

Report of: **Jan Hart – Service Director – Public Protection**

Meeting of:	Date	Agenda item	Ward(s)
Licensing Regulatory Committee	21 June 2012	BI	Bunhill
Delete as appropriate		Non-exempt	

SUBJECT: APPLICATION FOR A STREET TRADING LICENCE IN WHITECROSS STREET: MR DERMOT RYAN

1. Synopsis

- 1.1 This report details an application made by Mr Dermot Ryan for a street trading licence for the purpose of selling second hand books in Whitecross Street Market.

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 1990 (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.
- 3.2 Due to a major injection of funding by EC1 New Deal for 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 and 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.
- 3.3 In July 2008 a Street Trading Strategy was endorsed by the Licensing Regulatory Committee executive. The Strategy aimed to assist all individuals and organisations involved with street trading to reach a vision of creating a dynamic street trading and market experience that is diverse and vibrant adding value to the economic, social and cultural fabric of Islington.

- 3.3. The Strategy highlighted that one of the most important factors in running viable and successful markets was to ensure that there is some form of quality control of product and trader in place for new and existing stallholders. Another is to eliminate illegal street trading from the borough and ensure there is adequate enforcement of the Street Trading conditions.
- 3.4. In January 2012 there were a series of telephone enquiries from a representative of Mr Ryan regarding a licence to trade in Whitecross Street Market. The enquirer was advised to visit the market discuss his application with the inspectors, complete a form and return it to the Street Trading Team for consideration.
- 3.5. On 24th January an application was received from Mr Ryan by the Street Trading team - see appendix 1. The Street trading manager received a call, again from a gentleman claiming to be Mr Ryan's representative, enquiring about the application process. At this stage proof of identity, proof of address and proof of public liability insurance was yet to be received. It was explained that the applicant should contact the team once all the missing documents had been provided and were ready to commence trading.
- 3.6. In February the team received proof of public liability insurance from Mr Ryan but no evidence of proof of identity or proof of address.
- 3.7. On the 2nd March the team received an email, from Councillor Gallagher questioning the activities of a 'possible' illegal street trader near Coltash Court, Whitecross Street, EC1. The inspectors reported that they had the illegal traders, now known to be connected to Mr Ryan, and had moved them on.
- 3.8. On the weekend of the 3rd / 4th March the same traders were seen illegally street trading in Whitecross Street. A second email was sent to the Street Trading team by Councillor Gallagher – see appendix 2, with pictures - appendices 3 & 4 , as a result of a complaint from the near by public house the 'Two Brewers'. When challenged, the referred traders claimed that Mr Ryan had a licence, despite the fact that they had been moved on the previous day. They had a petition for the 'Occupied' for which they were fundraising and their newspapers which they were giving a way for free. There were no inspectors on duty in Whitecross Street as the market does not normally operate on weekends.
- 3.9. On Monday the 5th March, Pamela Woods, Street trading officer, observed a man selling books on the pavement outside Coltash Court. She asked him what he was doing there to which he replied he was working for 'Dermot'. When Ms Woods asked to see a licence she was told he did not have one with him but that 'Dermot' would be along at any moment. The officer left the market and returned approximately an hour later to find that he had gone - see appendix 5.
- 3.10. On the 6th March, Mr Ryan was seen to be trading in Whitecross Street market and was challenged by the Street Trading Team - see appendices 5, 6 and 7). Mr Ryan was told he could not trade as he did not have a licence. He was told to pack up and leave. He became very agitated, would not listen to reason and left the scene leaving all his goods behind. The goods were bagged, tagged and removed to council storage. It was reported by the inspectors that Mr Ryan was rude, uncooperative and refused to listen to reason.
- 3.11. On 27th March Mr Ryan turned up at the council offices without prior notice, demanding a street trading licence. Though officers had prior commitments he refused to leave until he was seen. He was eventually seen by the service manager, David Fordham and Street trading Manager, Houriyeh Dervish. The application process was explained to him but he claimed that he was unaware he was not licensed and had been trading illegally. It was also explained to him that his application would now be referred to the Licensing Regulatory committee for a decision.
- 3.12. On the 28 April a further complaint was received via a business in Whitecross Street stating that a trader, who has now been verified to be Mr Ryan, was trading outside his premises in Whitecross Street. Photographs were included - see appendix email 8, 9 and 10.
- 3.13. On the 2nd May David Fordham, Service manager emailed Mr Ryan informing him that his case would be referred to Committee and reminded him that he did not possess a street trading licence and therefore it was illegal to engage in any street trading activity. Mr Ryan replied to this email on 31st May – see appendix 11.

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 current rental for this type of pitch is a £45.00 per week for a Monday to Friday full licence and £20 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) (b) of the London Local Authorities Act 1990 (as amended) allows the council to refuse an application on the grounds that the applicant is on account of misconduct or for any other sufficient reason unsuitable to hold the license.

Section 29.—(1) (a) states that, inter- alia, a borough council shall not refuse to grantunless they shall have given to the applicant or licence holder not less than 21 days' previous notice in writing that objection has been or will be taken to such grant or renewal or that such revocation or variation is proposed, specifying the ground or grounds on which their decision would be based and giving him an opportunity to appear before the committee, sub-committee or officer determining the matter.

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 minimal impact 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 8 November 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. 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 consider the effect and reputation of the market when approving which traders and commodities they will allow into the markets.
- The email in appendix 11 sets out the street trading team reservations in granting this application under officer delegated authority.

Appendices

- Appendix 1 Completed application form - Confidential
- Appendix 2 email from Cllr Gallagher
- Appendices 3 & 4, Pictures
- Appendices 5, 6 & 7 Statements from Street Trading Officers
- Appendix email
- Appendix 8 email from complainant
- Appendices 9 & 10 Pictures
- Appendix 11 email from David Fordham and response from Dermot Ryan

Background papers:

- London Local Authorities Act 1990 (as amended)
- Street Trading Strategy 2008 - 2012

Final report clearance:

Signed by:



Service Director – Public Protection

Date

12 June 2012

Received by:

Head of Democratic Services

Date

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

APPENDIX 2

From: Gallagher, Troy
Sent: 03 March 2012 15:05
To: Fordham, David
Cc: Griffin, Andrew; Hart, Jan; O'leary, Kevin; West, Catherine
Subject: Re: pro-occupy Whitecross street book and flower trading again today

David

The booksellers were selling today again this time outside the 2 brewers.

They say that they have a licence to trade - I doubt that given they were moved yesterday.

They have a petition for the occupied for which they are fundraising and their newspapers which they also are giving for free.

Pics enclosed below.

Troy



The Occupied Times

OF LONDON

ST PAUL'S CAMP CLEARED

VICTION MARKS END OF THE
BEGINNING FOR OCCUPYLSX

APPENDIX 5

Re: Mr Dermot Ryan

I was on duty in Whitecross Street market on Monday, 5th March 2012. I noticed a man selling books on the pavement near Coltash Court.

I approached him and introduced myself. I asked if he was a licensed trader, as I had not seen him before. He said he was working for someone called Dermot, who would be along later. I asked if Dermot had a licence, and the man said yes. I asked if he had a copy of the licence and he said no, but if I could come back later Dermot would be there and he would be able to show me the licence. He was perfectly polite, and seemed to genuinely believe there was a licence in existence.

I left Whitecross Street at around 1.30 p.m. to go to Exmouth Market, but when I returned at around 2.45 p.m. the books had been packed away and there was no one where they had been. I knew I was on duty in Whitecross Street again the following day, so made a note to check the licence then.

The following day, I received a phone call from our office asking me to check the area outside Coltash Court. A complaint had been received regarding an illegal trader.

The area was clear when I arrived. My colleague, Paul Higham, was asked to come to the market to assist me in case we needed to prosecute and remove goods.

We checked at regular intervals and, by around 11.30 a.m., the books had been put out on the pavement.

We spoke to the man who seemed to be in charge. I now know him to be Mr Dermot Ryan. We asked if he had a licence to trade and he said that he did. He said he had filled in an application form, paid a £30 administration fee and had a certificate of public liability insurance. We explained to him that this did not mean the licence application process had been completed, and that he was not actually licensed to trade yet.

He was an elderly man, in a wheelchair, and became a little impatient. He said we were a disgrace, that he was selling the books for charity, not for his own gain. It was very difficult to communicate to him that he was committing a criminal offence.

I spoke to David Fordham, our service manager, who said we should call the police and gave us the telephone number of the Bunhill team. My colleague rang the number but it went to answerphone. He rang Dave, who asked him to walk up to the police station to request assistance.

I then left to go to Exmouth Market, and my colleague left to walk to the police station.

Pam Woods
Street Trading Officer

APPENDIX 6

Tuesday 06/03/2012

Whitecross Street Market 11.35 AM

My colleague, Pamela Woods and I were called to go to Whitecross Street market there was a man selling books on the public highway outside 148 Whitecross Street.

The gentleman selling the books is known to Street Trading as Mr Dermot Ryan. Mr Ryan had applied for a licence for a stall on the Market and had paid an admin fee but had not followed the rest of the process through.

My colleague and I produced our ID s and explained to Mr Ryan that he was trading illegally and explained he needed to complete the application process of his licence. We tried to explain the process but Mr Ryan started shouting at us saying he had a licence, we explained he didn't. He then said the money was for save the children and that my colleague was rude and he would get a councillor on to us, we again explained the law and the process. He then told me to stop shouting and kept talking over me. I said I would get the police. Me and my colleague then tried to contact the Bunhill team to ask for assistance but kept getting the answerphone. We decided to go to the office. We were concerned Mr Ryan may be on medication and he didn't want to listen to what we were telling him and was getting angry. He just kept saying get the police he stood up out of the wheelchair he had been sitting in. I told Mr Ryan I would return with the police. We walked away. I then contacted colleagues who were on duty with a van for assistance.

Mr Ryan had gone leaving all the books lying on the pavement we boxed the books and tagged the boxes. We were unable to give Mr Ryan a receipt and had therefore marked it as 'Runner'.

Paul Higham
Street Trading Officer

APPENDIX 7

On the 6/3/2012 at approximately 12.15 pm myself and my colleague, Street trading officer Andy Griffin arrived at whitecross market in a council vehicle after receiving a phone call from street trading officer Paul Higham, requesting assistance. He had explained that he was dealing with an illegal street trader selling books that we know as Mr Ryan. He had explained that he had spoken to Mr Ryan adding that he was trading illegally and that Mr Ryan had refused to move on. Paul also said that earlier Mr Ryan had become abusive to Street Trading Officer Pam Woods, protesting his right to remain trading where he was. Paul had called the local police initially but had been unable to speak to anyone. When myself and Andrew Griffin arrived Mr Ryan had left the scene and Paul Higham was standing next to a collection of goods on the ground. We stood and waited for Mr Ryan to return but by 12.30pm he had not returned. At this stage we started to load the books into transparent plastic security bags and sealed the bags with security tags. We itemised these tag numbers on form TS3 with copies. The bags were loaded on to our vehicle and transported to street trading secure holding.

Mark Lysaght
Street Trading Officer

APPENDIX 8

sent: Saturday, April 28, 2012 09:05 AM
To: Gallagher, Troy
Subject: Street Trading

Troy
Sorry for the delay in sending you emails after our recent meeting.

As discussed, I am am concerned to different degrees about different street traders outside our property.

Our nice neighbours the florists have taken to pitching outside our place at weekends. We are not particularly delighted but have no objection other than it might be setting a precedent for when Doreen's properties are redeveloped, offering a temporary home during the working week to other traders.

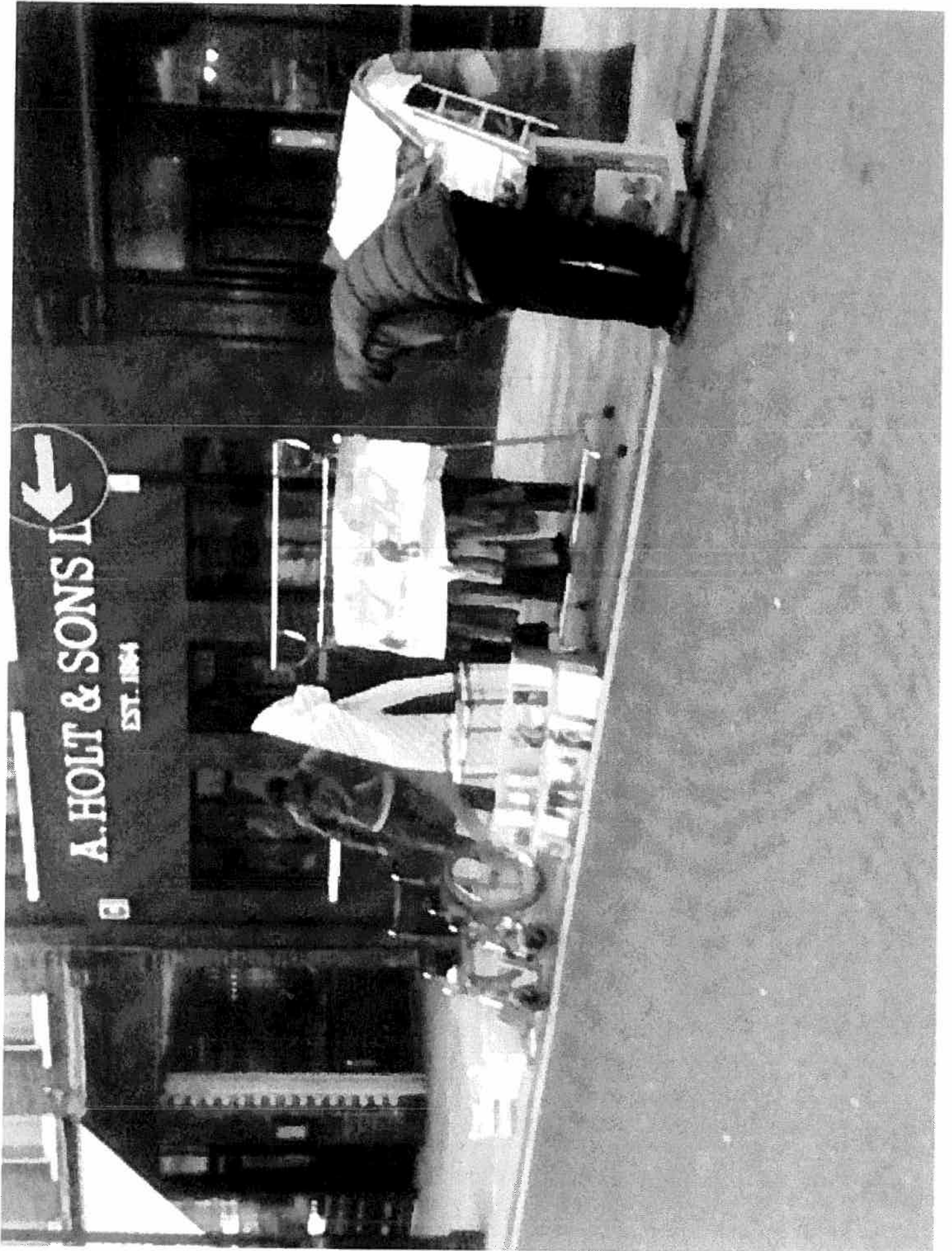
This cannot be allowed to happen as my business has lorry/van deliveries coming and going every day and there would be safety issues with regular traffic too.

Now someone else has taken to pitching outside our property. Photos attached from two occasions, most recently tonight. Makes the place look like Brick Lane 20 years ago! I'm worried that this is all going in the wrong direction and would appreciate your help.

Many thanks

28 APRIL 2012

APPENDIX 49





APPENDIX 10

Dervish, Houriyeh

From: Dermot [dermotryann@gmail.com]
Sent: 31 May 2012 16:40
To: Fordham, David
Cc: ~~Hart, Jon; Goss, Gary; Gahan, Anna; Kilday, Andrew; Harty, Gerard; Dervish, Houriyeh; Eshwari, Sravan; Hignam, Paul; Lyne, Mark; Woods, Paul; Kavanagh, Emily; Eshwari, Sravan; Ryan, W; William Da Costa, W; O'Connell, Stephen~~
Subject: Re: Street Trading Licence

I would be pleased if u would arrange a meeting with council for me

Dermot Ryan

From: Dermot Ryan BA Econ (Nat Uni), Econ Psych Au (UCLA)
Secretary: Save Inc Ltd [Social Enterprise] Website: Save2save.wordpress.com. [Former Fellow: Stanford Uni Grad Bus and Econ Sch, Ca, Founder/Chair: Northern Ireland Inter-denominational Distress Organisation ('Non Violence' NGO), Ryan Traders Distribution Ltd, (Formerly UK's largest electro surfacing group), Gresham Hotel Group Ltd (Ireland's leading hotel company), Ryan Group Ltd (Formerly Ireland's largest in six industries) Chair:- National Development Association (Govt financed org). Come to my get-togethers (Wine, finger food and talk), every Saturday from 6.30 PM, call 44 (0)7881442624.]

On 2 May 2012, at 03:21 PM, "Fordham, David" <David.Fordham@islington.gov.uk> wrote:

Dear Mr Ryan

Sorry if there has been confusion over this matter.

Just to clarify, that further to our meeting on the 27th March 2012, Houriyeh Dervish and I consider that under the terms of the London Local Authorities Act 1994, you are not a suitable person to hold a Street Trading licence, and as such your application for a street trading licence will be referred to the next available Street Trading Licence Committee for a decision.

We will need to prepare a report for the Committee a copy of which will be sent to you before the hearing.

The next scheduled meeting date is the 21st June 2012 at 4.00 pm.

Please be aware that you do not currently possess a street trading licence and therefore it is illegal to engage in any street trading activity.

David Fordham

Service Manager

Trading Standards and Street Trading

Public Protection

Islington Council

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London N1 1XR

www.islington.gov.uk <file:///C:/Documents%20and%20Settings/DAVID%20FORDHAM/Application%20Data/Microsoft/Signatures/www.islington.gov.uk>

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