

Licensing Regulatory Committee - 8 December 2014

Non-confidential minutes of the meeting of the Licensing Regulatory Committee held at the Town Hall on 8 December 2014 at 4.00 pm.

Present: **Councillors:** Mouna Hamitouche MBE, Kat Fletcher, Michelline Ngongo and Marian Spall

Councillor Mouna Hamitouche MBE in the Chair

9 APOLOGIES FOR ABSENCE (Item 1)

None.

10 DECLARATION OF SUBSTITUTE MEMBERS (Item 2)

None.

11 DECLARATIONS OF INTEREST (Item 3)

None.

12 MINUTES OF THE MEETING HELD ON 2 SEPTEMBER 2014 (Item 5)

RESOLVED:

That the minutes of the meeting held on 2 September 2014 be confirmed as a correct record and the Chair be authorised to sign them.

13 APPLICATION TO VARY A CONDITION ATTACHED TO A STREET TRADING LICENCE - WHITECROSS STREET MARKET (Item B1)

The Committee noted that Ms Emis Arslan, the licensee, was present, accompanied by her nephew, who acted as her interpreter.

The Committee also noted that no objections had been received to Ms Arslan's application to vary the condition on her licence to permit her to set up her stall at 7.00am.

The Licensing Officer reported that eight traders in Whitecross Street Market had had their licences varied four years ago, to permit a start from 7.00am and a further two applications for variations to licences to permit a start from 7:00am had been approved at the end of last year.

RESOLVED:

That the application from Ms Emis Arslan for a variation to the condition of her street trading licence (licence number 551) to allow her to set up at 7:00am be approved.

Reason for decision

The Committee considered all of the written and oral evidence.

The Committee considered that, because of the nature of the business and the preparation time involved for the product being sold, a setting up time from 7.00am was not

Licensing Regulatory Committee - 8 December 2014

unreasonable in order for the licence holder to avoid breaching the general conditions of the licence in respect of setting up times in Whitecross Street Market.

The Committee was keen to see Whitecross Street Market continue to flourish; however, it needed to balance the rights of nearby residents not to have to put up with noise in the early hours, with those of the street traders to earn their living. The application for a 7:00am set up time on Monday to Friday was considered reasonable for the preparation of fresh food.

The Committee noted that there were now ten traders in the Market whose licences had been varied to permit them to set up their stalls from 7.00am.

Note of the Committee

The Committee encouraged the applicant to keep noise levels to a minimum between the hours of 7:00am and 8:00am.

14 **PROPOSED REVOCATION OF STREET TRADING LICENCE - CHAPEL MARKET (Item B2)**

The Committee noted that Mr Dursun, the licensee, was not present.

The Licensing Officer reported that she had heard that the licensee was no longer in the country. She had written to Mr Dursun in July 2014 and again in November 2014 to remind him of his responsibilities as a licence holder. When Mr Dursun had informed the Council in February 2014 that he would be out of the country for a couple of months, he had supplied the name of an assistant who would be trading on his behalf, while he was away.

The person currently trading on Mr Dursun's pitch was not the person named by Mr Dursun as his assistant and had stated that he did not know whose pitch it was.

The Licensing Officer had had no contact with Mr Dursun since February 2014.

RESOLVED:

That the application from the Street Trading Manager to revoke licence no 14 issued to Mr Osman Dursun for non-personal trading be approved.

Reason for decision

The Committee considered all of the written and oral evidence. The Committee noted that, despite efforts made by the Street Trading Manager to contact Mr Durson on at least two occasions to confirm his intention to continue to use the licence, he had not responded.

The Committee noted the Street Trading Manager's evidence that, in the past six months, the licensee had not been able to convince the Council that the business was still his, or that he was in control of the business operating under his licence. The Licensing Officer had reported that the range of goods on the stall was different to that of two years ago and that another trader had contacted her about the pitch, suggesting that Mr Dursun no longer had control of his licence.

15 **PROPOSED REVOCATION OF STREET TRADING LICENCE - EBURNE ROAD, N7 (Item B3)**

The Committee noted that Ms Kinnerley, the licensee, was not present.

Licensing Regulatory Committee - 8 December 2014

The Licensing Officer reported that she had telephoned Mrs Kinnerley as she had had no response to her letter of 11 November 2014, which informed Ms Kinnerley of the fact that her case had been referred to the Licensing Regulatory Committee on 8 December 2014, with a recommendation that her licence be revoked. Mrs Kinnerley had said to the Licensing Officer that it was quite clear that she had wanted to revoke her licence, so she would not attend the Committee meeting. The Licensing Officer reported that Mrs Kinnerley was aware that she had 21 days within which to appeal the Committee's decision.

The Committee noted that the Council had permitted Mrs Kinnerley to have an assistant trading at her pitch since 2008, to facilitate her to keep running the pitch as a livelihood. However, Street Trading Officers had verified that the licensee, Mrs Kinnerley, had not been seen on her pitch for at least two years.

RESOLVED:

- (a) That the application from the Street Trading Manager to revoke licence no 732, issued to Ms Tracey Kinnerley, for non-personal trading be approved.
- (b) That the information in the exempt appendix (agenda item E1) be noted.

Reason for decision

The Committee considered all of the written and oral evidence. The Committee noted that the Street Trading Manager had contacted Ms Kinnerley to raise her concerns as long ago as January 2014, when the licence was renewed, and had not received any response. Ms Kinnerley had been given notice in November that the matter would be referred to Committee and had not responded and chose not to attend to make representations.

The Committee noted the Street Trading Manager's evidence that, in the past eleven months during inspections, the licensee had not been seen at the stall, nor had she been able to provide any evidence to show that the licence was still hers and that she had control of it.

16 PROPOSED REVOCATION OF A STREET TRADING LICENCE - EBURNE ROAD, N7 - EXEMPT APPENDIX (Item E1)

Noted (see minute 15 for decision).

The meeting ended at 4.40 pm

CHAIR