make sure you have enough left-overs just to give you an excuse to cook this dish! Small cuts of salt beef, mashed potatoes, parsley and onion are all it takes, although you might want to add baked beans too, or maybe a grated cheese topping.

Here are some of our favourite combinations:

- *A light dill and mustard sauce*
- *Garlic and Herb dip*
- *Mayonnaise and cucumber*
- *Guacamole or slices of avocado*

www.saltbeef.com

All images are serving suggestions for salt beef.
© 2006 Hensons Foodservice - all rights reserved

HENSONS Famous Salt Beef

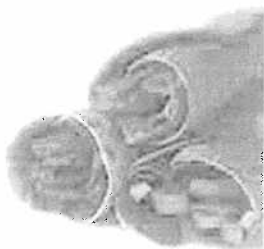
Home Recipes Ordering F.A.Q. Hensons Foodservice

Delivery to your door

To order within the UK please call us on 020 7609 2299. We will dispatch the beef on Monday, Tuesday or Wednesday for next day delivery by a national carrier to any address on the mainland UK in an insulated carton. Payment is by debit or credit card. Prices are quoted exclusive of packing and delivery, which will be charged at cost. A typical delivery would be four joints of raw or 6kg of cooked product.

[Click here](#) for details of how to place an order.

CALL NOW
020 7609 2299



What are F.A.Q.s?

They are the **questions most frequently asked** about salt beef.

If Salt Beef isn't very salty, where does it get its name?

Brisket was originally cured in salt or brine (water and salt) and before the introduction of canning and then refrigeration this was almost the only way to preserve meat. These days Hensons Famous Salt Beef contains much less salt, and most of that is retained in the water on cooking. What you are left with is extremely tender beef with a unique taste, but much less salty than you might have imagined.

What's the difference between Salt Beef and Corned Beef?

None at all. It is thought that corned beef was introduced to America by Irish immigrants, who referred to the large pieces of salt used to cure the meat as corns. The name corned beef has travelled back across the Atlantic in the form of canned corned beef, but we can assure you that there is no comparison between that product and a prime piece of salt beef.

What's the difference between Salt Beef and Pastrami?

There are a number of different ways of curing beef for pastrami, including dry curing and smoking, and it is possible to make pastrami out of duck or turkey. Hensons pastrami is made from extra-trimmed brisket, cured in exactly the same way as our salt beef, then coated with spices before being cooked. The result is moist and tasty, and - of course - spicy.

I fancy making salt beef myself - where can I buy the ingredients?

You can buy brisket from any good butchery, but turning it into salt beef is not as easy as you might think. You won't be surprised to learn that our cure is a closely guarded secret, but even if we could sell it to you you'd still have to have the patience to wait six days for your beef to cure, and that's with you turning it and rubbing salt into it several times a day. Even then you couldn't be sure of obtaining an even cure throughout the meat.

I'd like to start selling salt beef sandwiches. Can you help me?

As well as supplying you with the beef, mustard, pickles and bagels we can assist you in getting the cooking process just right, or - if it is more appropriate to your operation - we will suggest using our pre-cooked beef for a heat-and-serve option. We can provide you with leaflets and posters, and if you are launching the product in your deli or restaurant then we will also be happy to discuss helping you with promotional activities.



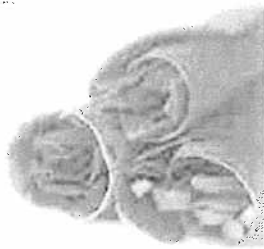
HENSONS Famous Salt Beef

Home [Shop](#) [Ordering](#) [FAQ](#) [Business Partnerships](#)

Delivery to your door

To order within the UK please call us on 020 7609 2299. We will dispatch the beef on Monday, Tuesday or Wednesday for next day delivery by a national carrier to any address on the mainland UK in an insulated carton. Payment is by debit or credit card. Prices are quoted exclusive of packing and delivery, which will be charged at cost. A typical delivery would be four joints of raw or 6kg of cooked product.

CALL NOW
020 7609 2299



Rolled joint, cured salt brisket - uncooked	3 x 2.5kg joint	£14.99/kg*	approx 21 day shelf life, may be frozen on receipt
Cured salt brisket - cooked and sliced	4 x 1kg pack	£19.99/kg*	approx 10 day shelf life, not recommended for freezing
Cured salt brisket - whole cooked joint	2 x 2kg pack	£19.99/kg*	approx 12 day shelf life, not recommended for freezing

* prices are exclusive of delivery charge

If you are in London please phone us on 020 7609 2299 for details of your nearest stockist.

